



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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PUBLIC SESSION MINUTES

August 15, 2001

Senior Staff and Deputy Legal Director Nedda Gold Massar were present. All of the Commissioners and Counsel Wyse participated by telephone.

1. Open Public Meetings Statement

The meeting of the New Jersey Election Law Enforcement Commission was called to order. Pursuant to the "Open Public Meetings Act," N.J.S.A. 10:4-6 *et seq.*, adequate 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 11:00 a.m. in Trenton, New Jersey.

A Court Reporter was present to record the Public Session discussion. The transcript will be available to the public upon request.

1. Advisory Opinion Request 07-2001.

The Commission discussed the request for an advisory opinion received from Peter G. Sheridan, Esq., on behalf of the Republican National Committee (RNC). Mr. Sheridan asked if the RNC may make independent expenditures in New Jersey for communications in the 2001 general election that expressly advocate the election or defeat of a clearly identified gubernatorial candidate and other candidates if the communications are made without coordination or consultation with affected candidates and contain required political identification information.

Public Comments were received from the following individuals:

- Peter G. Sheridan, Esq., Counsel for the Republican National Committee;
- Paul Josephson, Esq., General Counsel for the McGreevey 2001 for Governor;
- Joseph E. Sandler, Esq., General Counsel for the Democratic National Committee;
- and,
- George Watson, independent candidate for Governor.

Public Session Minutes

August 15, 2001

Page 2

Vice Chair Franzese made a motion noting that the Commission is frustrated by its lack of statutory authority to prohibit independent expenditures by a national political party committee, but concludes that no provision of the Act prohibits such independent expenditures. Further, imposing limitations ad hoc runs a serious risk of compromising first amendment values. Therefore, the Commission directed staff to issue the advisory opinion finding that the Republican National Committee can make independent expenditures in the 2001 general election, subject to all Commission regulations and the prohibition on all coordination, discussion, sharing of information, use of common vendors, and other restrictions between the RNC and the gubernatorial candidate. The motion was seconded by Commissioner Ware and passed by a vote of 3-0. Commissioner Lederman abstained. She feared that to allow the RNC to make independent expenditures would constitute a blueprint for the evasion of New Jersey campaign finance laws.

Adjournment

On a motion by Chair Martin, seconded by Vice Chair Franzese and passed by a vote of 4-0, the Commission voted to adjourn at 1:00 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.
Executive Director

FMH/elz