

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

November 12, 1979 Meeting

PRESENT

Sidney Goldmann, Chairman
Josephine S. Margetts, Member
Andrew Axtell, Member
Lewis B. Thurston, Executive Director
Edward J. Farrell, General Legal Counsel
Herbert R. Wolfe, Assistant Executive Director

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 10:00 a.m.

1. Report on 1979 General Election

The executive director reported on the compliance by candidates and committees for the 1979 General Election through the first 2 filing periods. He indicated that generally compliance was improved from previous years.

2. Executive Session

On a motion by Commissioner Margetts, seconded by Commissioner Axtell and a vote of 3-0, the Commission went into executive session to discuss the minutes of the executive session of the Commission meeting of October 19, 1979 and determinations of a number of cases involved in the 1978 and 1979 elections. At the conclusion of the discussion in executive session the Commission returned to public session on a motion by Commissioner Margetts, seconded by Commissioner Axtell and a vote of 3-0.

3. Advisory Opinion Requests

The Commission reviewed the following advisory opinion requests and agreed upon opinions to be rendered in each:

0-01-79, Barbara H. Hanselmann, (filing obligations of the John F. Cryan Assoc.)
0-12-79, Lawrence J. Roberts, (obligations of a business corporation under certain portions of the Campaign Contributions and Expenditures Reporting Act)
0-14-79, Michael Huber, (contributions by a political party committee to a defeated primary election candidate)
0-15-79, F. Robert Meier, treasurer, Common Cause (permissibility of out-of-state bank account for New Jersey/Common Cause)
0-17-79, Richard A. Lustgarten, Esq., (reporting of expenditures for voter profile study by Bergen County Democratic Committee)

4. Use of Public Funds on Behalf of Referendum Questions

The Commission reviewed a 1953 court decision (Citizens to Protect Public Funds and Dudley Kimball vs. Board of Education of the Township of Parsippany-Troy Hills) and formal opinion no. 21 of 1975 the New Jersey Attorney General on the above-cited subject. It was agreed that the staff would review the citizen complaints received on this subject relating to 2 municipalities and

determine whether it was appropriate to investigate and/or refer these matters to appropriate prosecuting officials or take other appropriate action.

5. Discussion of when a candidacy begins for purposes of Campaign Contributions and Expenditures Reporting Act

The Commission reviewed a number of aspects of this question and also considered whether it was an appropriate subject for regulation or advisory opinion. General legal counsel and the executive director were directed to review the provisions of the Federal Election Commission regulations regarding this general subject area and to report back to the Commission at the next meeting with any suggestions for a possible regulation which they may have.

6. Minutes of Public Session of Commission Meeting of October 19, 1979

On a motion by Commissioner Margetts, seconded by Chairman Goldmann and a vote of 3-0, the Commission approved the minutes of the above-cited meeting.

7. Determinations of Enforcement Cases

1. Commission vs. Forrest, C-150-79(P) - On a motion by Commissioner Axtell, seconded by Commissioner Margetts and a vote of 3-0, the Commission found Jonathan Forrest, candidate for municipal office in Chatham in the 1979 Primary Election, to be in violation of the Act for filing Form A-1 19 days late and imposed a penalty of a reprimand without a monetary fine.
2. Commission vs. Martin P. Lombardo, C-130-79(P) - On a motion by Chairman Goldmann, seconded by Commissioner Axtell and a vote of 3-0, the Commission found that Martin Lombardo, candidate for municipal office in Princeton Borough filed Form A-1 21 days late for the 1979 Primary Election and fined him \$25.00 for this violation.
3. Commission vs. A. J. Fortunato, C-192-79(P) - On a motion by Chairman Goldmann, seconded by Commissioner Axtell and a vote of 3-0, the Commission found that Assemblyman Fortunato, candidate for the Assembly in the 27th Legislative District in the 1979 Primary Election, filed Form A-1 31 days late and fined him \$25.00 for this violation.
4. Joseph M. Cermele and E.L.E.C. vs. Lawrence Township Republican Club, et al, C-06-78 - On a motion by Commissioner Margetts, seconded by Chairman Goldmann and a vote of 3-0, the Commission found the Lawrence Township Republican Club and its treasurer Benedict H. Paratore in violation of the Act for failing to file timely annual reports of contributions and expenditures for the club for the calendar years 1973, 1974, 1975, 1976 and 1977. The Commission issued a reprimand without monetary fine on the club and its treasurer for 1973 and 1974 and a \$50.00 fine each on the club and its treasurer jointly for the years 1975, 1976 and 1977 (for a total of \$150.00).
5. Commission v. Mears, C-223-79(P), - On a motion by Chairman Goldmann, seconded by Commissioner Margetts and a 3-0 vote, the Commission reconsidered its action of September 13, 1979 in imposing a \$50.00 fine on Mr. Mears, a candidate for municipal office in Lawnside. Based on additional evidence of Mr. Mears' good faith specific attempts to comply with the Act, the Commission vacated its previous action and reduced the penalty from a \$50.00 fine to a reprimand.

8. Adjournment - The Commission adjourned the meeting at 2:45 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Lewis B. Thurston, III". The signature is written in dark ink and is positioned above the typed name.

LEWIS B. THURSTON, III
Executive Director

LBT/cm