

MINUTES - July 5, 1977 Meeting

PRESENT

Frank P. Reiche, Chairman
Josephine S. Margetts, Member
Archibald S. Alexander, Member
Lewis B. Thurston, III, Executive Director
Edward J. Farrell, Legal Counsel
*Herbert Alexander, Consultant
Neil Upmeyer, E.L.E.C. staff

*Mr. Herbert Alexander attended the meeting until 4:30 p.m.

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 10:10 a.m.

1. Approval of Commission Minutes

The Commission approved the public and executive session minutes of the Commission meetings on June 10 and June 20, 1977.

2. Late filing cases from 1975 General Election

The Commission made the following determinations in the following cases: See attached list.

3. Report by Counsel on Current Litigation

Pursuant to C.10:4-12 of the Open Public Meetings Law, the Commission went into executive session to discuss matters of current litigation. At the conclusion of the discussion, the Commission returned to public session. The Commission adopted a motion proposed by Chairman Reiche and seconded by Vice-Chairman Goldman directing counsel to seek review by the New Jersey Supreme Court as soon as possible requesting acceleration of a determination of the following aspects of the opinion of the Appellate Division of the Superior Court in the case of Common Cause vs. ELEC.

- A. The application of contribution limits and certain other aspects of the N. J. Campaign Contributions and Expenditures Reporting Act to gubernatorial candidates not seeking or qualifying for public financing.
- B. The question of fairness in applying Section 29 of the Act and any regulations implementing it to contributions received after the date of the primary to be used to discharge primary debts for 1977 primary election. The vote was 4-0, with Commissioner Alexander expressing reservations as to the desirability of seeking review of this point.

Pursuant to C.10:4-12 of the Open Public Meetings Law, the Commission returned to executive session to discuss other aspects of the current litigation in Common Cause vs. ELEC. At the conclusion of this discussion, the Commission discussed pending litigation in the matter of John Donato vs. Byrne, Hyland Goldman and Thurston (Re: a challenge to the use of income tax checked off funds for public financing of gubernatorial elections).

4. Proposed Regulation on Disclosure Reporting of Political Action Committees and Others

The Commission briefly discussed the revised draft of a proposed regulation on this subject. At the conclusion of the discussion on a motion by Commissioner Alexander, seconded by Vice-Chairman Goldmann, the Commission voted 4-0 to approve the proposed regulation.

5. Proposed Regulation on Travel - Re Expenditure Limit, Gubernatorial Election

The Commission briefly discussed the revised draft of a proposed regulation on this subject. At the conclusion of the discussion, on a motion by Vice-Chairman Goldmann, seconded by Commissioner Margetts, the Commission voted 4-0 to approve the proposed regulation. It was agreed that a public hearing on this proposed regulation and the proposed regulation regarding political action committees would be held on August 25, 1977 and that both regulations would be submitted to the Division of Administrative Procedure for publication in the New Jersey Register in its August edition.

6. Advisory Opinion Request 0-28-77 (John Gallagher)

The Commission discussed this advisory opinion request and concluded in regard to point No. 3 of it that litigation costs incurred by Mr. Gallagher regarding the matter of Common Cause vs. ELEC (concerning the contributions limitation re payment of primary debts in 1977) would not be considered campaign expenditures.

7. Advisory Opinion Request 0-24-77 (Ronald Eastman, Democratic National Committee)

This subject was briefly discussed. At the conclusion of the discussion, on a motion by Chairman Reiche, seconded by Commissioner Alexander, the Commission voted 4-0 to adopt an opinion in response to this request.

8. Letters from Robert Raymar Concerning Various Aspects of the Gubernatorial Campaign

The executive director reported on 2 letters dated June 23, 1977 and 2 additional letters dated June 30, 1977 from Robert Raymar, counsel to Citizens for Byrne, which discuss a number of subjects and raise a number of questions in regard to procedures for the gubernatorial general election campaign. The various points raised in the letters were discussed and conclusions regarding them reached.

Counsel was directed to reply to Mr. Raymar regarding these matters.

9. Adjournment - The Commission adjourned the meeting at 5:40 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director

LBT/cm