

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

MINUTES - September 12, 1977 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, Legal Counsel
Herbert Alexander, Consultant
Neil Upmeyer, Director of Public Financing

Pursuant to the Open Public Meetings Law, P. L. 1975, c.231, annual notice of the meetings of the Commission, as amended, was filed with the Secretary of State's office, copies were posted in the State House Annex, copies were mailed to the Newark Star Ledger and the Philadelphia Bulletin and the entire State House Press Corps.

*Judge Goldmann attended the meeting from 1:55 p.m. at the start of the discussion of advisory opinion request 0-33-77 and stayed until conclusion of the meeting.

The meeting convened at 10:20 a.m.

1. Proposed Commission regulations re reporting by political action committees (19:25-15.38 and 19:25-15.39)

The Commission discussed these proposed regulations which were published in the August edition of the New Jersey Register and were the subject of a public hearing. A number of slight modifications of the language of the regulations were suggested and adopted.

On a motion by Chairman Reiche, seconded by Commissioner Margetts, the Commission voted to adopt these proposed regulations with the modifications accepted and with the additional provision that the executive director and counsel review the so-called "conduit problem" (certain organizations soliciting contributions for candidates and forwarding them to the candidates without deposit in the organization bank account) and report to the Commission by January 1978 on this matter. The vote was 2-1, with Commissioner Alexander in the negative because he believes that subsection b of regulation 19:25-15.38 and the later language which depends on it is an incorrect interpretation of the law.

2. ELEC Schedule

The Commission agreed on the following modifications of its meeting schedule:

The meetings scheduled for November 10 and December 7, 1977 will be cancelled.

New meetings will be scheduled for November 16 and December 9.

3. Proposed Regulations Regarding Travel and Value of Goods and Services (19:25-15.40 and 19:25-15.41)

After a brief discussion, on a motion by Commissioner Alexander, seconded by Chairman Reiche, the Commission voted to adopt the proposed regulation regarding travel expenses as proposed. The vote was 3-0.

After brief discussion, on a motion by Commissioner Alexander, seconded by Commissioner Margetts, the Commission voted to adopt the proposed regulation regarding the value of goods and services as proposed. The vote was 3-0.

4. Certification of Public Matching Funds to Gubernatorial Candidates

The Commission reviewed the summary and staff recommendations of the 5th submission for public matching funds by Governor Byrne and Senator Bateman.

On a motion by Commissioner Alexander and seconded by Chairman Reiche, the Commission voted to certify \$53,530 in public matching funds to Governor Byrne for this submission period. The vote was 3-0.

On a motion by Commissioner Alexander, seconded by Chairman Reiche, the Commission voted to certify \$217,394 in public matching funds to Senator Bateman for this submission period. The vote was 3-0.

5. Advisory Opinion Requests

0-33-77 (Catherine A. West) - The Commission discussed counsel's draft opinion and approved it.

0-38-77 (Barbara S. Dewar) - After discussion, the Commission approved counsel's draft of this advisory opinion by a vote of 3-0. Commissioner Alexander abstained because he believed that what is requested is not clear from the advisory opinion request letter.

6. Vote re Certification of Public Matching Funds to Gubernatorial Candidates

Vice-Chairman Goldmann moved that the vote by which Commission certification of public matching funds for the 5th submission period be reconsidered and reopened for the purpose of giving him an opportunity to vote on it. The motion was seconded by Chairman Reiche and approved by a vote of 4-0.

Commissioner Alexander moved and Chairman Reiche seconded that \$53,530 in public matching funds be certified to Governor Byrne for the 5th submission period. The vote was 4-0.

Commissioner Alexander moved and Chairman Reiche seconded motion to certify \$217,394 in public matching funds for the 5th submission period to Senator Bateman. The vote was 4-0.

7. Advisory Opinion Request 0-39-77 (Ford Motor Co. P.A.C.)

Counsel's draft opinion was discussed and a number of changes suggested, including the requiring of a New Jersey depository. Counsel was directed to redraft his opinion for consideration at the next meeting.

8. Advisory Opinion Request 0-41-77 (Walter Peters, Republican State Committee)

After discussion, the substance of an opinion was agreed upon and it was agreed further that a written opinion would be drafted and circulated among the Commission members prior to being sent to Mr. Peters.

9. Report by Executive Director

The executive director indicated that a guide to public financing pamphlet had been prepared and a number of copies circulated. He also indicated that 5 information sessions for candidates, campaign treasurers and other campaign participants had been scheduled at various locations around the State starting on September 15 and ending on September 28, 1977. He reported that mailings of forms and information and instructions had been forwarded to the candidates for the general election and to committees who are anticipated to be participating in the 1977 general election.

The executive director reported at length regarding Commission activity re the 500 word statements from gubernatorial candidates to be sent with the sample ballots to the registered voters prior to the 1977 general election. He indicated that 15 such statements had been received by September 9 and arrangements made for the statements to be typeset and translated into Spanish for preparing them to be forwarded to the county clerks.

10. Current Investigations

Pursuant to Open Public Meetings Law, P.L. 1975, c.231, the Commission went into executive session to discuss 2 matters of current investigation. The first involves a 1977 municipal election and a second the 1977 general election. It is anticipated that these investigations will be concluded within the next month and further action taken by the Commission in regard to these matters at that time.

At the conclusion of the discussion, the Commission returned to public session.

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11. Adjournment - The Commission adjourned the meeting at 4:25 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