

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

MINUTES

May 6, 1976

PRESENT

ABSENT

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

None

*Mrs. Margetts was present from 11:30 a.m. until 3:45 p.m.

The meeting convened at 10:20 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. Consideration of the Minutes of the April 15, 1976 meeting were deferred until May 20.

2. ELEC Meeting Schedule

The June 17, 1976 Commission meeting was re-scheduled to June 24, 1976. Appropriate notices will be sent to comply with the Open Meetings Law. It was also agreed to have no more than one meeting in August. The Chairman requested that members review their vacation schedules so a determination can be made as to whether scheduled ELEC meetings may have to be re-scheduled.

3. Extension of First 1976 Primary Election Filing Deadline

The Executive Director indicated that the staff was having the same difficulties as in 1975 in getting mailings of forms and instructions to candidates due to not receiving candidates name quickly because of the short time between the statutory April 29 filing deadline for candidate petitions and the statutory May 14 deadline for the first filing under our Act. Because of this and the desire to be fair to the candidates, the Commission voted to grant an extension for the first filing date only from May 14 to May 21. (Motion by Vice-Chairman Goldmann, seconded by Commissioner Alexander, Vote 3-0, Mrs. Margetts absent).

4. Investigations

The Commission voted to go into executive session to discuss matters relating to current investigations. This was done pursuant to C.10:4-12(6) of the Open Meetings Law.

5. ELEC vs. Ralph DeRose

The Commission returned to public session.

Mr. Farrell reported that the trial counsel, Donald Heeb, indicated a desire to take a deposition of Mr. DeRose. The Commission decided not to authorize the taking of such deposition in this case and indicated the normal procedure is not to take depositions in these matters (Motion by Commissioner Alexander, seconded by Vice-Chairman Goldman; vote 4-0).

6. Bergen County Democratic Committee vs. NCPAC (C-315-75)

Pursuant to C.10:4-12(9) of the Open Meetings Law, the Commission went into executive session. Extensive discussion re the disposition of the allegations involved ensued. At the conclusion of the discussion the Commission returned to public session and thereafter voted the following determinations:

- a. ELEC deems that in the circumstances of this case, NCPAC-New Jersey's 15 day post-election report represents satisfactory compliance with the requirement of filing such report by NCPAC regarding their involvement in the 1975 New Jersey General Election during that period. That report is deemed a final report for NCPAC, thus eliminating the need for 60 day reports.
- b. Consistent with the Commission's treatment of similar prior cases, for purposes of the period covered by the 15 day post-election report, NCPAC is considered only as a contributor to NCPAC-New Jersey and not a political committee participating in the New Jersey election as such. NCPAC-New Jersey is considered such a political committee for that period.
- c. Neither NCPAC nor NCPAC-New Jersey is required to file annual reports as either political party committees or political information organizations.
- d. The Executive Director of the Commission was directed to write NCPAC again requesting the aggregate of contributions to NCPAC of \$100 or less for the period from June 4, 1975 through October 27, 1975. This information was omitted from the two pre-election reports filed with ELEC by NCPAC. No response to the previous Executive Director's letter of November 17, 1975 asking for this information has been received.
- e. The Executive Director was directed to write NCPAC requesting an explanation as to certain apparent discrepancies between what NCPAC filed with the Commission and with the Federal Election Commission (FEC) for the period June 4, 1976 through October 27, 1975. It

appears that 6 contributions to NCPAC totaling \$3,650 may have been reported to the FEC but not to ELEC, and 8 other contributions similarly reported totaling \$1,369 need to be further identified as to date to determine whether they should have been reported to ELEC.

- f. The Executive Director was directed to write to NCPAC-New Jersey and 1975 9th District Republican Assembly candidate Franklin Fischer and James Havey in regard to the disposition and reporting of a contribution of \$200 from NCPAC-New Jersey to "Fisher-Havey for Assembly" which was reported on NCPAC-New Jersey's 15 day post-election report.
- g. The Executive Director was directed to write to NCPAC and NCPAC-New Jersey to determine why the refund to NCPAC of a \$200 contribution to 1975 Republican 15th District Assembly candidate Donald Albanese, shown on Mr. Albanese's 7 day pre-election report as of October 27, 1975, was not reported to ELEC by NCPAC or NCPAC-New Jersey.
- h. The Executive Director was directed to write to NCPAC to determine why a \$200.84 contribution from NCPAC to Republican 16th District Assembly candidate Peter O'Neill in the 1975 Primary Election, which he reported as received by him on June 12, 1975, was not reported by NCPAC to ELEC. ELEC had requested that NCPAC disclose all contributions in excess of \$100 for the period June 4, 1975 through October 27, 1975.

All determinations, with the exception of a and b, were made by unanimous vote (4-0) of the Commission. Determinations a and b were made by 3-1 votes, with Commissioner Alexander dissenting.

7. Amendments to N.J. Campaign Contributions & Expenditures Reporting Act

The Executive Director indicated that the Bill which includes most of ELEC's suggestions, A706, needs amendment. The Commission reviewed the Bill in detail and agreed upon the following (to be submitted to Assemblyman Burstein, the Bill's sponsor, by letter from the Executive Director after consultation with Mr. Burstein):

1. The changes re the definitions of "political information organizations" and "political committee" and those re the penalty sections (21 & 22) suggested by ELEC in David Norcross' letter of January 23, 1976 to Assemblyman Burstein should be included in the amendments.
2. The number of days which the Commission has to render an advisory opinion should be changed from 10 to 21 (Section 6(b) of the Act).

3. The Executive Director should review the alternatives re changes in the expenditure limitation (Section 7) with Assemblyman Burstein.
4. If Section 7 is deleted, then the requirement that the county clerks supply ELEC with the number of registered voters re presidential elections (Section 2, page 7 lines 88-90) should be deleted.
5. The Executive Director should discuss with Assemblyman Burstein the desirability of deleting from the Bill the requirement that political committees file annual reports and the possibility of requiring "continuing political committees" to file annual reports.

The time period by which contributions of \$1000 or more within the last 10 days prior to an election need be reported in writing to ELEC should be extended from 24 to 48 hours (Section 10, page 15, line 41 of the Bill).

8. ELEC Annual Report for 1975

Mr. Thurston requested suggestions regarding the form of content of this report. Various suggestions were made and noted.

9. Adjournment - 4:45 p.m.

Respectfully submitted,

Lewis B. Thurston, III

LEWIS B. THURSTON, III
Executive Director