



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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PUBLIC SESSION MINUTES

OCTOBER 21, 1988

TELEPHONE CONFERENCE MEETING

All of the Commission members and senior staff were present.

Chairman Bedford called the meeting to order and announced that pursuant to the "Open Public Meetings Act," N.J.S.A. 10:4-8 et seq., special notice of this meeting of the Commission has been filed with the Secretary of State's Office and distributed to the State House Press Corps.

The meeting convened at 10:50 a.m.

1. Regulation Amendment 19:25-8.3 - Affidavit for Missing Records

This regulation requires a campaign or continuing political committee treasurer to file an affidavit with the Commission if records have been lost.

The text of the original proposal was expanded at the direction of the Commission at its October 18, 1988 meeting.

The Commission had asked staff to specify the type of information it required from the treasurer as part of the affidavit.

Accordingly, Chairman Bedford read the new subsection(b) which addresses the Commission's concern. Subsection(b) reads: "Any affidavit prepared pursuant to (a) above shall include a re-creation of the missing records based on bank statements, copies of negotiated checks or instruments, or any other source. A description of the efforts undertaken to re-create the missing record shall be included in the affidavit".

On a motion by Vice Chairman McNany, seconded by Commissioner Axtell and passed by a vote of 4-0, the Commission approved the proposed regulatory change for proposal.

2. Advisory Opinion No. 12

Chairman Bedford stated that this advisory opinion was prepared by Legal Director Nagy. Advisory Opinion No. 12, as revised, concerns several questions from Mr. Todd Caliquire, Esq. regarding the application of "The New Jersey Campaign Contributions and Expenditures Reporting Act," N.J.S.A. 19:44 A-1 et seq., to the raising of donations and the making of payments by a group of

individuals seeking to encourage Attorney General Cary Edwards to undertake a gubernatorial candidacy in the upcoming primary election.

The revised advisory opinion expresses no opinion as to whether or not the pre-candidacy financial activity of this committee, which states that it is unaffiliated at this time with Attorney General Cary Edwards, will be counted against the Attorney General's expenditure limit if he eventually becomes a candidate. The Commission maintains that it would have to determine the independent status of the committee once Attorney General Edwards becomes a candidate, if in fact he does become a candidate.

For the complete advisory opinion see Advisory Opinion No. 12-1988, dated October 19, 1988.

On a motion by Vice Chairman McNany, seconded by Commissioner Axtell, and a vote of 4-0, the Commission approved Advisory Opinion No. 12 and directed that it be released to the press.

3. Advisory Opinion No. 13

Chairman Bedford stated that this advisory opinion was prepared by Counsel Farrell.

This advisory opinion involves the question of whether or not the cost of television commercials, featuring Assembly Speaker Chuck Hardwick, which support "state mandate/state pay" referenda on the ballot in 17 of 21 counties, would constitute "testing the waters" activity or gubernatorial election activity by Speaker Hardwick. Speaker Hardwick is a potential candidate for Governor in 1989.

The Advisory Opinion request was made by State Senator Donald T. DiFrancesco, representing "Citizens for Fiscal Responsibility", a political committee sponsoring the announcements.

The advisory opinion states that the Commission considers this activity by "Citizens for Fiscal Responsibility," to neither be "testing the waters" activity or "gubernatorial election" activity on behalf of Speaker Hardwick.

The advisory opinion concludes that the referenda involves a significant public question and that the announcements are being carried out within a time frame appropriate to the referenda.

Chairman Bedford said that the advisory opinion adequately addresses the questions raised. He said that the advisory opinion reflects the consensus of the Commission as expressed at the previous meeting on October 18, 1988.

For the complete advisory opinion see Advisory Opinion No. 13-1988.

On a motion by Commissioner Axtell, seconded by Vice Chairman McNany and passed by a vote of 4-0, the Commission approved Advisory Opinion No. 13.

4. Adjournment

On a motion by Vice Chairman McNany, seconded by Commissioner Axtell and passed by a vote of 4-0, the Commission voted to adjourn at 11:10 a.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "M. Herrmann", written in dark ink on a light-colored background.

FREDERICK M. HERRMANN, PH.D.

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