

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

March 22, 1978 Meeting

PRESENT

ABSENT

Frank P. Reiche, Chairman
Archibald S. Alexander, Member
Josephine S. Margetts, Member
Lewis B. Thurston, III, Executive Director
Edward J. Farrell, Legal Counsel
Herbert Alexander, Consultant
Neil Upmeyer, Director of Public Financing
Lisa Pollak, Associate to Mr. Farrell

Sidney Goldmann, Vice-Chairman

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 10:10 a.m. at the offices of Farrell, Curtis, Carlin, Davidson and Mahr, Commission counsel, 42 Maple Avenue, Morristown, New Jersey.

1. Advisory Opinions

The Commission reviewed the following advisory opinion requests and agreed upon advisory opinions to be forwarded to each of the persons requesting them:

0-5-78 Bernard Verney, Esquire - On a motion by Commissioner Alexander, seconded by Chairman Reiche, the Commission voted 3-0 to forward an opinion to Mr. Verney and, after the litigation in New Jersey Chamber of Commerce et al vs. ELEC et al is completed, to forward a copy of specific policy guidelines re lobbyist activity to Mr. Verney.

0-6-78 Barbara Werber, Bergen County Democratic Committee - The opinion was agreed to on a motion by Chairman Reiche, seconded by Commissioner Alexander on a vote of 3-0.

0-8-78 Robert P. Hallenbeck, Smith Kline Corporation - The advisory opinion was agreed upon by a motion by Commissioner Alexander, seconded by Commissioner Margetts on a vote of 3-0.

0-9-78 Joseph J. Ferrara, Esquire - The advisory opinion was agreed to on a motion by Commissioner Alexander, seconded by Chairman Reiche on a vote of 3-0.

0-10-78 George J. Roth, Jr., Republican Campaign 77, Medford, New Jersey - The opinion was agreed to on a motion by Chairman Reiche, seconded by Commissioner Margetts and a vote of 2-1, with Commissioner Alexander in the negative.

0-11-78 John Tomasin, Esquire, Committee to Re-elect Assemblyman Chris Jackman - The advisory opinion was agreed to on a motion by Chairman Reiche, seconded by Commissioner Margetts and a vote of 2-1, with Commissioner Alexander in the negative because he believes that additional reporting should be required.

0-12-78 Joseph Lazarow, Mayor of Atlantic City - The advisory opinion was agreed to on a motion by Commissioner Margetts, seconded by Commissioner Alexander on a vote of 3-0.

0-13-78 Nicholas W. Tworischuk, Friends of Marie L. Villani - The advisory opinion was agreed to on a motion by Commissioner Alexander, seconded by Chairman Reiche and a vote of 3-0.

0-14-78 Rocco J. Bonelli, Treasurer for James J. Cuccio, Lodi
The advisory opinion was agreed to on a motion by Chairman Reiche, seconded by Commissioner Alexander and a vote of 3-0.

0-15-78 Richard J. Coffee, New Jersey Democratic State Committee
The advisory opinion was agreed to on a motion by Chairman Reiche, seconded by Commissioner Alexander and a vote of 3-0.

0-16-78 Linda A. McCorkle, Esquire, National Woman's Political Caucus ERA Fund - The advisory opinion was agreed to on a motion by Commissioner Margetts, seconded by Chairman Reiche and a vote of 3-0.

2. Additions to Commission Hearing Officer Panel

On a motion by Chairman Reiche, seconded by Commissioner Margetts, the Commission voted 3-0 to add Frederic Schragger of Trenton and Robert Wills of Princeton to the Commission's Hearing Officer Panel to be assigned on a case by case basis.

3. Approval of Minutes of Commission Meetings

On separate motions made by Chairman Reiche and seconded by Commissioner Alexander, the Commission voted 2-0 to approve the public and executive session minutes of the Commission meeting of February 15, 1978. Commissioner Margetts abstained on both votes because she was not present at the February 15th meeting. On motions by Chairman Reiche, seconded by Commissioner Alexander, the Commission voted 3-0 to approve both the public and executive session minutes of the Commission meeting of March 15, 1978.

4. Current Litigation

Pursuant to the Open Public Meetings Law, on a motion by Chairman Reiche, seconded by Commissioner Margetts, and a vote of

3-0, the Commission went into executive session to discuss current litigation in the cases of New Jersey Chamber of Commerce et al vs. ELEC et al and ACLU vs. ELEC. Counsel reported on certain recent developments regarding these matters and, after brief Commission discussion, the Commission returned to public session.

5. Policy Questions Regarding Public Financing of Gubernatorial Elections

For inclusion in its evaluation of the 1977 public financing experience in the gubernatorial election to be given to the Governor and Legislature and for consideration by Assembly Majority leader Albert Burstein, sponsor of Assembly Bill No. 1 to extend public financing to gubernatorial primary election as amendment to that bill, the Commission reviewed a number of major policy questions involved in the present public financing provisions of the New Jersey Campaign Contributions and Expenditures Reporting Act and Assembly Bill No. 1 of 1978. The questions involved included the general concept of public financing as applied to gubernatorial general and primary elections, the relationship of income tax checkoff funds to the total cost of any public financing program for gubernatorial elections, contribution limits, matching ratios, qualification threshold amounts, and expenditure limit amounts, all for both gubernatorial general and primary elections. Additionally, limitations on the use of a candidate's personal funds, the base to be used to determine maximum expenditure limits for public funds, contribution limits as applied to State committees of political parties and gubernatorial inaugural affairs, loans for the general and primary gubernatorial elections and the permissible uses of public funds for such elections were discussed. In general, the provisions of Assembly Bill No. 1 of 1978 and several staff memoranda were discussed, covering the major policy questions cited above and a number of other provisions.

Tentative conclusions regarding these various policy questions were reached by the members of the Commission present. It was agreed that the substance of this part of the Commission meeting be conveyed to Vice-Chairman Goldmann and his conclusions regarding each of the policy questions be solicited. Ultimately, it was envisioned that the Commission consensus on such questions would be included in whole or part in the Commission evaluation to be conveyed to the Governor and Legislature and, prior to that time, be communicated to Assemblyman Burstein, sponsor of Assembly Bill No. 1 of 1978.

6. Adjournment - The Commission adjourned the meeting at 4:45 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director