

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

February 22, 1979 Minutes

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, Esq., General Legal Counsel
Gregory E. Nagy, Esq., Staff Counsel

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 10:00 a.m.

1. Open Meetings Statement

2. Executive Session

On a motion by Chairman Reiche, seconded by Vice-Chairman Goldmann, and a vote of 4-0, the Commission went into executive session to consider determination of a complaint, review the executive session minutes of the Commission meeting of January 9, 1979, and discuss current litigation. At the conclusion of the executive session the Commission returned to public session on a motion by Vice-Chairman Goldmann, seconded by Commissioner Alexander and a vote of 4-0.

3. E.L.E.C. vs. Wilbur Ostrander, et al, C-08-77

On a motion by Chairman Reiche, seconded by Vice-Chairman Goldmann, and a vote of 4-0, the Commission found the violation and imposed the penalties relative to Counts I, II, III, IV, V, VII, and X of the Complaint in this matter and dismissed without prejudice Counts VI, VII, IX and XI** While Commissioner Margetts voted in the affirmative, she dissented from those parts of the Commission's determinations relating to the penalties imposed on Frances Clunn in Count I, Guy Muziani in Count II and Harry Clunn in Count III. Commissioner Margetts favored somewhat lesser penalties in each of these instances. On a motion by Chairman Reiche, seconded by Vice-Chairman Goldmann and a vote of 4-0, the Commission agreed to forward the record in this matter to the Attorney General for his information relative to any possible evidence of criminal violations.

*Vice-Chairman Goldmann attended the meeting through Item No. 7.

**See attached order and opinion.

4. 1977 Annual Reports of Political Information Organizations

The Commission discussed the feasibility and desirability of dispensing with requirement of 1977 annual reports of political information organizations. The filing dates for such reports have been postponed for a significant period because of the long period of time involved in the appeal to the N. J. Supreme Court of the case of New Jersey Chamber of Commerce et al vs. E.L.E.C. et al. After a discussion, it was agreed that no change in the present requirement is appropriate at this time.

5. Council on Governmental Ethics Laws

On a motion by Chairman Reiche, seconded by Vice-Chairman Goldmann and a vote of 4-0, the Commission agreed to become a member of the new Council on Governmental Ethics Laws and to authorize the payment of the \$150 service fee for 1979.

6. Advisory Opinion Request

0-27-78, Thomas Branche

The Commission agreed on an advisory opinion in response to this request. The request posed certain questions relative to the possible return of contributions by the Morris County Republican Committee to Freeholder candidate Leanna Brown and her husband made in the 1978 general election.

7. Amendments to the Campaign Contributions and Expenditures and Reporting Act

The Commission discussed and approved with modification, a staff draft of proposed amendment to the Act defining "continuing political committee" and requiring reporting from such entities.

8. Approval of Minutes of Commission Meeting of January 9, 1979

On a motion by Commissioner Margetts, seconded by Commissioner Alexander, and a vote of 3-0, the Commission approved, with modification, the minutes of the public session of the Commission meeting of January 9, 1979.

9. E.L.E.C. Budget Request for Fiscal Year 1979-80

The executive director reviewed with the Commission the Governor's recommendation for the Election Law Enforcement Commission's 1979-80 budget request. Concern over the amounts of the recommendation, especially regarding new positions for report and data processing summaries, was expressed. It was agreed that Chairman Reiche, Commissioner Alexander and Executive Director Thurston would represent the Commission at the Commission's budget hearing before the Legislative Joint Appropriations Committee.

10. Legislation

The executive director reported on the status of certain legislation affecting the Commission currently pending in the Legislature. This included the bill to authorize public financing of gubernatorial primary elections (A1698), the bill to exempt the Commission from the Office of Administrative Law provisions (A1539), and the bill revising Title 19 and enlarging the authority of the Election Law Enforcement Commission to include election supervision (S744).

11. Executive Session

On a motion by Chairman Reiche, seconded by Commissioner Margetts, and a vote of 3-0, the Commission went into executive session to discuss personnel matters and the determination of several late filing cases from the 1977 and 1978 elections. At the conclusion of the executive session, the Commission returned to public session on a motion by Commissioner Alexander and seconded by Commissioner Margetts and a vote of 3-0.

12. Late Filing Cases from 1977 and 1978 Elections

E.L.E.C. vs. Craig Exelbirt, C-137-77(P)

E.L.E.C. vs. Ernest Gnehm, C-248-77(P)

On a motion by Chairman Reiche, seconded by Commissioner Margetts, and a vote of 3-0, the Commission voted to find a violation of the Act for non-timely filing of reports and violation of Sections 16^{and 22} in each case and imposed a reprimand without fine. (see summary sheets attached).

E.L.E.C. and Joseph McGlynn vs. Craig Exelbirt, C-05-78

On a motion by Chairman Reiche, seconded by Commissioner Alexander, and a vote of 3-0, the Commission voted to file a complaint against Mr. Exelbirt for non-timely filing of Designation of Campaign Treasurer and Depository and 15-day post-election report in the 1978 primary election as a candidate for Elizabeth City Council and to schedule a hearing in this matter.

13. Compliance with Previous Commission Determination

Executive director reported that the Middlesex County Democratic Committee had filed amended reports for 1975 and 1976 in accordance with the Commission's determination in the matter of contributions to that committee by Tongsun Park which were reported in the name of Representative Edward Patten. He also reported that partial compliance with Commission administrative direction had been received relative to the filings for the 1978 general election of the Johnson and Johnson Employees' Good Government Fund. He indicated that he anticipated a request for a meeting with the executive director and counsel of the Commission by appropriate officials of the Fund to discuss compliance with the remainder of the Commission's previous directions relative to whether filing by that Fund for that election is required and whether certain kinds of expenditures must be reported, if so.

14. Adjournment - The Commission adjourned the meeting at 4:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lewis B. Thurston III".

LEWIS B. THURSTON, III
Executive Director