

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

MINUTES - June 1, 1977 Meeting

PRESENT

Frank P. Reiche, Chairman
Sidney Goldmann, Vice-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

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. Proposed Regulations on Public Financing of Gubernatorial Elections (19:25-15.35 through 15.37)

After discussion, on a motion by Chairman Reiche, seconded by Commissioner Alexander, the Commission adopted the proposed regulations with an amendment providing that regulation 19:25-15.36 (re limits on primary contributions after date of primary) would have prospective application and not apply to the 1977 primary election. The vote was 3-1, with Vice-Chairman Goldmann in the negative. Vice-Chairman Goldmann agreed that the regulation should not apply to the 1977 primary election, but was opposed to the adoption of the regulation at all because he believes that the statutory authority on which the regulation is based applies only to general elections and not to primary elections. Commissioner Alexander indicated he would have preferred applying the regulation to the repayment of 1977 primary election obligations remaining outstanding after an appropriate date in the future.

2. E.L.E.C. Schedule

The Commission agreed to add November 14, 1977 to its schedule of meeting dates as a meeting for regular and public financing purposes. The Commission also agreed to hold the August 29, September 26 and October 24 meetings regarding public financing in Morristown. Mr. Farrell will arrange a place for those meetings.

3. Amended Complaints in 2 Matters

Pursuant to C.10:4-12 of the Open Public Meetings Law, the Commission went into executive session to discuss these matters.

4. Investigation

Pursuant to C.10:4-12 of the Open Public Meetings Law, the Commission remained in executive session to discuss the results of an investigation involving a 1976 election.

5. Commission vs. Ralph DeRose, C-01-76

Pursuant to C.10:4-12 of the Open Public Meetings Law, the Commission remained in executive session to discuss a draft opinion and order in this previously-decided matter. At the conclusion of the discussion, the Commission returned to public session. On a motion by Chairman Reiche, seconded by Commissioner Margetts, the Commission voted 3-0 to adopt an order and opinion in this matter. Commissioner Alexander was not present for the discussion in either the executive or public sessions and did not participate in the determination of this matter.

6. E.L.E.C. Annual Report

The Executive Director asked for suggestions regarding the format and content of the 1976 Annual Report. It was agreed that all comments should be forwarded to the Executive Director by June 10.

7. \$1.00 Checkoff for Public Financing on Income Tax

The Executive Director reported that a newspaper story in the June 1, 1977 Newark Star Ledger indicated the Governor had stated that the monies checked off by taxpayers on their income tax for public financing of gubernatorial general elections would not be used for that purpose in 1977, but that the funds from the general treasury previously appropriated will be used for that purpose. A copy of the press release on this matter from the Governor's office was obtained and copies of it distributed to members of the Commission. It was agreed that the Executive Director should contact appropriate Treasury Department officials to obtain information regarding the checkoff funds. At its previous meeting, on May 4, the Commission had indicated a desire to obtain such information.

8. Report by Executive Director

A. Primary Filing - The Executive Director reviewed the filings for the 25 day & 7 day pre-election reports for the 1977 primary.

B. E.L.E.C. Budget for Fiscal Year 1977-78 - The Executive Director indicated that the budget had been reduced by \$38,000 by a last-hour action by the Joint Appropriations Committee. He stated that the budget total is approximately \$361,000.

C. Current Legislation - The Executive Director reported that the Assembly had passed a bill to delete section 37 of the New Jersey Campaign Contributions and Expenditures Reporting Act which provides for the mailing of a statement from the gubernatorial candidates to the voters, but that its fate in the Senate was uncertain. He also reported that a public hearing will be held soon on a lobbyist regulation bill sponsored by Senator Raymond Garramone. Additionally, he reported that A3140, which includes several amendments to the New Jersey Campaign Contributions and Expenditures Reporting Act supported by the Commission, has passed the Assembly. He indicated that Senate passage of the bill may be impeded by opposition to the provision of the bill which changes the definition of political information organization. After discussion of these matters, on a motion by Commissioner Alexander, seconded by Vice-Chairman Goldmann, the Commission indicated its support for A3140 except for the section amending the definition of political information organizations if passage of the bill with that section included is not feasible. The vote was 4-0.

9. Advisory Opinion Requests

0-42-76 (Ordille)
0-46-76 (Sorrentino)
0-06-77 (Cossaboon)

The Commission discussed the policy questions raised by the 3 advisory opinion requests. On a motion by Chairman Reiche, seconded by Vice-Chairman Goldmann, the Commission agreed that in regard to activity re public questions on the ballot that such activity is reportable to the Commission from the time the question is certified to appear on the ballot. Activity in attempting to get the question on the ballot would not be subject to the requirements of the Act regarding reporting. The vote was 3-1 with Commissioner Alexander in the negative because he believes that activity aimed at placing such questions on the ballot should be reported to the Commission.

On a motion by Vice-Chairman Goldmann, seconded by Commissioner Margetts, the Commission agreed that activity in regard to a recall election question is reportable from the time the recall question is certified for the ballot. Activity aimed at getting such a question on the ballot would not be reportable. The vote was 3-1, with Commissioner Alexander in the negative because he believes that activity aimed at placing such questions on the ballot should be reported.

10. Report on Matching Fund Payment Procedure for Public Financing

Neil Upmeyer reported on this topic. The general procedures for Commission certification and the forms for such purpose were reviewed and discussed.

11. Advisory Opinion Requests

0-18-77 (Robert Raymar, Citizens for Byrne)

On a motion by Commissioner Alexander, seconded by Vice-Chairman Goldmann, the Commission agreed on an advisory opinion in this matter which will be redrafted by counsel in accordance with the Commission's regulation 19:25-15.36 and forwarded to Mr. Raymar.

0-23-77 (Robert Raymar, Citizens for Byrne)

On a motion by Chairman Reiche, seconded by Vice-Chairman Goldmann, the Commission agreed on an opinion in this matter (reference: 19:25-15.14 of the Commission regulations). Counsel will draft and forward the opinion to Mr. Raymar.

12. Disclosure Reporting Policy re Political Action Committees Advisory Opinion Request 0-12-77 (Midlantic Bank) and 0-08-77 (Kaufman)

A draft of the proposed regulation in regard to this matter was discussed. General direction in regard to several of the major questions involved in such a regulation was indicated. Counsel was directed to redraft the regulation for consideration at the next Commission meeting.

13. Commission Meeting Minutes - The minutes of the public and executive sessions of the Commission meeting of May 4, 1977 were approved.

14. Adjournment - The Commission adjourned the meeting at approximately 4:30 p.m.

Respectfully submitted,

Lewis B. Thurston III

LEWIS B. THURSTON, III
Executive Director

LBT/cm

* Commissioner Margetts attended from the beginning of the meeting until approximately 3:55 p.m.