

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

MINUTES - December 15, 1976 Meeting

PRESENT

ABSENT

Frank P. Reiche, Chairman
Sidney Goldmann, Vice Chairman
Josephine S. Margetts, Member
Archibald S. Alexander, Member
Lewis B. Thurston, III, Executive Director
Edward J. Farrell, Legal Counsel
Herbert Alexander, Consultant
Neil Upmeyer, E.L.E.C. staff

The meeting convened at 10:15 a.m.

Pursuant to the Open Public Meetings Law, P.L. 1975, c.231, annual notice of the meetings of the Commission, as amended, was filed with the Secretary of State's office, copies were posted in the State House Annex, copies were mailed to the Newark Star Ledger and the Philadelphia Bulletin and the entire State House Press Corps.

The purpose of this meeting was to discuss the subject of public financing of the gubernatorial general elections in New Jersey with the aim of developing the draft of Commission regulations to implement the statute. This was the only subject discussed at this meeting. Among the major items discussed and tentative conclusions reached were:

1. \$600 contribution limit and role of state, county and municipal political party committees

A very extensive discussion of this topic ensued. At the conclusion of the discussion, the Commission tentatively concluded that:

- a) a person could contribute up to and including \$600 directly to a gubernatorial candidate or to the state committee of a political party, but no more than \$600 in total to both. A state committee could allocate up to \$600 of a contribution received by it which was not earmarked for the gubernatorial election. All of the foregoing \$600 contributions would be eligible to be matched with public funds. The statute does not permit contributions from county or municipal political party committees to be used in the gubernatorial general election. Additionally, state committees of political parties may be able to expend contributions received by the state committee but not earmarked for the gubernatorial general election on such election. County and municipal committees of political parties would be permitted to expend up to \$100,000 in the aggregate in the gubernatorial general election. Each county committee of a political party and the municipal committees of said political party within that county, in combination in the aggregate, would be limited to spending \$10,000.

In regard to contributions of up to \$600 allocated by the state committee for the gubernatorial candidate, it was agreed tentatively that the state committee of a political party in such cases would have to inform contributors as to how much of their contribution was allocated to the gubernatorial general election.

Chairman Reiche and Commissioner Alexander, in particular, expressed reservations about any expenditure in the gubernatorial election by state committees of political parties of some of the amount of contributions in excess of \$600 made to such committees and not earmarked for the gubernatorial general election. In some cases, this might ultimately permit more than \$600 from one source to be expended on behalf of a gubernatorial candidate in the aggregate. There appears to be no clear statutory language either prohibiting or permitting such expenditures.

2. Report by E.L.E.C. to Governor and Legislature

The Executive Director suggested that the Commission render a formal report to the Governor and Legislature as soon as possible after the 1977 General Election detailing and evaluating the experience in that election in New Jersey with public financing of the gubernatorial general election. The Commission agreed that this would be a very desirable undertaking and agreed to do it.

3. Surplus primary election dollars, supplies, literature, equipment, etc.

The Commission discussed at length whether and under what conditions such funds and materials might be permitted to be used in the general election campaign. It was generally agreed that if such funds could be used in the general election, that, at a minimum, candidates would have to submit evidence that they were made up of funds which included no more than \$600 from any one contributor. The procedural difficulties in returning surplus primary funds to contributors, if such contributions may not be used in the general election campaign, was recognized. Various alternatives for handling furniture, equipment, supplies, literature, etc. from the primary election carried over to the general election were discussed, include purchasing by the general election campaign of such materials.

4. Miscellaneous

A number of other aspects of the administration and enforcement of the public financing statute for gubernatorial general elections were discussed in the course of the meeting.

5. Adjournment - The Commission adjourned the meeting at approximately 4:30 p.m.

Respectfully submitted,

Lewis B. Thurston III

LEWIS B. THURSTON, III
Executive Director