

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

DECEMBER 13, 1982

PRESENT

Andrew C. Axtell, Chairman  
M. Robert DeCotiis, Member  
Haydn Proctor, Member  
Alexander P. Waugh, Jr., Member  
Scott A. Weiner, Executive Director  
William R. Schmidt, Assistant Executive Director  
Gregory E. Nagy, Staff Counsel  
Edward J. Farrell, General Counsel  
Judge Sidney Goldmann, Consultant

Chairman Axtell 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 filed in the State House Annex, and mailed to the Newark Star Ledger, and the entire State House press corps.

The meeting convened at 1:30 p.m. at the Commission's office, Trenton, N. J.

1. Approval of Minutes of Public Session of Commission Meeting of November 22, 1982

On a motion by Commissioner Proctor, seconded by Commissioner Waugh and a vote of 4-0, the Commission approved the minutes of the public session of November 22, 1982.

2. 1983 Meeting Schedule Dates

The Commission reviewed alternative meeting schedules for 1983. On a motion by Commissioner Waugh, seconded by Commissioner Proctor and a vote of 4-0, the Commission decided to meet on the second and fourth Wednesdays, beginning January 12, 1983.

3. Next Meeting Date

On a motion by Commissioner Waugh, seconded by Commissioner Proctor and a vote of 4-0, the Commission decided to meet on Wednesday, December 22, 1982 at 10 a.m. in Trenton.

4. Executive Session

On a motion by Commissioner Waugh, seconded by Commissioner Proctor and a vote of 4-0, the Commission voted to resolve to go into executive session to review the executive session minutes of November 22, 1982 and to discuss investigations and enforcement actions, the results of which will be made public at their conclusion.

5. Review of Lobbyist Report

The Commission reviewed the most recent draft of the lobbyist report which was previously circulated to the Commission; the draft contains 37 pages and is dated December 2, 1982.

Executive Director Weiner reported that Attorney General Kimmelman had reviewed the draft report and wishes to include a recommendation about requiring the reporting of lobbyists' financial activity concerning the rulemaking process. In response to the Attorney General's interest in this issue, Mr. Weiner prepared and distributed a three-page draft, dated December 13, 1982, entitled "Recommendation No. X: Lobbying Intended to Influence the Enactment of Rules and Regulations by Administrative Agencies Should Be Subject to Public Disclosure." Mr. Weiner noted that the discussion concerning this issue was taken out of the earlier draft of the report; however, the Attorney General believes that such activity by lobbyists is an essential part of lobbying and he wants administrative lobbying included within the disclosure act.

The Commission first reviewed the December 2, 1982 draft. Commissioner DeCotiis suggested that Recommendation No. 4 on page 33 be edited to clarify "safe harbor". He and Commissioner Waugh noted that the discussion should be clear that there is some level of activity that is all right and not a bribe. Mr. Weiner said he would work out the appropriate language.

Commissioner DeCotiis noted an editorial problem on page 18 with the words "facially accurate". He also suggested that the word "character" on page 19 be changed to "quality".

The Commission then reviewed the December 13, 1982 draft of the recommendation concerning lobbying to influence rules and regulations. The Commission decided to delete the last two sentences of the first paragraph on page 3. Mr. Farrell suggested that the third sentence in the second paragraph on the first page also be deleted.

On a motion by Commissioner Proctor, seconded by Commissioner DeCotiis and a vote of 4-0, the Commission approved the lobbyist report as revised and including the new recommendation concerning administrative rules and regulations.

Mr. Weiner said that the Attorney General is considering a joint press conference to announce the report with Chairman Axtell and the Attorney General participating.

6. Executive Director's Report

Mr. Weiner reported that New Jersey has been selected to be host for the next Northeast Conference on Lobbying to be held in April or May 1983. The Conference will be held for one day in Newark.

Mr. Weiner reported that Mr. Farrell and he attended the National Conference on Governmental Ethics Laws held in Columbus, Ohio for three days during the week of December 5, 1982. He noted that the host committee did an excellent job and that the Conference offered opportunities for him and Mr. Farrell to meet their counterparts from throughout the country. He said the next conference in December 1983 is scheduled to be held in Montgomery, Alabama.

Mr. Weiner reported that the United States Supreme Court had decided that the State of Ohio could not compel the Socialist Workers Party to report its receipts or its expenditures.

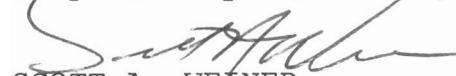
7. Executive Session

On a motion by Commissioner DeCotiis, seconded by Commissioner Waugh and a vote of 4-0, the Commission voted to resolve to go into executive session to continue its discussion of investigations and enforcement actions, the results of which will be made public at their conclusion.

8. Adjournment

On a motion by Commissioner Proctor, seconded by Commissioner DeCotiis and a vote of 4-0, the Commission voted to adjourn.

Respectfully submitted,



SCOTT A. WEINER  
Executive Director