

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

OCTOBER 16, 1985

PRESENT:

Andrew C. Axtell, Chairman
Alexander P. Waugh, Jr., Vice Chairman
Haydn Proctor, Member
Owen V. McNany, Member
Frederick M. Herrmann, Executive Director
Jeffrey M. Brindle, Deputy Director
Edward J. Farrell, General Counsel
Gregory E. Nagy, Staff Counsel
Peter D. Nichols, Director of Public Financing
Sandra L. Magee, Secretary to the Commission

Chairman Axtell called the meeting to order and announced that pursuant to the "Open Public Meetings Act," P.L. 1974, c. 231, special notice of the meeting of the Commission has been filed with the Secretary of State's office and distributed to the entire State House press corps.

The meeting convened at 10:07 a.m. at the office of the Commission, 28 West State Street, Trenton, New Jersey.

1. Approval of Public Session Minutes of October 1, 1985

On a motion by Commissioner Proctor, seconded by Commissioner McNany and a vote of 3-0-1 (Vice Chairman Waugh abstaining), the Commission approved the public session minutes of October 1, 1985.

2. Approval of Public Session Minutes of October 9, 1985

On a motion by Commissioner Proctor, seconded by Commissioner McNany and a vote of 3-0-1 (Chairman Axtell abstaining), the Commission approved the public session minutes of October 9, 1985.

3. Public Financing Certification

Director of Public Financing Peter D. Nichols reviewed the public financing certification for the campaign of gubernatorial candidate Peter Shapiro. He said that there was a technical problem with this certification. He said that the problem was discovered when the campaign's public funds application of October 15 was being reviewed. The problem was due to an excessive contribution that was discovered during the cursory review. Mr. Nichols said that he notified the Shapiro campaign that it must submit refund documentation to the Commission immediately.

Mr. Nichols said that he instructed the Shapiro campaign to verify the fact that it returned the excessive contribution amount because during the

1981 gubernatorial election the Commission adopted a policy not to certify funds if excessive contributions were discovered and not refunded. Vice Chairman Waugh said that he did not agree with the 1981 policy and said that he would prefer to deal with this type of problem on a case-by-case basis. Furthermore, he said that he does not feel bound by the 1981 policy. He said by making the campaign committee immediately hand-deliver the documents to correct its excessive contribution errors would probably increase its thoroughness and compliance with the statute.

Mr. Nichols said that, pending the arrival of the Shapiro '85 Committee's refund documentation, the Commissioners would be voting to certify the remaining balance for the Shapiro '85 Committee's third submission in the amount of \$31,300, which had been completely reviewed by the public financing staff. In addition, Mr. Nichols recommended certification of 85% of the fourth Shapiro '85 Committee's application, an amount of \$85,000.

The certification figure was derived as follows:

Submitted	\$ 50,000.00
Match Percentage	<u>x .85</u>
85% Matchable Amount	\$ 42,500.00
Match Rate	<u>x 2</u>
Prereview Amount for Certification	\$ 85,000.00
Reviewed Balance for Third Submission	<u>+\$ 31,300.00</u>
Total Amount to be Certified 10/16/85	<u>\$116,300.00</u>

At this point the Shapiro campaign delivered the excessive contributor refund documentation, making the previously discussed issue moot.

On a motion by Commissioner Proctor, seconded by Commissioner McNany and a vote of 4-0, the Commission voted to approve the certification of \$116,300.00 in public matching funds to the Shapiro '85 Committee.

4. Executive Director's Report

- 1) Executive Director Herrmann reported that he was unable to find out how much the telephone conference call meetings cost. He said that AT&T was not able to give the Commission that information, and the Commission would have to wait until a bill is received. Mr. Herrmann said that a regular meeting in Trenton costs \$1,218.62. The three meetings conducted by telephone to date (9/11/85, 9/24/85, and 10/9/85) would have cost \$3,655.68 if they had been regular meetings. Mr. Herrmann said that although he does not know the cost of the telephone meeting, he is sure that it will constitute a considerable savings to the

Commission. He said that when the bill does arrive he will let the Commission know the amount. The Commissioners agreed that they should not be paid their per diem amount for participating in the telephone conference meetings.

- 2) Mr. Herrmann reported that the 29-day filing night went extremely well under Director of Compliance and Information Evelyn Green's direction. Ms. Green set up new procedures for campaign report copy requests and the turnaround time has been greatly enhanced. Chairman Axtell asked about the charge for these requests. Mr. Herrmann said that the Commission's policy has always been that State agencies do not have to pay for copies of reports. On the other hand, Mr. Herrmann replied that the Commission charges for requests made for political purposes.
- 3) Mr. Herrmann said that he has been invited to attend the League of Municipalities Conference on Thursday, November 21, 1985, in Atlantic City. He will attend and will be representing the Commission at an information table.
- 4) Mr. Herrmann reviewed the future Commission meetings in October and November:

October 22, 1985	-	telephone meeting
October 30, 1985 (10:30 a.m.)		Montclair
November 13, 1985	-	Trenton
November 26, 1985	-	Trenton

Vice Chairman Waugh said that he will be out of town and therefore unable to attend the November 13, 1985 meeting, but can be reached by telephone if he knows in advance of the meeting time. He will be leaving on Sunday, November 10, 1985 for a meeting of the National Bar Association. Mr. Herrmann said that he will have the agenda materials sent to Vice Chairman Waugh before he leaves.

5. Advisory Opinion Request 17-1985

Executive Director Herrmann reported that Advisory Opinion Request 17-1985 has been withdrawn by Assemblyman Robert Franks (22nd District) who will be submitting a letter withdrawing the request. Mr. Franks had asked the Commission to consider whether the expense of certain campaign literature paid for by the campaign might result in any allocation to the campaign of Governor Kean.

6. Executive Session

On a motion by Vice Chairman Waugh, seconded by Commissioner Proctor and a vote of 4-0, the Commission voted to go into executive session.

7. Adjournment

On a motion by Vice Chairman Waugh, seconded by Commissioner McNany and a vote of 4-0, the Commission voted to adjourn at 11:00 a.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "F. M. Herrmann", written in black ink on a light-colored background.

FREDERICK M. HERRMANN
Executive Director