

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

August 1, 1979 Meeting

PRESENT

Sidney Goldman, Acting Chairman
Josephine S. Margetts, Member
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

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 10:15 a.m.

1. Legislation to Extend Public Financing to Gubernatorial Primary Elections

The executive director reported that the Assembly had passed A1698 providing for public financing of gubernatorial primary elections and also A3524 dealing with the subject of funds raised for gubernatorial primary elections prior to the effective date of A1698. He indicated that the bill would be referred to the Senate on August 2 when it next met and expressed optimism about the bill's chances of passage in the Senate.

2. Minutes of Commission Meeting of July 5, 1979

On a motion by Commissioner Alexander, seconded by Commissioner Axtell and a vote of 4-0, the Commission approved, with modification, the minutes of the public session of the Commission meeting on July 5, 1979.

3. Advisory Opinion Requests

The Commission agreed upon advisory opinions in response to the following requests and directed counsel to forward an opinion in each case:

0-03-79, Gary D. Peiffer, Esq. - Whether a political action committee about to be formed in New Jersey is subject to reporting requirements of the Act.

0-04-79, June A. O'Hare, Executive Secretary of JEMPAC (N.J. Medical Political Action Committee) - Whether JEMPAC may substitute its Federal Election Commission quarterly reports for E.L.E.C.'s annual report requirement.

of the 7-day pre-election report and late-filing of the first 60-day report. This was done on a motion by Vice-Chairman Goldman, seconded by Commissioner Axtell and a vote of 4-0.

5. E.L.E.C. vs. Murnick, Esposito, et al, 1977 General Election

After discussion and upon recommendation by the executive director, the Commission agreed to file complaints against Anthony J. Esposito, candidate for the Assembly in the 1977 General Election, and his treasurer, Catherine Centanni, for non-timely filing of the 7-day pre-election and 15-day post-election reports. The Commission also agreed to file a complaint against Theodore R. Murnick, candidate for the Assembly in the 1977 General Election, and his treasurer, Alfred Mattia, for non-timely filing of the 15-day post-election report and the first 60-day post-election report. These complaints were authorized by a motion by Acting Chairman Goldman, seconded by Commissioner Axtell and a vote of 4-0.

6. E.L.E.C. vs. John Cryan, et al.

The executive director reported on the current status of this matter. He indicated that at a hearing held on July 23, 1979 it was agreed to sever counts 5 through 10 and postpone consideration of them until after the U. S. grand jury makes a determination relative to Messrs. Cryan and Leonardis. Additionally, the respondents admitted to non-willful violation of counts 1 through 4 and count 11 of the complaint. The executive director indicated that the hearing officer said he would complete a report by the end of August in this matter.

The Commission also discussed the questions of whether it was appropriate to provide copies of the depositions taken of Messrs. Cryan and Leonardis and the medical report submitted to the Commission by Dr. Conn to the U. S. Attorney's office which has made a request for such documents. The Commission indicated that such documents could be provided to the U. S. Attorney's office, preferably under a subpoena for them. It was agreed that the staff would contact the U. S. Attorney's office in response to their request.

7. Executive Session Minutes of Commission Meeting of July 5, 1979

On a motion by Acting Chairman Goldman, seconded by Commissioner Axtell and a vote of 4-0, the Commission approved the minutes of the executive session of the Commission meeting of July 5, 1979.

0-05-79, Laurence A. Hecker, Esq. on behalf of Fire District No. 2 in Dover Township - Applicability of the Act to fire district elections.

0-06-79, Joseph Hillman, Jr., Esq. - Whether N.J.S. 40:73-1, which requires certain disclosure by persons in commission form of government, has been repealed by implication by N.J.S. 19:44A-1 et seq.

0-07-79, George W. Jones, Jr. - Disposition of surplus campaign funds and closing out campaign accounts and reporting.

0-08-79, Jeff Simms, treasurer of Jim Bildner for Assembly '79 Committee - Whether campaign funds may be placed in interest-bearing accounts.

0-09-79, Assemblyman Richard J. Codey - Whether campaign funds may be used to pay air fare to attend the Democratic Midterm Conference held in Memphis, Tenn. in December 1978.

4. Executive Session

On a motion by Commissioner Margetts, seconded by Commissioner Alexander and a vote of 4-0, the Commission went into executive session to discuss determinations in late filing cases from the 1978/and 1979 Primary Elections, several current investigative matters, determination of whether to bring complaints in 3 separate matters and consideration of the executive session minutes of the Commission meeting of July 5, 1979. At the conclusion of these matters, the Commission returned to public session on a motion by Acting Chairman Goldmann, seconded by Commissioner Axtell and a vote of 4-0.

General

5. Determinations in late filing cases for 1978/and 1979 Primary Elections

On a motion by Commissioner Axtell, seconded by Commissioner Margetts and a vote of 4-0, the Commission agreed upon the individual determinations made in the late filing cases for the 1978/and 1979 Primary Elections in the sheets attached to these minutes.

6. Adjournment - The Commission adjourned the meeting at 3:00 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director