

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

Minutes of the Meeting

March 3, 1976

PRESENT

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

ABSENT

NONE

The meeting convened at 10:20 a.m.

Pursuant to the Open Public Meetings Law, P.L. 1975, c.231, Annual Notice of the meetings of the Commission was filed with the Secretary of State's Office, copies 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.

OLD BUSINESS:

- 1) Tribute to Mrs. Florence Dwyer  
Chairman Reiche paid tribute to the late Florence Dwyer for her valuable service as a former member of the Commission. On motion of Vice-Chairman Goldmann, seconded by Mrs. Margetts, the Commission similarly paid tribute and directed the Chairman to send a letter to her family expressing the Commission's sympathy at her death and appreciation for said valuable service. (Vote 4-0)
- 2) The Minutes of February 9, 1976 Meeting  
The minutes were approved with the following amendments on motion of Mrs. Margetts, seconded by Mr. Alexander (Vote 4-0):
  - A) Add Mrs. Margetts to list of persons present;
  - B) Amend item #9 so that it will read as follows:  
"Letter from Assemblyman Vincent O. Pellechia --  
This inquiry re another person's proper accreditation of a political advertisement categorized as a possible "dirty trick" was deemed outside of Election Law Enforcement's jurisdiction and, therefore, referred to the Attorney General's office for possible action."
- 3) Penalties re: Late Filers in 1975 Primary Election  
Discussion ensued regarding the reactions of those persons fined. It was noted that many checks and a few protests were received. Mr. Thurston reported that he and the Chairman had received a telephone request from Ms. Gloria Zendel, council candidate in Closter, N. J., requesting reconsideration of her \$50 fine. Mr. Thurston stated that due to a clerical error, the records had indicated her report was received 97 instead of 17, days late. Based on this corrected information, the

Commission reconsidered the matter and reduced the fine to \$25 on a motion by Commissioner Alexander, seconded by Chairman Reiche. (Vote 4-0)

- 4) Coordination of Hearing Officer Activity  
The need for greater uniformity in the form of the reports of the Hearing Officers was discussed. Messrs. Farrell and Thurston were requested to develop, for consideration at the next Commission meeting, a standard form upon which hearing officers could summarize their findings. The possibility of a meeting of the hearing officers to discuss this and other procedural matters was discussed.
- 5) Article in New Jersey Magazine (February 1976) Regarding Essex County Democratic Organization Contributions & Expenditures  
A discussion was held with respect to this article and the current status of the inquiry into the reports filed since 1973 by this organization. Mr. Thurston distributed a memorandum from Chief Investigator Parks regarding said current status. The Commission directed the staff to review the facts and allegations contained in the article and continue to give the ongoing inquiry high priority. The Executive Director was requested to report, at the next Commission meeting, the status of all audits of State, county and major municipal committee reports from the Commission's inception to date. It was agreed that Mr. Thurston would contact the Director of the Center for the Analysis of Public Issues which publishes the N. J. Magazine, to discuss the article.
- 6) McGeoy, Greenblatt & Weaver v. Camden Cty. Democratic Committee (C-309-75)  
Deferred until the March 18, 1976 Commission meeting for further information from staff regarding possible discrepancy in date report was filed. The Commission agreed to dismiss the alleged Section 7 (expenditure limits) violation from the complaint because of the recent U.S. Supreme Court decision (Buckley v. Valeo).
- 7) Democratic Committee of Bergen County v. National Conservative Political Action Committee (NCPAC) C-315-75  
On motion by Chairman Reiche, seconded by Vice-Chairman Goldmann, the complaint with respect to all items, except failure to file a March 1 Annual Report, was dismissed. Judgment on whether NCPAC is a political party committee which must file a March 1 Annual Report was reserved until the next Commission meeting. (Vote 4-0)
- 8) N. J. Harris for President Committee (Opinion Request)  
Deferred until March 18, 1976 Commission meeting.
- 9) Opinion # (O-32-75) Robert W. Scott, Esq.  
Approved as amended on motion of Vice-Chairman Goldmann, seconded by Chairman Reiche (Vote 4-0).  
Insertion of additional paragraph as follows:

"In addition, each person to whom the tickets are resold would also have the obligation to report, either to the campaign treasurer of the candidate, political party committee or political committee on whose behalf such contribution was made or directly to the Commission, the facts respecting his purchase as a contributor, if such contribution exceeds \$100."

- 10) Reconsideration of Opinion Requests (O-33-75 and O-34-75 (Assemblyman Spizziri))  
After considerable discussion, on motion of Vice-Chairman Goldmann, seconded by Mrs. Margetts, the Commission action of January 22, 1976 on this matter was reconsidered and it was concluded that in the particular circumstances of this case, the activity in question was not in aid or furtherance of the candidacy and, therefore, not reportable. (Vote 4-0) Mr. Farrell was directed to draft the opinion in time for the next Commission meeting.
- 11) Impact of U. S. Supreme Court Decision in Buckley v. Valeo in New Jersey  
Mr. Farrell reported on his telephone conversation with Deputy Attorney General Winard and his letter to the Attorney General on this matter. It was agreed that Mr. Farrell and Mr. Thurston would work with members of the Attorney General's, Governor's and Legislature's staffs and legislators regarding possible drafts of amendments to the N. J. Law in regard to the expenditure limits as well as those amendments to the law on other aspects previously suggested by the Commission and contained in proposed legislation sponsored by Assemblyman Burstein.
- 12) Commission vs. Elizabeth Police Superiors Association (C-07-76)  
Upon motion made by Chairman Reiche, seconded by Vice-Chairman Goldmann, the action to hold a hearing and appoint a hearing officer taken at the February 9, 1976 Commission meeting was reconsidered and rescinded. It was agreed to forward a letter to the Attorney General's Office (from which the anonymous complaint was referred) indicating that the Commission has determined not to take any further action in regard to the matter. (Vote 4-0).
- 13) Election Law Enforcement Commission Budget Hearing before the Joint Appropriations Committee of Legislature  
Mr. Thurston reported to the Commission that the budget hearings previously scheduled for March 12 has been re-scheduled for March 24.
- 14) Open Meetings Law  
The permissibility and desirability of conducting various kinds of Commission business in open or closed session were discussed. The following policies were agreed upon:  
a) Disposition by Election Law Enforcement Commission of cases (finding of violation or not & penalty) --  
Votes will be public; the question regarding discussion was deferred for future action.

14) Open Meetings Law (contd.)

- b) Determinations of whether to have a hearing, appoint a hearing officer and determine which hearing officer (regarding both "outside" and "inside" complaints)-- Decision was deferred for future action.
- c) Discussion of pending or proposed investigations-- To be conducted in closed session.
- d) Discussion of requests for advisory opinions and proposed advisory opinions -- To be conducted in open session.
- e) Discussion of legislation to be proposed by or commented upon by the Election Law Enforcement Commission -- to be conducted in open session, except matters relating to litigation which would be conducted in closed session.
- f) Discussion of Election Law Enforcement Comm. Budget - To be conducted in open session; except for personnel matters.
- g) Requests for information from other law enforcement agencies -- To be conducted in closed session.
- h) Personnel matters re: Election Law Enforcement Commission personnel -- to be conducted in closed session.

15) Non-participation of Executive Director in Certain Matters

Mr. Thurston indicated that he will not be participating in the cases of Commission vs. Madsen (C-23-75), Somerset County Republican Victory Dinner and Commission v. Hamilton Township Republican Campaign Committee (C-03-76).

16) Somerset County Republican Victory Dinner

Chairman Reiche moved, seconded by Vice-Chairman Goldmann, that the matter be dismissed and the investigation concluded. (Vote 3-1; Commissioner Alexander in the negative)

17) Expansion of Hearing Officer Panel

The need to expand the number of available hearing officers was agreed upon. A list of potential hearing officers was compiled from suggestions by Commission members, Counsel and Executive Director. It was agreed that a number of the individuals on the list be contacted by the Commission members, Counsel and Executive Director as to their interest and availability.

18) Commission vs. Paterson Taxpayers Association

The assigned Hearing Officer for the complaint was not able to hear the case. The proposed hearing officer reassigned to the case is now Gerald Miller. It was agreed to ask Daniel Matyola to serve as the proposed Trial Counsel.

19) Henry Ricci vs. Senior Citizens and Taxpayers Fed Up With Byrne

Richard Conley was assigned as Trial Counsel to present this complaint for the Commission.

20) Cramer v. Shiner (C-39-74)

On motion of Vice-Chairman Goldmann, seconded by Chairman Reiche, the Commission found that the respondent negligently failed to properly disclose his contribution, put all contributions in the campaign depository and make all disbursements therefrom and, therefore imposed a fine of \$50. (Vote 4-0)

- 21) Commission vs. Russell Wilbert (C-06-76)  
The Commission proposed the appointment of John Connel as Hearing Officer.
- 22) Gerald Warner v. West Long Branch Rep. Committee (C-314-75)  
Deferred until the March 18 Commission meeting.
- 23) Holdovers and Additional Late Filers in the 1975 Primary and May Municipal Elections  
Action was deferred until the March 18, 1975 meeting of the Commission.
- 24) Action re: Non-Compliance with Subpoena (Anthony DeFabritis)  
Counsel to the Commission, Edward J. Farrell, stated to the Commission that Anthony DeFabritis, Freeholder candidate Sussex County in the 1973 General Election, was served a subpoena to appear before the Commission, did not appear, and made the statement he had no intention of appearing. The Commission directed Counsel to take the necessary steps to proceed against Mr. DeFabritis.

The meeting was adjourned at 4:30 p.m.

Respectfully submitted,



Lewis B. Thurston, III  
Executive Director