

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

May 21, 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. Executive Session

On a motion by Commissioner Margetts, seconded by Commissioner Axtell and a vote of 3-0, the Commission went into executive session to discuss the minutes of the executive session of the Commission meeting of May 6, 1980, review the minutes of the executive session of the Commission meetings of March 19 and February 20, 1980; discuss enforcement cases from the 1979 General and 1979 Municipal Elections and matters of 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.

2. Approval of Minutes of Public Session of Commission Meeting of May 6, 1980.

On a motion by Commissioner Axtell, seconded by Commissioner Margetts and a vote of 3-0, the Commission approved the public session minutes of the Commission meeting of May 6, 1980.

3. Public Indication of Executive Session Action from the Commission Meeting of May 6, 1980

On a motion by Chairman Goldmann, seconded by Commissioner Axtell 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 May 6, 1980.

4. Review of Filing Dates for Annual Reports for Political Information Organizations

After a discussion of this subject, on a motion by Chairman Goldmann, seconded by Commissioner Margetts and a vote of 3-0, the Commission agreed that its proposed regulations on reporting

of financial activity by political information organizations (lobbyists) would have prospective application only. Therefore, the first report would cover the calendar year 1980 and be due on March 1, 1981.

5. Consideration of ELEC Proposed Regulations Governing Financial Reporting by Lobbyists

The Commission reviewed its proposed regulations governing financial reporting by lobbyists. At the conclusion of the discussion, on a motion by Chairman Goldmann, seconded by Commissioner Margetts and a vote of 3-0, the Commission approved modified regulations which included, among others, the following changes:

1. "Covered employee" was added as a definition. That term was defined as requiring an employee to have 10% of his time or 180 hours, whichever is less, engaged in lobbying activity.
2. The definition of "legislator" was modified to eliminate cabinet officers and other employees of the executive branch appointed by the Governor who were previously specified.
3. The definition of "lobbying or lobbying activity" was modified to make it somewhat more inclusive.
4. "Contract lobbyist" was defined.
5. The definition of "direct, express and intentional communication with legislators undertaken for the specific purpose of effecting legislation" was modified to delete the phrase "and also including solicitation of others to communicate with the legislator".
6. The Federal Government, other state governments and their employees were exempted from the scope of the regulations.
7. Membership dues to an organization were taken out of the threshold expenditure calculation.
8. The description of the activity in lobbying which must be indicated at the beginning of the report was modified to eliminate the language requiring the specification of bill numbers where possible.
9. Communication of a corporation with its "management employees" was exempted from communication the cost of which must be reported.

10. The reporting of campaign contributions was eliminated.
11. "Public event" was defined and it was specified that the place, purpose, cost and date of the event must be reported, but not the names of the legislators present. Additionally, dollars spent at such events on legislators would not count against the annual or daily threshold for such persons. This overall provision replaces the \$50 per specific occasion threshold in the original regulations.
12. The provisions regarding the certification of the report by a treasurer and the appointment of a treasurer were modified to make it absolutely clear that the treasurer designated for purposes of these regulations need not be the treasurer or chief financial officer of the corporation or other entity.
13. Language was added to make it clear that nothing in the Act or regulations would impose depository requirements on lobbyists which are prohibited by the Commissioner of Banking or the Supreme Court of New Jersey as to the canons of ethics for attorneys or the Public Utility Commission for utility companies or other regulatory agencies.
14. A provision was added regarding "anonymous contributions" and specifying the reporting of such contributions.
15. A provision was added relative to defining contributions which must be reported relative to lobbying.
16. The record-keeping provision was modified to specify that records need be kept for only 3, instead of 6, years and that only those records relating to lobbying activity in New Jersey need be so kept.
17. The requirements that corporations or other entities whose only activity re lobbying was an allocated portion of dues contributed to another organization, such as a trade association, for lobbying must file a report in any case was deleted.

The Commission agreed to make the modified regulations public as soon as they could be printed in final form and to send copies of them at that time to lobbying entities and members of the Legislature. The modified regulations also will be forwarded to the Office of Administrative Procedure for publication in the July 10 New Jersey Register.

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

Respectfully Submitted,

A handwritten signature in cursive script that reads "Lewis B. Thurston, III".

LEWIS B. THURSTON, III
Executive Director

LBT/cm