

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

May 31, 1978 Meeting

PRESENT

Sidney Goldmann, Vice-Chairman
Josephine S. Margetts, Member
Archibald S. Alexander, Member
Lewis B. Thurston, III, Executive Director
Gregory E. Nagy, Staff Counsel

ABSENT

Frank P. Reiche, Chairman
Edward J. Farrell, Counsel
Herbert Alexander, Consultant

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, 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 10:15 a.m.

1. Current Litigation

Pursuant to the Open Public Meetings Law, the Commission on a motion by Vice-Chairman Goldmann, seconded by Commissioner Alexander and a vote of 3-0, voted to go into executive session to discuss matters of current litigation. The executive director and staff counsel reported to the Commission concerning developments in the cases of New Jersey Chamber of Commerce et al vs. Election Law Enforcement Commission et al and Socialist Workers Party vs. Election Law Enforcement Commission.

2. Investigative Matter

The Commission remained in executive session to discuss and did discuss an investigative matter. At the conclusion of the discussion, the Commission remained in executive session for the next item on the agenda.

3. E.L.E.C. and Tanner, et al. vs. Lawrence Township Democratic Club and its treasurer

On a motion by Commissioner Alexander, seconded by Vice-Chairman Goldmann, the Commission voted 3-0 to file a complaint against the Lawrence Township Democratic Club and its treasurer, Dr. Peter Winkel, for failure to timely file the Club's 7-day pre-election report and disclose the names and addresses of 4 contributors on the 25-day pre-election report for the 1977 general election. The Commission will appoint a hearing officer who will conduct the hearing in this matter.

4. Personnel Matter

On a motion by Vice-Chairman Goldmann, seconded by Commissioner Margetts, the Commission agreed to return to executive session to discuss a personnel matter. At the conclusion of the discussion, the Commission returned to public

session on a motion by Commissioner Alexander, seconded by Vice-Chairman Goldman and a vote of 3-0.

5. Retention of Records by E.L.E.C. and County Clerks

The executive director and staff counsel presented information relative to this subject, including memoranda. After discussion, the Commission agreed that the county clerks would be advised by the Commission of the State statute governing record retention and that the campaign contributions and expenditures records filed with the county clerks pursuant to the Campaign Contributions and Expenditures Reporting Act should be dealt with in a similar fashion. This generally would require county clerks to retain such records for 5 years or, in their discretion, for a longer period of time. The Commission then briefly discussed the subject of microfilming of Commission records and indicated that in general at this time microfilming should be undertaken for records dating back 3 or more years. The Commission also directed counsel to prepare a regulation of the Commission proposing that candidates and other reporting entities be required to retain their campaign financial records relative to the Campaign Contributions and Expenditures Reporting Act for a period of 5 years from the date of the appropriate election.

6. Commission Meeting Minutes

On a motion by Commissioner Alexander, seconded by Vice-Chairman Goldman, the Commission voted 3-0 to go into executive session to review the executive session minutes of the meeting of May 17, 1978. The Commission then returned to public session. On a motion by Commissioner Margetts, seconded by Commissioner Alexander, and a vote of 3-0, the Commission voted to approve the executive session of the minutes of the meeting of May 17, 1978. On a motion by Commissioner Margetts, seconded by Commissioner Alexander, and a vote of 3-0, the Commission also approved the public session minutes of that meeting.

7. C-540-76 (Theodore Marton)

Pursuant to a written request for a reconsideration of the determination reached and penalty imposed by the Commission in the above-cited matter, the Commission reviewed its previous action and on a motion by Commissioner Alexander, seconded by Vice-Chairman Goldman, agreed to confirm its previous decision on a vote of 3-0.

8. Advisory Opinion Request 0-21-78, John Spinale

The Commission discussed the advisory opinion request which relates to a special referendum being conducted in Bordentown Township on June 10, 1978. After extensive discussion, the Commission agreed that counsel would forward an opinion indicating basically that the Commission does not have jurisdiction over the referendum in question which is not a duly

called election under State law. Commissioner Alexander disagreed, indicating that he believed that the groups supporting or opposing the referendum question should be required to report to the Commission.

9. Final Report Criteria

The executive director indicated that a number of questions had been raised with him recently relative to the reporting requirements of candidates on a continuing basis in situations in which they have outstanding obligations. The Commission briefly discussed some of the criteria to be considered in determining whether final reports will be accepted where there has been less than full payment of the outstanding obligations.

10. Adjournment

The Commission adjourned the meeting at 2:40 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director

LBT/cm