

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

June 20, 1979 Meeting

PRESENT

Sidney Goldmann, Acting Chairman
Archibald S. Alexander, Member
Andrew Axtell, Member
Lewis B. Thurston, Executive Director
Edward J. Farrell, General Legal Counsel
Herbert Wolfe, Assistant Executive Director
Gregory E. Nagy, Staff Counsel

ABSENT

Josephine S. Margetts, Member

The acting 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 10:05 a.m.

Acting chairman Goldmann welcomed Commission member Andrew Axtell and assistant executive director Herbert Wolfe to their first meeting of the Commission in an official Commission capacity.

1. ELEC 1977 Annual Report

The Commission discussed excerpts of a draft of this report prepared by the executive director, suggested a number of modifications and directed the executive director to have the report printed. Most of the draft of the report had been reviewed at a previous Commission meeting.

2. Proposed regulation on Political Action Committee Reporting

The Commission reviewed a revised draft prepared by general counsel of a proposed regulation concerning the reporting by political action committees in other than publicly-financed elections. A number of suggestions for change were made which will be incorporated in a revised draft to be made available by counsel before the next Commission meeting.

3. Reports by Executive Director

A. 1979 primary election - Mr. Thurston indicated that the compliance for the 1979 primary election was substantially improved over that for previous primary elections and attributed this in part to success of a new system of distributing forms and information utilizing the services of the municipal clerks for the first time.

B. ELEC 1979 fiscal year budget - The executive director indicated that virtually all of the appropriation for this

fiscal year will be spent by the Commission, and he reviewed the anticipated fiscal '79 yearly expenditures in the major accounts. He further indicated that the Governor has not yet acted on the fiscal 1980 state appropriations bill.

C. Political contributions by persons associated with casinos - Mr. Thurston indicated that he and assistant executive director Wolfe had met recently with the director and assistant director of the Division of Casino Gaming at their request to review cooperative efforts to enforce the provisions of the Casino Gaming Act which bar political contributions by certain persons associated with casinos.

D. Anticipated 1979 General Election public questions - The executive director indicated that it now appears there is a possibility that there will be 3 questions on the statewide ballot on the subjects of an education bond issue, transportation bond issue, and authorization for jai alai in 3 municipalities. He discussed the desirability after the Legislature authorizes any jai alai question of publishing summary information about the 1978 election campaign financing experience with that year's jai alai referendum. The Commission indicated that this would be appropriate and desirable.

E. Legislation re public financing of gubernatorial primary elections - The executive director reviewed with the Commission the latest developments regarding S3133 and A1698 of the current legislative session which propose public financing of and contribution limits for gubernatorial primary elections. He indicated that the most significant amendment adopted within the previous week was an amendment to the Senate bill to increase the contributions limit from \$800 to \$1,000. He stated that he had indicated unhappiness over this amendment. The Commission reiterated its preference for the \$600 contributions limit contained in the original proposal in the Commission's report on public financing or the \$800 contribution limit contained in the Assembly bill.

The executive director and general legal counsel also reviewed with the Commission suggested guidelines for the use of funds in a publicly-financed gubernatorial primary election which were raised prior to the enactment of any state statute on this subject. After discussion, the Commission agreed on several general guidelines which they anticipate would apply in such a situation.

4. Minutes of Commission Meeting of May 16, 1979

On a motion by Commissioner Alexander, seconded by Commissioner Axtell and a vote of 2-0, (Commissioner Axtell not voting because he was not a member of the Commission at that time) the Commission approved with modification the public session minutes of the Commission meeting of May 16, 1979.

5. Executive Session

On a motion by acting chairman Goldmann, seconded by Commissioner Alexander 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 May 16, 1979, certain enforcement matters relative to 1977 and 1978 and a current investigation. At the conclusion of the executive session the Commission returned to public session on a motion by Commissioner Alexander, seconded by acting chairman Goldmann and a vote of 3-0.

6. Commission vs. Sidney Marshall, Jr., C-114-78(G)

On a motion by Commissioner Axtell, seconded by Commissioner Alexander and a vote of 3-0, the Commission found Sidney Marshall, Jr. to be in violation of the Campaign Contributions and Expenditures Reporting Act by not timely filing an affidavit indicating he did not spend any more than \$1,000 as a candidate for municipal office in Walpack Township (Sussex County) in the 1978 general election and reprimanded Mr. Marshall for this violation. The Commission considered the displacement of Mr. Marshall's home during the course of the election campaign and the interruption of mail service in partial mitigation.

7. Commission vs. Mildred Barry Garvin and Robert L. Bowser, C-517-77(G)

On a motion by Commissioner Axtell, seconded by Commissioner Alexander and a vote of 3-0, the Commission found Assemblywoman Garvin and the treasurer of her 1977 general election campaign for Assembly, Mr. Bowser, in violation of the Act for filing required R-1 reports for the first three periods 11 months late, and fined Assemblywoman Garvin \$200 and Mr. Bowser \$350 for such violations.

8. Commission vs. Craig Exelbirt, C-05-78

On a motion by Commissioner Axtell, seconded by Commissioner Alexander and a vote of 3-0, the Commission found Mr. Exelbirt, a candidate in the 1978 primary election for the Elizabeth City Council, in violation of the Campaign Contributions and Expenditures Reporting Act for non-timely filing of a Designation of Treasurer and Depository and a 15-day post-election report and fined Mr. Exelbirt \$25 and \$50, respectively, for these violations.

9. Adjournment - The Commission adjourned the meeting at 2:30 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director