

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

May 26, 1981

PRESENT

Sidney Goldman, Chairman  
Josephine S. Margetts, Member  
Andrew C. Axtell, Member  
M. Robert DeCotiis, Member  
Lewis B. Thurston, III, Executive Director  
William R. Schmidt, Assistant Executive Director  
Edward J. Farrell, General Legal Counsel  
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. Approval of Minutes of Public Session of Commission Meeting of May 18, 1981

On a motion by Commissioner Margetts, seconded by Chairman Goldmann and a vote of 4-0, the Commission approved the minutes of the public session of the above-cited meeting.

2. Certification of Public Matching Funds to Gubernatorial Primary Election Candidates

The Commission reviewed the staff review and suggestions for certification of public matching funds to gubernatorial candidates. On a motion by Commissioner DeCotiis, seconded by Commissioner Margetts and a vote of 4-0, the Commission approved the staff suggestion to include in the amount to be certified at this meeting 80% of the total public funds based on submissions received by the Commission on May 26. On a motion by Chairman Goldmann, seconded by Commissioner Axtell and a vote of 4-0, the Commission certified a total of \$477,379.32 to 11 candidates for Governor as follows:

<u>Candidate</u>	<u>Amount</u>
Frank Dodd (D)	\$ 58,178.00
Kenneth Gibson (D)	50,689.60
William Hamilton (D)	17,897.80
Thomas Kean (R)	17,857.80
Ann Klein (D)	26,114.36
Barbara McConnell (D)	21,749.60
Richard McGlynn (R)	37,490.00
Barry Parker (R)	70,923.90
John Rafferty (R)	31,747.00
Thomas F. X. Smith (D)	36,464.00
James Wallwork (D)	198,267.26
TOTAL	<u>\$477,379.32</u>

3. Review of Question Re Gubernatorial Candidate Public Financing

The assistant executive director indicated that he had received a request for clarification of permissible transfers between the public funds bank account and the depository or matching accounts of candidates who received public matching funds relative to reimbursing either the depository or matching funds account with public funds for permissible expenditures made from those accounts with public funds. Based on a ruling made by the Commission in 1977, the Commission has permitted such reimbursement up to and including the 8th day prior to the election. Because the law which was in effect in 1977 which did not permit the payment of public matching funds after the election has been amended to allow this, the Commission indicated that such reimbursements will be permitted subsequent to the 8th day prior to the election. This was done on a motion by Commissioner DeCotiis, seconded by Commissioner Axtell and a vote of 4-0.

4. Advisory Opinions

The Commission reviewed the following advisory opinion requests and agreed to advisory opinions in response thereto:

0-24-80 - Philip A. Kahn, Esq.  
0-18-81 - Donald Katz, Esq.  
0-19-81 - George O. Von Frank  
0-22-81 - Donald Lan  
0-23-81 - Donald Lan  
0-26-81 - Ronald A. Breslow, Esq

Advisory opinion request No. 18 of 1981 raised a question as to whether candidates for the Republican and Democratic State Committees are required by the Act to file reports with the Commission. The Commission reviewed this matter, including commentary from the general legal counsel and the staff counsel, and concluded that the Act does not require such candidates to file reports with the Commission. This was done by a motion by Commissioner DeCotiis, seconded by Commissioner Axtell and a vote of 4-0.

5. Report on Personal Financial Disclosure Filings of Gubernatorial and Legislative Candidates

The executive director indicated that the great majority of legislative and gubernatorial election candidates filed the personal financial disclosure statements with the Commission as required on May 20. He further indicated that delinquency notices were immediately forwarded to those who did not file.

6. Executive Session

On a motion by Commissioner Margetts, seconded by Commissioner Axtell and a vote of 4-0, the Commission went into executive session to discuss the executive session minutes of the Commission meeting of May 18, 1981, current litigation, investigative matters and a personnel matter. At the conclusion of the discussion of these matters, the Commission returned to public session on a motion by Chairman Goldmann, seconded by Commissioner Axtell and a vote of 4-0.

7. Adjournment

The Commission adjourned the meeting at 3:20 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III  
Executive Director