

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

MINUTES -- October 7, 1976 Meeting

Present

Absent

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

The meeting convened at 10:00 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. Approval of Minutes of Commission meetings - The Commission approved the public and executive minutes for the July 15 and September 23, 1976 meetings. It was agreed to defer approval of the minutes of the September 16, 1976 meeting until the description of advisory opinion 0-23-76 in the draft minutes can be modified.

2. Advisory Opinions

The following advisory opinions were approved:

- 0-22-76 - (Francis Gana)
- 0-24-76 - (Congressman Edward Patten)
- 0-28-76 - (Arthur Buehrer)
- 0-36-76 - (William Singer)

3. Commission vs. Charles Gilroy - C-02-76

The Commission adopted counsel's draft of the order in this case with some changes by a vote of 3-0 on a motion by Chairman Reiche, seconded by Vice-Chairman Goldmann. Commissioner Margetts abstained because she did not participate in the original decision. It was agreed to send a copy of the order, along with an appropriate covering letter, to Robert V. Paschon, Mr. Gilroy's attorney. In a letter addressed to the executive director dated August 19, 1976, Mr. Paschon raised some questions about the exact nature of the violation by Mr. Gilroy, among other things, and asked for reconsideration of the matter by the Commission. On a motion by Commissioner Alexander, seconded by Chairman Reiche, the Commission voted not to reconsider the Gilroy case. The vote was 3-0 with Mrs. Margetts abstaining because she did not participate in the original decision. The form of the covering letter to Mr. Paschon was considered by the Commission and it was agreed that such a letter, with the order attached, should be directed to him by counsel.

4. Form of Commission Determination

After discussion of the appropriate means and form of communicating the Commission's determination in each case, it was agreed that a form be devised for communicating the essence of the Commission determination, that the regular procedure hereafter would be to complete this form immediately after the Commission's determination and make the information contained therein public after a reasonable effort had been made to contact the respondents and convey the essence of the decision to them over the telephone. This was approved on a motion by Chairman Reiche, seconded by Commissioner Alexander and by a vote of 4-0.

5. Report on Various Matters by the Executive Director

A. E.L.E.C. Budget - The Executive Director reported on a meeting that he and consultant Herbert Alexander had on September 28 with the State Treasurer and Director of the Division of Budget & Accounting in the State Treasurer's office. The purpose of the meeting, which was initiated by the Executive Director, was to review the necessary administrative cost for the public financing of the 1977 gubernatorial general election which will be incurred in fiscal year 1976-77. The Executive Director and Mr. Herbert Alexander reported that they presented an outline of the necessary staff and costs to be incurred for this purpose. The Treasurer and the Budget Director indicated their general approval for transferring from the 500 account (public financing) to the other Commission accounts the necessary sums to provide for the administration of the program in fiscal year 1976-77 in accordance with the plan suggested by the Commission.

B. N.J.E.A. Fund - The Executive Director indicated that he had sent the letter attached herewith to Robert J. Braun of the Newark Star Ledger in regard to an article by Mr. Braun which appeared in the September 19, 1976 edition of that newspaper.

Pursuant to C.10:12-4 of the Open Public Meetings Law, the Commission went into executive session to discuss personnel matters of the Commission and a matter under investigation. At the conclusion of the executive session, the Commission returned to public session.

6. Adjournment - The Commission adjourned the meeting at 4:15 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director