

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

MAY 7, 1985

PRESENT:

Andrew C. Axtell, Chairman  
Alexander P. Waugh, Jr., Vice Chairman  
Haydn Proctor, Member  
Owen V. McNany, Member  
Frederick M. Herrmann, Executive Director  
Jeffrey M. Brindle, Deputy Director  
Edward J. Farrell, General Counsel  
Gregory E. Nagy, Staff Counsel  
Peter D. Nichols, Director of Public Financing\*

\* Attended the public session only

Chairman Axtell called the meeting to order and announced that pursuant to the "Open Public Meetings Act," P.L. 1974, c. 231, annual notice of the meeting of the Commission has been filed with the Secretary of State's office and distributed to the entire State House press corps.

The meeting convened at 2:00 p.m. at the offices of the Ethical Standards Commission Room, National State Bank Building, Trenton, New Jersey.

1. Approval of Public Session Minutes of April 29, 1985

On a motion by Vice Chairman Waugh, seconded by Commissioner Proctor and a vote of 4-0, the Commission approved the public session minutes of April 29, 1985.

Executive Director's Report

Executive Director Herrmann reported on legislation that could potentially affect the Commission.

- S-2833 (Dumont) requires that gubernatorial candidates would have to participate in a series of six debates in order to receive public funds. Mr. Herrmann said that he contacted both Democratic and Republican staffs about putting language in the bill that would provide additional public money to cover the administrative costs of such a program.
- S-2900 (O'Connor) prohibits unopposed gubernatorial candidates from accepting public funding in a primary election. Mr. Herrmann said that the bill does not permit an "unopposed" candidate to receive public funds until another opposing candidate files a designation of treasurer with the Commission, files a nominating petition, or publicly announces a candidacy. He said that the concept of an

"unopposed" candidacy is an elusive one and therefore the bill may not achieve its apparent purpose. The bill has been referred to the Senate State Government Committee.

Mr. Herrmann advised the Commission that personal financial disclosure statements were due on Monday, May 6, 1985. He said he spoke with Assemblyman John S. Watson and Assemblyman James Zangari were concerned about not having enough notice from the Commission to prepare their personal financial disclosure reports. Mr. Herrmann said that the problem is with the law itself. The Commission has only eight days to remind candidates about their filing obligations. Assemblymen Watson and Zangari expressed interest in trying to amend the law to extend the filing deadline. The Commission had made arrangements to hand out its forms with petitions through the Secretary of State's office.

Mr. Herrmann said that he is following-up on the budget resolution of \$60,000 for two unfilled staff positions. He contacted the Democratic staff, the Republican staff, the Governor's office, and Assemblyman Robert A. Ranieri's office to remind them to draft and support the resolution. The key is to get the Joint Appropriations Committee to pass the resolution on June 6 or 7, when it amends the appropriations bill.

Mr. Herrmann said that the staff is moving ahead on redecorating the reception area. The public area walls will be painted free of charge. A "second" copying machine has been ordered for the reception area and the large copying machine will be moved to the back office. He said that the word processing capacity in the office is being upgraded. Boxes of annual reports have been sent over to the Record Retention Center for microfilming.

The next Commission meeting will take place at the office of Vice Chairman Waugh on Tuesday, May 14 at 11:00 a.m. The meeting had been scheduled for Wednesday, May 15.

At this point, Deputy Director Brindle reported on the 29-day preelection report filing night for the primary on May 6, 1985. He said that it went very well with no major problems. He said that the rate of filing returns amounts to approximately 40%. Out of 2,300 candidates, approximately 1,400 did not file. He said that this rate should improve next year because the law has been changed to allow 1½ more weeks to receive candidate lists from clerks and to send out letters. Mr. Brindle said that the staff is going to work on getting a better working relationship with the clerks so that these lists get in more quickly.

### 3. Director of Public Financing's Report

Director of Public Financing Nichols reported that certification period number eleven presented no problems. He said that the error rates have all diminished.

Mr. Nichols recommended that the submission received be certified, they included:

Robert J. Del Tufo	\$ 38,060.00
Kenneth A. Gibson	\$ 42,350.00
John F. Russo	\$140,000.00
Peter Shapiro	\$103,468.00
Stephen B. Wiley	\$ 26,828.00

Mr. Nichols said that along with Republican Governor Kean, three Democratic candidates are approaching the maximum. To date, the total public matching funds that have been certified to candidates are:

Thomas H. Kean	\$623,766.00
Kenneth A. Gibson	\$436,843.32
John F. Russo	\$431,130.00
Stephen B. Wiley	\$393,708.00
Peter Shapiro	\$377,568.00
Robert J. Del Tufo	\$240,496.42
	<u>\$2,503,511.74</u>

On a motion by Vice Chairman Waugh, seconded by Commissioner Proctor and a vote of 4-0, the Commission voted to approve the submission for certification.

4. Executive Session

On a motion by Vice Chairman Waugh, seconded by Commissioner Proctor and a vote of 4-0, the Commission voted to go into executive session to discuss enforcement and investigative matters, the results of which will be made public at their conclusion.

5. Adjournment

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

Respectfully submitted,



FREDERICK M. HERRMANN