

MINUTES OF COMMISSION MEETING

November 26, 1975

PRESENT

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

ABSENT

None

Meeting convened at 10:00 a.m.

Mr. Reiche notified the members of the Commission that David F. Norcross was leaving his position as Executive Director. Anyone interested in the position should contact Chairman Reiche.

- 1) Minutes of October 6, 1975 were approved.
- 2) Minutes of October 17, 1975 were approved as amended: Item 8, last sentence, insertion of "alleged" before "filing irregularities". Motion by Commissioner Alexander, seconded by Vice-Chairman Goldmann.
- 3) Minutes of October 27, 1975 were approved as amended: Item 1, second sentence, delete "finalized and".

Item 4, John I. Dawes and David Cohen vs. Morton Salkind, C-313-75, was amended to read: "It was, on Motion of Commissioner Alexander, seconded by Vice-Chairman Goldmann, determined that the content of the September 25 newsletter was sufficiently political on its face to warrant referral of the matter of the utilization of such a newsletter for political purposes to the Attorney General of New Jersey for such action as might be appropriate and further that the Commission retain jurisdiction over whatever reporting violations with respect to Section 16 might exist and that a Hearing Officer be appointed to decide the matter on November 7, 1975. Harold B. Wells was appointed as Hearing Officer." Vote 4-0.

- 4) Public Hearing on Revised Regulations - November 19, 1975  
No one appeared at that time.
- 5) Commission vs. Merle Combs C-128-75  
Mr. Combs was a candidate for the June 6, 1975 Primary. Mr. Combs, by letter dated May 20, 1975, to the Burlington County Clerk's Office, withdrew as a candidate. The Commission dismissed the complaint, conditioned upon the submission of an affidavit by the Respondent.

- 6) Fire Commissioners - The matter of reporting by Fire Commissioners will be discussed at a meeting early in January.
- 7) Stafford Twp. 0-11-75 - It was decided to include this matter with Joan McKenna, C-312-75 and Morton Salkind, C-313-75 as a referral to the Attorney General.
- 8) Discussion was now held with respect to Draft Opinion Letters submitted by Counsel:

0-14-74 - Mr. Norcross directed that further discussion be taken up on the question of in-kind contributions to committees. This will be taken up at the December 4, 1975 meeting.

0-15-75 - Approved with direction to Counsel to include the following points: Commission has no jurisdiction in this matter, refer question to Attorney General; the Internal Revenue Service considers these ads as contributions.

0-17-75 - Approved.

0-20-75 - Approved as amended: First sentence, second paragraph, I have assumed at the time of your inquiry you were running for re-election.

Additional paragraph to be added: Since no question is raised with respect to the circumstances of preparation or distribution of the directory, we express no opinion respecting the applicability of the reporting or other provisions of the Act to those activities.

0-24-75 - Approved as Amended: Election activities on behalf of candidates will not constitute your committee as a political committee. Election Activity in the case of a primary election means the commencement of political activity on behalf of candidates or filing of petitions whichever occurs first. All election activity after the primary election is deemed to be election activity with respect to the General Election.

Last sentence amended to read: Such candidates will of course have the obligation of reporting contributions from your committee as well as from any other person or organization by reporting the name and amount of the contribution where the contribution exceeds \$100.

0-26-75 - Approved as amended: (Second Paragraph) The Act, and the regulations as amended requires your use of a separate, segregated campaign account for general campaign expenses on behalf of your organi-

zation, including the expenses which may be allowable for reporting purposes or for expenditure limitation purposes or for both as to one or more candidates.

0-27-75 - Approved.

- 9) Mr. Edward Farrell, Legal Counsel, presented to the Commission revisions of subsections 21 & 22 as follows:

C.19:44A-21 Penalties; Criminal; Voiding of Nominations  
or Elections

- 21.a. Any person who willfully and knowingly violates any of the provisions of this Act is guilty of a misdemeanor.
- 21.b. Any person who willfully and knowingly files or prepares or assists in the preparation for filing or acquiesces in the preparation or filing of any report required under this Act which is false, inaccurate or incomplete in any material particular; or who willfully and knowingly fails or refuses to file any such report when required to do so pursuant to the provisions of this Act; or who willfully supplies any information which he knows to be false, inaccurate or incomplete to any person preparing or assisting in the preparation of any such report, with the knowledge that such information is intended for the purposes of such report, is guilty of a misdemeanor.
- 21c. The nomination for or election to any office of any candidate whom the Commission finds violated subsection a. or b. of this section, may be declared void by the Commission where it shall appear that the actions of such candidate in fact significantly affected or reasonably may be deemed to have significantly affected the nomination or the outcome of the election, or where it shall otherwise appear that the actions of the candidate represent a threat to the integrity of the electoral process, and the office shall be filled as required by law in the case of a vacancy; provided, however, that nothing herein contained shall be construed in derogation of the constitutional authority of either House of the Legislature to be the judge of the election and qualification of its own members.

Motion by Goldmann, seconded by Reiche as revised. Vote 3-1, with Commissioner Alexander dissenting for the reasons stated in item 6 (j) of the minutes of November 3, 1975.

C.19:44A-22 - Penalties; Civil

22.a. Any person who violates any of the provisions of this Act shall, in addition to any other penalty provided by law, be liable to a penalty of not more than \$1,000 for the first offense and not more than \$2,000 for the second and each subsequent offense.

22.b. Any person charged with the responsibility under the terms of this Act for the filing of any reports or other documents required to be filed pursuant to this Act who fails, neglects or omits to file any such report or document at the time and in the manner prescribed by law, or who omits or incorrectly states any of the information required by law to be included in such report or document, shall, in addition to any other penalty provided by law, be liable to a penalty of not more than \$1,000 for the first offense and not more than \$2,000 for the second and each subsequent offense.

22.c. (existing 22.b. no change)

22.d. (existing 22.c. no change)

22.e. (existing 22.d. no change)

10) Discussion was held at this time with respect to the reporting of political committees and political information organizations.

The Commission decided to recommend legislation to impose a threshold of \$100 in expenditures on political committees. Motion by Alexander; seconded by Margetts.

As to political information organizations the Commission, on Motion of Commissioner Margetts, seconded by Chairman Reiche, decided to recommend legislation to impose a \$500 expenditure threshold on political information organizations. Vote 3-1. Commissioner Goldmann dissenting on the limit which he felt too low.

Respectfully Submitted,

  
DAVID F. NORCROSS  
Executive Director