

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

February 1, 1978 Meeting

PRESENT

Frank P. Reiche, Chairman
Sidney Goldmann, Vice-Chairman
Archibald S. Alexander, Member
Lewis B. Thurston, III, Executive Director
Edward J. Farrell, Legal Counsel
*Neil Upmeyer, Director of Public Financing
Lisa Pollak, Associate to Mr. Farrell

ABSENT

Josephine S. Margetts, Member
Herbert Alexander, Consultant

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 10:15 a.m.

*Attended until 2:00 p.m.

1. Annual Report Requirements of Political Information Organizations

The Commission discussed this subject in anticipation of enforcing this provision of the Act in view of the recent Appellate Division opinion in the case of New Jersey Chamber of Commerce, et al vs. E.L.E.C. Among the topics discussed were the scope of the Act as applied to corporations, labor unions, trade associations and persons who are legislative agents for various different clients. Also discussed were the kinds of receipts and disbursements that might have to be reported, the criteria for qualifying as a political information organization by providing information about candidates, and the kinds of allocations of salaries which would be appropriate to be reported. It was generally agreed that counsel and the executive director would review the regulations and advisory opinions in effect for the general subject of annual reports for political information organizations in order to develop instructions and guidelines for the filing of any reports by political information organizations.

2. Revised Enforcement - Compliance Procedures

The Commission discussed suggested changes in its procedures in dealing with routine non-filing and late-filing cases which had been prepared by the staff and generally agreed on the proposals submitted with some modification. The staff was directed to prepare the appropriate information to be utilized in implementing the program and to begin implementation of it for cases involving

elections in 1977. The aim of the changes is to expedite the treatment of routine late filing cases and particularly involving those where Sworn Statements are filed, by changing the content of Commission communications, reducing the number of hearings necessary and standardizing penalties.

3. Approval of Commission Meeting Minutes

The Commission reviewed the public session minutes of the meetings held on January 4 and January 18 and approved them. The Commission also reviewed and approved the minutes of the executive session of the Commission meeting on January 18, 1978. In regard to the January 4 meeting, the minutes were approved on a motion by Chairman Reiche, seconded by Vice-Chairman Goldmann and a vote of 3-0. As to the January 18 minutes, they were approved on a motion by Chairman Reiche, seconded by Vice-Chairman Goldmann, and a vote of 2-0, with Commissioner Alexander abstaining because he was not present for that meeting.

4. Suggested Addition to Research Reports of the Commission for 1977

The executive director suggested that because the 1977 Jersey City Mayoralty election was one of the most hotly-contested in recent years and apparently more money was expended in that campaign than in any other municipal election during the period of the Commission's existence, it might be appropriate to include a statistical report on this election with the other research reports for 1977 previously approved. The Commission discussed this matter briefly and decided to continue the discussion at a future meeting of the Commission.

5. Investigative Matters

Pursuant to C.10:4-12 of the Open Public Meetings Act, the Commission went into executive session on a motion by Chairman Reiche, seconded by Vice-Chairman Goldmann and a vote of 3-0, to discuss matters involving current investigations and litigation (N. J. Chamber of Commerce, et al vs. E.L.E.C. et al). Upon conclusion of the discussions in these matters the Commission returned to public session.

6. Committee to Elect Democrats

On a motion by Vice-Chairman Goldmann, seconded by Chairman Reiche, the Commission voted 3-0 to bring a complaint against the Committee to Elect Democrats & its treasurer, Thomas F. Havey, for failure to timely file 3 campaign reports for the 1976 general election in violation of Section 16 of the Act and for failure to file a Designation of Campaign Treasurer and Depository in a timely manner in violation of Section 10 of the Act. The motion also included the filing of complaints against candidates Myra Elliott, Frank Herbert and Edward Selby for failure to timely report allocated expenditures made on their behalf as 1976 Freeholders candidates in Bergen County by the Committee to Elect Democrats in violation

of Section 16 of the Act.

7. C-03-77, Joseph Messick vs. John Rogge

On a motion by Commissioner Alexander, seconded by Vice-Chairman Goldmann, the Commission voted 3-0 to dismiss the complaint in this matter because the letter in question was not a campaign expenditure which had to be reported under the Act.

8. C-06-77, Steven Pitiak vs. Rodman Kober

On a motion by Vice-Chairman Goldmann, seconded by Chairman Reiche, the Commission voted 3-0 to dismiss the complaint in this matter because the communications in question were not campaign expenditures required to be reported under the Act.

9. 1975 and 1976 Annual Reports of County Political Party Committees

On a motion by Vice-Chairman Goldmann, seconded by Commissioner Alexander, the Commission voted 3-0 to bring complaints for violation of Section 8 of the Act for a non-timely filing of 1975 Annual Reports against the Atlantic County Republican Committee, the Bergen County Democratic Committee and the Gloucester County Democratic Committee.

On a motion by Vice-Chairman Goldmann, seconded by Chairman Reiche, the Commission voted 3-0 to bring complaints for violation of Section 8 of the Act for failure to timely file Annual Reports for 1976 against the following:

Bergen County Democratic Committee
Camden County Democratic Committee
Cape May County Republican Committee
Cape May County Democratic Committee
Cumberland County Republican Committee
Ocean County Democratic Committee
Union County Democratic Committee

10. Adjournment - The Commission adjourned the meeting at 3:40 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director