

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

May 16, 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
Andrew Axtell, Nominee to Commission

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 10:15 a.m.

1. Executive Session

On a motion by Commissioner Alexander, seconded by Vice-Chairman Goldmann and a vote of 4-0, the Commission went into executive session to discuss personnel matters. At the conclusion of the executive session the Commission returned to public session.

2. Annual Reporting by Political Information Organizations

Counsel reported that argument was held on May 9, 1979 in the New Jersey Supreme Court in the case of N. J. Chamber of Commerce, et al, vs. E.L.E.C. et al, which involves a question of annual reporting by political information organizations. The Commission had previously postponed the dates for filing 1977 and 1978 annual reports of political information organizations on several occasions. The last Commission action postponed this date until July 1, 1979 and postponed the date for the filing of Designation of Treasurer and Depository to May 31, 1979. The Commission reviewed this schedule and the status of the litigation before the New Jersey Supreme Court and, on a motion by Chairman Reiche, seconded by Commissioner Alexander and a vote of 4-0, agreed to postpone the filing date for 1977 and 1978 annual reports of political information organizations from July 1, to December 1, 1979 and the date for the filing of Designation of Treasurer and Depository from May 31, 1979 to October 31, 1979.

3. New Commission Regulation Re Reporting by Political Action Committees

The Commission reviewed an initial draft of a regulation on the above-cited subject prepared by counsel. A number of possible modifications were suggested. It was agreed that the members of the Commission would review the draft and the issue and discuss it further at the next meeting of the Commission on June 6.

*Commissioner Margetts left the meeting at the conclusion of item #11.

4. E.L.E.C. 1977 Annual Report

The Commission reviewed a draft of a 1977 annual report of the Commission prepared by the executive director. A number of suggestions for changes were made and Commission members' comments marked on the draft report were given to the executive director. The executive director indicated that a number of sections of the draft report were not included in this draft but were being revised. It was agreed that the subject would be discussed further at our next Commission meeting.

5. Revision of Commission Regulations

The executive director and counsel reported on the need of general revision of the Commission's regulations to eliminate regulations no longer appropriate and to modify and consolidate regulations based on the Commission's experience to date. The Commission agreed that counsel and staff counsel should begin a draft revision.

6. Report on May Municipal and June Primary Filings

The executive director reported on the filings for the May Municipal Election and for the first report for the June Primary Election in 1979. He reviewed with the Commission the new procedure which was utilized which included the new consolidated forms and information packet and the use of municipal clerks to distribute these packets.

7. Report on Legislation

The executive director reported on the status of bills in the Legislature proposing to provide public funds for gubernatorial primary elections. He indicated that the Senate State Government Committee had reported S3133 with amendments. He indicated that the amendments included increasing the contributions limit from \$600 to \$800 but retaining matching of only \$600, adding language making it clear that each spouse could contribute \$800, adding language to make it clear that banks had no liability relative to certain campaign bank account activity, and requiring candidates and committees to indicate the occupation or occupational interest and place of business of contributors who contribute in excess of \$100. The executive director indicated that the last-named amendment applied not only to gubernatorial general elections financed in part with public funds but also to all candidates and committees with an obligation to file reports under the Act. After discussion, it was agreed that this amendment requiring occupation or occupational interests or place of business to be indicated in reports was undesirable as it was adopted.

8. Public Minutes of Commission Meeting of May 2, 1979

On a motion by Commissioner Alexander, seconded by Commissioner Margetts and a vote of 4-0, the Commission approved the minutes of the public session of the Commission meeting of May 2, 1979, with changes.

9. Executive Session

On a motion by Commissioner Margetts, seconded by Vice-Chairman Goldman and a vote of 4-0, the Commission went into executive session to discuss the executive session minutes of the Commission meeting of May 2, 1979, and investigative matters relating to a 1978 election. After discussion of these matters, the Commission returned to public session on a motion by Chairman Reiche, seconded by Vice-Chairman Goldman and a vote of 4-0.

10. E.L.E.C. vs. John Cryan, et al, C-791-78(P)

On a motion by Vice-Chairman Goldman, seconded by Commissioner Alexander and a vote of 4-0, the Commission agreed to amend the complaint in the above-cited matter to add a count alleging the non-reporting of the names and addresses of 20 contributors who each contributed over \$100 in the aggregate to the John Cryan campaign for county executive in the 1978 Primary Election. This case has been the subject of a hearing on May 14 and the next scheduled hearing in the matter is on June 18, 1979.

11. Commendation of Frank Reiche

On a motion by Commissioner Alexander, seconded by Commissioner Margetts and a vote of 3-0, (Chairman Reiche not voting) the Commission commended Chairman Frank Reiche for his extraordinary contribution to the Commission and the State of New Jersey as chairman of the Commission from 1973 to the present, congratulated him on his appointment by President Carter to the Federal Election Commission and wished him the best of success in that position. The executive director, counsel and staff counsel expressed similar sentiments.

12. Report on Litigation

The counsel indicated that a brief had been filed with the New Jersey Supreme Court in support of the Commission's appeal of the Appellate Division opinion in the case of Ricci v. Senior Citizens & Taxpayers Fed Up With Byrne Democrats. He also reported to the Commission on the Supreme Court oral argument on May 9, 1979 in the case of N. J. Chamber of Commerce et al. vs. N.J. E.L.E.C. et al.

13. Adjournment - The Commission adjourned the meeting at 4:00 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director