

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

MINUTES - October 11, 1977 Meeting

PRESENT

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

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.

The meeting convened at 9:40 a.m.

1. Certification by Commission of Public Matching Funds for Candidates Bateman and Byrne

The Commission reviewed the staff recommendations and summary of evidence of contributions. Certain contributions evidenced only by signatures and addresses on a yellow pad were rejected as were certain union contributions in the absence of a statement certifying their independence from similar contributions from associated or related unions. Contribution from any local party organization was rejected and indicated that the contribution must be refunded. Other contributions evidenced by checks drawn to a State party committee and a county party committee, which had been matched previously, were rejected upon review and refunding indicated. The public financing totals will be reflected to adjust this figure.

On a motion by Vice-Chairman Goldman, seconded by Chairman Reiche, the Commission voted 4-0 to provide \$85,580.38 to Governor Byrne in public matching funds. Commissioner Alexander indicated that he would have preferred administratively approving checks made out to the State committee of a political party if proper documentation is made of the intent on the part of the contributor to contribute to the gubernatorial candidate.

On a motion by Commissioner Alexander, seconded by Commissioner Margetts, the Commission voted 4-0 to approve \$65,332 in public matching funds to Senator Bateman. Commissioner Alexander indicated he would have preferred administratively approving checks made out to the State party committees if proper documentation is made of the intent to contribute by the contributor to the gubernatorial candidate.

2. Byrne for Governor vs. Republican State Committee, C-13-77

Pursuant to the Open Public Meetings Law, P. L. 1975, c.231, the Commission went into executive session to discuss a determination of this matter. This was done on a motion by Chairman Reiche, seconded by Commissioner Alexander, and a vote of 4-0. At the conclusion of the discussion, the Commission returned to public session. On a motion by Vice-Chairman Goldmann, seconded by Commissioner Margetts, the Commission voted 3-0 to deny the motion of the complainant for injunctive relief.

On a motion by Commissioner Alexander, seconded by Vice-Chairman Goldmann, the Commission agreed to postpone action on the hearing officer's report in this matter until such time as additional information to be requested by the Commission is received. The vote was 3-0.

The Commission agreed to meet on Friday, October 21, 1977 at 11:00 a.m. as an additional meeting.

It was agreed that among the information to be provided by Bateman-Governor/77 and the Republican State Committee and its sub-entities, would be tapes of certain television advertising authorized by the Republican State Committee. These are to be made available for reviewing by the Commission at its meeting on October 17. The Commission also will review the 25-day reports of the various entities which are due to be filed with the Commission on October 14. It was further agreed that Messrs. Weinroth and Raymar be alerted to possibly be available on October 17 at the Commission meeting.

3. Advisory Opinion Request 0-43-77, Robert Raymar for Byrne for Governor Regarding Allocation of Election Day Expenses ("Street Money")

The Commission rejected the contentions in the advisory opinion request that expenditures of this nature should be considered as independent expenditures. The Commission further discussed the advisory opinion request and directed counsel to forward the advisory opinion to the Byrne for Governor Committee in accordance with the Commission's conclusions.

4. Investigation of Complaint Against Thomas F. S. Smith in 1977 Mayoralty Election in Jersey City

The Commission reviewed an order in this matter prepared by counsel and, on a motion by Commissioner Alexander, seconded by Vice-Chairman Goldmann, the Commission voted 3-0 to dismiss the complaint in this matter and to issue the order so stating.

5. Current Investigation

Pursuant to the Open Public Meetings Law, P. L. 1975, c.231, the Commission went into executive session to discuss a matter relating to a municipal election in 1977 currently under investigation. Upon the conclusion of the discussion, the Commission remained in executive session to discuss another matter of investigation relating to the 1977 Legislative election. At the conclusion of the discussion, the Commission returned to public session.

6. Adjournment

The Commission adjourned the meeting at 4:45 p.m.

Respectfully submitted,

LEWIS B. THURSTON, III  
Executive Director