

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

MINUTES

May 20, 1976

PRESENT

Frank P. Reiche, Chairman
Sidney Goldmann, Vice-Chairman
Josephine S. Margetts, Member
Archibald S. Alexander, Member
Herbert Alexander, Consultant
Edward J. Farrell, Legal Counsel
Lewis B. Thurston, III, Executive Director

The meeting convened at 11:00 a.m.

Pursuant to the Open Public Meetings Law, P.L. 1975, c.231, annual notice of the meetings of the Commission was filed with the Secretary of State's office, copies 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.

1) Minutes of the April 15, 1976 and May 6, 1976 meeting were approved as amended.

2) Convention Delegates

Mr. Thurston reported that he had received a phone call today from Gordon Large, Treasurer of the New Jersey Udall campaign, in which Mr. Large indicated a letter had been sent by representatives of the Udall, Carter, Church and Uncommitted slates to ELEC. The letter is to indicate that the delegates of the slates will not file everything with the Commission because they believe the Federal Election Law preempts New Jersey law regarding such disclosure requirements. The Commission directed Mr. Farrell and Mr. Thurston to review the matter after the letter is received. It was agreed delinquent letters to delegate and alternate candidates temporarily would be held in abeyance pending further developments.

3) Pending Investigations

Pursuant to N.J.S.A. 10:4-12 (6) of the Open Meetings Law, the Commission agreed to go into executive session to discuss pending investigations. At the conclusions of the discussion involving 3 separate matters, the Commission agreed to return to public session.

A. ELEC vs. Anthony Imperiale

Chairman Reiche moved and Commissioner Alexander seconded a motion to file a complaint against Senate candidate Anthony Imperiale,

for failure to file timely 60-day report for the 1973 General Election. Vote 4-0.

B. ELEC vs. Carmen Orechio

Commissioner Alexander moved and Vice-Chairman Goldmann seconded a motion to file a complaint against Senate candidate Carmen Orechio for failure to file timely 60-day report for the 1973 General Election and failure to deposit all funds received in a campaign account by making direct payments for outstanding campaign obligations. Vote 4-0.

C. ELEC vs. Charles J. O'Dowd

Vice-Chairman Goldmann moved and Commissioner Margetts seconded a motion to file a complaint against Assembly candidate Charles J. O'Dowd for failure to file timely 60-day report for the 1973 General Election. Vote 4-0.

The Commission agreed to ask Edward Adourian to be the hearing officer and Michael Wilner to be the Commission counsel for all three of these matters which relate to similar types of alleged violations in the same election.

4) Coviello Civic Association vs. DeFino, Erbach, Langen, Olivete & Kraljevich

Chairman Reiche moved and Commissioner Alexander seconded a motion to dismiss the complaint because the only allegation was a violation of the expenditure limitations and the Attorney General has ruled that the expenditure limitations provisions may not be enforced because of the U. S. Supreme Court decision in Buckley v Valeo. Vote 4-0.

5) Procedures Regarding Disposition of Certain Cases Referred to Prosecutorial Agencies

Pursuant to N.J.S.A. 10:4-12 (6 & 9) of the Open Meetings Law, the Commission agreed to go into executive session to discuss the above-cited matters. At the conclusion of the discussion, the Commission agreed to return to public session.

6) Proposed Lobbyist Regulation Bills

The Executive Director indicated that similar bills, drafted by Common Cause and sponsored by Senator Garramone and Assemblyman Kean, would be introduced very soon in the Legislature on this subject. He indicated he would obtain copies of the printed bills for Commission members. Mr. Thurston was requested to check on the status of the bill recommended by the Election Law Revision Commission.

7) ELEC Annual Report

The content and form of this report for 1975 was discussed briefly.

8) Late Filers for the 1975 Primary and May Municipal Elections

Pursuant to N.J.S.A. 10:4-12 (9) of the Open Meetings Law, the Commission agreed to go into executive session to discuss disposition of a number of the above-cited cases. Upon conclusion of the discussion the Commission agreed to return to public session.

The Commission made the indicated disposition of the following cases:

Kathleen Borek - Lindenwold; council; A-1 late

Charles Librizzi - Lindenwold; tax assessor; A-1 late

Adrean Norwood - Lindenwold; council; A-1 late

Chester Peden - Lindenwold; council; A-1 late

John Pregartner - Lindenwold; council; A-1 late

Penalties for above-cited candidates

The Commission voted 3-1 (Commissioner Alexander dissenting because he believed a fine should be imposed.) to reprimand the above-cited candidates and to include in the reprimand that the ultimate responsibility to obtain forms is the candidate's, not ELEC's to furnish them.

Lois Gingerelli - Bloomfield; council; A-1 late

Flora M. Hill - E. Orange; council; A-1 late

Grace Dwyer - Palisades Park; council; A-1 late

Penalties for above-cited candidates

The Commission agreed to impose \$25 fines on each of the above-cited candidates for late filing.

It was agreed that the cases involving Richard Youngblood, Kenneth Bloom, and Richard Englander would be held for clarification of the facts in each.

9) Adjournment - 3:40 p.m.

Respectfully submitted,

Lewis B. Thurston, III

LEWIS B. THURSTON, III
Executive Director