

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

MINUTES - June 24, 1976 Meeting

PRESENT

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

ABSENT

NONE

The meeting convened at 10:00 a.m.

Pursuant to the Public Meetings Law, P.L. c.231, annual notice of the meetings of the Commission (as amended from time to time) 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.

1) The minutes of the June 4, 1976 meeting were approved as amended.

2) Convention Delegates

The Executive Director reported on the latest developments regarding reporting by the delegates and alternates. He indicated he personally delivered the Commission's request for an opinion as to any possible Federal preemption of the N.J. law on the delegate reporting question to Orlando Potter, Executive Director of the Federal Election Commission. Mr. Thurston stated that Mr. Potter indicated he would attempt to expedite the matter.

3) Public Financing

The Executive Director indicated that he spent several hours in Washington, D.C. with Orlando Potter and Jim Lycum of the FEC reviewing that agency's system for administering the public financing of the 1976 Presidential election in preparation for ELEC's participation in the public financing of the 1977 N.J. Gubernatorial election.

4) ELEC Budget

Mr. Thurston reported on the status of the 1975-76 budget of the Commission and the general appropriations bill for 1976-77. He indicated that he hoped that the expected amount remaining from the 1975-76 budget could be carried over for the agency budget for 1976-77.

5) Essex County Democratic Committee

Pursuant to C.10:4-12 of the Open Meetings Law, the Commission went into executive session to discuss the matter involving the Essex County Democratic Committee and others. At the conclusion of the discussion the Commission returned to public session.

On a motion by Vice-Chairman Goldman, seconded by Chairman Reiche, the Commission voted 4-0 to file a complaint alleging that respondents, Essex County Board of Governors, Inc., Essex County Democratic Committee, Essex County Democratic Committee General Election Campaign of 1975, Chairman Harry Lerner and Treasurer Kenneth A. Clark, or some or all of them, willfully or knowingly or otherwise did fail timely to disclose contributions, including those received from contributors in amounts in excess of \$100, to fund-raising dinners and expenditures in connection therewith of their required reports for 1973, 1974 and 1975 in violation of Sections 8 and 22 of the Act; did willfully and knowingly or otherwise fail timely to identify payees of currency expenditures in violation of Sections 8 and 22; did willfully and knowingly or otherwise fail properly to report the allocation of the amounts expended by the committee on behalf of each candidate supported by the committee in the 1975 General Election Campaign in violation of Sections 8 and 22 of the Act.

The Commission agreed to appoint Martin Haines as hearing officer and Gerald Miller as presenting Attorney in this matter.

6) Norek vs. South Amboy Tavern Owners Association (C-299-75)

Pursuant to C.10:4-12 of the Open Meetings Law the Commission went into executive session to discuss the matter. At the conclusion of the discussion the Commission returned to public session.

On a motion of Chairman Reiche, seconded by Commissioner Margetts, the Commission voted 3-0 (Commissioner Goldman absent) to reprimand the South Amboy Tavern Owners Association for negligently failing to file reports, designate a campaign treasurer and depository and not making expenditures and receiving contributions through a duly designated treasurer and depository for the 1974 General Election in violation of Sections 8,10,11,&12 of the Act. The Association was newly formed, spent a relatively small amount, and, the hearing officer concluded, had been poorly advised of the Law's requirements.

NOTE: In each of the following matters the Commission, pursuant to C.10:4-12 of the Open Meetings Law, went into executive session, discussed the matter and then returned to public session and took the following actions:

7) Bogard vs. Non-Partisan Committee for Good Government and Paul Daniele - C-318-75

The Commission agreed by a vote of 3-0 (Commissioner Goldman absent) to file a complaint and hold a hearing in this

matter. The complaint will allege that the Committee did not timely file 25, 7 pre and 15 day past reports and did not properly report a \$365 expenditure for the 1975 General Election in Assembly election in 28th District in violation of Sections 8 and 22 of the Act.

8) McGoey, Greenblatt and Weaver vs. Camden County Democratic Committee (C-309-75)

On a motion by Commissioner Margetts, seconded by Chairman Reiche, the Commission voted 4-0 to dismiss the complaint which involved activity in Camden County in the 1975 General Election.

9) Commission vs. Frank Seney (C-325-75)

On a motion by Chairman Reiche, seconded by Commissioner Margetts, the Commission found Mr. Seney guilty of negligently failing to timely file 15 day and final reports, designate a depository and deposit funds in the depository in violation of Sections 9, 12, 16 and 22 of the Act in 1973 freeholder election in Warren County and fined him \$25. (vote 3-1 -Commissioner Alexander in the negative advocated a higher fine).

10) Commission vs. Bergen County Republican Committee, C-01-75

On motion by Commissioner Alexander, seconded by Chairman Reiche, the Commission found that the Bergen County Republican Committee failed to file timely the 1973 Annual Report in violation of Sections 8 and 22 of the Act and imposed a fine of \$25 (vote 4-0).

11) Commission vs. Cumberland County Republican Committee C-04-75

On motion by Vice-Chairman Goldmann, seconded by Chairman Reiche, the Commission found that the Cumberland County Republican Committee failed to file timely its 1973 Annual Report in violation of Sections 8 and 22 of the Act and reprimanded the Committee for such failure. (Vote 3-1 Commissioner Alexander in the negative advocated that a fine be imposed.)

12) Commission vs. Cumberland County Republican Committee C-14-75

On motion of Vice-Chairman Goldmann, seconded by Chairman Reiche, the Commission found that the Cumberland County Republican Committee failed to file timely its 1974 Annual Report in violation of Sections 8 and 22 of the Act and imposed a fine of \$50. (Vote 4-0)

13) Commission vs. Camden County Democratic Committee

On motion of Chairman Reiche, seconded by Vice-Chairman Goldmann, the Commission found that the Camden County Democratic Committee failed to file timely its 1973 Annual Report in violation of Sections 8 and 22 of the Act and imposed a fine of \$25. (Vote 4-0)

14) Commission vs. Carl Madsen (C-23-75)

Commissioner Alexander and Mr. Thurston, who did not participate in the determination of this matter, left the room. The Commission discussed the matter in executive session, reached tentative conclusions and directed the Counsel to prepare a written decision

for the next Commission meeting.

15) Procedures re Reporting Fund - Raising Dinner and Receipts and Disbursements

The Commission discussed this subject in general and agreed to discuss it further at subsequent meetings.

16) Change in Period Covered by Annual Reports

A general discussion of the advantages and disadvantages of amending the Act to change the period covered by annual report from a calander to a fiscal year basis ensued.

17) Adjournment - The Commission was adjourned at 4:10 p.m.

Respectfully submitted,



Lewis B. Thurston, III
Executive Director