

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

January 2, 1980 Meeting

PRESENT

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

ABSENT

Sidney Goldmann, Chairman

Commissioner Margetts presided at the meeting in Chairman Goldmann's absence and 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. ELEC 1980 Meeting Schedule

The Commission discussed and agreed upon a schedule of meeting dates for 1980. This schedule will be published by January 10 in accordance with the Open Meetings Law.

2. Executive Session

On a motion by Commissioner Axtell, seconded by Commissioner Margetts and a vote of 2-0, the Commission went into executive session to discuss the determination of a number of enforcement cases, current litigation, personnel matters re Commission staff and the executive session minutes of the Commission meeting of November 12, 1979. Upon conclusion of the discussion the Commission returned to public session on a motion by Commissioner Axtell, seconded by Commissioner Margetts and a vote of 2-0.

3. Advisory Opinions

The Commission discussed drafts of advisory opinions and agreed to them with modifications for the following advisory opinion requests:

0-20-79, George B. Ebbe, treasurer of the Campaign Fund of Bill Maguire

0-21-79, Vincent C. A. Bitter, Jr., campaign treasurer of the Art Albohn Campaign Fund

4. Report on Legislation

The executive director reported on the status of current legislation of significance to the Commission. This included S3413, a bill to provide expenditure limitations in gubernatorial general and primary elections, which lost in the Senate recently and which is opposed by the Commission. It also included legislation recently introduced on the permissible uses of surplus campaign funds and to increase the \$1,000 threshold to file R-1 reports and the \$100 threshold for the reporting of the name and address of contributors under the Campaign Contributions and Expenditures Reporting Act. The Commission discussed in some detail the desirability of various uses of surplus campaign funds, including uses for expenses incurred in holding public office, such as newsletters to constituents and office supplies and materials. After discussion of the merits of increasing the above-cited thresholds in the Act, the Commission agreed that

if it is appropriate to increase the thresholds that the basis for such increase contained in the legislation recently introduced by Assemblyman Weidel is inappropriate. That base would provide essentially for annual determination of such thresholds by Commission regulation based on changes in the cost of living.

5. Review of Hearing Procedures of Office of Administrative Law

The executive director and staff counsel reported on the experience to date with ELEC hearings held under the auspices of the Office of Administrative Law. The executive director indicated that in general the matters had proceeded satisfactory. Certain problem areas relative to procedures were discussed, including the potential for undue adjournments for insufficient reasons and providing sufficient time for the Commission to make determinations. The staff counsel indicated that the present provisions of the Office of Administrative Law statute and the procedures employed require a decision from the Commission within 45 days after service on the Commission of the Administrative Law Judge's decision and within the 45 days a period of 20 days after service is provided for respondents to submit exceptions to the decision of the administrative law judge. He indicated that this substantially reduces the time period within the 45 days within which the Commission can consider the matter for a final determination. This is particularly a problem for Commissions such as the Election Law Enforcement Commission which meet only once or twice a month. Accordingly, extensions of the 45 day period have been and will continue to be necessary. It was agreed that the Commission should formally communicate the nature of this problem and possibly some suggestions for remedies of the problem to the Chief Judge of the Office of Administrative Law.

6. Discussions of Issues Concerning When a Candidacy Begins and Filing Obligations of Certain Multi-purpose Committees

The Commission discussed the above-cited topics, particularly in regard to various kinds of committees which have been formed to explore or support the candidacy or potential candidacy of various persons as candidates for governor in the 1981 primary election. The possibility of the Commission adopting a regulation and/or guidelines relative to such exploratory efforts was discussed in some detail. A rough draft of a number of concepts which could be embodied in regulation form, prepared by the executive director, was discussed. It was agreed that counsel would attempt to refine this draft into a draft regulation for subsequent consideration by the Commission.

7. Minutes of Commission Meeting of November 12, 1979

On a motion by Commissioner Axtell, seconded by Commissioner Margetts and a vote of 2-0, the Commission approved the minutes of the public session of the Commission meeting of November 12, 1979.

8. Annual Reports of Political Information Organizations

The Commission noted that a decision in the case of New Jersey Chamber of Commerce et al vs. ELEC et al regarding the constitutionality of the annual reporting requirements of the Act relative to political information organizations has not been issued yet by the New Jersey Supreme Court and the latest postponement of the filing dates for such committee's 1977, 1978 and 1979 annual reports is March 1, 1980 for the reports, themselves, and January 31, 1980 for designation of treasurer and depository for 1979 and 1980. In view of these facts, the Commission agreed that a further extension was appropriate and, on

a motion by Commissioner Axtell, seconded by Commissioner Margetts and a vote of 2-0, the Commission extended the dates for the filing of 1977, 1978 and 1979 annual reports of political information organizations which expend \$750 or more in any year to July 1, 1980 and the date for designating a treasurer and depository for 1979 and 1980 until May 30, 1980.

9. Adjournment - The Commission adjourned the meeting at 2:25 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director

LBT/cn