

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

January 16, 1980 Meeting

PRESENT

Sidney Goldmann, Chairman
Josephine S. Margetts, Member
Andrew Axtell, Member
Lewis B. Thurston, Executive Director
Edward J. Farrell, General Legal Counsel
Herbert R. Wolfe, Assistant Executive Director

The chairman called the meeting to order and announced that pursuant to the Open Public Meetings Law, P. L. 1975, c.231, annual notice of the meetings of the Commission, as amended, has been filed with the Secretary of State's office, and that copies have been posted in the State House Annex, and mailed to the Newark Star Ledger, the Philadelphia Bulletin and the entire State House press corps.

The meeting was held in the offices of Farrell, Curtis, Carlin and Davidson at 43 Maple Avenue, Morristown, N. J.

The meeting convened at 10:10 a.m.

1. Executive Session

On a motion by Commissioner Margetts, seconded by Commissioner Axtell and a vote of 3-0, the Commission went into executive session to discuss the determination of enforcement cases. Upon completion of the discussion of the determination of these matters, the Commission returned to public session on a motion by Chairman Goldmann, seconded by Commissioner Margetts and a vote of 3-0.

2. Enforcement Case Determination

On a motion by Chairman Goldmann, seconded by Commissioner Axtell and a vote of 3-0, the Commission agreed upon the determinations in the enforcement matters listed in the attached news release to these minutes for non-timely filing and other violations in the 1979 Primary Election and, in one case each, for a 1977 annual report violation and a 1978 General Election violation. A total of 56 candidates and 2 political party committees and their treasurers were found in violation.

Additionally, the Commission reconsidered the fine it previously imposed on the Morris County Women's Republican Club for a non-timely filing of its 1977 annual report. The Commission reviewed new information provided by the president of the Club subsequent to the Commission determination which indicated that the Club had informed the Commission of the name and address of its new treasurer in a timely fashion. After reviewing this information, the Commission modified its previous determination to reduce the fine from \$100.00 to \$50.00. This was done on a motion by Chairman Goldmann, and seconded by Commissioner Axtell and a vote of 3-0.

3. Advisory Opinion Requests

0-01-80 - Citizens for Transportation Bond -

The Commission agreed upon an advisory opinion in response to this request for guidance as to the use of leftover campaign funds.

0-02-80 - Thomas D. McKeon -

The Commission agreed upon an advisory opinion in this matter in response to the inquiry as to whether contributors have filing obligations under the Act.

The Commission also reviewed advisory opinion requests received from United Jersey Banks and Prospect Park National Bank. It was agreed that counsel would forward advisory opinions to these banks which requested guidance as to filing requirements by banks under the Act relative to campaign bank accounts. The advisory opinion will indicate in part that the Commission finds that retention of the appropriate records relative to such bank accounts by the bank, with a preparedness to submit this information upon request to the Commission, will be deemed compliance for such purpose.

4. Executive Session

On a motion by Chairman Goldman, seconded by Commissioner Margetts and a vote of 3-0, the Commission went into executive session to discuss investigative matters, the executive session minutes of the Commission meeting of January 2, 1980 and personnel matters. At the conclusion of the discussion of these matters, the Commission returned to public session on a motion by Commissioner Margetts, seconded by Commissioner Axtell and a vote of 3-0.

5. Approval of Minutes of Commission Meeting of January 2, 1980

On a motion by Commissioner Margetts, seconded by Commissioner Axtell and a vote of 3-0, the Commission approved the minutes of the public session of the Commission meeting of January 2, 1980.

6. Discussion of Issues Concerning When a Candidacy Begins and Filing Obligations of Certain Multi-Purpose Committees

The Commission discussed some concepts that might be appropriate for embodiment in a Commission regulation on these subjects, particularly as they relate to the 1981 gubernatorial election. Edward Farrèll indicated that he was working on a draft regulation which will be ready for Commission determination in advance of the next Commission meeting.

7. Commission Hearing Procedure Under Auspices of State Office of Administrative Law

The Commission discussed the experience to date with Commission hearings being conducted by administrative law judges from the State Office of Administrative Law. It was agreed that generally these matters had proceeded in a satisfactory fashion but there were some improvements necessary. The Commission agreed that the major problem was insufficient time for the Commission to make determinations given the 45-day statutory period and the 20-day period within that 45-day period specified by the Office of Administrative Law for the submission of exceptions to initial determinations. The Commission agreed that the chairman would forward a letter to Chief Judge Kestin of the Office of Administrative Law recommending that the statute be modified and/or the procedures or rules and regulations of the Office of Administrative Law be modified to permit agencies to have additional time to make determinations. It was noted this is a particular problem for agencies, such as the Election Law Enforcement Commission, which meet once or twice a month and are composed of more than one member.

8. Legislation

The executive director reported on the status of legislation of concern to the Commission for the end of the 1978-1979 Legislative session and anticipated legislation which will be introduced in the 1980-81 session. Among other measures, the Commission expressed interest in legislation to revise the present statutory provisions dealing with registration, activity reports and financial reporting obligations of lobbyists and legislation to provide for the permissible uses of surplus campaign funds. As to the former, it was agreed that the executive director will discuss this subject area with Common Cause, the Attorney General and others with an appropriate interest. As to the latter, the Commission reviewed various possible uses of surplus campaign funds and agreed that generally such legislation should include as permissible those uses the Commission has indicated through previous advisory opinions were acceptable, as well as use for certain expenses relating to the conduct of office to which a candidate was elected. It was agreed that the executive director and general legal counsel will review this subject area and possibly draft a specific proposal which could be introduced in legislative form.

9. Vacancy in Commission Membership

The Commission expressed its concern that the vacancy occasioned by the death of Archibald S. Alexander has not yet been filled. It was agreed that Chairman Goldmann would attempt to directly contact Governor Byrne to discuss this matter on behalf of the Commission.

10. Adjournment -

The Commission adjourned the meeting at 2:40 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director