

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

AUGUST 7, 1984

PRESENT:

Andrew C. Axtell, Chairman  
Alexander P. Waugh, Jr., Vice Chairman  
Haydn Proctor, Member  
Frederick M. Herrmann, Executive Director  
William R. Schmidt, Assistant Executive Director  
Gregory E. Nagy, Staff Counsel  
Edward J. Farrell, General Legal Counsel

Chairman Axtell called the meeting to order and announced that pursuant to the Open Public Meetings Law, P.L. 1975, c.231, special notice of the Commission had been filed with the Secretary of State's office and distributed to the entire State House press corps.

The meeting convened at 10:10 a.m. at Justice Proctor's office, Jersey Central Power and Light Building, 501 Grand Avenue, Asbury Park, New Jersey.

1. Approval of Public Session Minutes of Commission Meeting of July 16, 1984

On a motion by Commissioner Waugh, seconded by Commissioner Proctor and a vote of 3-0, the Commission approved the public session minutes of July 16, 1984.

2. Advisory Opinion Request No. 16-1984 from Charles Henry James, Esq.

The Commission reviewed a three-page draft advisory opinion prepared by Staff Counsel Nagy in response to a July 28, 1984 advisory opinion request from Charles Henry James, Esq. concerning disclosure requirements for a proposed recall election. It was noted during the discussion of this advisory opinion that the group circulating the recall petitions is in fact a "political committee" and must file campaign reports (Forms R-1) if its aggregate expenditures exceed \$1,000. If the group conducts the recall activities on behalf of an individual who becomes a candidate and the group's bank account is designated as the candidate's campaign depository, then detailed campaign reports would be required on behalf of the candidate if expenditures exceed \$2,000. This is a re-affirmation of the Commission's policy established in the Atlantic City recall cases. On a motion by Commissioner Proctor, seconded by Commissioner Waugh and a vote of 3-0, the Commission approved the advisory opinion.

3. Pending Legislation: S-1523

Executive Director Herrmann reported on the status of S-1523. He said the Senate did not vote on the bill at its July 30, 1984 session. He said he had contacted Robert Noonan, Executive Director of the Senate, before the July 30th session; Mr. Noonan said that there were some political considerations but he anticipated passage on July 30th. Mr. Herrmann conveyed to Mr. Noonan the Commission's concerns about the development of regulations and the computer program and pointed out that four years ago at this time the legislation was in place. Mr. Herrmann said he had spoken with Chip Stapleton and Jim Carroll from the Senate Minority, Jim Manion and Paul Anzanu from the Senate Majority, Ed McCool from Common Cause, Ed McGlynn and

Carey Edwards, from the Governor's office and Senator DiFrancesco. Mr. Herrmann noted that Greg Nagy had prepared a memorandum to Steve Carnes of the Governor's office. Also, Mr. Nagy had worked with legislative staff on an amendment to the bill. Mr. Herrmann said that over the weekend before July 30, 1984, it was decided to hold the bill and not bring it up for a vote at the July 30th session. Mr. Herrmann said he contacted an aide to Senator Orechio who said that the reason it was being held was that various potential candidates could not decide what the rules for public financing should be. The Senate is returning on September 13th.

Mr. Herrmann said that the staff will now proceed with developing regulations based on the current law and concurrently work on regulations based on S-1523.

Mr. Herrmann noted that an amendment being considered to S-1523 would raise the amount to be spent in the general election by municipal and county political party committees to \$200,000 from the \$100,000 limit in the current law.

Concerning the regulations, Mr. Nagy said that the only way regulations could be in place before January 1, 1985, is if the regulations were adopted under the emergency provisions with the Governor's approval. An alternative would be to propose the regulations and apply the proposed regulations on the basis that the Commission is trustee for public funds and that the campaign and election have begun.

The question arose whether a similar bill had been introduced in the Assembly. Mr. Herrmann said that he had spoken with an aide to the Assembly staff who might try to find a member of the Assembly to introduce Senator Orechio's bill in the Assembly.

The Commission directed Mr. Herrmann to prepare a letter for the Commissioners' signatures identifying the key concerns of the Commission. The letter would be addressed to the legislative leadership. A separate but similar letter would be addressed to the Governor.

#### 4. Fiscal Year 1986 Plan

Mr. Herrmann said that staff had submitted a plan for Fiscal Year 1986. He said the budget is a continuation budget with two "priority packages". The first priority is a proposal for microfilming to reduce the backlog of unmicrofilmed reports. He said the basis for the proposal is a concern about fire and other safety considerations. The proposal includes the purchase of a microfilm camera by the Commission and the use of special services part time staff to prepare the reports for microfilming, to film them and to verify the film so that by the end of Fiscal Year 1988 the hackling will be substantially reduced, if not eliminated.

The second "priority package" is a proposed increase in Commissioner per diem from \$200 to \$300 per meeting. The additional cost would be \$12,000. Mr. Herrmann noted that this would be the first increase in six years. Furthermore, the Commission is dealing with increasingly complex issues and coping with external driving forces such as the increased number of entities making contributions to political campaigns and an increased amount of money

in the political process. For these reasons, Mr. Herrmann said the proposal had been submitted to OMB to increase the Commissioners' per diem.

5. Decriminalization of Title 19

General Legal Counsel Farrell discussed the Attorney General's proposal, through the Division of Criminal Justice, to decriminalize much of the election law, Title 19, and to have the administration of those laws in the hands of someone else, possibly the Election Law Enforcement Commission. He noted that the Attorney General had asked for the Commission's comment. He said that he is preparing a memorandum discussing three or four major concerns and a draft of a Commission answer to the Attorney General. He said he would have that memorandum available for the Commission at its next meeting.

6. Asbury Park Recall Election

Four representatives of the Asbury Park Taxpayers Association attended the meeting. They raised a concern about the way in which the recall election ballot issue is worded under the provisions of State Law. Mr. Farrell pointed out that the Commission has no jurisdiction in this matter. The representatives of the Asbury Park Taxpayers Association were given the names of officials in the Secretary of State's office, the Attorney General's office, and the legislature whom they may wish to approach on this issue.

6. Resolution to Enter Executive Session

On a motion by Commissioner Waugh, seconded by Commissioner Proctor and a vote of 3-0, the Commission decided to go into executive session to review the minutes of the July 16, 1984 executive session and to discuss personnel, investigative, and enforcement matters, the results of which will be made public at their conclusion.

7. Adjournment

On a motion by Commissioner Proctor, seconded by Commissioner Waugh and a vote of 3-0, the Commission voted to adjourn.

Respectfully submitted,



FREDERICK M. HERRMANN  
Executive Director