

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

January 9, 1979 Minutes

PRESENT

Frank P. Reiche, Chairman
Josephine S. Margetts, Member
Archibald S. Alexander, Member
Lewis B. Thurston, III, Executive Director
Edward J. Farrell, Esq., General Legal Counsel
Gregory E. Nagy, Esq., Staff Counsel

ABSENT

Sidney Goldmann, Vice-Chairman

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, was filed with the Secretary of State's office, copies posted in the State House Annex, copies mailed to the Newark Star Ledger, the Philadelphia Bulletin and the entire State House Press Corps.

The meeting convened at 10:10 a.m.

1. Minutes of Commission Meeting of December 20, 1978

The Commission reviewed and approved with amendments the minutes of the public session of the above-cited meeting on a motion by Chairman Reiche; seconded by Commissioner Alexander and a vote of 3-0.

2. Executive Session

On a motion by Commissioner Alexander, seconded by Chairman Reiche, and a vote of 3-0, the Commission went into executive session to discuss the executive session minutes of the Commission meeting of December 20, 1978 and determinations of certain late filing cases from 1976 and 1977 elections. At the conclusion of the discussions the Commission returned to public session on a motion by Commissioner Alexander, seconded by Commissioner Margetts and a vote of 3-0.

3. Determination of Late-Filing Cases

On a motion by Chairman Reiche, seconded by Commissioner Alexander and a vote of 3-0, the Commission made the following determinations:

C-595-77(G), Gerard J. Houde - \$25 fine
C-217-76, Kenneth R. Kaplan - the Commission reviewed its previous action in this matter upon request of Mr. Kaplan and affirmed its previous determination of a \$25 fine.

4. Annual Reports of Political Information Organizations

The Commission discussed the requirements relative to the above-cited reports and the pending litigation in the matter of New Jersey Chamber of Commerce et al. vs. E.L.E.C.,

et al. Counsel indicated that it now appears that the New Jersey Supreme Court will not hear argument on this matter until at least February of 1979. On a motion by Chairman Reiche, seconded by Commissioner Alexander, and a vote of 3-0, the Commission determined to postpone from March 1, 1979 to July 1, 1979 the filing dates for annual reports of political information organizations for both calendar years 1977 and 1978 for those political information organizations expending more than \$750 in lobbying activity in each of the respective years. The Commission by the same motion also extended the day for the filing of designations of treasurer and depository for 1978 and 1979 for such organizations from January 31, 1979 until May 31, 1979. The Commission discussed the question of whether 1977 reports will continue to be required to be filed in view of the delay in completing the litigation but deferred consideration of this question until a later time.

5. Review of Procedures Re Office of Administrative Law

The executive director indicated that as of January 6, 1979 the new Office of Administrative Law had jurisdiction relative to hearings of the Election Law Enforcement Commission. He further indicated that he and the staff counsel had discussed with Howard Kestin, Director of the Office of Administrative Law, a memorandum recently received by all State agencies relative to the new hearing process and had obtained additional information and clarification relative to it from Mr. Kestin. The procedures involved in the new process were briefly discussed and it was indicated that some modifications in the complaint and other documents utilized in the hearing process should be made immediately so that the procedure is consistent with the new statute.

6. Advisory Opinion

0-24-78, William Singer (L.E.G.A.L. - Reporting of aggregated organizational dues relative to \$100 threshold for identity of contributors)

The Commission reviewed counsel's draft of an advisory opinion in this matter and, on a motion by Commissioner Alexander, seconded by Commissioner Margetts and a vote of 3-0, approved an advisory opinion.

7. Revised "Street Money" Regulation

The Commission reviewed a draft of a revised regulation on this subject prepared by counsel. On a motion by Commissioner Alexander, seconded by Chairman Reiche, the Commission approved a proposed regulation amending the existing regulation on the subject of "street money" (N.J.A.C. 19:25-12.1(b)). The vote was 2-1 with Commissioner Margetts in the negative because she favored "maintaining" records instead of "requiring retention" of records in example 1 of the proposed regulation.

8. Audit Report of E.L.E.C. by Division of State Auditing

The Commission reviewed the above-cited report along with a draft of comments prepared by the executive director. The Commission directed the executive director to revise the draft of comments to reflect the Commission's concern that because of unsuitable terminology used in the audit report, particularly in the table on page 5, there could be a misconception as to the number of documents not reviewed by the Commission staff and the number not entered into the Commission's data processing system. The executive director will forward a letter to the State Auditor on January 10 setting forth the comments of the Commission and these comments would then be published with the audit on January 16, 1979.

9. Adjournment - The Commission adjourned the meeting at 1:00 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III
Executive Director

LBT/cm