

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

May 11, 1981

PRESENT

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

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 10:10 a.m.

1. Approval of minutes of public session of Commission meetings of April 27 and May 4, 1981

On a motion by Commissioner DeCotiis, seconded by Commissioner Margetts and a vote of 4-0, the Commission approved the minutes of the public session of the Commission meeting of April 27, 1981. On a motion by Commissioner Margetts, seconded by Chairman Goldmann and a vote of 4-0, the Commission approved the minutes of the public session of the Commission meeting of May 4, 1981.

2. Certification of public matching funds to gubernatorial primary election candidates

The Commission reviewed the staff review and recommendations for certification of public matching funds for primary election candidates for Governor. The executive director and assistant executive director recommended that the Commission increase the percentage of contributions from the previous submission automatically matchable from 75 to 90%. The Commission agreed to do this on a motion by Commissioner DeCotiis, seconded by Commissioner Margetts and a vote of 4-0.

On a motion by Commissioner DeCotiis, seconded by Commissioner Axtell and a vote of 4-0, the Commission approved the certification of a total of \$752,201.98 in public matching funds to the following 14 gubernatorial primary election candidates:

<u>Candidate</u>	<u>Amount</u>
John Degnan (D)	\$131,549.60
Frank Dodd (D)	43,264.50
Kenneth Gibson (D)	102,141.70
William Hamilton (D)	29,796.40
Thomas Kean (R)	91,772.40
Ann Klein (D)	6,019.00
Lawrence Kramer (R)	32,377.75
Barbara McConnell (D)	4,176.91
Richard McGlynn (R)	19,155.15
Joseph Merlino (D)	45,553.50
Barry Parker (R)	30,460.50
John Rafferty (R)	35,915.43
Thomas F. X. Smith (D)	109,920.00
James Wallwork (R)	70,099.14
TOTAL	<u>\$752,201.98</u>

3. Question Re: Independence of contribution by a minor to a gubernatorial primary election candidate

The assistant executive director brought to the Commission's attention a question raised concerning the independence of a contribution by a minor. The Commission discussed this matter and directed the assistant executive director to obtain additional information as to the age of the minor involved which, in combination with the other information already obtained, will be determinative in deciding the question.

4. Report by executive director on May Municipal and Primary Election filings

The executive director reported on the filings to date for the May Municipal and Primary Elections of 1981. He indicated among other things that all of the candidates for Governor, with one exception, had filed reports on May 8 and that a short extension had been granted to Secretary of State Lan, who had withdrawn as a candidate.

5. Public indication of executive session action from the Commission meeting of April 27, 1981

On a motion by Commissioner Margetts, seconded by Commissioner Axtell and a vote of 4-0, the Commission made public its actions at the executive session of the above-cited Commission meeting relative to certain enforcement actions.

6. Review and discussion of current questions from gubernatorial campaigns

The Commission reviewed a number of questions raised informally with the Commission staff by representatives of various gubernatorial campaigns. Among these included whether or not the expense of a driver of an automobile for the gubernatorial candidate and the vehicles accompanying his vehicle would be exempt from the expenditure limit as travel cost, the valuation of materials, goods or leases sold or assigned from a candidate who withdrew to another candidate for the same office, and interpretation of the loan provisions of the statute and regulations relative to a candidate's own funds. Among other things, the Commission determined that the cost of the driver of a candidate's campaign automobile when the candidate is using it for campaign travel and the cost of the driver of a accompanying vehicles are exempt from the expenses chargeable against the expenditure limit.

7. Review of requirements of personal financial disclosure statements from gubernatorial and legislative candidates

The executive director indicated that the Commission staff had mailed forms and instructions to all candidates for Governor and the Legislature for them to comply with the May 20, 1981 required filing of personal disclosure statements. He indicated further that a question was asked of him at the budget hearing with the Legislative Joint Appropriations Committee as to whether such personal financial disclosure statements filed by incumbent legislators with the Legislative Joint Ethical Standards Committee would be accepted by the Commission as satisfying the requirements of the new statute. He indicated further that he and staff counsel, Gregory Nagy, had discussed this matter with the counsel to the Legislative Committee and recommended that such statements be accepted if received by the Commission by May 20, subject, of course, to the Commission possibly taking enforcement action for failure to comply with the substantive aspects of the requirements. He recommended that the Commission forward a memorandum to the members of the Legislative Joint Ethical Standards Committee indicating that the Commission would accept this procedure in 1981 and suggesting a procedure to be followed in future years (see attached memo). The Commission reviewed this matter and on a motion by Chairman Goldman, seconded by Commissioner DeCotiis and a vote of 4-0, the Commission agreed to the suggested procedures and to send such a memorandum.

8. ELEC meeting schedule

The executive director indicated that the Commission meeting date of May 26 is the same day of the 7-day pre-election reports for primary election candidates. He indicated that it would be helpful if the Commission met at a somewhat different location to permit use of the conference room by Commission staff in processing the reports filed that day. Accordingly, the Commission agreed that its meeting on May 26 will be held in the conference room of the

Commission Chairman's law office on the 12th floor of 28 West State Street, Katzenbach, Gildea and Rudner, Esqs.

9. Office Administration Report

The executive director reported that arrangements have been made to get a new duplicating machine on a trial basis to replace the existing machine which has been somewhat unsatisfactory relative to copy quality and reliability. He indicated that it is anticipated the new machine will resolve the problems in this area.

10. Executive Session

On a motion by Commissioner Margetts, seconded by Commissioner Axtell and a vote of 4-0, the Commission went into executive session to discuss the executive session minutes of the Commission meeting of April 27, 1981, current litigation, and investigative matters. Upon the conclusion of the discussion of these matters, the Commission returned to public session on a motion by Chairman Goldman, seconded by Commissioner Margetts and a vote of 4-0.

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

Respectfully submitted,



LEWIS B. THURSTON, III  
Executive Director