

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

MINUTES - SEPTEMBER 23, 1976 Meeting

Present

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

Absent

NONE

*Commissioner Margetts attended until 1:45 p.m.

The meeting convened at 10:15 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, copies were mailed to the Newark Star Ledger and the Philadelphia Bulletin and the entire State House Press Corps.

1. Advisory Opinions

Counsel's drafts of the following opinions, as amended, were approved by votes of 4-0:

- 0-16-76 (Robert R. Olson, Treas. Montclair 1976 United Election Committee)
- 0-17-76 (Helen R. McDonald, Hamilton Township Committeeperson)
- 0-19-76 (Robert Alan Kelly, on behalf of B.E.S.T., of Summit)
- 0-20-76 (Stephen J. Wilhelm, Treasurer, Warren County Republican Committee) - regarding records of contributors to low-priced fund-raising affairs.
- 0-26-76 (Anthony L. Hodges, Attorney, Continental Oil Co., Houston, Texas) - it was agreed that additional information be provided after the review of the public financing law re \$600 contribution limits was completed.
- 0-27-76 (Richard J. Connors, Avon-by-the-Sea) - regarding use of surplus campaign funds.
- 0-30-76 (Deborah D. Vereen, re Eric Tumstall Booster Club)
- 0-31-76 (Clarence E. Peterson, Campaign Treasurer, Bound Brook Republicans 1976)
- 0-32-76 (Katherine A. Brock, Woman's Political Caucus of N. J.)
- 0-34-76 (Assemblyman Peter Shapiro, 28th district, re starting a district office fund.)

It was agreed that a copy of opinion number 16 be forwarded to the Attorney General's office for their information.

Opinion request 0-21-76 (Assemblyman C. Louis Bassano re questionnaire to constituents) - the counsel's draft of this opinion (as amended) was approved by a vote of 3-1. Chairman Reiche opposed on the basis that he wanted to review a copy of the questionnaire prior to issuing the opinion.

The Commission deferred rendering an advisory opinion re request 0-28-76 (Arthur Buehrer, Treasurer, Sussex County Democratic Committee - regarding journal for golf outing) until a copy of the journal can be obtained and reviewed. The counsel was requested to obtain a copy of said journal.

2. ELEC Meeting Schedule

The Commission decided that it would meet on October 12 as a third meeting in that month. The date had previously been held on a tentative basis.

3. Commission vs. Sandman for Governor Finance Committee and Robert Kindle (C-28-74)

Pursuant to C.10:4-12 of the Open Meetings Law, the Commission went into executive session to discuss this matter. At the conclusion of the discussion the Commission returned to public session. Because of questions regarding proper service on the Committee, the Commission agreed to file an amended complaint against the Committee, Robert Kindle as former treasurer thereof, and Charles Sandman, the candidate, and to remand the matter to the hearing officer for whatever additional testimony may be required. Vote 3-0 (Commissioner Alexander abstained from participation because of his participation in the gubernatorial election campaign on behalf of another candidate)

4. ELEC Budget for Fiscal Year 1977-78

An extensive and detailed discussion regarding this subject ensued. The Executive Director presented suggestions by the staff for each of the categories of the Commission's budget for the fiscal year beginning July 1, 1977. The major part of the discussions included the administration of the public financing for the 1977 gubernatorial election and the difficulty in attempting to estimate the cost thereof.

Regarding the administration of the public financing of that election, the Commission agreed that it would be necessary and desirable to have a high-level person to coordinate the activities in regard thereto at a relatively high salary level (up to \$25,000 per year). It was suggested that the most appropriate way to provide for such a person on the staff would be to fill a second confidential agent position for the agency. It was further agreed that it was vital to start someone in such a position as soon as possible and to find means of utilizing existing funds for that purpose. It was also agreed that a secretary for such person and funds therefor would be needed at the same time. An additional full-time investigator, as well as at least 4 part-time statistical people, appear to be needed for the project. A general consultant and

consultant on accounting aspects of the project also appear to be needed. The Commission asked Dr. Herbert Alexander, consultant to the Commission, if he could serve in the capacity of general consultant for this purpose. Dr. Alexander indicated he could and the Commission agreed that this would be very desirable. Additional data processing costs are anticipated for public financing and it was agreed that they should be included in the budget estimates. In general it was agreed that it would be most desirable if those expenditures necessary to be expended in fiscal year 1976-77 be funded out of the \$786,668 appropriated for public financing in the line item in the '76-'77 budget. It was further agreed that the executive director and the consultant, Herbert Alexander, should meet with the State treasurer as soon as possible to discuss primarily the budgetary aspects of public financing.

The staff recommendations totaled approximately \$411,000 for the operating portion of the Commission's budget. After a thorough review, the Commission agreed to increase the total operating amount recommended by the staff by approximately \$48,000.

The Commission's increases over the staff suggestions were in the following categories:

Salary (120) Increase of approximately \$33,000 to provide for a confidential agent and secretary thereto and a contingent 5% increase for the assistant election finance analyst.

Printing and Office (210) A \$1,000 increase in this item.

Telephone (302) A \$500 increase in this item.

Other Professional (389) A \$10,000 increase in this item to provide a \$7,000 increase in the amount suggested for legal consultant and a \$3,000 increase for general consultant.

Office Equipment (710) An increase of approximately \$3,000 to fund the additional cost of furniture and equipment for the assistant election finance analyst, confidential agent and 2 secretaries and to replace part of the carpet in the reception area of the office, was added.

After further discussion Chairman Reiche moved and Commissioner Alexander seconded that the budget submitted by the staff, as amended by the Commission, be approved. The motion was approved by a vote of 309 (Commissioner Margetts not present). As part of the motion it was agreed that the Chairman be authorized to make adjustments of up to \$10,000 in the totals necessitated by staff preparation of the final documents. If the adjustments exceed that amount, approval of the full Commission would be required. It was indicated by the executive director that the budget would be submitted by October 1 to the Division of Budget and Accounting as required.

5. Dawes and Cohen vs. Salkind (C-313-75)

Pursuant to C.10:4-12 of the Open Meetings Law, the Commission went into executive session to discuss this matter. At the conclusion of the discussion, the Commission returned to public session. On a motion by Chairman Reiche, seconded by Vice-Chairman Goldmann and approved by a vote of 3-0 (Commissioner Margetts not present), the Commission found the respondent, Morton Salkind, guilty of a negligent violation of section 16 of the Act for failing to report the contribution of the document in question on the 25-day pre-election report in the 1975 Assembly General Election and fined him \$100 for said violation. Commission found the document in question to be political. A copy of the Commission determination is attached.

6. Adjournment - The meeting was adjourned at 5:15 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director