

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

SPECIAL SESSION MINUTES

FEBRUARY 15, 1984

PRESENT

Andrew C. Axtell, Chairman
Alexander P. Waugh, Jr., Vice Chairman
M. Robert DeCotiis, Member
Haydn Proctor, Member
Scott A. Weiner, Executive Director
Edward J. Farrell, Counsel

The meeting convened at 11:10 at the office of Commissioner DeCotiis, 311 Molnar Drive, Elmwood Park, New Jersey.

Chairman Axtell called the meeting to order and announced that the time, place and tentative agenda of this special meeting was provided in accordance with the Open Public Meetings Law, P.L. 1975, c.231 by distribution of a written notice on February 8, 1984 to the entire State House press corps

1. Consideration of a Code of Ethics for the Election Law Enforcement Commission

General Counsel Farrell distributed a draft of a proposed Code of Ethics for the commissioners and employees of the Election Law Enforcement Commission. General Counsel Farrell reviewed each of the code provisions with the Commission members. Changes from the presented draft were made with respect to the following subjects:

- a. The term "employee" is to be defined to include all Commission employees. A proposal to exempt application to members of the support staff whose employment does not require objectivity and independence of judgment in the exercise of their official duties was rejected based upon a concern that political activity by support staff may create an unwarranted perception of bias or favoritism.
- b. With respect to the employment restriction #2, the Commission members agreed that no commissioner or employee should engage in any particular business profession, trade or occupation which is subject to regulation by the Commission. A proposal to first require the prompt filing notice of any such activity with the Commission was deleted in favor of the general restriction.
- c. A discussion concerning the application of employment restriction #5 addressed the issue whether a Commission member who is an attorney may represent a governmental body such as a municipality. It was the unanimous consensus of the Commission members and General Counsel Farrell that that provision would not restrict such activity. With respect to employment restriction 8(d), it was agreed that all

individuals covered by the code should be prohibited from soliciting funds or paying an assessment or making contribution to any political organization or candidate. A proposal to allow contributions to a candidate not subject to the jurisdiction of the Commission, in limited circumstances, was rejected in favor of the broader prohibition.

On a motion by Commissioner Proctor, seconded by Commissioner Waugh the Commission voted 4-0 to approve the proposed Code of Ethics, as amended, and to direct the staff to file the code with the Executive Commission on Ethical Standards.

2. Discussion Concerning Reporting Period Applicable in the Atlantic City Recall Election

Executive Director Weiner advised the Commission members that questions had been presented by candidates participating in the March 13, 1984 Atlantic City Recall whether expenditures in support of or opposition to the certification of the recall question were to be included in the 29 pre-election reports. Consistent with Commission policy regarding public questions and pre-candidacy activities, the staff had advised participating candidates that their reports must include all expenditures related to activities in support or opposition to the recall petition drive and the certification of the recall question. Moreover, for purposes of campaign finance reporting, the certification process would be viewed as one continuous event rather than two separate recall certifications. Accordingly, the reporting period would include all activity related to the filing of the first petition which was submitted in August 1983.

3. Federal Election Commission Remote Access Program

The Executive Director reported that the Federal Election Commission has approved financing for an experimental program which would provide funding for the installation of computer terminals, tied to the Federal Election Commission's campaign finance data base, in at least five states. The Executive Director reported that he has initiated contact with the Federal Election Commission and its staff to explore the possibility and feasibility of including New Jersey as one of the remote access sites. The program would be funded by the Federal Election Commission. Initial response to the New Jersey application has been positive. It was also reported that this program and other state campaign finance law issues will be the subject of a conference sponsored by the Federal Election Commission's National Clearing House on elections which will be held on March 6 and 7 in Washington. The Executive Director reported that, at this time, he is planning to attend the conference.

4. Adjournment

On a motion by Commissioner DeCotiis, seconded by Chairman Axtell, the meeting was adjourned.

Respectfully submitted,



SCOTT A. WEINER
Executive Director