



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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PUBLIC SESSION MINUTES

AUGUST 24, 1993

All the Commissioners, Counsel Farrell, senior staff, and Director of Public Financing Nedda Gold Massar were present.

Chairman McNany called the meeting to order and announced that pursuant to the "Open Public Meetings Act," N.J.S.A. 10:4-6 et seq., special notice of the meeting 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 9:00 a.m. at the New Providence Municipal Center, New Providence, New Jersey.

1. Approval of Public Financing Funds

Candidate Jim Florio/Submission 2

A complete review of all items determined that a total of \$493,785.11 in contributions was deemed eligible for match at a 2:1 ratio. Applying the 2:1 ratio to that amount results in public funds of \$987,570.22 of which \$983,613.86 is necessary to bring the Florio campaign to the \$3.9 million public funds maximum for the 1993 general election. It was found that 24 contribution items amounting to \$6,778.89, were determined to be ineligible for match. These items represented an ineligibility rate of 2.13 percent.

Staff has also reviewed the second general election submission of the Florio campaign to evaluate compliance with the requirement to report the occupation and employer of each individual contributor whose aggregate contributions on this submission exceed \$200.00. The campaign has demonstrated a compliance rate of 97.6 percent.

On the basis of its review, staff recommended that the Commission certify \$983,613.86 in general election public matching funds to Candidate Florio.

On a motion by Commissioner Eldridge, seconded by Commissioner Linett and passed by a vote of 3-0, the Commission certified \$983,613.86 in general election public funds to Candidate Florio.

2. Complaint of People for Whitman (Fortunato Letter)

For detailed information please see the letter from Peter Verniero, Esq., Counsel, to Frederick M. Herrmann, Ph.D., Executive Director, dated June 30, 1993 and the memorandum dated July 9, 1993, by Legal Director Gregory E. Nagy.

Also see the verified complaint, dated July 29, 1993, entitled People for Whitman Committee, Complainant v. Florio '93, Inc., Respondent, and Answer filed August 20, 1993, by Angelo Genova, Esq., on behalf of Florio '93. Further, see the public session minutes of July 20, 1993 and August 17, 1993.

Executive Director Herrmann recused himself from this matter, and was not present for the discussion of this matter.

On a motion by Commissioner Eldridge, seconded by Commissioner Linett and passed by a vote of 3-0, the Commission directed staff to refer the matter to the Office of Administrative Law (OAL) as a contested case.

Complaint of People for Whitman (Cruz Letter)

Executive Director Herrmann returned to the meeting.

For information please see the correspondence from Peter G. Verniero, Legal Counsel, People for Whitman to Frederick M. Herrmann, Ph.D., Executive Director, dated August 9, 1993, and regarding the People for Whitman Committee v. Florio '93, Inc. Also see the verified Complaint People for Whitman Committee, Complainant v. Florio '93, Inc., Respondent. Further, see the public session minutes of August 17, 1993.

The complaint seeks adjudication with regard to a letter from the Honorable Felix M. Cruz, Director of the Office of Minority Affairs, to Leaders of the Cuban Community dated July 22, 1993. The complaint alleges that the letter qualifies as a political communication under N.J.A.C. 19:25-11.10 and as such the cost of said letter should be assumed by the Florio campaign and allocated against its expenditure limit. It maintains that the State should be reimbursed for said cost. The Commission decided to wait to act on this matter until its September 8, 1993 telephone meeting, by which date it anticipates receiving an Answer on behalf of Florio '93, Inc.

3. Request of Joseph Marion

A letter from Joseph Marion, Independent candidate for Governor, requesting a ruling by ELEC on a possible allocation of expenses against Florio '93, Inc. was entered into the record.

For detailed information please see the letter from Joseph Marion, to Frederick M. Herrmann, dated August 19, 1993.

In sum, Mr. Marion seeks a "ruling" as to whether the cost of signs bearing the markings "New Jersey Works - Transportation Trust Fund - Governor

Jim Florio" should be reimbursed by the Florio campaign and allocated against its expenditure limit. Mr. Marion asserts that the signs constitute a political communication as defined in N.J.A.C. 19:25-11.10. He alleges that the signs meet the criteria of a political communication as defined in the regulation. Mr. Marion states that the signs are present after the primary election, are viewed by voters of the State, contain a reference concerning the achievements of the candidate and were accomplished with the cooperation of the candidate.

Legal Director Nagy circulated a draft letter to Mr. Marion in which the Commission advises Mr. Marion of the procedure for filing a complaint alleging a violation of the expenditure limit pursuant to N.J.A.C. 19:25-15.65.

On a motion by Commissioner Linett, seconded by Commissioner Eldridge and passed by a vote of 3-0, the Commission approved the text of the letter by Legal Director Nagy advising Mr. Marion of the formal procedure for filing a complaint with the Commission relative to expenditure limit violations, and directed Mr. Nagy to send it.

4. Adjournment

On a motion by Chairman McNany, seconded by Commissioner Linett and passed by a vote of 3-0, the Commission voted to adjourn at 9:20 a.m.

Respectfully submitted,



FREDERICK M. HERRMANN, PH.D.

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