

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

MINUTES - January 4, 1978 Meeting

PUBLIC SESSION

PRESENT

Frank P. Reiche, Chairman  
Sidney Goldmann, Vice-Chairman  
Archibald S. Alexander, Member  
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

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 10:20 a.m.

1. E.L.E.C. vs. John Biehl, et al, C-301-75  
E.L.E.C. vs. Gloucester Township Democratic County Committee, C-20-75  
Pursuant to C.10:4-12 of the Open Public Meetings Law, the Commission went into executive session on a motion by Chairman Reiche, seconded by Vice-Chairman Goldmann, to discuss the determination in the above-cited matters. The Commission reviewed the record in these matters and discussed them.
2. Late Filing Cases for 1976 Primary Election  
The Commission reviewed the cases on the attached list and discussed determinations of each. Upon the conclusion of the discussion, the Commission returned to public session.
3. E.L.E.C. vs. John Biehl, et al, C-301-75  
E.L.E.C. vs. Gloucester Township Democratic County Committee, C-20-75  
The Commission made the determinations indicated in the order and opinion attached to these minutes in regard to each of these matters.
4. Late Filing Cases for 1976 Primary Election  
On a motion by Vice-Chairman Goldmann, seconded by Commissioner Margetts, the Commission agreed upon the determinations for each of these cases as listed on the sheets accompanying these minutes. In each case the vote was 4-0 with the exception of Gennaro Zappariello, C-442-76, Vincent J. Cundari, C-250-76 and Edward J. Heindel, C-425-76, on which the vote was 3-1 with Commissioner Margetts in the negative because she favored a reprimand.

5. Yucht, et al. vs. Kondrup and Mayor, C-335-75

Pursuant to C.10:4-12 of the Open Public Meetings Law, the Commission went into executive session on a motion by Vice-Chairman Goldmann, seconded by Chairman Reiche, and a vote of 4-0 to discuss the investigation of this matter. At the conclusion of the discussion, the Commission returned to public session. On a motion by Vice-Chairman Goldmann, seconded by Commissioner Alexander, the Commission voted to send this matter to a hearing and assigned Michael Willner as the hearing officer. The vote was 3-1, with Chairman Reiche in the negative because he believed that further investigation was more appropriate.

6. E.L.E.C. Meeting Schedule

The Commission agreed to hold an additional Commission meeting on February 6 in Morristown at the offices of the counsel for the purpose of reviewing the consultant's evaluation of the Commission. It was also agreed that representatives of the Byrne and Bateman Campaigns for Governor and of the Democratic and Republican State Committees would be invited to attend the Commission meeting on January 18, 1978 to offer their comments and observations concerning the public financing experience with the recently concluded gubernatorial campaign.

7. Use of Campaign Funds

The executive director indicated that he had been informed by a legislator that the legislator wished to introduce legislation specifying the permissible uses of campaign funds. The executive director indicated that he and the legislator discussed identification of those areas which might be the subject of the legislation. The Commission reviewed advisory opinions previously rendered on this subject and also reached conclusions as to what might be desirable or undesirable uses of such funds to be specified in any proposed legislation. The executive director indicated he would review the subject with the legislator in the near future.

8. Post-Audit of Gubernatorial Campaigns of Bateman and Byrne

The director of public financing reported on the status of the post-audit of these campaigns and indicated that the audit of the Byrne campaign was scheduled to begin on January 5, 1978.

9. Policy Re Reconsideration of Commission Determinations

The executive director indicated he is receiving a number of requests for reconsideration of Commission determinations in routine late filing cases. The Commission discussed the subject

and indicated that unless new information which might affect the determination or another compelling reason in the opinion of the executive director is set forth in writing by a respondent, the Commission will not reconsider its determination which, of course, are appealable to the Appellate Division in any case.

10. Outstanding Fines

The Chairman indicated that he would like to review a list of respondents whose fines are unpaid at the Commission meeting on February 1, 1978.

11. Bank Contributions to Gubernatorial Inaugural

The executive director indicated he had had an inquiry from an individual on behalf of a bank executive who received a solicitation to contribute to the inaugural affairs of Governor Byrne. The caller wished to know whether a bank could make a contribution to the inaugural affair in view of the provisions of N.J.S.A. 19:34-45. The Commission discussed this matter and concluded that any evidence of bank contributions made to inaugural affairs would be forwarded to the attorney general's office for whatever action they may wish to take without the Commission making any judgments concerning them.

12. Adjournment - The Commission adjourned the meeting at 3:07 p.m.

Respectfully submitted,

*Lewis B. Thurston III*

LEWIS B. THURSTON, III  
Executive Director

LBT/cm