

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

October 19, 1979 Meeting

PRESENT

Sidney Goldmann, Chairman
Josephine S. Margetts, Member
Andrew Axtell, Member
Lewis B. Thurston, Executive Director
Edward J. Farrell, General Legal Counsel
Herbert R. Wolfe, Assistant Executive Director

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, has been filed with the Secretary of State's office, and that copies have been posted in the State House Annex, and 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. Executive Session

On a motion by Chairman Goldmann, seconded by Commissioner Axtell and a vote of 3-0, the Commission went into executive session to discuss the determination of a matter which had been investigated relating to the 1978 Primary Election, the disposition of 3 complaints relative to the 1979 General Election, consideration or reconsideration of 12 cases of late or non-filing related to the 1979 Primary Election, other cases involving the same respondent for elections in 1978 and 1979, and the executive session minutes of the Commission meeting of September 24, 1979. Upon conclusion of the discussion of these matters, the Commission returned to public session on a motion by Commissioner Margetts, seconded by Chairman Goldmann and a vote of 3-0.

2. E.L.E.C. vs. John Cryan, et al, C-791-78(P)

On a motion by Commissioner Axtell, seconded by Chairman Goldmann, and a vote of 3-0, the Commission found 1978 Primary Election candidate for Essex County Executive John Cryan, the current sheriff of Essex County, and his campaign treasurer, William Leonardis, in violation of the Act and imposed fines for such violations in accordance with the Commission order in this matter attached to these minutes.

3. Complaint of Ernest Davis, et al. vs. Hamilton Republicans

On a motion by Commissioner Axtell, seconded by Commissioner Margetts and a vote of 3-0, the Commission dismissed the complaint in this matter. The complaint alleged that a municipal calendar and a mayor's report to Township residents of Hamilton Township, Mercer County, were really campaign documents which should have been reported and paid for as such. The Commission found, after investigation, no violations of the Act.

4. Complaint of Joseph Samarone vs. Hamilton Republicans

On a motion by Commissioner Margetts, seconded by Commissioner Axtell and a vote of 3-0, the Commission dismissed the complaint in this matter. The complaint alleged that the deputy municipal clerk and other employees of Hamilton Township, Mercer County, were producing and preparing political campaign literature on Township facilities using Township equipment and Township personnel and that newsletters promulgated by the Township Government and distributed

to Township residents were really campaign literature, the cost of which was reportable. The Commission found, after investigation, that no violations of the Act had occurred.

5. Complaint of Robert Kline vs. Joseph Malone, 8th District Assembly Candidate

On a motion by Commissioner Axtell, seconded by Chairman Goldmann, and a vote of 3-0, the Commission dismissed the complaint in this matter. The Complainant alleged that advertisements for the television program "60 Minutes" featuring candidate Malone in his capacity as Mayor of Bordentown were campaign literature, the cost of which was reportable, that pamphlets entitled "No More Something For Nothing" did not have required attribution as to source on them and the re-telecast of the television program "60 Minutes" violates the Campaign Contributions and Expenditures Reporting Act. The Commission found, after investigation, that no violations of the Campaign Contributions and Expenditures Reporting Act occurred.

6. Late Filing Cases from 1979 Primary and General Elections and 1978 General Election

The Commission took the following actions relative to the cases cited below:

Commission vs. Butler, C-86-78(G)

On a motion by Chairman Goldmann, seconded by Commissioner Axtell and a vote of 3-0, the Commission found a violation for filing Form A-1 14 days late and reprimanded, but did not fine, the respondent.

Commission vs. Walton, C-157-79(P)

On a motion by Chairman Goldmann, seconded by Commissioner Axtell and a vote of 3-0, the Commission found the violation in filing Form A-1 13 days late and reprimanded, but did not fine, the respondent.

Commission vs. Mulheren, C-146-79(P)

On a motion by Chairman Goldmann, seconded by Commissioner Axtell and a vote of 3-0, the Commission found a violation in filing Form A-1 21 days late and imposed a \$25.00 fine on the respondent.

Commission vs. Gouldsbury, C-86-79(P)

On a motion by Chairman Goldmann, seconded by Commissioner Axtell and a vote of 3-0, the Commission found a violation in filing Form A-1 13 days late and reprimanded, but did not fine, the respondent.

Commission vs. Johnson, C-216-79(P)

On a motion by Commissioner Margetts, seconded by Commissioner Axtell and a vote of 3-0, the Commission voted to dismiss the complaint in this matter.

Commission vs. Boright, C-53-79(P)

The Commission reconsidered its previous decision because it found that the indication that the candidate was a previous violator was an error. On a motion by Chairman Goldmann, seconded by Commissioner Axtell and a vote of 3-0, the Commission rescinded its previous determination of the \$25.00 fine and instead imposed a reprimand without fine on the respondent.

Commission vs. William Link, C-217-79(P)

The Commission reconsidered its previous determination of the \$100.00 fine for failure to file in this matter. The Commission found that the respondent filed a Form D-1 on May 23, 1979 and indicated on it that he would not be raising any money. The Commission accepted this as an A-1 filing. Accordingly, on a motion

by Chairman Goldman, seconded by Commissioner Axtell and a vote of 3-0, the Commission voted to dismiss the complaint in this matter.

Commission vs. Taylor, C-185-79(P)

On a motion by Commissioner Axtell, seconded by Commissioner Margetts and a vote of 3-0, the Commission found a violation by the respondent in filing Form A-1 18 days late and reprimanded, but did not fine, the respondent.

Commission vs. Barbetto, C-51-78(G)

On a motion by Chairman Goldman, seconded by Commissioner Axtell and a vote of 3-0, the Commission found a violation in filing Form A-1 14 days late and reprimanded, but did not fine, the respondent

Commission vs. O'Boyle, C-75-78(G)

On a motion by Chairman Goldman, seconded by Commissioner Axtell and a vote of 3-0, the Commission found a violation in filing Form A-1 18 days late and reprimanded, but did not fine, the respondent.

Commission vs. Haas, C-51-79(P)

On a motion by Chairman Goldman, seconded by Commissioner Margetts and a vote of 3-0, the Commission found a violation in filing Form A-1 18 days late and reprimanded, but did not fine, the respondent.

Commission vs. Bothe, C-224-79(P)

The Commission reconsidered its previous determination in this matter but did not modify it. This was done on a motion by Chairman Goldman, seconded by Commissioner Axtell and a vote of 3-0. Reconsideration had been requested by the Township Clerk on behalf of the candidate because the Township Clerk alleged that, through an oversight in his office, the respondent did not receive the forms and information for filing.

7. Advisory Opinion Request

0-16-79 Allen M. Perry, Jr.

The Commission reviewed this advisory opinion request which concerns disposition of remaining campaign funds after an election, and agreed on an advisory opinion which would be forwarded by counsel to Mr. Perry.

8. Minutes of Public Session of Commission meeting of September 24, 1979

On a motion by Chairman Goldman, seconded by Commissioner Margetts and a vote of 3-0, the Commission approved the minutes of the public session of the Commission meeting of September 24, 1979.

9. ELEC Meeting Schedule

The Commission agreed to modify its meeting schedule for November 19, 1979 by cancelling the meeting scheduled for November 7 and 28 and rescheduling those meetings for November 12 and November 27. Additionally, it was agreed that the meeting on November 12 would be held in Morristown at the offices of the Commission Counsel, Farrell, Curtis, Carlin and Davidson, Esqs.

10. Adjournment

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

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director