

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

April 18, 1979 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

*Commissioner Margetts attended the meeting until approximately 3:30 p.m., leaving just prior to the Commission going into executive session.

The chairman called the meeting to order and announced that 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, and that copies have been posted in the State House Annex, and mailed to the Newark Star Ledger, the Philadelphia Bulletin and the entire State House press corps.

The meeting convened at 10:05 a.m.

1. Minutes of April 4, 1979 Commission Meeting

On a motion by Commissioner Alexander, seconded by Commissioner Margetts and a vote of 4-0, the Commission approved, with amendments, the minutes of the Commission meeting of April 4, 1979.

2. Introduction of New Staff Members

The executive director introduced new staff members, Stacy Houghton, Eileen Smith and Linda Piljar, to the Commission.

3. Commission Compensation

In view of the Legislative Joint Appropriations Committee's action in adding authorization and funds for Commission compensation beginning July 1, 1979, the Commission discussed the alternative methods of payment of such compensation (i.e. State payroll vs. voucher, etc.). The executive director indicated that the appropriate account would have to be set up and the method of payment determined soon.

4. Legislative Recommendations for Possible Inclusion in 1978 Annual Report of the Commission

After discussion, the Commission agreed to include the following legislative recommendations:

1. To support the concept of an independent Commission perhaps ELEC at the State level to administer lobbyist registration, activity report and financial reporting.

2. Prohibit political campaign activity on the job by public employees and the use of public facilities and equipment for political campaign activity.
3. Explore the possibility of requiring registration annually with the Commission of political party committees. This would include providing annually information as to officers, address, etc.
5. E.L.E.C. Schedule of Meetings
The Commission agreed to cancel its April 23, 1979 meeting. The next meeting of the Commission will be on May 2.
6. Status Reports by Executive Director
 - a. E.L.E.C. 1979-80 budget - The executive director reported on the current status of this budget, indicating that he anticipated that the appropriation would be adequate.
 - b. Legislation - The executive director reported on the status of bills in the Senate and Assembly to provide for public financing of gubernatorial primary elections, to exempt the Election Law Enforcement Commission from the Administrative Law Office, to revise completely Title 19 (elections), and the omnibus bill amending the Campaign Contributions and Expenditures Reporting Act which has been developed by the Commission but not yet introduced.
 - c. Office of Administrative Law - Mr. Thurston indicated that he anticipated forwarding to the Office of Administrative Law several requests for hearings in the very near future. A1539, which would exempt the Commission from the jurisdiction of the Office of Administrative Law, is still pending in the Senate State Government Committee. Mr. Thurston indicated further that the appropriations for the Office of Administrative Law for fiscal 1980 had been reduced from the Governor's request by the Legislative Joint Appropriations Committee.
 - d. Data Summaries and Other Publications - The executive director indicated that he hopes to obtain a third computer terminal, hire 2 or 3 additional staff members and possibly run a second shift on data input in order to produce data summaries from 1977 and 1978 elections. He also indicated that he anticipates the publication of summary data relative to expenditures by 1977 Assembly candidates in both the primary and general elections in the near future. It is expected that with the additional resources summaries can be completed more expeditiously.
 - . Compliance - 1978 Annual Reports - Mr. Thurston indicated that among the delinquent 1978 annual reports was that of the Democratic State Committee. He indicated that he anticipated receiving the report within the next week and would report to the Commission relative to this matter at the next meeting.

7. Review of E.L.E.C. After 6 Years

The Commission engaged in the general discussion of its operations at this point in time, approximately 6 years after its creation. Its present functioning in various areas was reviewed. Among the suggestions for improvement and supplement of existing operations were the following:

- a. The staff will develop a proposal to publish the names of delinquent candidates as soon as possible after each filing date for each election. It is envisioned that the proposal will be developed in the immediate future, tested in the 1979 primary election for possible actual use in the 1979 general election. It was agreed to concentrate on legislative and county offices for this project.
- b. The staff will explore the possibility of developing criteria for determining the adequacy and completeness of filings in connection with a possible public release after each filing date.
- c. The staff will work toward developing a standardized investigation form.
- d. The Commission will sponsor a training course or educational program for hearing officers and presenting attorneys to improve their knowledge of the Campaign Contributions and Expenditures Reporting Act. Additionally, a manual for each one of them will be prepared.
- e. The Commission will intensify its efforts to collect outstanding fines by means of administrative and legal action.
- f. The Commission will attempt to answer advisory opinions more expeditiously and, in this connection, explore the delegation of authority to counsel for certain types of advisory opinion requests. Additionally, it is anticipated that some advisory opinions will be published every year along with an index of advisory opinions.
- g. Contact with political party committees relative to their filing responsibilities would be increased, particularly in regard to educating them as to their responsibilities.
- h. The Commission and staff will develop guidelines for Commission members and staff as to political activity on their part, with particular emphasis on the question of such activity by spouses. The members of the Commission basically agreed that it would be inappropriate for any member or his or her spouse to contribute to any candidates or political parties at any level (including the Federal level). The Commission agreed to discuss this matter further at its next meeting.

8. Executive Session
On a motion by Chairman Reiche, seconded by Vice-Chairman Goldmann, and a vote of 3-0, the Commission went into executive session to discuss the determination of several enforcement matters, current investigations and to review the executive session minutes of the Commission meeting of April 4, 1979. At the conclusion of the executive session the Commission returned to public session on a motion by Chairman Reiche, seconded by Commissioner Alexander and a vote of 3-0.
9. Commission vs. Rudolph Green, C-107-77 (M)
On a motion by Chairman Reiche, seconded by Vice-Chairman Goldmann, and a vote of 3-0, the Commission found the respondent, a candidate for council in Jersey City in the 1977 May municipal election, in violation of the Act in failing to file a 7-day-pre-election report and failing to file a timely 60-day post-election report and for such violations imposed fines of \$75 and \$25 respectively.
10. Complaint from Kyle Keiderling Against Flemington Concerned Citizens and Taxpayers Association
This matter related to a certain advertisement by the Association in the 1976 general election for Flemington Borough Council. Upon investigation it was determined that the expenditure by the Association totaled \$42 and that none of the candidates supported by the Association expended more than \$1,000 and therefore none had an obligation to file campaign reports. Accordingly, under the provisions of Section 8 of the Act, the Association did not have a requirement to file campaign reports. For this reason, the Commission, on a motion by Vice-Chairman Goldmann, seconded by Chairman Reiche and a vote of 3-0, agreed to dismiss the complaint in this matter.
11. Adjournment - The Commission adjourned the meeting at 4:40 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director