

MINUTES OF THE MEETING

July 23, 1975

PRESENT

Frank P. Reiche, Chairman
Sidney Goldmann, Vice-Chairman
Josephine S. Margetts, Member
Archibald S. Alexander, Member
David F. Norcross, Executive Director
Edward J. Farrell, Legal Counsel
Herbert Alexander, Consultant

ABSENT

The meeting was convened at 10:10 a.m.

- 1) After discussion of the Opinion of Judge Irwin Kimmelman in New Jersey Chamber of Commerce et als vs. the New Jersey Election Law Enforcement Commission et als, Chairman Reiche moved that Counsel be directed to petition Judge Kimmelman for a recall and reconsideration of the Opinion primarily with respect to its potential application to political committees. The Motion was passed four votes in favor, none against. William Singer, Esq., New Jersey Counsel for the defendant Common Cause was present and participated in the discussion.
- 2) ELEC vs. Sullivan (C-25-74). On Motion of Chairman Reiche, seconded by Vice-Chairman Goldmann, the Commission found a negligent violation of the Campaign Contributions and Expenditures Reporting Act, approved the Hearing Officer's Report and imposed a fine of \$50 for failure to appoint a campaign treasurer and depository in violation of Section 9 and for failure to timely file in violation of Section 16. Vote 3-1, Commissioner Margetts dissenting.
- 3) The Commission discussed the delivery of information under the control of the Commission to persons requesting such information and dealt in detail with the form in which the Commission possessed and would provide the information. It was agreed that under no circumstances should the provision of such information involve additional expenditures to the Commission. The production of printouts in specific forms as requested by individuals or organizations was rejected but making the basic data available, together with the necessary technical information in order to produce usable printouts was suggested as an alternative. Vice-Chairman Goldmann expressed the opinion that the Commission's proposal would go beyond the requirements of Section 6(b) of the Act and the Right to Know Law (NJSA 47:1A-1 et seq). Commissioner Alexander indicated that the result might be unnecessarily restrictive as it applied to refinement of basic data by the Commission.

On Motion of Commissioner Alexander, seconded by Commissioner Margetts, it was determined that the Commission would make its master computer records available at cost to persons seeking information; that no modifications involving reprogramming or other technical adjustments would be made; and that the information would be transferred in the form of copies of magnetic tapes from computer data files under Commission control. The Motion carried 4-0.

4. After a discussion of the regulation relating to Testimonial Affairs (N.J.R. 19:25-12.2) Counsel was directed to re-draft the regulation and submit it to the Commission at the next regular meeting.

5. The Executive Director pointed out to the Commission that to mandate the use of "separate, segregated campaign accounts" by committees would be helpful in that it would isolate campaign receipts and expenditures from ordinary or annual or "housekeeping" expenses which are reportable in the annual report. The Director also pointed out that the Commission's earlier attempt to allow multiple use of single accounts apparently was confusing to committee treasurers and told the Commission that at a recent seminar for committee treasurers the suggestion of a mandated use of segregated campaign accounts was endorsed by many of the treasurers speaking to the point. Accordingly, on Motion of Commissioner Alexander, seconded by Commissioner Margetts, the Executive Director was directed to take the necessary steps to amend the Commission's regulations to provide for "separate, segregated accounts" for campaign utilization. The Motion was carried 4-0.

6. The Executive Director noted that some inquiries had been received as to his availability to serve in a consulting capacity for other state campaign finance organizations. He indicated that it was his understanding that he could not personally accept such payments but that he was seeking a policy determination as to whether the Commission should be reimbursed for such consultations. After discussion it was, on Motion of Vice-Chairman Goldman, seconded by Commissioner Alexander, moved that under circumstances where the Executive Director deemed it to be appropriate the Commission should be reimbursed by other state organizations for out-of-pocket expenses attendant to professional services rendered to such organizations. The Motion was carried 4-0.

7. The Executive Director reported on the status of the matter of ELEC vs. Scala, Intile and the New Jersey Republican Finance Committee (C-23-74). The matter had previously been adjourned after two days of hearings by the Hearing Officer and rescheduled in August for completion.

8. The Executive Director reported to the Commission on the status of the Nero investigation and indicated that there were possibly two additional witnesses to be interviewed prior to the submission of a complete status report to the Commission.

9. The next meeting of the Commission was scheduled for September 10, 1975.

10. The Commission considered the following advisory opinions as presented by Counsel:

(a) 0-01-75 was approved as modified with the modification to provide a rebuttable presumption as to the chargeability of such communications under the expenditure limitation of Section 7;

(b) 0-02-75 was approved as modified to include the date of January 31;

(c) 0-04-75 was approved with the modification that the protection does not extend to the prior year (1973);

(d) 0-10-75 was approved with modifications and Counsel directed to circulate the modified opinion prior to its issuance;

(e) 0-11-75 the opinion was approved and an investigation of the Pacilli campaign in Stafford Township, Ocean County was ordered;

(f) 0-13-75 approved.

11. The Meeting was adjourned at 4:30 p.m.

Respectfully submitted,


David F. Norcross
Executive Director