

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

November 22, 1978 Meeting

PRESENT

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, Esq., General Legal Counsel
Gregory E. Nagy, Esq., Staff Counsel

The Chairman called the meeting to order and announced that 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 posted in the State House Annex, copies mailed to the Newark Star Ledger, the Philadelphia Bulletin and the entire State House Press Corps.

The meeting convened at 10:10 a.m.

1. Administrative Law Office

The executive director reported that Howard Kestin, recently-appointed director of the new State Administrative Law Office, requested an opportunity to meet with the Commission members to discuss the Commission's position that the provisions of that new statute should not apply to the Commission. He indicated that Mr. Kestin originally was scheduled to attend the Commission's November 29 meeting but was unable to attend on November 22 when the Commission date was changed. It was agreed that it would be desirable to meet with Mr. Kestin as soon as possible and the executive director was requested to arrange such a meeting at the earliest possible date that is mutually convenient.

2. Report by Executive Director

A. 1978 General Election - The executive director reported that the compliance for the general election of 1978 appears to have been substantially better than comparable elections previously. He attributed this in part to reminder letters sent to the candidates by the ELEC staff just before the 25-day report and the enforcement efforts of the Commission for 1978 primary election cases which were undertaken between the period of the primary election and general election.

B. School Board Elections - He indicated that legislation had recently been passed changing the date of school board elections from February to April.

- C. Fiscal 1980 Budget Process - He indicated that it now appears that the process has been substantially delayed. He reported that the Commissions budget hearings scheduled for November 14 had been cancelled and had not yet been rescheduled.
 - D. Public Financing Symposium - He indicated that he had been invited to attend a symposium on public financing of elections being conducted by the Secretary of State's office in the State of Florida for members of the Florida Legislature and others. He indicated further that appropriate persons from other states in the Federal Election Commission which have had experience with public financing of elections had been invited to attend and that the costs involved would be borne by the State of Florida. The Commission agreed that it would be appropriate for Mr. Thurston to attend on behalf of the Commission.
 - E. Personnel Matters - The executive director indicated that Neil Upmeyer, who has served as director of public financing, would be leaving the Commission staff on January 16, 1979 to attend graduate school at Rutgers University full time. Members of the Commission expressed their appreciation for Mr. Upmeyer's fine service with the Commission and requested that that be conveyed to Mr. Upmeyer. The executive director also reported that substantial progress had been made with the Department of Civil Service in attempting to immediately fill Assistant Election Finance positions.
 - F. Audit of E.L.E.C. - The executive director reported on the status of the audit of the Election Law Enforcement Commission being conducted by the State Division of Auditing which began on October 23. He anticipated that the audit would be completed by December 1.
3. Annual Conference of "Public Officials and the Public Trust"
On a motion by Commissioner Margetts, seconded by Vice-Chairman Goldman, the Commission voted 3-0 with Chairman Reiche abstaining to authorize the attendance of the chairman, executive director, general legal counsel and staff counsel at this conference to be held in Minneapolis, Minnesota from December 11 through 13, 1978. Motion also authorized the Commission to pay the expenses involved for the chairman, executive director and staff counsel.

The Commission discussed a draft proposal of the steering committee of this conference to establish a permanent organization. On a motion by Commissioner Alexander, seconded by Commissioner Margetts and a vote of 4-0 the Commission voted

to endorse in principle the draft of the steering committee proposal and indicated that the Election Law Enforcement Commission will undertake to seek to provide New Jersey's share of any financial obligations of member organizations, if appropriate.

4. A744 (proposed Title 19A, Revision of State Election Code)

The Commission discussed this legislation at length for the purpose of formulating its views to be presented at the public hearing to be held on this bill on December 19 by the Assembly State Government Committee. The conclusions of the Commission are set forth in the copy of the statement attached to these minutes.

5. Executive Session

On a motion by Chairman Reiche, seconded by Commissioner Margetts and a vote of 4-0, the Commission pursuant to the Open Public Meetings Law went into executive session to discuss investigative matters. Upon the conclusion of the discussion, the Commission returned to public session on a motion by Chairman Reiche, seconded by Commissioner Alexander and a vote of 4-0.

6. Advisory Opinion Requests

0-23-78, Robert J. Baran - The Commission reviewed this advisory opinion request and approved counsel's draft opinion.

0-25-78, Dennis L. Riley - The Commission reviewed this advisory opinion request and counsel's draft opinion and agreed upon answers to the first 2 questions posed. The Commission agreed to hold over until its next meeting a response to the third question posed in Mr. Riley's letter so that counsel could do additional research as to previous Commission advisory opinions on this subject.

7. Minutes of Commission Meeting of October 18, 1978

On a motion by Commissioner Alexander, seconded by Chairman Reiche and a vote of 4-0, the Commission approved the minutes of the public session of its meeting on October 18, 1978.

8. Executive Session

On a motion by Chairman Reiche, seconded by Commissioner Margetts and a vote of 4-0, the Commission pursuant to the Open Public Meetings Law went into executive session to discuss the minutes of the executive session of its meeting on October 18, 1978. At the conclusion of this matter, the Commission returned to public session on a motion by Chairman Reiche, seconded by Commissioner Margetts and a vote of 4-0.

9. Adjournment - The Commission adjourned the meeting at 3:00 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director

LBT/cm