

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

MINUTES

April 1, 1976

PRESENT

ABSENT

Frank P. Reiche, Chairman
*Sidney Goldmann, Vice-Chairman
Josephine S. Margetts, Member
Archibald Alexander, Member
Herbert Alexander, Consultant
Edward J. Farrell, Legal Counsel
Lewis B. Thurston, III, Executive Director

NONE

*(Judge Goldmann attended from approximately
12:30 to 1:40 p.m., Items 6 to 8)

The meeting convened at 10:30 a.m.

Pursuant to the Open Public Meetings Law, P.L. 1975, c.231, Annual Notice of the meetings of the Commission was filed with the Secretary of State's Office, copies posted in the State House Annex, copies were mailed to the Newark Star Ledger and the Philadelphia Bulletin and the entire State House Press Corps.

- 1) Minutes of the March 18, 1976 meeting were approved as amended.
- 2) Democratic Committee of Bergen County vs. NCPAC (C-315-75)
Pursuant to C 10:4-12b(7) of the Open Meetings Law, the Commission resolved to go into executive session to discuss the disposition of this matter. The time when the circumstances under which the matter to be discussed generally will be made public will be at or before the close of the Commission's consideration of the matter, except to the extent that further enforcement procedures, if any, may preclude such disclosure.

The discussion largely involved the adequacy of information available from NCPAC and NCPAC-NJ at the Federal and State levels. Dr. Alexander indicated he would provide certain information available from the Federal Elections Commission. Mr. Thurston was requested to prepare a list of unresolved issues in this matter and to obtain certain information from the N.J. Secretary of State's Office. It was anticipated that the matter will be continued on the Agenda for the next Commission meeting.

- 3) N.J. Harris for President Committee (0-38-75)
The Commission reconvened in public session. On a motion by Mr. Alexander, seconded by Mrs. Margetts, the Commission approved an amended draft of an advisory opinion (see copy attached). Vote 4-0. The Commission directed Mr. Farrell to forward the opinion to Mr. Askin of the Harris for President Committee.

- 4) Delegates to National Presidential Nominating Conventions
A lengthy discussion ensued regarding the provisions of the N.J. Campaign Contributions and Expenditures Reporting Act regarding such delegates, the activities of the Federal Election Commission on the subject, the desirability and feasibility of requiring such delegates to report their activity and some of the administrative difficulties involved. Dr. Alexander was asked to obtain information about their activity. The Commission's initial policy on the matter is contained in the advisory opinion in N.J. Harris for President Committee (0-38-75).
- 5) Commission vs. Carl Madsen (C-23-75)
Pursuant to C 10:4-12B(7) of the Open Meetings Law, the Commission resolved to go into executive session to discuss the disposition of this matter. The time when the circumstances under which the matter to be discussed generally will be made public will be at the close of the Commission's consideration of the matter, except to the extent that further enforcement procedures, if any, may preclude such disclosure. Mr. Thurston, who has disqualified himself from participation in this matter, excused himself from the meeting.

The issues involved in this matter, including the hearing officer's report and the exceptions submitted thereto by the respondent were discussed at length.

The Commission reconvened in public session.

On motion by Chairman Reiche, seconded by Vice-Chairman Goldman, the Commission moved that the matter be remanded to the Hearing Officer, Mr. Donald Heeb, for the taking of further testimony on the issue of willfulness or lack of willfulness on the part of Mr. Madsen, and that testimony include that of Mr. John Ewing and the secretary of Mr. Ewing and any other person who may have knowledge with respect to the preparation and submission of the reports of the Somerset Republican Golf Classic 1973-74; and any other person having knowledge of the inter-relationship between the Golf Classic Committee and the other Somerset County Republican organizations to the extent that this inter-relationship may bear on the issue of willfulness on the part of Mr. Madsen. Vote 4-0. The Commission directed Mr. Farrell to inform the parties of the Commission's action.

- 6) Guidelines and Policy regarding Discovery Requests
It was agreed that requests by a hearing officer, trial counsel or respondent's attorney for depositions need the prior approval of the Commission or its designee. In general, requests to take depositions of the Commission's investigators, except in extraordinary circumstances, will be denied.

The factual information contained in investigator's reports routinely will be provided upon request of respondent or his attorney, trial counsel or hearing officer in connection with a hearing on the matter at issue. The analysis, conclusions and recommendations contained in investigator's reports will not be available.

- 7) ELEC Budget for Legal & Investigative
Mr. Thurston reported on the options available to change the method of compensation of the Counsel of the Commission. The Commission authorized Chairman Reiche, Mr. Thurston and Mr. Farrell to pursue the matter further, including submitting draft contract proposals to Treasury Department officials for their reaction and comment. Mr. Thurston informed the Commission that any such contract would have to be submitted to the appropriate Treasury Department officials by April 23, 1976 to be approved for fiscal year 1975-76.
- 8) Other Agenda Items
All other items on the Commission Agenda for April 1, 1976 were deferred.

The meeting was adjourned at 1:40 p.m.

Respectfully submitted,

Frank P. Reiche

FRANK P. REICHE
Chairman