

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

DECEMBER 17, 1985

PRESENT:

Andrew C. Axtell, Chairman  
Alexander P. Waugh, Jr., Vice Chairman\*  
Haydn Proctor, Member  
Owen V. McNany, Member  
Frederick M. Herrmann, Executive Director  
Jeffrey M. Brindle, Deputy Director  
Gregory E. Nagy, Staff Counsel  
Sandra L. Magee, Secretary to the Commission

ABSENT:

Edward J. Farrell, General  
Counsel

Chairman Axtell called the meeting to order and announced that pursuant to the "Open Public Meetings Act," P.L. 1974, c. 231, annual notice of the meeting of the Commission has been filed with the Secretary of State's office and distributed to the entire State House press corps.

The meeting convened at 10:04 a.m. at the office of the Commission 28 West State Street, Trenton, New Jersey.

1. Approval of Public Session Minutes of November 20, 1985

On a motion by Commissioner McNany, seconded by Commissioner Proctor and a vote of 3-0, the Commission approved the public session minutes of November 20, 1985.

2. Executive Director's Report

1) Executive Director Herrmann said that he had a telephone conversation with Mrs. Sidney Goldmann. During the conversation, she asked him to express her thanks to the Commission for sending her a copy of former Commission Chairman Frank Reiche's letter regarding Judge Goldmann and several other past Commissioners.

2) Mr. Herrmann reported on several conferences he recently attended:

- League of Municipalities Conference - November 21, 1985.  
Ms. Evelyn Green, Director of Compliance and Information, and Executive Director Herrmann attended this conference in Atlantic City and they staffed a consulting table for municipal officials.
- Public Financing Forum - November 22, 1985.  
Deputy Director Brindle and Mr. Herrmann attended this conference in Washington, D.C., sponsored by Philanthropist Stuart Mott. The topics were the problem of increasing PAC contributions and the

decline of small contributors, and the concern over the federal initiative to eliminate tax credits for political contributions.

C.O.G.E.L. Conference - Week of December 2, 1985.

Deputy Director Brindle, General Counsel Farrell, and Mr. Herrmann attended the Conference of Governmental Ethics Laws (C.O.G.E.L.) annual meeting in Chicago, Illinois. Mr. Herrmann was on a panel with Federal Election Commissioner Lee Ann Elliott concerning recent developments in campaign finance law. Mr. Brindle and he led a breakfast discussion on rising campaign costs. He presented the Commission with copies of the C.O.G.E.L. agenda for their review.

- Northeast Conference on Lobbying.  
Mr. Herrmann said that he was chosen as Executive Vice Chairman of the Northeast Conference on Lobbying at a meeting conducted during the C.O.G.E.L. Conference, and he will be working on the organizing of a regional workshop in Baltimore during the summer of 1986.
- Campaign '85 Forum - December 13, 1985.  
Mr. Herrmann and Mr. Brindle attended this forum, sponsored by the Eagleton Institute and The Center for Analysis of Public Issues.

\* Vice Chairman Waugh arrived at this point.

### 3) Legislation

Mr. Herrmann discussed the following:

- A-373 (Baer) which amends the Open Public Meetings Act by removing annual notice of meetings thereby requiring all meetings to have a 48-hour notice with a description of their agendas. The bill is pending in the Assembly State Government Committee.

A-3847 (Vanieri) "The Truth in Campaigning Law" which allows a candidate who has been the target of a false statement by his opponent to file a complaint with the Commission. The Commission would be able to fine the guilty party up to \$5,000 and seek a retraction of the false statement. Mr. Herrmann said there are several problems with this bill, including the difficulty of proving whether statements are false and the unlikelihood of obtaining retractions in a preelection setting. This bill is pending in the Assembly State Government Committee.

Mr. Herrmann stated that he had Mr. Nagy call Assemblyman Vanieri, who is sponsoring A-3847, to say that the staff has some problems with this bill and that the Commission would probably not support it. Vice Chairman Waugh said that the Commission should oppose the bill, pointing out the administrative problems involved. Commissioner Proctor said that he would like to wait and see if another bill is proposed in this area. Commissioner McNany said

that if the bill does reappear, the Commission may want Mr. Herrmann to testify before the Committee. Mr. Herrmann said that if the bill does come up in another form he will notify the Commission.

4) Public Financing Hearing

Executive Director Herrmann proposed that the Commission conduct a public financing hearing possibly in conjunction with a Commission meeting in January. He said that Director of Public Financing Nichols will make inquiries to determine how many individuals would like to participate and whether or not more than one hearing would be necessary. The question of where to hold the hearing or hearings was left open.

5) Cataloging Project

Mr. Herrmann said that the staff is currently undertaking a cataloging project. He said that nothing has been done with respect to cataloging files for eight years. Before 1978, only certain subjects were cataloged. This project will make records more accessible to the staff and to the public. Mr. Herrmann said the staff has been working with the State's Retention Center which will take 350 boxes from the Commission offices in January. At this point, a staff member will catalog the files at the retention center. The center does not accept uncataloged records.

Mr. Herrmann said that this project is important because the removal of these boxes will give the Commission more office space. The boxes are now cluttering the work areas and are fire and safety hazards. He said that the Commission will keep records in its office for four years, and at the Retention Center for an additional sixteen years.

Deputy Director Brindle reported that the National State Bank Building has recently been sold and the new owners are planning to renovate the entire building. Commissioner McNany suggested that the staff should find out how much it would cost to rent and restructure the hallways, giving the office badly needed additional space.

3. 1986 Commission Meeting Schedule

The 1986 Commission Schedule was presented to the Commission for approval. Commissioner McNany asked that the January 7 meeting be held at Maplewood at 11:00 a.m. On a motion by Vice Chairman Waugh, seconded by Commissioner Proctor and a vote of 4-0, the Commission approved the 1986 Meeting Schedule, as amended.

4. Advisory Opinion Request 19-1985

Executive Director Herrmann stated that General Counsel Farrell prepared a draft advisory response to a request from Lee Bernstein, representing the Union Beach Democrat Organization. This request was for an advisory opinion regarding this organization's newsletter.

On a motion by Commissioner McNany, seconded by Commissioner Proctor and a vote of 4-0, the Commission voted to approve Mr. Farrell's draft and directed him to issue the advisory opinion.

5. Appellate Division Decision

Staff Counsel Nagy reported that the Appellate Division of the Superior Court has affirmed the Commission's ruling regarding the Asbury Park School Board cases, upholding the conclusion that the candidates should have filed reports reflecting contributions from the school board; see ELEC v. Brown, A-2521-84T7. Cynthia Reinhard, Esq., of Mr. Farrell's firm argued the case.

6. Executive Session

On a motion by Vice Chairman Waugh, seconded by Commissioner Proctor and a vote of 4-0, the Commission voted to go into executive session to discuss investigative and enforcement matters, the results of which will be made public at their conclusion.

7. Adjournment

On a motion by Vice Chairman Waugh, seconded by Commissioner Proctor and a vote of 4-0, the Commission voted to adjourn at 11:15 a.m.

Respectfully submitted,



FREDERICK M. HERRMANN