

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

April 16, 1980

PRESENT

Sidney Goldmann, Chairman
Josephine S. Margetts, Member
Andrew Axtell, Member
Lewis B. Thurston, Executive Director
Edward J. Farrell, General Legal Counsel
Herbert Wolfe, Assistant Executive Director
Gregory E. Nagy, Staff Counsel

The chairman 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 posted in the State House Annex, and mailed to the Newark Star Ledger, the Philadelphia Bulletin and the entire State House press corps.

The meeting convened at 10:15 a.m.

1. Public Indication of Commission Enforcement Determinations in Executive Session

On a motion by Commissioner Axtell, seconded by Commissioner Margetts and a vote of 3-0, the Commission made public its enforcement determinations in the matters set forth in the news release attached to these minutes which were determined by the Commission at its meeting on April 2, 1980.

2. Executive Session

On a motion by Chairman Goldmann, seconded by Commissioner Margetts and a vote of 3-0, the Commission went into executive session to discuss 1979 enforcement determinations, the executive session minutes of the April 2, 1980 Commission meeting, investigative matters and current litigation. At the conclusion of the executive session, the Commission returned to public session on a motion by Chairman Goldmann, seconded by Commissioner Margetts and a vote of 3-0.

3. Approval of Minutes of Public Session of Commission Meeting of April 2, 1980

On a motion by Commissioner Margetts, seconded by Commissioner Axtell and a vote of 3-0, the Commission approved the minutes of the public session of the Commission meeting of April 2, 1980.

4. Review of Proposed Report on 1979 Legislative General Election

The Commission reviewed a draft of a report summarizing some of the significant data filed with the Commission for the 1979 Legislative General Election, which included all 80 Assembly seats and several Senate contests. The Commission directed the staff to put the report into final form and have it printed for

publication in the near future.

5. Review of Feedback and Comment on ELEC Proposed Lobbyist Regulations

The executive director indicated that a number of written comments had been received on the Commission's proposed regulations. These were briefly reviewed by the Commission. Mr. Thurston also indicated that he and other staff members had a series of meetings with representatives of the parties to the litigation, persons with a probable filing obligation representing significant lobbying entities and others with an interest in the proposed regulations. He briefly outlined the substance of the comments from those individuals concerning any proposed regulations.

6. Discussion of Need for Proposed Regulation Re Expenditure Thresholds for Political Committees and Individuals Making Expenditures in Election Campaign

The general legal counsel reviewed with the Commission a number of changes in the Commission's existing regulations plus some additions to the regulations which may be necessary to deal with the above-cited subjects based on the decision of the Appellate Division of the Superior Court in the case of Ricci and ELEC vs. Senior Citizens and Taxpayers Fed Up With Byrne Democrats. It was generally agreed that for purposes of drafting a proposed regulation that the threshold for independent expenditures by an individual on behalf of a public question would be \$2500 and the threshold for independent expenditures by an individual on behalf of a candidacy would be \$1000. Additionally, the threshold for political committees making expenditures on behalf of candidates without the consent or approval of the candidate would be \$1000. The general legal counsel was directed to prepare an appropriate draft regulation based on these and the other considerations discussed for consideration and review by the Commission.

7. Proposed Legislation on Public Financing of Gubernatorial Primary Elections - S1176

The executive director reported that the above-cited bill is being introduced. The bill will include expenditure limits as well as the general contribution limits, public financing provisions and other provisions of A1698 of the 1978-79 legislative session. The Commission discussed this legislation and agreed that, while the Commission was still opposed to expenditure limitations, the bill contains contribution limits, public financing and other provisions which the Commission feels are strongly in the public interest. It indicated that, because of the Governor's opposition to legislation without expenditure limits, that alternative was now unrealistic. The Commission further agreed to suggest an amendment to the bill to delete the requirement providing for disclosure of the occupation or profession of contributors in excess of \$100 by candidates and committees for all offices covered by the Act. The Commission indicated that it

believes S1176 should be confined to matters pertaining only to gubernatorial elections and that the onerous burden on the campaigns and the possible chilling effect on contributors of disclosing this additional information outweighed the value of the additional disclosure. The Commission also indicated that an automatic escalator provision for the expenditure limits for future elections should be explored.

8. Adjournment - The Commission adjourned the meeting at 3:00 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director

LBT/cm
attachments

