

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

May 18, 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 10:20 a.m.

1. Approval of Minutes of Public Session of Commission Meeting of May 11, 1981

On a motion by Commissioner Margetts, seconded by Commissioner Axtell and a vote of 4-0, the Commission approved the minutes of the public session of the above-cited meeting.

2. Certification of Public Matching Funds to Gubernatorial Primary Election Candidates

The Commission reviewed the staff review and suggestions for certification of public matching funds. On a motion by Chairman Goldmann, seconded by Commissioner Margetts and a vote of 4-0, the Commission certified \$291,111.07 to the following 13 gubernatorial candidates:

<u>Candidate</u>	<u>Amount</u>
John Degnan (D)	\$ 43,066.20
Frank Dodd (D)	25,111.00
Kenneth Gibson (D)	25,608.20
William Hamilton (D)	15,375.80
Thomas Kean (R)	30,060.60
Ann Klein (D)	2,957.00
Lawrence Kramer (R)	9,343.80
Barbara McConnell (D)	1,699.78
Richard McGlynn (R)	19,503.00
Joseph Merlino (D)	62,722.80
John Rafferty (R)	9,595.20
Thomas F. X. Smith (D)	8,260.00
James Wallwork (D)	37,807.69
TOTAL	<u>\$291,111.07</u>

Payment of Public Funds to Gubernatorial Candidate Donald Lan

The assistant executive director indicated that the Commission had received a letter from Secretary of State Lan, who has withdrawn as a gubernatorial candidate, requesting the \$31,065.00 in public matching funds previously certified but held by the Commission after Mr. Lan's withdrawal. The Commission reviewed Mr. Lan's 25-day pre-election report for the 1981 Primary Election as to outstanding obligations and funds remaining on hand. This indicated a difference between outstanding obligations and funds on hand of \$12,504.45. Based on this the Commission, on a motion by Commissioner DeCotiis, seconded by Commissioner Axtell and a vote of 4-0, agreed to return the check for \$31,065.00 to the State Treasurer and certify only \$12,504.45 of this amount to be paid to Secretary Lan this week.

4. Review of Public Financing Appropriation vs. Anticipated Costs

The executive director indicated that including today's submission the Commission will have paid out approximately \$5.5 million in public matching funds of the \$6.5 million in the appropriation for the Primary Election. He indicated that the anticipated public funds for contributions already submitted but not corrected, plus additional submissions this week and next week and the payment of incurred administrative costs should not exceed the remaining monies from the appropriation. Accordingly, the Commission concluded that it would not be necessary at this time to seek authorization from the Subcommittee on Transfers of the Joint Legislative Appropriations Committee for an additional appropriation for this purpose at this time.

5. Requirement of Address on Contributions to Gubernatorial Candidate

The Commission discussed the question raised concerning the absence of an address and identification, other than a name, of a contributor on a bank money order raised by one of the campaigns. The Commission concluded that in this type of case, in the absence of additional information, this would appear to be an anonymous contribution which should escheat to the State.

6. Bank Loan Repayment for Candidates Receiving Public Matching Funds

The Commission reviewed the statutory requirement that candidates receiving public funds must repay bank loans no later than 20 days prior to the election. Commission regulations provide that notification should be made to the Commission of such repayment no later than 15 days prior to the election.

7. Advisory Opinion Request

The Commission reviewed advisory opinion request No. 20-81, from Ronald A. Breslow, Esq. on behalf of the Roe for Governor Committee. The opinion concerns communication by corporations to its stockholders and labor organizations to their members. The Commission agreed upon an opinion, directed staff counsel to call Mr. Breslow and inform him of it and to write an opinion and forward it to him immediately.

8. Personal Financial Disclosure of Gubernatorial and Legislative Candidates

Executive director indicated that the Legislative Joint Ethical Standards Committee had agreed to the procedure suggested in the memorandum sent by the Commission last week concerning the handling of Personal Financial Disclosure Statements of incumbent legislators in 1981. This basically entails the Commission accepting copies of the Personal Financial Disclosure Statements filed by such legislators under Legislative Code of Ethics, which is similar in content to the new statutory provisions. Such reports must be filed with the legislative committee by May 15, five days prior to those which must be filed under the new statute with ELEC.

9. Lobbyist Financial Reporting

The executive director indicated that both Houses of the Legislature had now passed S1396 and S1397 with the Governor's conditional veto suggestions. If the Governor signs these bills it will have the effect of deleting the present law requiring lobbyists to file financial reports with the Commission and substitute a new statutory basis for such reporting.

10. Executive Session

On a motion by Chairman Goldman, seconded by Commissioner Margetts and a vote of 4-0, the Commission went into executive session to discuss the minutes of the executive session of the Commission meeting of May 11, 1981, current litigation, investigative matters, and a personnel matter. At the conclusion of the executive session, the Commission returned to public session on a motion by Commissioner Axtell, seconded by Commissioner DeCotiis and a vote of 4-0.

11. Adjournment - The Commission adjourned the meeting at 1:20 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director