



State of New Jersey

**ELECTION LAW ENFORCEMENT COMMISSION**

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PUBLIC SESSION MINUTES

MARCH 23, 1993

Chairman McNany, Commissioner Linett, senior staff, and Director of Public Financing Nedda Massar were present. Counsel Farrell was absent.

Chairman McNany called the meeting to order and announced that pursuant to the "Open Public Meetings Act," N.J.S.A. 10:4-6 et seq., special notice of the meeting of the Commission had been filed with the Secretary of State's Office and distributed to the entire State House Press Corps.

The meeting convened at 9:40 a.m. at the Branchburg Municipal Office, Branchburg.

1. Approval of Public Financing Funds

Public Financing Director Nedda Massar reviewed an application for public matching funds received from gubernatorial candidate Cary Edwards. Director Massar distributed copies of a computer analysis of Candidate Edwards' first submission which indicated that Candidate Edwards submitted \$302,993 for match and of this amount \$38,210 was found to be ineligible at this time. Thus, \$264,783 was found to be acceptable for match, which exceeded the \$177,000 threshold, therefore qualifying the campaign of gubernatorial candidate Edwards for matching funds. Director Massar recommended, therefore, that the Commission certify \$411,566 in public matching funds. This figure was arrived at by subtracting the first \$59,000, which is not matchable under the statute, from \$264,783 and multiplying the resulting figure of \$205,783 by two, which is the number of public dollars distributed for every one qualified dollar. Director Massar also reported that Mr. Edwards had submitted a signed agreement to participate in 1993 primary election debates and had demonstrated that \$177,000 had been spent or irrevocably committed on the 1993 primary election campaign.

On a motion by Commissioner Bedford, seconded by Commissioner Linett and passed by a vote of 3-0, the Commission approved the certification of \$411,566 in public funds to the gubernatorial campaign of Cary Edwards.

2. Advisory Opinion No. 04-1993

A court stenographer was present to record the statements of interested parties and Commission discussion in connection with this request. A transcript of the proceedings will be made available to the public.

The advisory opinion request was submitted by Stephen J. Edelstein, Esq., special counsel to the New Jersey Democratic State Committee (DSC). Mr. Edelstein asked the Commission to advise the DSC concerning the effect of expenditures by the New Jersey Republican State Committee (RSC) for a media campaign during the 1993 primary election on the general election contribution and expenditures limits of the Republican nominee; see Advisory Opinion No. 02-1993. Specifically, Mr. Edelstein asked whether expenditures made by the RSC ostensibly for an anti-Florino ad campaign during the primary could be allocable against the general election limits of the eventual winner of the Republican nomination. He said that the general election candidate would benefit from the ad campaign not a primary candidate.

On a motion by Commissioner Bedford, seconded by Commissioner Linett and passed by a vote of 3-0, the Commission held that provided the Republican State Committee makes a truly independent expenditure, not coordinated with any gubernatorial campaign, there is no allocability required for either primary or general election Republican candidates.

Chairman McNany commented that despite the confirmation of a new Commissioner, there remains a Republican vacancy on the Commission. He said that William H. Eldridge was confirmed as a replacement for Judge Stanley G. Bedford but that the position that has been vacant for the past two years remains vacant. He said that he hopes the process will move forward so that a full complement of members will be present on the Commission during this important election year.

Commissioner Linett said that he wanted to comment on the fair and constructive manner by which Commissioner Bedford had conducted himself during his terms on the Commission. He said that he will miss Commissioner Bedford and that he would like to be on the record that, in his opinion, New Jersey has benefitted from his efforts.

Chairman McNany also commended Commissioner Bedford for his work on the Commission.

Commissioner Bedford said that it is with sadness that he leaves the Commission but that it has been a great pleasure being associated with the members of the Commission and its fine staff. He commented that the fine staff work has made his job easier.

3. Adjournment

On a motion by Commissioner Linett, seconded by Chairman McNany and passed by a vote of 3-0, the Commission voted to adjourn at 10:50 a.m.

Respectfully submitted,



FREDERICK M. HERRMANN, PH.D.

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