

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

MINUTES -January 18, 1978 Meeting

PRESENT

PUBLIC SESSION

ABSENT

Frank P. Reiche, Chairman
Sidney Goldmann, Vice-Chairman
Josephine S. Margetts, Member
Lewis B. Thurston, III, Executive Director
Edward J. Farrell, Legal Counsel
Herbert Alexander, Consultant
Neil Upmeyer, Director of Public Financing
Lisa Pollak, Associate to Mr. Farrell

Archibald S. Alexander

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.

1. Current Litigation

On a motion by Chairman Reiche and seconded by Vice-Chairman Goldmann, the Commission went into executive session to discuss current litigation involving New Jersey Chamber of Commerce, et al. vs. ELEC and Common Cause vs. ELEC (candidates' own funds matter). The vote was 3-0. At the conclusion of the discussion the Commission returned to public session.

2. Annual Report Provisions

Robert Wilentz, counsel to the plaintiffs in New Jersey Chamber of Commerce, et al vs. ELEC appeared at his request and argued on behalf of his clients that despite the recent Appellate Divisions opinion in this case, the Commission should not require any reporting for calendar year 1977 by political information organizations in annual reports. He argued that during that period there was a Superior Court decision which held the Act unconstitutional and, therefore, appropriate records as a base from which to report may not have been kept. He further argued that the Commission should now put potential filers on notice re record-keeping for 1978. A dialogue with members of the Commission and staff ensued.

3. Dialogue with Representatives of Bateman-Governor/77 Campaign and Republican State Committee

At the Commission's invitation, representatives of the above-cited organizations attended and offered their observations and comments concerning the recently completed experience with the public financing statute in the gubernatorial election. A dialogue with Commission members and staff and these representatives followed.

The representatives included William Tremayne, Treasurer of the Bateman-Governor/77 Committee, Richard Weinroth, Counsel to that Committee, Stuart Gavzy of that Committee, and David Norcross, Republican State Chairman. The Commission solicited comments from these representatives in the process of preparing its evaluation of the public financing law 1977 experience.

4. Post-Audit of Gubernatorial General Election Campaigns for 1977

The executive director and director of public financing reported on the status of these audits. The Byrne audit is essentially complete. As soon as corrected reports are filed by the Bateman Campaign (expected immediately), the audit of that campaign will begin. It was agreed that at the completion of the process the executive director would direct letters to appropriate officials of the campaigns concerning these audits.

5. Assembly Bill 3140 (amendments to Campaign Contributions and Expenditures Reporting Act)

The executive director reported on the latest status of this bill which has passed both houses and has not yet been acted upon by Governor Byrne. The Commission reiterated its strong support of this legislation and agreed that if no reply to the Commission's recent communication to the Governor was forthcoming soon that the Chairman could contact the Governor directly concerning this matter.

6. Current Investigation

On a motion by Chairman Reiche, seconded by Vice-Chairman Goldmann, the Commission went into executive session to discuss a matter currently under investigation. It was anticipated that the subject of the matter will be made public at the conclusion of the Commission consideration. The vote was 3-0. At the conclusion of the discussion, the Commission returned to public session. On a motion by Vice-Chairman Goldmann, seconded by Commissioner Margetts, the Commission voted 3-0 to dismiss the complaint in the matter of Stem vs. Freer, C-01-77.

7. Advisory Opinion Requests

The Commission discussed the following advisory opinion requests, reached conclusions regarding each and directed counsel to draft advisory opinions based on the discussion:

- 0-2-78 Robert F. Sloan, Esq.
- 0-3-78 Nicholas A. Panepinto, Esq.
- 0-1-78 Gordon L. Deal for Assemblyman Bornheimer

All of these opinions dealt with the subject of use of surplus campaign funds, specifically in the case of Deal, use of such funds to purchase tickets to a gubernatorial inaugural affair.

8. Possible Revised Compliance Enforcement Procedures

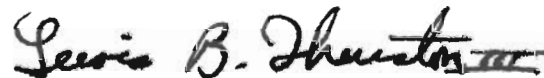
The executive director and director of public financing reviewed revised compliance and enforcement procedures suggested by the director of public financing and director of compliance and review. The Commission discussed the general concept involved and indicated that there will be further discussion of the subject at the next Commission meeting.

9. Dialogue with Representatives of Byrne for Governor Committee

At the Commission's invitation, Judd Levy, Treasurer of the Byrne for Governor Committee, appeared representing the Byrne Campaign to offer his observations and comments regarding the recently-completed gubernatorial election and the experience with the public financing law. Other representatives of the Byrne Campaign and Democratic State Committee who were invited were unable to attend this meeting. Mr. Levy offered a number of suggestions and engaged in a dialogue with members of the Commission and staff.

10. Adjournment - The Commission adjourned the meeting at 4:10 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director