

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

MINUTES - SEPTEMBER 16, 1976 MEETING

PRESENT

ABSENT

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

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, as amended, was filed with the Secretary of State's office, copies were posted in the State House Annex and copies were mailed to the Newark Star Ledger and the Philadelphia Bulletin and the entire State House Press Corps.

1. Approval of Minutes - the minutes of the public and executive sessions of the meetings of June 24, July 1, and August 13 were approved as amended.
2. ELEC meeting schedule - The Commission agreed to cancel its meeting scheduled for October 20th and reschedule that meeting for October 22. Additionally, it was agreed to hold open October 12 as the day for a possible additional meeting for the month.
3. Filing requirements of delegates and alternates to Presidential nominating conventions. - The opinion of the New Jersey Attorney General and the policy statement from the Federal Election Commission in regard to the question of possible preemption of the N. J. Statute by the Federal Election Campaign Act in regard to delegates and alternates reporting requirements were discussed. The Commission agreed to accept the conclusions of the Attorney General's opinion and the policy statement of the Federal Election Commission that the N. J. Statute is preempted by the Federal Election Campaign Act in this regard. The Commission directed the Executive Director to communicate this acceptance to the approximately 250 delegate and alternate candidates who have not yet filed with the N. J. Election Law Enforcement Commission and to other appropriate persons. The Commission, nevertheless, expressed its concern that adequate information, readily and timely available, regarding the financing of campaigns for candidates for delegate and alternate be available in New Jersey in accordance with the provision of the Federal statute. The Commission will communicate this concern directly to the Federal Election Commission.

4. Advisory Opinion Request 0-33-76 (Senator Wallwork)  
The counsel's draft opinion was discussed at length. A number of language changes were suggested by members of the Commission and adopted. The Commission approved the amended draft and directed that it be communicated to Senator Wallwork immediately. It was agreed to thank the 5 individuals whose names were mentioned in newspaper accounts of Democratic and Republican Convention activities as holding various parties or receptions for responding to the Commission inquiry and providing information about these affairs. It was further agreed to send a copy of the Advisory Opinion No. 0-33-76 (Senator Wallwork) to each of these 5 persons with the indication that this Advisory Opinion was limited to the specific questions posed by Senator Wallwork. The 5 individuals involved are Senators Raymond Bateman, Barry Parker and Frank Dodd, Assemblyman Frank McDermott and Mayor Paul Jordan of Jersey City. It was further agreed that Senator Bateman be informed that his joint sponsorship of the party at the Convention in Kansas City did not force him to become a candidate. This was in response to his specific written question.
5. Advisory Opinion Request from Rodman E. Harris (0-35-76)  
Counsel's draft opinion was discussed and amended and subsequently adopted by the Commission. The Commission's conclusion was that on the facts set forth in Mr. Harris' letter, the transfer of funds by the various business entities would constitute a political contribution by them.
6. Advisory Opinion Request of Joyce L. McDade (0-25-76)  
The Commission received the counsel's draft of the opinion and made several changes. The Commission then adopted the opinion which concludes that the payment of a Primary Election obligation of candidates by the county political party committee in this case would appear to be prohibited.
7. Advisory Opinion Request of Charles J. Petrics (0-23-76)  
This opinion request concerned the question of county political party committee contributions relating to the Primary Election in circumstances in which the proposed contribution was to be made about the date of the Primary Election. The Commission concluded, as in 0-25-76, that the contribution would appear to be prohibited.
8. Advisory Opinion Request from Nathan McClure (0-29-76)  
The Commission discussed counsel's draft of an opinion, made a number of changes and adopted the opinion, as changed. Among other things, the opinion contained the conclusion that on the facts of this case, the aggregate amount contributed by partners from partnership funds would count toward the reporting obligations of the partnership under the N. J. Campaign Contributions and Expenditures Reporting Act.
9. ELEC budget for fiscal year 1977-78  
An extensive discussion ensued about the policy questions involved in formulating the agency's budget request for 1977-78. Among the subjects discussed were new positions, additional funds for a microfilm unit, salaries, travel,

furniture and equipment, printing, data processing and the anticipated expenditures for the public financing of the gubernatorial election beginning in 1977. Mr. Thurston reported on a staff meeting concerning the policy and administrative questions involved in public financing as they pertain to the 1977-78 budget. Because of the newness and difficulty of the questions involved in administering the public financing law in 1977, it was agreed that Messrs. Reiche, Farrell, Thurston and Herbert Alexander, and possibly Archibald Alexander, will get together to discuss the subject. It is anticipated that this meeting will assist the Commission in better estimating what is needed in the fiscal year 1977-78 budget to administer the public financing law. In general, it was agreed that the Commission meeting on September 23 would be devoted largely to this budget question so that a budget for submission to the Division of Budget and Accounting by October 1 could be agreed upon at that time.

9. Evaluation of the N. J. Election Law Enforcement Commission  
Chairman Reiche indicated that he believed that a formal evaluation by persons outside of those directly connected with ELEC would be desirable to assist the Commission in evaluating its functions, operation, the law it administers and the future direction of the agency. Dr. Herbert Alexander indicated that he believed this was a good idea and suggested several university people, among others, who might be appropriate to undertake such a study. He indicated that he felt such a step could be undertaken for a maximum expenditure of approximately \$5,000. The Commission briefly discussed the matter and agreed to discuss it in more detail in the immediate future.
  
10. Commission vs. Carmen Orechio - C-12-76  
Commission vs. Anthony Imperiale - C-11-76  
Commission vs. Charles J. O'Dowd - C-13-76  
The Executive Director reported that Michael Willner, who was designated previously by the Commission as the presenting attorney in these matters, indicated that he would not be available for some time. Mr. Thurston suggested that Richard Conley be substituted for Mr. Willner in the Imperiale and O'Dowd matters and the Commission agreed to so designate Mr. Conley.
  
11. Adjournment - The Commission adjourned at 4:30 p.m.

Respectfully submitted



LEWIS B. THURSTON, III  
Executive Director