

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

SEPTEMBER 4, 1984

PRESENT

Alexander P. Waugh, Jr., Vice Chairman  
Haydn Proctor, Member  
Frederick M. Herrmann, Executive Director  
William R. Schmidt, Asst. Executive Director\*  
Gregory E. Nagy, Staff Counsel  
Edward J. Farrell, Counsel

ABSENT

Andrew C. Axtell,  
Chairman

\* Mr. Schmidt left the meeting after item No. 2.

Vice Chairman Waugh called the meeting to order and announced that pursuant to the Open Public Meetings Law, P.L. 1975, c.231, annual 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 2:30 p.m. at the offices of the Commission, 28 West State Street, Trenton, New Jersey.

Approval of Minutes of Public Session of August 7, 1984

On a motion by Commissioner Proctor, seconded by Vice Chairman Waugh and a vote of 2-0, the Commission approved the public session minutes of August 7, 1984.

2. Review of Gubernatorial Public Financing Regulations

The Commission reviewed a draft prepared by Staff Counsel Nagy of proposed amendments to the Commission regulations concerning the public financing of primary and general gubernatorial elections (see N.J.A.C. 19:25-15.1 [general elections for the office of Governor] and N.J.A.C. 19:25-16.1 [primary elections for the office of Governor]).

The Commission also reviewed a two-page memorandum from Mr. Nagy, dated August 29, 1984, which outlined the proposed changes. Assistant Executive Director Schmidt recommended that the regulation which exempts communications by corporations to its stockholders or by a labor organization to its members from the definition of contribution (N.J.A.C. 19:25-15.13) be added to the subchapter governing gubernatorial primary elections. General Legal Counsel Farrell suggested that the age be raised from 13 to 14 years below which a child could make a contribution to a gubernatorial candidate only if evidence is submitted that the child acted independently and with full knowledge of the contribution. N.J.A.C. 19:25-15.15(d)1 and N.J.A.C. 19:25-16.6(c)1. With these two changes, on a motion by Commissioner

Proctor, seconded by Vice Chairman Waugh and a vote of 2-0, the Commission authorized the staff to submit the draft text to the Office of Administrative Law for publication in the New Jersey Register as proposed amendments to the public financing regulations for the primary and general gubernatorial elections.

3. FEC/ELEC Workshop Conference - September 10, 1984

Executive Director Herrmann reported that the Commission was receiving registrations for the Workshop to be sponsored jointly by the Federal Election Commission and this Commission. In the event that Chairman Axtell is unable to attend, Vice Chairman Waugh will attend and make welcoming remarks on behalf of the Commission.

4. Pending Legislation: S-1523

Executive Director Herrmann reported that he was hopeful that Senate bill S-1523, which amends the public financing sections of the Campaign Contributions and Expenditures Reporting Act, would be approved by the Senate as soon as it reconvened. He also reported he had some discussion with representatives of the Assembly Speaker's office who indicated that in all probability the bill would be acted upon expeditiously in the Assembly. The Commission reviewed a draft of a letter addressed to the leadership of both houses and the Governor urging action on the bill as expeditiously as possible. Mr. Herrmann was directed to mail the letter over the signatures of the Commissioners.

5. Reorganization of Commission Staff

Executive Director Herrmann reported that he was in the process of implementing a reorganization of the Commission staff. Specifically, Mr. Herrmann stated that the Compliance and Review Section was too large to be under the direct supervision of one person. Therefore, he anticipated establishing an Assistant Director position for that Section. Further, he is considering developing more sub-supervisors, particularly to coordinate the distribution of clerical worktime. He also reported that substantial staff time by Assistant Executive Director Schmidt, Director of Compliance and Review Schultz and Report Examiner Rousseau must be invested in planning and implementing the installation of a computer to handle election data. As a result of the staff time which must be dedicated to this purpose, he anticipated that a backlog would occur in other areas. Mr. Herrmann said he would report further to the Commission on the progress of the installation of the computer and its impact on other program areas.

6. Change of Commission Meeting Dates

Vice Chairman Waugh stated that he had a conflict that would prevent him from attending Commission meetings on Mondays. Executive Director Herrmann observed that the Legislature frequently met on Mondays, and therefore he would be unable to attend committee meetings or legislative sessions if the meeting date was not changed. Subject to the schedule of Chairman Axtell, Commission Proctor suggested that the Commission meet on the first and third Wednesdays of each month. On the motion of Commission Proctor, seconded by Vice Chairman Waugh and a vote of 2-0, the Commission decided to conduct its next meeting on September 19, 1984 at 9:30 a.m., at the offices and make a decision about future meeting dates at that time.

7. Authorization to Execute Final Decisions

Executive Director Herrmann stated that because of the necessity to complete Final Decisions within statutorily mandated time periods, he suggested the Commission authorize the Assistant Executive Director to sign Final Decisions in the name of the Chairman of the Commission when the Executive Director is unavailable to do so. On a motion by Commissioner Proctor, seconded by Vice Chairman Waugh and a vote of 2-0, a resolution authorizing the Assistant Executive Director to sign Final Decisions in the name of the Chairman when the Executive Director is unavailable was adopted.

8. Commission Budget for Fiscal Year 1986

Executive Director Herrmann distributed a proposed budget for fiscal year 1986. He described it as a continuation budget although it does propose increases for microfilm and for Commissioner's salaries as "priority packages." **The proposed budget was distributed for informational purposes, and no action was taken on it.**

9. Personal Financial Disclosure Legislation *fin*

Staff Counsel Nagy distributed a draft of a concurrent resolution and a bill proposing various amendments to the personal financial disclosure law. N.J.S.A. 19:44B-1 et seq. The drafts were prepared by Marvin W. Jiggetts, Deputy Legislative Counsel, Division of Legal Services, Office of Legislative Services. Mr. Nagy stated that the intent of the legislation was to coordinate the filings required by candidates for state office with the requirements of members of the legislature to file similar initial disclosure statements with the Joint Legislative Committee on Ethical Standards. Vice Chairman Waugh stated that the first priority of the Commission should be on legislation amending public financing. The Commission directed Mr. Nagy to prepare a memorandum containing possible modifications to the legislation and submit it to the Commission.

10. Reporting by National Political Party Committees

Staff Counsel Nagy stated that reviewing the proposed regulation concerning reporting by National Political Action Committees, the staff had some concern that similar requirements to report New Jersey contributors and expenditures made for New Jersey candidates should be imposed on National Political Party Committees. **The Commission** directed Mr. Nagy to explore this issue further and prepare a draft regulation for its future consideration.

11. Resolution to Enter Executive Session

On a motion by Commission Proctor, seconded by Vice Chairman Waugh and a vote of 2-0, the Commission decided to go into Executive Session to review the minutes of the August 7, 1984 Executive Session and to discuss investigative, enforcement and personnel matters, the results of which will be made public at their conclusion.

12. Adjournment

On a motion by Commission Proctor, seconded by Vice Chairman Waugh, and a vote of 2-0, the Commission voted to adjourn.

Respectfully submitted,



FREDERICK M. HERRMANN  
Executive Director