

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

January 5, 1981

PRESENT

Josephine S. Margetts, Member  
Andrew Axtell, Member  
M. Robert DeCotiis, Member  
Lewis B. Thurston, III, Executive Director  
Edward J. Farrell, General Legal Counsel  
William R. Schmidt, Assistant Executive Director  
Gregory E. Nagy, Staff Counsel

ABSENT

Sidney Goldmann, Chairman

The Chairman called the meeting to order and announced that pursuant to the Open Public Meetings Law, P. L. 1975, c.231, annual notice of the meetings of the Commission, as amended, has been filed with the Secretary of State's office, and that copies have been posted in the State House Annex, and mailed to the Newark Star Ledger, the Philadelphia Bulletin and the entire State House press corps.

The meeting convened at 10:15 a.m. In the absence of Chairman Goldmann who is hospitalized Commissioner Margetts served as acting chairman.

1. Approval of Public Session Minutes of Commission Meeting of December 3, 1980

On a motion by Commissioner DeCotiis, seconded by Commissioner Axtell and a vote of 3-0, the Commission approved the minutes of the above-cited meeting.

2. ELEC Meeting Schedule for 1981

The Commission reviewed the 1981 meeting schedule previously published but did not make any changes in it.

3. Advisory Opinion Request

0-48-80, Philip Cocuzza of New Jersey Builders Association

The Commission reviewed this request and agreed upon an advisory opinion in response thereto.

4. Report by Executive Director

a) Outstanding fines - The executive director reported that after the Commission's action in bringing legal proceedings in Cape May County District Court against Wilbur Ostrander, municipal candidate in Wildwood in the 1976 election, for non-payment of a \$1,000 fine that Mr. Ostrander had paid the fine. A general discussion of outstanding fines and the procedures for their collection ensued and it was agreed to discuss this matter further at the next Commission meeting.

b) Review of current legislation - The executive director reported on the status of legislation pertinent to the Commission, including

Al645, which makes a number of substantial changes in the Campaign Contributions and Expenditures Reporting Act, S941 providing for Commission compensation, S1396 and S1397 re lobbyist reporting, and S1433 providing an appropriation for the public financing of the gubernatorial primary election.

5. Executive Session

On a motion by Commissioner Axtell seconded by Commissioner DeCotiis and a vote of 3-0, the Commission went into executive session to discuss the executive session minutes of the Commission meeting of December 3, 1980 and an enforcement case determination. At the conclusion of the executive session the Commission returned to public session on a motion by Commission DeCotiis, seconded by Commissioner Axtell and a vote of 3-0.

6. Appropriation for Public Financing of 1981 Gubernatorial Primary Election

The Commission discussed the status of this matter and agreed to express its concern about the absence of an appropriation by immediately forwarding a letter to the Governor and members of the Legislature setting forth its concerns. After receipt by the Governor and Legislators the letter would then be made public to the press.

7. Request for a Clarification of Contributions by Insurance Companies and Related Matters

The Commission reviewed a written request from the Continental Insurance Company and Allstate Insurance Company for a clarification as to whether insurance companies could contribute to election campaigns through the vehicle of a political action committee and whether such political action committees of insurance companies, in any case, are permitted under New Jersey law. The executive director and staff counsel reported that they met with representatives of both insurance companies as a follow up to the written request. After discussion, the Commission decided that the subject of the request was an appropriate one for legislative determination at this time and not for Commission action. The executive director was directed to write to the representatives of the insurance companies and inform them of the Commission response.

8. Public Financing Bank Accounts for Gubernatorial Candidates

The executive director and assistant executive director reported on the need to establish public financing bank accounts for those candidates who qualify for the receipt of public matching funds. The procedure in which the treasurer will issue checks in the name of the candidates which then must be deposited in bank accounts determined by the Commission was reviewed. Because the funds at the time the checks are written are no longer funds under the control of the public the Treasury Department statutes and regulations re bidding re depository appear not to apply. The Commission reviewed the procedure used in 1977 in which the National State Bank main office in Trenton was the depository used for this purpose.

This proved to be a satisfactory arrangement. It was agreed by the Commission to follow a similar procedure using this depository for the 1981 Primary Election, subject to a review of procedural questions with officers of the bank and a determination as to whether or not interest could and would be paid on these accounts.

9. Review of Procedure for Certification of Public Matching Funds

The assistant executive director reviewed with the Commission the procedure which will be employed, including the forms to be used, for staff review of the data submitted by candidates applying for public matching funds and the certification process by the Commission.

10. Adjournment - The Commission adjourned the meeting at 2:40 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III  
Executive Director