

MINUTES OF THE COMMISSION MEETING

MARCH 18, 1974

PRESENT

Judge Sidney Goldmann, Vice-Chairman
Judge Bartholomew Sheehan, Member
Edward J. Farrell, Legal Counsel
Herbert Alexander, Consultant
David F. Norcross, Executive Director

ABSENT

Mrs. Josephine Margetts
Mr. Frank Reiche

- 1) The matter of Walter Jones, a candidate who had apparently missed the November 21 filing deadline, was referred to Commissioner Goldmann, who sat as a Hearing Officer and whose report is appended hereto.
- 2) The matter of Galluzzi vs. Greenberg was informally discussed with the Commissioners present who recommended that the complaint be dismissed.
- 3) The matter of Middlesex Borough Democratic candidates vs. Middlesex Borough Republican candidates was discussed and the Commissioners present recommended that the complaint be dismissed, but that a letter be written to the Middlesex Republican candidates indicating that the Act requires signature by the Treasurer and not by the Chairman.
- 4) It was, after discussion, decided by the Commissioners present that they would recommend that the Commission take the necessary steps to provide for additional payment to Counsel for his efforts in the matter of A.C.L.U. vs. the Election Law Enforcement Commission, and the New Jersey State Chamber of Commerce vs. the Election Law Enforcement Commission. It was recommended that \$60 per hour be the fee set by the Commission.
- 5) A brief discussion took place on the subject of proposed legislative changes, with all present approving the draft of the Executive Director. Commissioner Goldmann had previously made suggestions for some revision which will be incorporated in the correspondence sent out by the Executive Director.
- 6) On the request of Counsel to the Governor for comments on the Governor's Public Finance Bill, the Commissioner's present felt that we should decline to make formal comment at this time, but that we should indicate a willingness to consult on an informal basis in order to be helpful to the Office of Counsel to the Governor. It was the sense of those members present that the Commission should be free to take whatever subsequent positions it deemed best on the Bill as it proceeds through hearings to the floor of the Legislature.
- 7) On the matter of rules and regulations, Counsel asked for broad general guidance in preparation for argument before Judge Kimmelman in the Chancery Division of the Superior

Court on March 22, 1974. Counsel indicated three broad questions which were particularly troublesome constitutionally.

- 1) The establishment of a "monetary floor" below which the Commission would not seek to impose the disclosure requirements.
- 2) The application of disclosure requirements to public questions.
- 3) The apparent prohibition of anonymous contributions.

The consensus of those Commissioners present, along with Messers. Alexander and Norcross, was that the Commission should take the position that it was empowered by virtue of the Act to promulgate rules and regulations and that those rules and regulations would, of necessity, provide the Commission with the power to apply interpretations and impose requirements which would be constitutional. In the case of a monetary floor, since the sum of \$100 appears in the Act as to disclosure of contributions, it was felt that it would be a supportable threshold for application of disclosure requirements to political information organizations. Similar theories were advanced with respect to public questions and the authority of the Commission to apply disclosure requirements based generally on the flow of "significant money" in the influencing of such questions. With respect to anonymous contributions, the same feeling prevailed that the Commission should be able to require the disclosure of the flow of "significant amounts of money".

- 8) Also discussed was the requirement for the appointment of Treasurer and the designation of a Campaign Depository. This requirement should be subject to the Commission authority to interpret the Act constitutionally so as to require disclosures on the basis of the significant flow argument.

Meeting was adjourned at 12:30.