

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

FEBRUARY 15, 1978 MEETING

PRESENT

Frank P. Reiche, Chairman
Sidney Goldmann, Vice-Chairman
Archibald S. Alexander, Member
Lewis B. Thurston, III, Executive Director
Edward J. Farrell, Legal Counsel
Neil Upmeyer, Director of Public Financing
Lisa Pollak, Associate to Mr. Farrell
Herbert Alexander, Consultant

ABSENT

Josephine S. Margetts, Member

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.

The meeting convened at 10:15 a.m.

1. Report on Byrne Inaugural Activity

The Executive Director and Director of Public Financing reported on the Byrne Inaugural Committee's report of contributions and expenditures in connection with the inaugural affairs.

2. Report On Post-Audit of Gubernatorial Campaigns

The Executive Director and Director of Public Financing reported on the status of the post-audit of gubernatorial campaigns, particularly in regard to the Bateman campaign.

3. Annual Reports of Political Information Organizations

Counsel and the Executive Director indicated that the review of regulations and advisory opinions on this subject would be completed shortly and reviewed some of the aspects of the present situation in regard to enforcement of the statutory provisions for 1977.

4. ELEC Schedule

The Commission reviewed the schedule of meetings for March and April and agreed that the March 1 scheduled meeting would be held in Morristown at counsel's office, rather than in Trenton at the Commission office. Several possible alternative meeting dates for meetings in March and April were discussed, but no final decision was made pending discussion of them with Commissioner Margetts.

5. Approval of Minutes of Commission Meeting of February 1
The Commission reviewed and then approved the minutes of both the Public and Executive Sessions of the Commission meeting of February 1, 1978. Both were approved by votes of 3-0 on motions by Commissioner Alexander and Chairman Reiche respectively, both seconded by Vice-Chairman Goldmann.
6. Recent Sunshine Law Court Decisions
Counsel reported on the general substance of several recent open meetings opinions by New Jersey Courts.
7. Assembly Bill No. 3140 of 1977
The chairman indicated that he had been in touch with the governor's office to arrange an appointment for him to talk to the Governor about this bill.
8. Report on Election Campaign Law Seminar
The chairman reported on the recent one day election campaign law seminar sponsored by the Federal Bar Association in Washington, D. C. which he and the Executive Director attended.
9. ELEC Budget and Governors Recommendations Therefor For Fiscal Year 1978-79
The Executive Director reported on the Governor's recommendations for the budget of the Commission for fiscal year 1978-79 which were made public on February 14, 1978.
10. C-385-76 James Palmer, 1976 Primary Election
The Executive Director informed the Commission of a three page letter from Mr. Palmer protesting the Commission disposition and fine in this matter. The Chairman indicated that he would respond to Mr. Palmer personally in writing.
11. C-607-76 Robert Boisvert, 1976 Primary Election
Mr. Boisvert was a candidate for council in Pleasantville, Atlantic County in the 1976 Primary Election. Mr. Boisvert's case was identical to that of three other council candidates whose cases have recently been dismissed by the Commission. On a motion by Commissioner Alexander, seconded by Chairman Reiche, the Commission voted 3-0 to dismiss the complaint in this matter.
12. S766 of 1978 (Office of Administrative Law)
The Executive Director reported on the current status of this bill. He indicated that it is similar to a bill passed in the Senate in 1977. The Commission reiterated its concern about the possible effect of the bill on the Commission's independence. The bill would create a State administrative law office with administrative law judges appointed by the Governor to be assigned to various agencies as hearing officers.
13. Litigation and Investigations
Pursuant to the Open Public Meetings Law, the Commission on a motion by Chairman Reiche, seconded by Vice-Chairman

Goldmann, voted 3-0 to go into Executive Session to discuss current litigation involving the case of New Jersey Chamber of Commerce et al vs. ELEC and also a number of cases which have been investigated. At the conclusion of the discussion, the Commission returned to Public Session.

14. Four Your Future Victory Dinner

On a motion by Vice-Chairman Goldmann, seconded by Commissioner Alexander, the Commission voted 2-0 to file a complaint against this committee and its chairman and treasurer Al Szur for failure to timely designate a campaign treasurer and depository and failure to timely file a report of contributions and expenditures for the 1974 general election as required by Section 18 of the Act. This committee supported three candidates for counsel and a candidate for mayor in the 1974 general election in New Brunswick. Chairman Reiche was not present and did not participate in the discussion and determination of this matter.

15. James Nosuchinski vs. George F. Hendricks, Jr., Edwin G. Carman, Joseph E. Vincze (Candidates for New Brunswick Council in 1976 General Election), Their Campaign Treasurer, John A. Lynch, Jr., and the New Brunswick City Democratic Organization, C-05-77

The Commission reviewed the record in this matter, including the complaint of Mr. Nosuchinski and investigator's memorandum. On a motion by Vice-Chairman Goldmann, seconded by Commissioner Alexander, the Commission voted 2-0 to dismiss the complaint in this matter because there had been a filing for the 15 day post election report, substantial disclosure of the required information and the discrepancies could and were rectified by administrative action. Chairman Reiche was not present and did not participate in the discussion or determination of this matter.

16. ELEC vs. New Brunswick City Democratic Organization

The Executive Director indicated that in the course of the investigation of the previous matter and by general staff review, it was determined that a 1976 annual report was not timely filed by the New Brunswick City Democratic Committee. On a motion by Vice-Chairman Goldmann, seconded by Commissioner Alexander, the Commission voted 2-0 to file a complaint against the New Brunswick City Democratic Committee and its treasurer for failure to timely file a 1976 annual report for the Organization in violation of Section 8 of the Act. Chairman Reiche was not present and did not participate in the discussion and determination of this matter.

17. Republican Executive Finance Club of Camden County

The Commission reviewed the record in this matter including staff memoranda. At the conclusion of discussion the Commission, on a motion by Vice-Chairman Goldmann, seconded by Commissioner Alexander, voted 3-0 to file a complaint

against the Republican Executive Finance Club of Camden County and its treasurer, Lewis C. Portella, for failure to file timely campaign reports for the 1976 general election in violation of Section 8 of the Act.

18. Helen A. Wise, 1976 Senate Candidate

After review of the record in this case including staff memoranda, the Commission on a motion by Vice-Chairman Goldmann, seconded by Commissioner Alexander, voted 3-0 to file a complaint against Helen A. Wise, Senate Candidate in the 1976 general election from the 5th District, for failure to file timely campaign reports in violation of Section 16 of the Act and failure to file a designation of treasurer and depository in violation of Section 10 of the Act.

19. Camden County Democratic Committee, 1975 General Election

After a review of the record in this matter including staff memoranda, the Commission on a motion by Vice-Chairman Goldmann, seconded by Commissioner Alexander, voted 3-0 to file a complaint against the Camden County Democratic Committee and its treasurer at the time for non-timely filing of campaign reports for the 1975 general election in violation of Section 16 of the Act and also against the committee and its chairman at the time, James Joyce, for failure to designate a campaign treasurer and depository in violation of Section 8 of the Act for that election.

20. Michael J. Ceponis, 1976 General Election, Freeholder Candidate in Somerset County

After review of staff memoranda, the Commission on a motion by Vice-Chairman Goldmann, seconded by Commissioner Alexander, voted 3-0 to file a complaint against Michael J. Ceponis for non-timely filing of the 7 day pre-election report in violation of Section 16 of the Act and for making \$1241.70 in expenditures of personal funds not through a campaign treasurer in violation of Section 11 of the Act and not depositing such funds in a campaign bank account in violation of Section 12 of the Act.

21. Weehawken Republican Club, 1975 General Election

The Commission reviewed the complaint of several Weehawken Democratic candidates against the Weehawken Republican Organization (C-09-76), the complainant's letter withdrawing the complaint and the investigative memorandum in this matter. On a motion by Vice-Chairman Goldmann, seconded by Commissioner Alexander, the Commission voted 3-0 to file a complaint against the Weehawken Republican Club, its president at the time, Charles Thomas, for failure to designate a campaign treasurer and depository for the 1975 general election in violation of Section 10 of the Act and against the club and its treasurer at the time for failure to timely file campaign reports for the club in violation of Section 8 of the Act.

22. William H. Withers, Independent Candidate for Council, Colts Neck Township 1977 General Election

The Commission reviewed the record in this matter including staff memoranda. On a motion by Vice-Chairman Goldmann, seconded by Chairman Reiche, the Commission voted 3-0 to reprimand Mr. Withers for failure to timely file a 25 day pre-election report for the 1977 general election after he had filed a sworn statement that had spent more than \$1000 prior to the 25th day before the election. The Commission agreed that because complete disclosure of the items which should have been shown on the 25 day report were made on the 7 day report and available to the public before the election and in view of the other proper filings by the candidate, that a fine was not appropriate. The Commission directed that a letter be forwarded to Mr. Withers indicating the Commission action but informing him of his right to a hearing on the matter should he so desire.

23. Request for Information Submitted in Evidence in Previous Case

The Executive Director indicated that he had had a request for information submitted in evidence in the case of ELEC vs. Lawrence Kramer in the 1974 Paterson Mayoral Election. The request was from an individual who was not a party to the action. The matter was discussed briefly and counsel was directed to review it to determine if there are any reasons why such information would not be legally available. The Commission indicated that in the absence of such reasons, the material should be made available to the person requesting it.

24. Enforcement of Commission Determinations By Litigation and Administrative Action

Pursuant to the open public meetings law, the Commission returned to Executive Session to discuss this matter. The Commission discussed procedures to be employed in enforcing its determination in a number of cases previously decided, including litigation. At the conclusion of the discussion, the Commission returned to public session.

25. Adjournment - The Commission adjourned the meeting at 3:30 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director

LBT/cn