

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

MINUTES - August 15, 1977 Meeting

PRESENT

Sidney Goldmann, Vice-Chairman
Josephine S. Margetts, Member
Archibald S. Alexander, Member
Lewis B. Thurston, III, Executive Director
Edward J. Farrell, Legal Counsel
Neil Upmeyer, Director of Public Financing

ABSENT

Frank P. Reiche, Chairman
Herbert Alexander, Consultant

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 10:15 a.m. at the offices of Farrell, Curtis, Carlin, Davidson and Mahr, 43 Maple Avenue, Morristown, N. J.

1. Certification of Public Matching Funds to Gubernatorial Candidates

The director of public financing summarized the contributions data submitted for the second submission for candidates Byrne and Bateman. The Commission reviewed the summary data and also copies of checks of contributions which were rejected by the staff or which appeared questionable in meeting the information requirements of the Commission for Governor Byrne. After discussion, the Commission indicated that item no. 69 of deposit 8 on submission no. 1 of Governor Byrne, which initially had been rejected but was resubmitted, be rejected again unless and until further information regarding the alleged partnership is provided the authority of the executor to commit funds on behalf of the deceased partner is made clear and there is resolution of seemingly conflicting instructions. On a motion by Commissioner Margetts, seconded by Commissioner Alexander, the Commission voted 3-0, with Chairman Reiche absent, to approve \$51,330 in public matching funds to Governor Brendan Byrne for the second submission. The Commission then reviewed the staff summary of contributions for the second submission period submitted by Senator Raymond Bateman and also copies of checks for items suggested for rejection at this time by the staff. On a motion by Commissioner Margetts, seconded by Commissioner Alexander, the Commission voted 3-0, with Chairman Reiche absent, to certify \$51,116 in public matching funds to Senator Raymond Bateman.

2. Advisory Opinion Request 0-30-77 (Thomas Saybolt - Ford Motor Company - PAC)

The Commission discussed a draft of an advisory opinion prepared by counsel, made several changes, and approved the

opinion on a motion by Commissioner Alexander, seconded by Commissioner Margetts. The vote was 3-0, with Chairman Reiche absent.

3. Contributions of Trust Funds

The questions of what information will be required from candidates in substantiation of contribution of trust funds, and to whom such contributions should properly be attributed in various circumstances were discussed by the Commission. It was agreed that generally information about these various aspects of such contributions be obtained before such contributions are matched with public funds.

4. Proposed Regulations Re Reporting of "Street Money"

The Commission discussed the draft of a proposed regulation on this subject prepared by counsel. The Commission made several changes and additions to the draft and, on a motion by Vice-Chairman Goldman, seconded by Commissioner Margetts, the Commission voted 3-0, with Chairman Reiche absent, to adopt the proposed regulation. It is anticipated that this proposed regulation will be published in the September edition of the New Jersey Register and that a public hearing will be held on September 19, 1977.

5. Gubernatorial Candidate Statement to Registered Voters

The executive director reported that it was his intention very shortly to forward to Gubernatorial candidates a letter informing them of the procedure, authorized by N.J.S.A. 19:44A, for submission to the Commission of statements not in excess of 500 words to be forwarded through the county clerks to the registered voters of the State with the sample ballot for the general election. At the same time a form will be sent to each candidate to be used for submitting such a statement if they wish. The executive director further reported that the date by which such statements must be filed with the Commission under the Commission's regulations (60 days before the election) is September 9. A draft letter prepared by the executive director for such purpose and a draft form were reviewed and approved by the Commission.

6. Reimbursement by Press to Candidates

The executive director raised the question of whether expenditures for travel and accommodations for the press traveling with a gubernatorial candidate are chargeable against the candidate's expenditure limit if all or part of such expenditures are reimbursed to the gubernatorial candidate's campaign by the press. After discussion, the Commission concluded that all such expenditures would be chargeable against

the expenditure limit unless and until reimbursement from the press actually was made. Those expenditures which were reimbursed by the press would not be charged against the candidate's expenditure limit.

7. Senate Bill 3373 of 1977

The executive director reported that this bill, recently introduced in the New Jersey Senate and sponsored by the Majority and Minority Leaders of the Senate, proposes to amend 19:44A-29 (b) by indicating that this said paragraph of the statute applies only to general elections and not to primary elections. He indicated that the effect of enactment of this bill would be to permit unlimited contributions to the winners of a primary election after the date of the primary for the purpose of paying off primary election debts. After discussion, the Commission agreed to impose this bill.

8. Correspondence With Independent Gubernatorial Candidate John Gallagher

The executive director reported to the Commission on a telegram and letter received from Mr. Gallagher and a reply addressed to him from the executive director and gave each of the Commission members a copy of this correspondence. In sum, Mr. Gallagher contended that primary election debts should be required to be repaid before a general election candidate for Governor could receive public funds. The executive director indicated that the New Jersey Campaign Contributions and Expenditures Reporting Act did not give the Commission authority to require this.

9. Approval of Minutes of Commission Meeting of August 1, 1977

After discussion, the Commission voted to approve the minutes of the public session of this meeting.

10. Current investigation

Pursuant to C.10:4-12 of the Open Public Meetings Law, the Commission on a motion by Vice-Chairman Goldmann, seconded by Commissioner Margetts, went into executive session to discuss a current investigation involving a 1977 election. The executive director reported on the latest developments in regard to this election and it was agreed that the matter would be continued on the Commission agenda for its anticipated meeting on August 25, 1977. At the conclusion of the discussion, the Commission remained in executive session to discuss the next two items.

11. Approval of Minutes of Executive Session of Commission Meeting of August 1, 1977
The Commission reviewed the minutes of this meeting, made several changes and approved the draft of the minutes.
12. Late Filing Cases From the 1975 General Election
The Commission remained in executive session to discuss determination of 47 such cases. At the conclusion of the discussion regarding these cases, the Commission returned to public session.
13. Commission Determination in Regard to Late Filing Cases from 1975 General Election
The Commission, on a motion by Vice-Chairman Goldman, seconded by Commissioner Alexander, voted 3-0, with Chairman Reiche absent, to make the determinations indicated in the cases listed on the attached sheet.
14. Adjournment
The Commission adjourned the meeting at 3:30 p.m.

Respectfully Submitted,



LEWIS B. THURSTON, III
Executive Director