

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

MINUTES OF COMMISSION MEETING  
MAY 13, 1974

PRESENT

Frank P. Reiche, Chairman  
Judge Sidney Goldmann, Vice-Chairman  
Judge Bartholomew Sheehan, Member  
Mrs. Josephine Margetts, Member  
Herbert Alexander, Consultant  
Edward J. Farrell, Legal Counsel  
David F. Norcross, Executive Director

1. The minutes of the previous meeting were approved as submitted (3-0).
2. Edward J. Farrell, Esq. reported on the status of state and federal litigation.
3. With respect to regulations, Mr. Farrell indicated that some redrafting had become necessary and that he would distribute the new draft regulations in advance of a special meeting scheduled for May 24, 1974. At the May 24 meeting, the Commission will consider the draft with a view to promulgation as soon as possible in the New Jersey Register.
4. On the matter of opinions, Mr. Farrell indicated that they were dependent, to a large extent, on the regulations to be adopted by the Commission and, therefore, many opinions were being held pending promulgation of regulations. The Executive Director, in cooperation with Counsel, is issuing opinions on emergent matters where the opinion can be based on well-established procedure and principle.
5. DeVizio - Mr. Farrell reported on the status of fine enforcement and indicated that Mr. DeVizio had represented to him that a lawyer would be in touch with the Commission on his behalf. This has not occurred and the Commission, therefore, directed Counsel to proceed with necessary court action to enforce the fine, under the provisions of the Civil Penalties Act.
6. Paterson Hearing - The Executive Director reported on the actions taken by the Commission during the week immediately preceding election in order to accommodate candidates' expressed desire to have the matter determined prior to election day. He explained that a Hearing Examiner had been appointed, had a hearing on Wednesday, and had filed his report preceding election, but that the respondent had indicated a desire to file exceptions and therefore the matter could not be decided prior to election. A general discussion followed relative to procedures to be adopted by the Commission in the period immediately preceding election.
7. A hearing was held on the matter of the Commission v. Jose Soler, candidate for Assembly in District #21. Mr. Soler's October 12 report was eighteen days late; he failed to file on November 21

and he failed to respond to the Commission's February 20 letter.

The candidate explained that three returns had been filed with the County Clerk in Union County, but all on the same date. He indicated that he was a candidate of the American Party. He indicated that he did not believe he had received the Commission's February 20 letter, but was not sure. The candidate indicated that he had spent no money on his candidacy, although \$20,000 had been spent over a period roughly corresponding to 1972 and eight months of 1973. It was indicated in his testimony that this expenditure was for "propaganda" for the candidates' business enterprise. No contribution was received by the candidate from the American Party.

Disposition - The Commission acknowledged receipt of an affidavit for the final period ending November 21, 1973 which was received by the Commission on May 13, 1974, immediately after the hearing. The Commission directed the Executive Director to correspond with the candidate indicating to him that his errors of omission should not be repeated in the event he were to become a candidate at any future time. (4-0)

8. In response to a request for the status of filings in the non-partisan elections, the Executive Director said that due to budgetary limitations, he would prefer to accomplish a general screening, such as was done for the municipal candidates in the 1973 general election, after the third reporting date, with complaints to be dealt with as they are received.
9. The status of the Computer Program was reported upon by the Executive Director, including the results of a conference in Washington with the Executive Director, the Program Analyst from the Department of Treasury and the Computer Program Director of the Secretary of the United States Senate.
10. The Executive Director requested Commission authorization to proceed to formal arrangement with the Department of Treasury, Division of Data Processing, on their proposal to the Commission.

The Chairman requested that the Commission's Consultant, Herbert Alexander, review the Department of Treasury proposal and report to the Commission at its next meeting.

11. New Jersey Election Law Enforcement Commission v. Jones - The Commission voted 3-0 to accept the report of Hearing Examiner, Goldmann and to follow his recommendation with respect to the disposition of the matter. The Executive Director was directed to correspond with the respondent and inform him that the Commission would take no further action as the candidate had testified that he complied with the law and had supplemented his filings with a November 21 report executed and filed before the Hearing Officer on March 18, 1974 and filed on the same day. Commissioner Goldmann took no part in these deliberations.
12. The Commission, by a vote of 4-0, ratified the actions taken at the meeting of March 18, 1974, as indicated by the minutes of that meeting.

13. The Commission modified the disposition of the matter of Galluzzi v. Greenberg as outlined in the minutes of March 18, 1974, by accepting the language of the attached letter.
14. Republican Club of Maywood - After considering the facts as outlined in a letter from the Republican Club of Maywood, the Commission concluded by 4-0 that the Republican Club of Maywood constituted a political information organization under the definition of the Act, and that additionally by virtue of its activities it had incurred an obligation to file pre and post election reports.
15. Chester Ligham Opinion Request - The Commission considered the obligation of an organization to report its financial efforts on behalf of change of government petitions in general. While no specific conclusion with respect to that issue was reached by the Commission, the Executive Director was directed to require additional information of Chester Ligham in order to respond to his opinion request.
16. Karamessinis v. Heston, Barnes, Vance and Wooley - The Executive Director was directed to advise the complainant of his right to submit additional information and to appear, if he so desired, before the Commission on June 17, 1974, at which time the matter is to be decided. The Executive Director was also directed to advise the respondents of the hearing date, their right to be represented by counsel and to present such evidence as they desire.
17. The Executive Director briefly discussed the problems of the Commission's determination to require gross expenditure reporting in connection with fund raising affairs and testimonials.
18. The Commissioners were invited by the Chairman to submit their travel expenditures to the Executive Director for reimbursement by the State.