

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

July 17, 1978 Meeting

PRESENT

Frank P. Reiche, Chairman
Sidney Goldmann, Vice-Chairman
Josephine S. Margetts, Member
Archibald S. Alexander, Member
Lewis B. Thurston, III, Executive Director
Edward J. Farrell, Esq., General Legal Counsel
Gregory E. Nagy, Esq., Staff Counsel

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 10:10 a.m.

1. Amendments to Campaign Contributions and Expenditures Reporting Act

The Commission reviewed a staff summary of previous Commission recommendations for amendments to the Act plus additional suggestions for amendment. An extensive discussion ensued. The Commission reviewed the amendments to determine whether they were currently appropriate for inclusion in legislation to be introduced in the Fall. The Commission agreed on many amendments to the Act and directed the counsel and executive director to prepare a bill reflecting these determinations.

2. Review of Procedures and Standards Regarding Routine Late Filing Cases

The Commission reviewed the procedures and standards used in determinations in cases involving first offender late filing of Sworn Statements (Form A-1) and indicated in general that while the Commission reserves the right to review every A-1 on a case-by-case basis, it adopts as a guideline for determination of first offenses the following: For late filing of a Form A-1 up to and including 18 days late, the respondent would be reprimanded without a fine. For a late filing of such form 19 to 40 days late the respondent would be fined \$25. For a late filing of such report more than 40 days late, the respondent would be fined more than \$25 with the amount to be set on a case-by-case basis by the Commission. In general, the staff will routinely file notices of hearing and complaint against respondents in cases of filing of Form A-1 more than 12 days late. Such notices will not be routinely issued in cases of filing of Form A-1 12 or fewer days late but in such cases the staff may recommend and the Commission determine that such notices issue in special circumstances. This general policy was adopted on a motion by Vice-Chairman Goldmann, seconded by Chairman Reiche, and a vote of 4-0. It was generally

agreed that repeat offenders may be subject to additional penalties. Commissioner Alexander expressed his belief that this should be the case and that candidates for certain higher offices should be subject to stiffer penalties. The chairman directed the general legal counsel, staff counsel and the executive director to prepare a proposal for the Commission regarding the standards to be employed in dealing with routine late filing of reports (Form R-1).

3. E.L.E.C. Schedule

The Commission agreed to cancel the Commission meeting scheduled for September 6, 1978 and reschedule it to September 7, 1978.

4. Minutes of Commission Meeting

On a motion by Vice-Chairman Goldmann, seconded by Chairman Reiche, the Commission approved the minutes of the Commission meeting of July 5, 1978. The vote was 3-0, with Commissioner Margetts abstaining because she was not present at that meeting.

5. Review of Procedures Re Collection of Outstanding Fines

The staff counsel reported on the anticipated procedures to be used in proceeding to collect outstanding fines. He indicated that the proceedings would probably be brought in county district courts.

6. E.L.E.C. vs. Ostrander et al, C-08-77

On a motion by Chairman Reiche, seconded by Commissioner Alexander, the Commission voted 4-0 to go into executive session pursuant to the Open Public Meetings Act to discuss the procedures relative to the scheduled hearing in this matter. At the conclusion of the discussion the Commission remained in executive session for the next 3 items on the agenda.

7. 1976 Municipal Election Cases

The Commission reviewed a list of 15 cases from the 1976 municipal election, most of which involved the filing of late R-1 forms.

8. Late Filing Cases from the 1976 General Election and the 1977 Primary Election

The Commission reviewed 70 cases from the above-cited elections involving late filings of A-1 forms (Sworn Statements).

9. Litigation

The general legal counsel reported concerning the latest developments in New Jersey Chamber of Commerce et al vs. E.L.E.C. et al and Socialist Workers Party vs. E.L.E.C. At the conclusion of the discussion, the Commission went into public session on a

motion by Chairman Reiche, seconded by Commissioner Alexander and a vote of 4-0.

10. 1976 Municipal Election Cases

On a motion by Vice-Chairman Goldmann, seconded by Chairman Reiche, and a vote of 4-0, the Commission agreed to authorize notices of hearing and complaint in 15 cases from this election which were reviewed by the Commission this day in executive session.

11. Late Filing Cases from 1976 General Election and 1977 Primary Election.

On a motion by Vice-Chairman Goldmann, seconded by Chairman Reiche, the Commission agreed to the determinations on the list attached to these minutes with the votes and dissents as noted therein. The vote was 4-0.

12. Personnel Matter

On a motion by Chairman Reiche, seconded by Commissioner Alexander, the Commission voted 4-0 to go into executive session pursuant to the Open Public Meetings Act to discuss a personnel matter. The Commission reviewed and discussed a matter of executive compensation. At the conclusion of the discussion on a motion by Chairman Reiche, seconded by Commissioner Alexander, the Commission voted 4-0 to return to public session.

13. Adjournment - The Commission adjourned the meeting at 4:15 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director