

MINUTES OF SPECIAL COMMISSION MEETING

June 27, 1974

PRESENT

Frank P. Reiche, Chairman
Sidney Goldmann, Vice-Chairman
Bartholomew Sheehan
Josephine Margetts
Edward J. Farrell, Esquire
David F. Norcross, Executive Director

ABSENT

Herbert Alexander

The Commission met at 12:30 p.m. for the purpose of completing the review of regulations as submitted by Legal Counsel. Detailed discussion, including the insertion of corrections, additions and deletions by various members of the Commission followed. After study and deliberation and amendment, Commissioner Goldmann moved with a second from Commissioner Sheehan that the regulations as presented by Legal Counsel, together with the Amendments proposed by the Commission, be published in the New Jersey Register in accordance with statutory requirements, with a public hearing to be later scheduled. A copy of those regulations, as amended by the Commission, are attached hereto as Exhibit A and made a part of these minutes.

Respectfully submitted,


David F. Norcross
Executive Director

SUBCHAPTER HEADINGS

1. General
2. Administration
3. Limitation of Expenditures
4. Reporting - Generally
5. Appointment of Treasurer and Depository
6. Deposit of Funds
7. Transfer of Funds
8. [Reserved]
9. Form of Pre-election and Post-election report
10. Form of Annual Report
11. Reporting of Contributions; Reporting of Services
12. Reporting of Expenditures; Testimonial Affairs
13. Allocation of Expenditures
14. Advisory Opinions
15. [Reserved]
16. Investigation
17. Complaints and other proceedings
90. Severability Clause

SUBCHAPTER 1. GENERAL PROVISIONS

1:1-1.1 SCOPE OF REGULATIONS

The provisions of this Chapter are promulgated pursuant to The New Jersey Campaign Contributions and Expenditures Reporting Act, L. 1973, c. 83, as amended, N.J.S.A. 19:44A-1 and following ("the Act"). Such provisions shall constitute the rules and regulations of practice and procedure and shall govern all hearings in the New Jersey Election Law Enforcement Commission ("the Commission").

1:1-1.2 SHORT TITLE

The provisions of this Chapter shall be known as "Regulations of the New Jersey Election Law Enforcement Commission".

1:1-1.3 LIBERAL CONSTRUCTION OF REGULATIONS

These Regulations shall be liberally construed to permit the Commission to discharge its statutory functions and to secure a just and speedy determination of all matters before it.

1:1-1.4 RELAXATION

The Commission may, upon notice to all parties or persons in interest, relax the application of these Regulations whenever the interest of justice shall so require.

1:1-1.5 AMENDMENT OF REGULATIONS

The Commission may at any time and from time to time, rescind, alter or amend these Regulations in the manner prescribed by law as may be necessary to carry out the purposes of the Act. Any new Regulation resulting from such action shall be filed with the Secretary of State.

1:1-1.6 PRACTICE WHERE REGULATIONS DO NOT GOVERN

In any matter not governed by these Regulations the Commission shall exercise its discretion so as to carry out the purposes of the Act.

1:1-1.7 DEFINITIONS

The following words and terms, when used in these Regulations and in the interpretation of the Act, shall have the following meanings, unless a different meaning clearly appears from the context:

(a) "the Act" means The New Jersey Campaign Contributions and Expenditures Reporting Act, L. 1973, c. 83, as amended, N.J.S.A. 19:44A-1 and following.

(b) "allied campaign organization" means any political party, any state, county or municipal committee of a political party, or any campaign organization of a candidate which is in support or furtherance of the same candidate or any one or more of the same group of allied candidates or the same public question as any other such committee or organization.

(c) "allied candidates" means candidates in any election who are:

(1) seeking nomination or election

(A) to an office or offices in the same county, municipality or school district, or

(B) to the Legislature representing in whole or in part the same constituency, or

(C) as members of the state committee of the same political party from the same county, or

- (D) as delegates or organizations in national convention of the same political party;
- (2) and who are
 - (A) nominees of the same political party, or
 - (B) publicly declared in any manner, including the seeking or obtaining of any ballot position or common ballot slogan, to be aligned or mutually supportive.

(d) "candidate" means an individual seeking election to a public office of this State or of or of a county, municipality or school district at a primary, general, municipal, school or special election. It does not include an individual seeking nomination for election, or election, to the office of President of the United States, Vice President of the United States, United States Senator or Representative. It does not include an individual seeking election to any office of a county, state or national committee of a political party nor any individual seeking election to the office of county committeeman or committeewoman of a political party. It does include an individual seeking election to the State Committee of a political party or as delegate or alternate to the national convention of a political party.

(e) "Commission" means the New Jersey Election Law Enforcement Commission.

(f) "contribution" includes every loan, gift, subscription, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible (but not including services provided without compensation

by individuals volunteering a part or all of their time on behalf of a candidate, committee or organization), made to any candidate, political committee, political party committee, political club or political information organization, and any pledge or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the Act, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed.

(g) "district" means the state, legislative district, county, municipality or part thereof, school district or other district in which a candidate is seeking election to public office.

(h) "election" includes any primary election for delegate to or alternate to the national convention of a political party; any election in which a public question is to be voted upon by the voters of the state or any political subdivision thereof; and any primary, general, special, school or municipal election for any public office of the state or any political subdivision thereof. It does not include any election for President or Vice-President of the United States or United States Senator or Representative. It does not include election to any office of a county, state or national committee of a political party nor election to the office of county committeeman or county committeewoman of a political party. It does include election to the State Committee of a political party or election as delegate or alternate to a national committee of a political party.

(i) "expenditure", except as otherwise set forth in Section 1:1-12.1 (Reporting of Expenditures), includes every transfer of money or other thing of value, including any item of real or personal property, tangible or intangible (but not including services provided without compensation by individuals volunteering a part or all of their time on behalf of a candidate, committee or organization), made by any candidate, political committee, political party committee, political club or political information organization, and any pledge or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the Act, any such commitment or assumption shall be deemed to have been an expenditure upon the date when such commitment is made or liability assumed.

(j) "legislation" includes all bills, resolutions, amendments, nominations and appointments pending or proposed in either House of the Legislature, and all bills and resolutions which, having passed both Houses, are pending approval by the Governor.

(k) "paid personal services" means personal, clerical, administrative or professional services of every kind and nature, including, without limitation, public relations, research, legal, canvassing, telephone, speech writing or other such services performed other than on a voluntary basis, the salary, cost or consideration of which is paid, borne, or provided other than by the committee, candidate or organization for whom such services are rendered.

(l) "political activity" means election activity related to a candidate or public question as set forth in the Act and all campaign efforts during any election, or the provision,

by any means, of political information on any candidate or public question, or efforts to seek to influence the content, introduction, passage or defeat of legislation in the State of New Jersey.

(m) "political club" means any organization (other than a political party committee) having a recognized relationship to a political party. See Section 1:1-4.6 below.

(n) "political committee" means any two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association which is organized to, or does, aid or promote the nomination, election or defeat of any candidate or candidates for public office, or which is organized to, or does, aid or promote the passage or defeat of a public question in any election. Political committee includes any political club which is not a permanent political club as described in Section 1:1-4.6 below.

A municipal or county charter study commission or the members thereof shall not be deemed to be a political committee with respect to the subject matter of such charter study commission at any time prior to the filing of its report. Thereafter such commission or any two or more members, not otherwise excluded by these regulations, may constitute a political committee for such public question.

No person or persons holding elected public office in this state or any political subdivision thereof shall be deemed to be a political committee with respect to any public question by virtue of communication with their constituents or with public officials of the Federal Government or of this or any other state

or political subdivision thereof or with the general public.

Boards and commissions, and the members thereof, may become political committees with respect to a public question by virtue of communications respecting such public question, except when such communications are required pursuant to their legislated duties.

(o) "political information" means any statement, including but not limited to press releases, pamphlets, newsletters, advertisements, flyers, form letters, or radio or television programs, or advertisements which reflect the opinion of the members of the organization on any candidate or candidates for public office, on any public question, or on any legislation, or which contain facts on any such candidate, public question or legislation whether or not such facts are within the personal knowledge of members of the organization.

(p) "political information organization" means any two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association, whether or not it is required to be registered pursuant to the "Legislative Activities Disclosure Act of 1971" (L. 1971, c. 183), which is organized for the purpose of providing, or which provides political information concerning any candidate or candidates for public office or with respect to any public question, or which seeks to influence the content, introduction, passage or defeat of legislation. The term shall not apply to any bona fide newspaper, magazine, radio or television station or other bona fide news medium disseminating political information, advertising and comment in the normal course of its business; nor to any recognized school or

institution of higher education, public or private, in conducting, sponsoring or subsidizing any classes, seminars, forums, discussions or other events in which political information or the discussion thereof or comment thereon is an integral part.

(g) "political party committee" includes every state, county or municipal committee of a political party, and includes any permanent political club described in Section 1:1-4.6 below.

(r) "public office" means any elective office of this state or any political subdivision thereof, except that it does not include county committeeman or county committeewoman.

(s) "public question" means any question, proposition or referendum (for example, a constitutional amendment or bond issue) required by the legislative or governing body of this state or any of its political subdivisions to be submitted to the voters of the state or political subdivision for decision at elections.

(t) "public solicitation" means a solicitation as described in Section 1:1-11.5(b)(2) below.

(u) "testimonial affair" means an affair of any kind or nature including, without limitation, cocktail parties, breakfasts, luncheons, dinners, dances, picnics or similar affairs (such as coffees) directly or indirectly intended to raise campaign funds in behalf of a person who holds, or who is or was a candidate for nomination or election to a public office in this State, or directly or indirectly intended to raise funds in behalf of any state, county or municipal committee of a political party, political club or a political committee, or directly or indirectly intended to raise funds for any political information organization.

1:1-1.8 GENDER: USE OF MASCULINE TO INCLUDE FEMININE

Unless a different meaning clearly appears from the context, the use of a word importing the masculine shall be understood to include and to apply to the feminine as well.

1:1-1.9 INFORMATION AVAILABLE TO PUBLIC

The public may obtain information or make submission or requests concerning any Commission matter by contacting the office of the Commission, Suite #1114, National State Bank Building, 28 West State Street, Trenton, New Jersey 08605, telephone (609) 292-8700.

SUBCHAPTER 2. ADMINISTRATIVE

1:1-2.1 OFFICE

The office of the Election Law Enforcement Commission is located at Suite 1114, National State Bank Building, 28 West State Street, Trenton, New Jersey 08605, telephone (609)292-8700.

1:1-2.2 HOURS OF OPERATION

The office of the Commission is open for the filing of documents and for other Commission business (except for public inspection of documents) from 9:00 a.m. to 5:00 p.m., Monday through Friday, holidays excepted. The office of the Commission is open for public inspection of documents from 10:00 a.m. to 4:00 p.m., Monday through Friday, holidays excepted.

1:1-2.3 ACCESS TO DOCUMENTS

(a) Every document accepted for filing by the Commission, including all reports, affidavits, requests for advisory opinions and replies to requests for advisory opinions, complaints or pleadings relating to a complaint, all final orders, decisions and opinions, shall be maintained with the date of filing noted thereon by the Commission.

(b) Any person shall, upon request, be afforded opportunity to examine any document, or a photocopy of any document so maintained.

1:1-2.4 COPIES OF DOCUMENTS: FEES

Any person shall, upon request, be provided copies of any of the documents referred to in Section 1:1-2.3 at a cost of 10 cents per page. Such copies will be certified to be true copies upon payment of a fee of \$1.00 per document.

1:1-2.5 RELEASE OF DOCUMENTS

No original filed document referred to in Section 1:1-2.3 shall be released from the custody of the Commission except upon express written direction of the Executive Director or upon court order.

SUBCHAPTER 3. LIMITATION OF EXPENDITURES

1:1-3.1 SPENDING LIMIT

(a) The amount which may be spent, including the total amount expended by the candidate and any other person, committee and organization, in aid of the candidacy of any candidate for a public office at any election shall not exceed \$.50 for each voter who voted in the last preceding general election in a presidential year in the district in which the public office is sought.

(b) No money or other thing of value shall be paid or promised, or expense authorized or incurred in behalf of any candidate for nomination or election to any office, whether such payment is made or promised, or expense authorized or incurred by the candidate himself or by any other person, political committee or organization, in furtherance or in aid of his candidacy, under any circumstances whatsoever, in excess of the sums provided; but such sums shall not include the traveling expenses of the candidate or of any person other than the candidate if such traveling expenses are voluntarily paid by such person without any understanding or agreement with the candidate that they shall be, directly or indirectly, repaid to him by the candidate.

1:1-3.2 COMPUTATION OF SPENDING LIMIT

(c) Published statistics respecting the numbers of voters who voted in the last preceding general election in a presidential year are on file in the Law and General Reference Section, State Library, Trenton, New Jersey. (For example, the volume relating to the General Election for 1972 is entitled

State of New Jersey, Secretary of State, Results of the
General Election Held November 7, 1972.) Current figures are
also available at the office of the Commission.

1:1-3.3 REVIEW BY THE COMMISSION

The Commission will, at the request of any candidate, compute the spending limits or review the spending limits determined by such candidate and the calculations upon which such determination has been based. Upon request the Commission will certify the correct spending limits.

SUBCHAPTER 4. REPORTING REQUIREMENTS

1:1-4.1 GENERAL

Candidates, allied campaign organizations, political committees, political party committees, political clubs, political information organizations and campaign depositories may be subject to some or all of the reporting requirements of the Act.

1:1-4.2 CANDIDATES

(a) A candidate must appoint a campaign treasurer and designate a campaign depository before receiving any contribution or expending any money in furtherance or aid of his candidacy, and must comply with the pre-election and post-election reporting requirements of the Act.

(b) Where all of the contributions and expenditures are handled by a political committee, political party committee or allied campaign organization on behalf of one or more candidates, each of such candidates must appoint a campaign treasurer and campaign depository and must comply with the pre-election and post-election reporting requirements of the Act. In such circumstances, the candidate need not open an account in the designated campaign depository.

Example 1.

A is a candidate for the New Jersey State Assembly and anticipates that approximately \$20,000 will be expended in his campaign. The "Committee for A" has been organized to conduct his campaign and all contributions and expenditures are to be made through the Committee for A. The Committee must appoint a campaign treasurer and designate

a campaign depository and must file pre-election and post-election reports. In addition, Candidate A must appoint a campaign treasurer and designate a campaign depository and must file pre-election and post-election reports. Candidate A is not required to open an account with his designated campaign depository on these facts, since all of the contributions and expenditures will be handled through the account entitled "Campaign Fund for Committee for A" in the campaign depository designated by the Committee. Candidate A may report the details of contributions and expenditures in his pre-election and post-election report by reference to the reports of the Committee for A.

1:1-4.3 POLITICAL COMMITTEES

Except as otherwise set forth in Section 1:1-12.1 below, a political committee must appoint a campaign treasurer and designate a campaign depository before receiving any contribution or expending any money in furtherance or aid of the election or defeat of any candidate or to aid the passage or defeat of any public question, and is subject to the pre-election and post-election reporting requirements of the Act.

1:1-4.4 POLITICAL PARTY COMMITTEES

A political party committee must appoint a campaign treasurer and campaign depository on or before January 31 of each year. A

political party committee is required to file an annual report not later than March 1 of each year of all contributions and expenditures for the preceding calendar year, and except as provided in Section 1:1-12.1(b) below, is subject to the pre-election and post-election reporting requirements of the Act.

1:1-4.5 ALLIED CAMPAIGN ORGANIZATIONS

An allied campaign organization is a political committee for purposes of pre-election and post-election reporting requirements under the Act. As such, the allied campaign organization must, before receiving any contribution or expending any money in furtherance or aid of the election or defeat of any candidate or candidates, or aiding the passage or defeat of any public question, appoint a campaign treasurer and designate a campaign depository and promptly notify the Commission in writing of such appointment.

1:1-4.6 POLITICAL CLUBS

A political club will be deemed to be, for the purposes of the Regulations, either a political party committee or a political committee. A club organized to promote the candidacy of one or more candidates, without a term of existence substantially longer than the campaign of such candidates, is a political committee.

A political club having a permanent or continuing existence unrelated to the candidacy of particular candidates, or which receives contributions or makes expenditures from time to time unrelated to the promotion of the candidacy of a particular candidate or candidates, or carries on in fact some or all of the continuing functions of a political party committee, is deemed to be a political party committee for purposes of the pre-election and post-election reporting requirements and the annual reporting

requirements of the act, and must appoint a campaign treasurer and campaign depository on or before January 31 of each year.

1:1-4.7 POLITICAL INFORMATION ORGANIZATIONS

(a) Except as set forth in Section 1:1-12.1(d) below, a political information organization is required to file with the Commission, not later than March 1 of each year, an annual report of contributions and expenditures for the previous calendar year, computed in accordance with the provisions of Section 1:1-11.3 (Computation of Contributions) and 1:1-12.1(d) (Reporting of Expenditures) below.

(b) Except as set forth in Section 1:1-12.1(d) below, a political information organization is subject to the pre-election and post-election reporting requirements of the Act with respect to any election if such political information organization instituted a fund for the purposes of the election, or otherwise acted in some substantial manner to aid or promote the nomination, election or defeat of any candidate or candidates for public office or aided or promoted the passage or defeat of a public question in such election. If, for example, the circumstances were such that the affected candidate would be required to report the expenditure as an expense authorized or incurred in furtherance or in aid of his candidacy, then compliance with the pre-election and post-election reporting requirements would be necessary, as in the case of a political committee. The collection and publication of political information as to all candidates for a specific office or as to all candidates who respond to a questionnaire or other request for information, is not regarded as action promoting in a

substantial manner the candidacy of any of such candidates, unless the surrounding circumstances, including the tone of the publication, the presence of editorial comment, or other persuasive circumstances, show that the publication is in fact an expenditure authorized or incurred in furtherance or in aid of the candidacy of the candidate and is not simply publication of political information as to all candidates.

A political information organization shall not be deemed to have acted in some substantial manner to aid or promote the nomination, election or defeat of any candidate or candidates for public office or have aided or promoted the passage or defeat of a public question in any election or sought to influence the content, introduction, passage or defeat of legislation where its activity with respect to such election or legislation consisted solely of communications by a corporation to its stockholders and their families, or by a labor organization to its members and their families, or by an association to its members and their families on any subject, or by nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families, or by an association aimed at its members and their families; but the provisions of this paragraph shall not apply to any political party committee or political club, or to any association which is organized, or whose primary purpose is to aid or promote the nomination, election or defeat of any candidate or candidates for public office or to aid or promote the passage or defeat of a public question.

SUBCHAPTER 5. APPOINTMENT OF TREASURERS AND DEPOSITORIES

1:1-5.1 GENERAL

Any person 18 years of age or over may serve as campaign treasurer for any candidate, committee or as treasurer for any political information organization. A candidate may serve as his own campaign treasurer.

The same person may serve as treasurer or campaign treasurer for any number of candidates, committees or organizations.

Any bank authorized by law to transact business in the State of New Jersey may be designated as a depository or campaign depository. The same bank may serve as depository or campaign depository for any number of candidates, committees or organizations.

1:1-5.2 APPOINTMENT

(a) Candidates. Each candidate in an election must appoint a campaign treasurer and shall designate a campaign depository before any contribution is received by him or in his behalf or any money is expended by him or in his behalf in furtherance or aid of his candidacy.

(b) Political Committees. Every political committee must appoint a campaign treasurer and designate a campaign depository before receiving any contribution or expending any money in furtherance or aid of the election or defeat of any candidate, or to aid the passage or defeat of any public question.

(c) Political Party Committees. A political party committee must designate a campaign treasurer and a campaign depository on or before January 31st of each year.

(d) A permanent political club as described in Section 1:1-4.6 must designate a campaign treasurer and campaign depository

on or before January 31st of each year. Any other political club must appoint a campaign treasurer and designate a campaign depository before receiving any contribution or expending any money in furtherance or aid of the election or defeat of any candidate or to aid the passage or defeat of any public question.

(e) A political information organization which is a permanent organization and which is required to file any report under the Act, must appoint a treasurer and name a depository on or before January 31st of each year or when the obligation for reporting first becomes known to such political information organization. Every other political information organization must appoint a treasurer and name a depository as soon as practicable after becoming a political information organization.

1:1-5.3 FILING WITH COMMISSION

Each candidate, committee or organization shall promptly file the name and address of the treasurer or campaign treasurer and depository or campaign depository with the Commission, on a form designated by the Commission and made available through the State and County Committees of the major political parties, the County Clerk of each county, the Municipal Clerk of each municipality, the County Superintendent of Schools (as to school board elections only), and directly from the office of the Commission.

1:1-5.4 DEPUTIES

(a) A campaign treasurer of a candidate may appoint deputy campaign treasurers as required and may designate additional campaign depositories in each county in which the campaign is conducted. The candidate shall promptly file the names and addresses of deputy campaign treasurers and additional campaign depositories with the Commission.

(b) A campaign treasurer of a political party committee or a political committee may appoint deputy campaign treasurers as may be required and may designate additional campaign depositories. The treasurer of a political information organization may appoint deputy treasurers as may be required and may designate additional depositories. Such committees or organizations shall promptly file the names and addresses of deputy treasurers or campaign treasurers and additional depositories or campaign depositories with the Commission.

1:1-5.5 REMOVAL OR RESIGNATION OF TREASURERS

In the case of the death, resignation or removal of a treasurer or campaign treasurer, the candidate or committee or organization shall appoint a successor as soon as practicable and shall file his name and address with the Commission within three days of such appointment.

SUBCHAPTER 6. DEPOSIT OF FUNDS

1:1-6.1 DEPOSIT OF FUNDS BY CANDIDATES OR COMMITTEES

(a) All funds received by a campaign treasurer or deputy campaign treasurer of a candidate, a political party committee, or a political committee shall be deposited by the campaign treasurer or deputy campaign treasurer in a campaign depository of the candidate or committee, in an account designated "Campaign Fund of _____ (name of candidate or committee)" no later than the 10th calendar date following receipt of such funds; except that any such treasurer or deputy treasurer may, when authorized by the candidate or committee of which he is the campaign treasurer or deputy campaign treasurer, transfer any such funds to the duly designated campaign treasurer or deputy campaign treasurer of another candidate or committee, for inclusion in his or its campaign fund, without first so depositing them; provided however, that a record of non-deposited funds so transferred shall be attached to the statement required to be delivered to the depository, identifying them as to source and amount in the same manner as deposited funds.

(b) A political party committee or political committee may include other funds in such account, but must retain sufficient records to account for the separate funds.

1:1-6.2 DEPOSIT OF TRANSFERRED FUNDS

All funds transferred before deposit in accordance with Section 1:1-6.1 shall be deposited not later than the 10th calendar day following the initial receipt of funds by the treasurer or deputy treasurer of the candidate or committee making such transfer.

1:1-6.3 DEPOSIT OF FUNDS BY POLITICAL INFORMATION ORGANIZATIONS

(a) All funds which constitute contributions as described in Section 1:1-11.2(b) below, received by a treasurer or deputy treasurer of a political information organization shall be deposited by the treasurer or deputy treasurer in a depository of the organization in an amount designated "_____ (name of political information organization) Fund" no later than the 10th calendar day following receipt of such funds; provided, however, that a political information organization may make expenditures for rental, salary and other routine matters out of normal business accounts established and customarily used for that purpose.

SUBCHAPTER 7. USE OR TRANSFER OF DEPOSITED FUNDS

1:1-7.1 EXPENDITURES THROUGH CAMPAIGN TREASURER

No expenditure of money or other thing of value, nor obligation therefor, including expenditures, loans or obligations of a candidate himself or of his family, shall be made or incurred, directly or indirectly, to support or defeat a candidate in any election, or to aid the passage or defeat of any public question, except through:

(a) The duly appointed campaign treasurer or deputy campaign treasurers of the candidate;

(b) The duly appointed campaign treasurer or deputy campaign treasurers of a political party committee;

(c) The duly appointed campaign treasurer or deputy campaign treasurers of a political committee.

1:1-7.2 USE OF FUNDS - GENERAL

Funds so deposited may be used in accordance with the provisions of the Act and of these Regulations for any lawful purpose. Such funds shall not be used to defray private expenses of any candidate or any other person.

1:1-7.3 TRANSFER OF DEPOSITED FUNDS TO ANOTHER CANDIDATE, POLITICAL COMMITTEE, POLITICAL PARTY COMMITTEE OR POLITICAL CLUB

The Act does not prevent the transfer of funds by a candidate or committee to another candidate, political committee, political party committee or political club for the lawful purposes of such

other candidate, committee or club. The transfer of such funds must be reported as an expenditure by the transferring candidate or committee but need not be included as an expense authorized or incurred in furtherance or in aid of the candidacy of the transferring candidate in computing the amount of expenditures for purposes of Section 1:1-3.1, above (Spending Limit), except to the extent that such transferred funds are thereafter used in furtherance or aid of the candidacy of the transferring candidate. In the event of any such transfer, the record and record-retention procedures used by the transferring candidate or committee and by the candidate, committee or club to which the transfer is made, must be adequate to permit a later demonstration, if required, that a proper allocation has been made to the transferring candidate or to any other candidate, of any of such transferred funds which were expended in furtherance or in aid of the candidacy of the transferring candidate or such other candidate.

Example 1.

Candidate A receives a contribution of \$50 which is deposited in the account designated "Campaign Fund of A". A later determines that this money is not needed for his campaign and he transfers \$50 to the county committee of his political party. The transfer must be shown as an expenditure on his pre-election and post-election reports, if such reports are required to be filed. It need not be included in calculating the expenditures in aid of the

candidacy of A, except as to any portion of such transferred funds which are thereafter used in aid of the candidacy of A.

1:1-7.4 TRANSFER OF DEPOSITED FUNDS TO POLITICAL PARTY COMMITTEE FOR GENERAL PURPOSES

The Act does not prevent the transfer of excess or unused funds to a political party committee for the general uses of such political party committee, provided that there is no express or implied limitation by the original contributors against such transfer at the time of the contribution or thereafter.

1:1-7.5 TRANSFER OF DEPOSITED FUNDS BY POLITICAL PARTY COMMITTEE TO CANDIDATE

The Act does not prohibit contributions to a candidate of funds contributed to a political party committee which were solicited for the general purposes of the political party committee, provided there is no express or implied limitation by the original contributors against the contribution of such funds to the candidate. Such contributions must be reported by the candidate as contributions and must be reported by the political party committee as expenditures.

1:1-7.6 EARMARKED FUNDS

Whenever funds in excess of \$100, which are earmarked or intended for the use of any candidate, committee or organization, are transferred or re-transferred through an intermediate candidate, committee or organization, the funds shall be accompanied by a statement of the name, address and amount of the original contributor of such fund, and the reports filed by each transferee shall identify the original source and amount of such contribution.

1:1-7.7 LIMITATION ON TRANSFER OR EXPENDITURE BY POLITICAL PARTY COMMITTEE

A political party committee, may, after a primary election but not prior thereto, receive or expend funds in furtherance and in aid of the candidacy of all candidates of such party, or of any one or more of such candidates, in accordance with provisions of the Act and these regulations.

1:1-7.8 USE OF FUNDS BY POLITICAL PARTY COMMITTEE: SPECIAL ACCOUNT

A political party committee or a political committee may designate a campaign account of such political party committee or political committee to be used in aid or furtherance of the candidacy of one or more candidates. The establishment of such an account does not relieve any individual candidate from the obligation to appoint a campaign treasurer and designate a campaign depository and to file the pre-election and post-election reports or affidavit required under the Act. In the event such campaign account is used, there must be sufficient identification of contributions and expenditures and a sufficient record of methods of allocation of contributions and expenditures so as to permit a later demonstration, if required, that a report or affidavit of a candidate is complete and accurate and is based upon accurate records, and that the total spending limits as to any such candidate have not been exceeded.

SUBCHAPTER 9. PRE-ELECTION AND POST-ELECTION REPORT

1:1-9.1 REPORT (FORM R-1)

Form R-1 is used for pre-election and post-election report by all candidates (except those filing an affidavit in accordance with Section 1:1-9.5) and by all committees or organizations which receive contributions or make expenditures respecting a candidate or public question in any election and are required to file.

1:1-9.2 FORM OF REPORT

(a) The report shall be in the form designated by the Commission and made available through the State Committees and County Committees of the major political parties, the County Clerk of each county, the Municipal Clerk of each municipality, the County Superintendent of Schools (as to school board elections only), and directly from the office of the Commission.

(b) Form R-1, revised as of June, 1974 is set forth below:

(c) Form R-1 shall be issued with appropriate instructions setting forth the general filing requirements and instructions for completion so as to facilitate filing.

1:1-9.3 PERIOD COVERED

(a) During the period between the appointment of the campaign

treasurer and the election with respect to any contributions accepted or expenditures made by him, the campaign treasurer shall file his report (1) on the 25th day preceding the election and (2) on the 7th day preceding the election and (3) on the 15th day following such election.

(b) The report shall cover the period ending with the day preceding the date of the report and beginning with the date when the most recent such report was filed, except that the first report shall cover the period beginning on the date of the appointment of the campaign treasurer, or the first receipt or expenditure by or on behalf of the candidate, or the date of filing of the petition, or the date of public declaration of candidacy, whichever first occurs.

1:1-9.4 TIME AND PLACE OF FILING

The original and one copy of the report must be received by the Commission at its office by 5 p.m. on the filing day. A report postmarked on the filing day but received by the Commission at any time subsequent to 5 p.m. on the filing day will not be deemed timely filed. The report may be filed with the appropriate County Clerk for transmittal to the Commission, provided that such filing is made by 12 noon on the filing day. An additional copy of the report must be filed with the County Clerk of the county in which the candidate seeks office or the county where the candidate resides, if his district includes more than one county.

1:1-9.5 AFFIDAVIT

There is no obligation to file the report (form R-1) referred to in Section 1:1-9.1 on behalf of a candidate if such candidate files with the Commission a sworn statement to the effect that the

total amount expended or to be expended in behalf of his candidacy by the candidate, by any state, county or municipal committee of a political party, or by any political committee, or by any person shall not in the aggregate exceed \$1,000.

1:1-9.6 FORM OF AFFIDAVIT

(a) The affidavit shall be in the form designated by the Commission and made available through the State Committees of the major political parties, the County Clerk of each county, the Municipal Clerk of each municipality, the County Superintendent of Schools (as to school board elections only) and directly from the office of the Commission.

(b) The form of affidavit, revised as of June, 1974 is set forth below:

(c) The affidavit shall be issued with appropriate instructions setting forth the general filing requirements and instructions for completion so as to facilitate filing.

1:1-9.7 TIME OF FILING; PERIOD COVERED

(a) The affidavit shall be filed on or before the 25th day preceding the election to which such affidavit relates.

(b) The affidavit shall cover the time period beginning on the date of the appointment of the campaign treasurer, or the first receipt or expenditure by or on behalf of the candidate, or the date of filing the petition, or the date of public declaration of candidacy, whichever first occurs, and ending on the date when all of the business regarding the election to which it relates has been wound up.

1:1-9.8 PLACE OF FILING

The original and one copy of the affidavit must be received by the Commission at its office by 5 p.m. on the filing day. A

affidavit postmarked on the filing day but received by the Commission at any time subsequent to 5 p.m. on the filing day will not be deemed timely filed. The affidavit may be filed with the appropriate County Clerk for transmittal to the Commission, provided that such filing is made by 12 noon on the filing day. An additional copy of the report must be filed with the County Clerk of the county in which the candidate seeks office or the county where the candidate resides, if his district includes more than one county.

1:1-9.9 60-DAY INTERVAL REPORT

Form R-1 shall be used for the report whenever a candidate, committee or organization shall be required to file one or more 60-day interval reports because all business in connection with a past election has not yet been wound up, or because it has received contributions or made expenditures with respect to such election after the date of the final report subsequent to such election, or has conducted a testimonial affair or public solicitation for the purpose of raising funds to cover any part of the expenses relating to such election. Such report shall cover the time period beginning with the day succeeding the last day covered by the most recent previous report and ending with the day preceding the date on which this report is due. Such report shall be filed with the office of the Commission.

1:1-9.10 FINAL REPORT

(a) A candidate (or a committee or organization formed for a particular election) must certify in the final report that the business of the election for which it was formed has been wound up and the fund dissolved.

(b) A political committee, political party committee, political club or political information organization which continues its activities beyond the election must certify in the final report that all business regarding the election has been wound up and shall state the final disposition of any balance of funds on hand or the arrangements which have been made for the discharge of any obligations remaining unpaid.

SUBCHAPTER 10. ANNUAL REPORT

1:1-10.1 REPORT (FORM R-2)

Form R-2 is used for the annual report by all political party committees (including permanent political clubs) and by all political information organizations which are required to file.

1:1-10.2 FORM OF REPORT

(a) The report shall be in the form designated by the Commission and made available through the State Committees of the major political parties, the County Clerk of each county, and directly from the office of the Commission.

(b) Form R-2, is set forth below:

(c) Form R-2 shall be issued with appropriate instructions setting forth the general filing requirements and instructions as to completion so as to facilitate filing.

1:1-10.3 TIME OF FILING: PERIOD COVERED

The annual report shall be filed with the Commission not later than March 1 of each year and shall include all contributions as defined in Section 1:1-11.1 below and all expenditures as defined in Section 1:1-12.1 below, for the preceding calendar year.

1:1-10.4 PLACE OF FILING

The annual report shall be filed in the office of the Commission.

SUBCHAPTER 11. CONTRIBUTIONS; REPORTING OF SERVICES

1:1-11.1 GENERAL

Except as otherwise provided in Section 1:1-12.1 below every contribution to aid or promote the nomination, election or defeat of any candidate or candidates for public office, or to aid or promote the passage or defeat of a public question in any election, or which seeks to influence the content, introduction, passage or defeat of legislation, must be reported.

1:1-11.2 CONTRIBUTIONS FOR POLITICAL ACTIVITY

(a) Every contribution to a candidate, political committee, political party committee or a political club shall be deemed to be a contribution for political activity as described in Section 1:1-11.1 above, unless it shall clearly appear that such contribution is not for political purposes.

Example 1:

Candidate A has announced his intention to run for the State Assembly and has filed with the Commission the name and address of his campaign treasurer and campaign depository, but has not yet filed his petition. Company X mails to Candidate A a check in the amount of \$200 payable to Candidate A to aid in his campaign, although no statement as to this purpose is included with the check. Company X has made a reportable contribution to Candidate A in the amount of \$200.

Example 2:

Candidate B has been elected to the office of

freeholder in a county in New Jersey. All the pre-election and post-election reports relating to his campaign have been filed and the business respecting the campaign has been wound up and all expenses in connection with the campaign have been paid. A group of friends, including a number of prominent local politicians, arrange a dinner in his honor to commemorate his years of faithful service to the party. Cash and other gifts of total value of \$200 are given to him in the course of the dinner. There is no intention that these gifts be used for political purposes and they are not so used. The dinner and the gifts are not contributions to Candidate B for political purposes and are not required to be reported.

(b) Contributions to a political information organization shall be construed to be contributions for political activity to the same extent and in the same proportion that the activities of the political information organization are for a political purpose.

Example 1:

Company A annually makes a payment of \$250 for membership in a trade association. The trade association is active on behalf of its members and regularly seeks to ascertain the views of candidates with respect to issues which concern its members. It makes contributions to candidates whose views are deemed to be favorable to its members and seeks to effect passage of legislation favorable to the interest of its

members. In addition, it carries on activities on behalf of its members which are not political, such as conducting trade shows and publishing information of general trade interest. 10% of the time and funds of the trade association are estimated by the trade association to be spent on political activity. The remaining 90% of its time and funds are estimated to be spent on non-political activity, such as arranging trade shows and publication of material of general interest in the trade. Of the \$250 contributed annually by Company A to the trade association, \$25 is a contribution for political activity.

1:1-11.3 COMPUTATION OF CONTRIBUTIONS

(a) Candidates (or committees or organizations formed for a particular election) must report as contributions the total amount of contributions and the name, address and amount of contributions made by any contributor who contributed in the aggregate more than \$100.

(b) Political party committees, permanent political clubs and political committees of a continuous nature must report as contributions the total amount of contributions and the name, address and amount of contribution made by any contributor who contributed in the aggregate more than \$100, and must include the total of all other income, including dues, rental, investment or other income.

(c) Non-profit corporations, organizations and associations must report as contributions the total amount of contributions for political activity as described in Section 1:1-11.2(b) above, and the name, address and amount of contribution made by any contributor who contributed more than \$100 in the aggregate for political activity.

Examples: American Civil Liberties Union, League of Women Voters.

(d) Trade associations, business associations, unions and other organizations and associations (other than non-profit) must report as contributions the total amount of contributions, dues and assessments for political activity as described in Section 1:1-11.2(b) above, and the name, address and amount of such contribution made by any contributor whose contribution, dues or assessment for political activity exceeded \$100 in the aggregate.

Examples: Chamber of Commerce, AFL/CIO - COPE.

(e) Corporations, partnerships and other business or professional associations must report as contributions the total amount of money initially budgeted or initially allocated for political activity and deposited in a political information organization fund, together with any additional sums later so budgeted or allocated or deposited; plus the allocated value of other expenses reasonably attributable to political activity, where payment for such expenses has not been made through a political information organization fund (for example, payments from payroll account, or rental or office supply payments through normal business accounts); plus all amounts contributed to

candidates, committees or political information organizations for political activity; plus any contribution or money utilized for political activity not otherwise described above.

Examples: General Motors, Ford Motor Company, business organizations generally.

(f) Legislative agents (not otherwise covered in (c) (d) or (e) above, as defined in the Legislative Activities Disclosure Act of 1971 (N.J.S.A. 52:13C-19), including individual legislative agents, must report as contributions the total amount of contributions, fees or other amounts paid to them for or in connection with any political activity undertaken by them on behalf of other persons during the reporting period; plus any contributions or monies utilized for political activities, expended from personal or firm funds for political activity, whether or not chargeable to clients or other persons.

1:1-11.4 CONTRIBUTION OF GOODS OR SERVICES

(a) Where contribution of goods is made for political purposes, the value of the contribution shall be the fair market value of the goods to the candidate, committee or organization receiving them.

(b) The value of contributions made in the form of personal services shall be the actual amount of compensation paid by the contributor to the individuals actually performing said services for the performance of said services. The person contributing such services shall furnish to the campaign treasurer through whom such contribution is made a statement setting forth the actual amount of compensation paid by the contributor to the

individuals actually performing such services. If any such individual also performed for the contributor other services during the same period, and the manner of payment was such that payment for the services contributed cannot readily be segregated from contemporary payment for the other services, the contributor shall, in his statement to the campaign treasurer so state and shall either (1) set forth his best estimate of the dollar amount of payment to each such individual which is attributable to the contribution of his paid personal services, and shall certify the substantial accuracy of the same, or (2) if unable to determine such amount with sufficient accuracy, set forth the total compensation paid by him to each such individual for the period of time during which the services contributed by him were performed.

(c) Voluntary personal services as described in Section 1:1-1.7(i) are not a contribution under the act.

Example 1:

E is a certified public accountant, who, in aid of the candidacy of Candidate A has undertaken to set up the necessary books and records to reflect the financial operations of the campaign of Candidate A. E employs in his office several accountants, bookkeepers and clerical personnel who perform some of the work required to maintain the financial records for the campaign of Candidate A. The services of E do not constitute a contribution to Candidate A since they are voluntary personal services. The value of the services of the accountants and other employees of E, estimated as described

in subparagraph (b) above, are a contribution to Candidate A. The value of the use of special or extraordinary office equipment, such as photocopying equipment or computers, by E or his employees in connection with the campaign is also a contribution to Candidate A.

1:1-11.5 ANONYMOUS CONTRIBUTIONS

(a) Except as otherwise provided in subsection (b) hereof, no contribution or expenditure shall be made anonymously, or in a fictitious name, or by one person or group in the name of another for a political purpose, and no person shall contribute or purport to contribute to any candidate, committee or organization, funds or property not actually belonging to him and in his full custody and control, or which have been given or furnished to him by any other person or groups for the purpose of making a contribution thereof.

(b) The following are not deemed to be anonymous contributions within the meaning of the Act or of these Regulations:

1. Group contributions by persons who are members of the contributing group.
2. Proceeds of a public solicitation, which means any activity by or on behalf of any candidate, state, county or municipal party committee, political committee or political information organization whereby either (1) members of the general public are personally solicited for cash contributions not exceeding \$10 from each person so solicited and which are contributed on the spot by the person so solicited to the person so soliciting or through a receptacle provided for the purpose of depositing contributions,

or (2) members of the general public are generally solicited for the purchase of items having some tangible value as merchandise, at a price not exceeding \$10 per item, which price is paid on the spot in cash by the person so solicited to the person so soliciting, when the net proceeds of such solicitation are to be used by or on behalf of such candidate, party committee, political committee or political information organization.

3. A contribution to a political information organization from a member of the general public in an amount not exceeding \$10, or the purchase by a member of the general public of an item having some tangible value as merchandise, at a price in excess of the value of such merchandise, but not exceeding \$10 per item, when the net proceeds of such purchase are to be used by or on behalf of such political information organization; provided however, that this provision is not applicable to any contribution or purchase, where the net proceeds are to be used in whole or in part in furtherance or in aid of the candidacy of any candidate.

SUBCHAPTER 12. REPORTING OF EXPENDITURES; TESTIMONIAL
AFFAIRS

1:1-12.1 REPORTING OF EXPENDITURES

(a) Candidates. Candidates shall maintain records with respect to all expenditures in aid or furtherance of aid of their candidacy and (except for a candidate filing an affidavit under 1:1-9.5) shall report such expenditures in accordance with the provisions of Subchapter 9 (Pre-elections and Post-elections Report). Payment by cash for expenditures is not unlawful; in case of such payments, receipts must be obtained from the ultimate payees and accurate records must be maintained by the campaign treasurer and included in the report for such candidate to reflect the identity of each payee, the date and amount of payment and a brief statement of the purposes of such expenditure. Expenditures incurred by lawful payment to workers on election day are expenditures on behalf of candidates. Victory parties or other similar celebrations held after the close of the polls and not held for the purpose of raising funds are not expenditures for purposes of Section 1:1-3.1 (Spending Limit), but must nonetheless be reported.

(b) Political Committees. A political committee acting on behalf of a candidate shall be subject to the same requirements as candidates with respect to reporting expenditures, except that no political committee or political party committee or political information organization shall be required to file pre-election or post-election reports as to any candidate who is not required to file such reports by virtue of his having filed an affidavit pursuant to Section 1:1-9.5. A political party committee or a political information organization may become a political committee with respect to a candidate if it is organized to or aids or

promotes the nomination, election or defeat of such candidate.

A political committee for one or more public questions shall record and report expenditures in the same manner as described for candidates; provided, however, that a political committee which is a political committee solely as to one or more public questions with respect to any election shall not be subject to the reporting or other requirements of the Act if the total amount of its expenditures for such election do not exceed \$100. A political party committee or political information organization whose political activity in any election is solely to aid or promote the passage or defeat of a public question in such election is a political committee within the meaning of this paragraph for such public question.

(c) Political Party Committees. A political party committee shall include in its annual report all expenditures made, incurred or authorized by it during the calendar year. A political party committee which has reported expenditures with respect to an election in pre-election and post-election reports may report such expenditures by reference to the filed pre-election and post-election reports. General categories may be utilized to show routine and repetitive expenditures such as rent, payroll, etc., except as these are related to the candidacy of specific candidates, in which case they must be specified.

(d) Political Information Organizations. A political information organization shall include in its annual report all expenditures made, incurred or authorized by it during the calendar year; provided, however, that a political information organization whose expenditures for political activity during the calendar

year did not exceed \$100 shall not be subject to the reporting or other requirements of the Act. In determining whether such expenditures did not exceed the sum of \$100, such sum shall not include the traveling expenses of any member of such political information organization or of any other person, if such traveling expenses are voluntarily paid by such member or other person without any understanding or agreement with the member or other person that they shall be, directly or indirectly, repaid to him by such organization.

A political information organization which is subject to the reporting requirements of the Act shall record and report all of its expenditures for political activity in accordance with the requirements for such recording and reporting by political party committees and shall, in addition, report the total amount of all other expenditures. A political information organization which has reported expenditures with respect to an election in pre-election and post-election reports may report such expenditures by reference to the filed pre-election and post-election reports.

1:1-12.2 TESTIMONIAL AFFAIRS

(a) In reporting a testimonial affair as described in Section 1:1-1.7(u) of these Regulations (or any similar affair whether or not directly or indirectly intended to raise funds or campaign funds), the total amount of receipts from ticket sales or other receipts shall be reported as a contribution, together with the name, address and amount of contribution made by any contributor whose contribution exceeded \$100 in the aggregate. The total amount of expenditure in connection with such affair, including the cost or value of use of premises, food and beverages,

entertainment and similar expenditure, shall be reported as an expenditure.

(b) For the limited purpose of computation of expenditure limits with respect to candidates, the amount of the expenditure in aid or furtherance of the candidacy of a candidate may, at the option of the candidate, be computed by using the smaller of:

(1) the total amount of such expenditure as shown on the report; or

(2) the total amount of such expenditure less the reasonable value of food and beverages to the persons who attended such affair and for whom a contribution in excess of the reasonable value of such food and beverages is reported.

In lieu of calculating the total amount of such expenditure less the reasonable value of food and beverages as provided in this subsection (b), the candidate may consider, as a reasonable estimate of the total amount of such expenditure less the reasonable value of food and beverages, an amount equal to one-third of the total amount of receipts from ticket sales or other receipts shown as contributions; provided, however, that in any case where expenditures exceed receipts, the candidate may not make use of the alternate means of calculation provided in this paragraph, but must compute the amount of the expenditure in aid or furtherance of his candidacy by use of subsection (b)(1) or (b)(2) of this section 1:1-12.2.

SUBCHAPTER 13. ALLOCATION OF EXPENDITURES

1:1-13.1 ALLOCATION

Where an expenditure is made on behalf of two or more candidates, the expenditure must be allocated between such candidates in a reasonable manner so as to fairly reflect the relative value to each of the candidates of such expenditure. The initial allocation should be made by the committee or candidates on a reasonable basis, and in advance of the expenditure where possible. All documents and financial records relating to the allocation and the expenditure should be retained.

Example 1.

"Committee for A and B" is conducting a political campaign on behalf of Candidate A and Candidate B. The committee proposes to expend \$100 for the purchase of a quantity of bumper stickers containing the slogan "Vote for A and B". The Committee determines that the stickers are of equal value to each of the candidates. \$50 of the expenditure should be allocated to Candidate A and \$50 should be allocated to Candidate B. Financial records should be retained relating to the expenditure and should be included, with the allocation, in the appropriate pre-election or post-election report, if the Committee is required to file such reports. A record of the facts on which the allocation is based must be retained.

SUBCHAPTER 14. ADVISORY OPINIONS

1:1-14.1 SCOPE OF ADVISORY OPINIONS

Under Section 6 of the Act the Commission is authorized through its legal counsel to render advisory opinions as to whether a given and specific set of facts and circumstances would constitute a violation of any of the provisions of the Act or render any person subject to any of its reporting requirements.

1:1-14.2 EXTENSION OF TIME

Unless an extension of time is consented to by any person requesting an advisory opinion, the Commission shall render its advisory opinion within 10 days of receipt of the request therefor. Failure of the Commission to reply to a request for an advisory opinion within the time so fixed or agreed to shall preclude it from instituting proceedings for imposition of a penalty upon any person for a violation of this Act occurring prior to receipt of the advisory opinion by such person and arising out of the particular facts and circumstances set forth in such request, except as such facts and circumstances may give rise to a violation when taken in conjunction with other facts and circumstances not set forth in such request.

1:1-14.3 PROCEDURE FOR ADVISORY OPINIONS

All requests for advisory opinions must be addressed in writing to the Commission and must set forth in detail the particular facts and circumstances with respect to which the advisory opinion is sought.

SUBCHAPTER 16. INVESTIGATION

1:1-16.1 INVESTIGATIONS BY COMMISSION

(a) The Commission may, pursuant to N.J.S.A. 19:44A (6) (b), on its own motion or on the application of any person, conduct investigations to determine the extent to which any candidate, committee, organization or other person or group of persons is complying with the Act.

(b) In the conduct of such investigations, all investigatory powers granted by N.J.S.A. 19:44A (6) (b) shall be available to the Commission.

SUBCHAPTER 17. COMPLAINTS AND OTHER PROCEEDINGS

1:1-17.1 MANNER IN WHICH PROCEEDINGS COMMENCED

Any proceeding may be commenced by the filing of a complaint at the office of the Commission or by the issuance of a Notice of Hearing by the Commission.

1:1-17.2 MANNER OF FILING COMPLAINTS

(a) The Commission shall aid the complainant in the completion of the complaint when requested to do so.

(b) Any person filing a complaint with the Commission may file by submitting a single copy.

(c) A complaint shall be deemed filed on the date it is received in the office of the Commission.

(d) The filing of a complaint or any other pleading shall be proved by the official stamp of the Commission or by the signature of any Commission official or authorized employee and his written notation indicating the date of receipt.

1:1-17.3 CONTENTS OF COMPLAINT

(a) The complaint shall be in writing, signed by the complainant, and shall set forth the following:

1. The full name and address of all complainants;
2. The full name and address of all respondents, if known;
3. A brief statement setting forth the specific facts deemed to constitute a violation;
4. The section of the Act allegedly violated;
5. A statement giving all pertinent facts as to whether any other action, either criminal or civil, has been instituted in the matter.

(b) The Commission may elect to treat any communication to it as a complaint whether such communication complies with the provisions of this subchapter.

1:1-17.4 SERVICE OF COMPLAINT

The Commission shall serve a copy of the complaint upon each of the respondents by registered or certified mail, return receipt requested, or by any other means provided by Rule 4:4-4 of the Rules Governing the Courts of the State of New Jersey.

1:1-17.5 PARTIES

Any candidate, other person, committee, organization, partnership, corporation or association, or the attorney therefor, may file a complaint for any practice violative of the Act.

1:1-17.6 STATE OFFICIALS WHO MAY FILE

The Attorney General or the Commission may file a complaint alleging a violation of the Act.

1:1-17.7 WITHDRAWAL OF COMPLAINT

Upon the initiation of a proceeding, the Commission, if it finds the continuation of the proceeding to be in the public interest, may proceed to hear and determine the matter regardless of withdrawal of the complaint.

1:1-17.8 PLEADINGS

(a) Pleadings before the Commission subsequent to the complaint shall consist of answers, amendments to pleadings as permitted by the Commission, motions and orders of the Commission.

(b) Every respondent shall file an answer with the Commission within 20 days after service of the complaint. Such answer shall admit or deny the allegations of the complaint and state in brief and plain terms all defenses to each claim asserted.

(c) Any denial filed by a respondent must specifically meet the substance of the particular allegations of the complaint.

(d) If the Commission makes a finding of no probable cause whether before or after investigation of the complaint, the complainant(s) shall be notified in writing of such finding.

1:1-17.9 MOTIONS

(a) The procedure governing motions shall, so far as practicable, be in accordance with Rule 1:6 of the Rules Governing the Courts of the State of New Jersey except where otherwise provided under these Regulations.

(b) Any complainant or respondent, as well as the Commission, may make application in any matter pending before the Commission.

1:1-17.10 AMENDED PLEADINGS

(a) The complainant may, with the approval of the Commission, file an amended complaint at any time prior to the notice of public hearing.

(b) A complaint may be amended with consent of the Commission, after the notice of public hearing if, at the time the amended complaint is served, the minimum time provisions in Section 1:1-17.23 (Notice of Order for Hearing; Scheduling) of this Subchapter are complied with.

(c) Any pleading may be amended during or after hearing, with consent of the hearing officer, to conform to the evidence presented.

1:1-17.11 ORDERS

(a) The Commission shall issue such orders as may be necessary to effectuate the processing and determination of a complaint and may enter an order of dismissal at any time.

(b) Such orders shall be served on all parties.

1:1-17.12 MOTION TO INTERVENE

(a) Any person interested in or associated with the matters alleged in a complaint may file with the Commission a motion to intervene.

(b) A motion to intervene shall be made prior to the time of public hearing.

(c) Copies of any such motion shall be served and filed together with supporting affidavits and briefs.

(d) The Commission shall rule on such motion without delay.

1:1-17.13 METHOD OF SERVICE OF OTHER PLEADINGS

(a) Unless otherwise instructed by the Commission, every pleading subsequent to the original complaint, every motion and every written notice, brief or memorandum of law, shall be served and filed by filing an original and two copies with the Commission and serving all other parties, whether complainant or respondent, by mailing copies to them, by registered or certified mail, return receipt requested, within three days after filing with the Commission.

(b) Such documents shall not be deemed served until an affidavit of mailing to all other parties is filed with the Commission at or subsequent to the time of filing the pleading.

1:1-17.14 SERVICE UPON ATTORNEYS

When any party has appeared through or is represented by an attorney, service upon such attorney shall in all cases be deemed valid service upon the party, unless timely written notice of the withdrawal or substitution of such attorney is served upon the Commission and all other parties.

1:1-17.15 DEPOSITIONS AND INTERROGATORIES

The Commission may cause depositions to be taken or interrogatories to be served whenever necessary to aid it in its investigation.

1:1-17.16 DEPOSITIONS AND INTERROGATORIES - DISCOVERY PROCEDURE

(a) The Commission may allow any party, on motion, to take the deposition of, or to serve interrogatories upon, any other party, whenever the Commission shall deem it necessary for the fair presentation of a case. The Commission may impose such terms and conditions as are appropriate to the granting of discovery.

(b) The Commission may issue such subpoenas as are necessary to aid the discovery process.

1:1-17.17 DISCOVERY DEFAULT PROCEDURE

(a) If any party has been served with interrogatories or notice to take deposition pursuant to these Regulations, and has been given notice of the consequences of failing to answer the interrogatories or comply with said notice, and thereafter fails to answer the interrogatories or comply with said notice, the Commission may enter an order

1. directing compliance with the notice to take deposition on a date certain or directing that the interrogatories be answered and extending for an additional 10 days the time within which answers are to be served and filed, and serve such order upon the delinquent party; or

2. dismissing or striking the complaint or answer of the delinquent party.

1:1-17.18 SUBPOENAS TO APPEAR OR TO PRODUCE

(a) The Commission shall issue subpoenas in the name of the Commission, and the subpoenas shall direct the person designated

therein to attend personally and, if so required, to attend with any books, records, documents and any other evidence which relates to any matter under investigation or which may be in question at a public hearing.

(b) The subpoena shall direct the person designated therein to attend and answer to the subpoena at a time and place to be determined by the Commission in its discretion.

(c) Subpoenas may be issued by the Commission upon the application of any party if that party can demonstrate to the Commission that the subpoena is reasonable and that the matters sought therein are relevant and material to the investigation.

1:1-17.19 SERVICE OF SUBPOENAS

(a) The subpoena shall be served either by personal service by any person 18 or more years of age by delivery of a copy thereof to the person named therein, or by registered or certified mail, return receipt requested.

(b) Accompanying any subpoena shall be an amount sufficient to cover the costs for one day's attendance and such mileage as may be allowed by law in civil matters in the courts of the State of New Jersey.

1:1-17.20 ENFORCEMENT OF SUBPOENAS AND OTHER INVESTIGATORY ORDERS

If any person shall fail to appear at the time and place designated in a subpoena, or shall fail to comply with an order of the Commission, he shall be subject to punishment for contempt of the Commission.

1:1-17.21 CONSOLIDATION OF COMPLAINTS

Whenever the Commission deems it advisable, it may order that any complaint filed with it and any proceeding which

may have been initiated with respect thereto be consolidated with any other complaint which may have been filed with the Commission.

1:1-17.22 HEARINGS

(a) The Commission shall determine when a hearing shall be necessary in any matter. All hearings shall be public.

1:1-17.23 NOTICE OF ORDER FOR HEARING: SCHEDULING

(a) After the Commission determines that a hearing shall be held, all parties shall be served with a copy of a notice of hearing, together with a copy of the complaint, as the same may have been amended, at least ten days prior to the date of the hearing.

(b) All notices shall be served by either registered or certified mail, return receipt requested, or by personal service.

1:1-17.24 TEMPORARY INJUNCTION

If the Commission determines that the rights of any person may be irreparably damaged by the lapse of time before a hearing can be scheduled or between the scheduling of a hearing and the ultimate disposition of the matter by the Commission, it shall instruct legal counsel for the Commission to seek such temporary injunctive relief in the Superior Court of New Jersey, pursuant to N.J.S.A. 19:44A-6(b), as may be appropriate to preserve the rights of the complainant.

1:1-17.25 PRESENTATION OF EVIDENCE; APPEARANCES; ATTORNEYS

(a) All parties shall be allowed to be present at the hearing and to present evidence individually or through their attorneys, and to examine and cross-examine witnesses in the same manner.

(b) Only members of the New Jersey Bar are permitted to practice before the Commission, except that the Commission may allow a member of the Bar of another state to appear before the Commission in an individual case; provided further, that a New Jersey attorney appears of record and signs all pleadings and papers, and service of all pleadings and papers may be made upon him.

(c) Legal counsel for the Commission shall, when directed to do so by the Commission, present evidence at a hearing.

(d) If a party fails to file necessary pleadings or to appear at a scheduled hearing, the same shall constitute a default, and upon recommendation of the hearing officer, the Commission may enter an appropriate order.

1:1-17.26 HEARING OFFICERS; POWERS AND LIMITATIONS

(a) The Commission shall designate a member from the panel of hearing officers, or the Commission or one of its members, to conduct the hearing.

(b) The hearing officer shall have authority and discretion to control the order of proceedings, to swear witnesses, to rule on any procedural motions or evidential questions, to order witnesses to produce evidence in accordance with these Regulations, and to make such other rulings as may be necessary to conduct a fair and orderly hearing.

(c) On any question which would be determinative of the jurisdiction of the Commission or of the culpability of any party, the hearing examiner may not rule but may only recommend to the Commission proposed findings of fact and conclusions of law.

(d) The hearing officer shall recommend proposed findings of fact and conclusions of law, which shall be served upon legal counsel for the Commission and upon all parties participating in the hearing.

(e) The hearing officer may, in his discretion, prior to the public hearing, hold an informal conference with the parties or their attorneys to discuss any procedural or other matters relating to the public hearing.

1:1-17.27 TIME AND PLACE OF HEARING

(a) Hearings shall be held at a time and place designated by the Commission.

(b) The Commission may, upon its own motion or upon a motion in writing made at least three days prior to the date of the hearing in behalf of any party, adjourn any hearing.

(c) Upon any such adjournment the Commission shall notify all interested parties and may on notice reschedule the hearing at any time thereafter.

1:1-17.28 TYPE OF HEARING; EVIDENCE; PROCEEDINGS TRANSCRIBED

(a) In the discretion of the hearing officer, and subject to due process, any witness or member of the public may be excluded from any portion of a hearing.

(b) The hearing officer shall receive all evidence relevant to the matter before him without regard to the strict rules of evidence. The rules relating to privilege shall be applicable.

(c) The hearing officer may in his discretion examine witnesses.

(d) The hearings shall be stenographically transcribed.

1:1-17.29 PROPOSED FINDINGS AND FINAL ORDER; REVIEW BY COMMISSION

(a) After a party or legal counsel for the Commission receives the proposed findings of fact and conclusions of law recommended by the hearing examiner, he may within 10 days thereafter, or within such time as is fixed by the Commission, present written exceptions objections thereto to the Commission.

(b) The Commission shall then review the record, findings, conclusions and exceptions thereto, and in its discretion issue a final order determining the controversy.

(c) The Commission may make such corrections, amendments or changes in the findings of fact and conclusions of law as it deems necessary, based upon the record of the proceedings.

(d) The Commission may issue such opinion and final order as it deems necessary, and copies shall be served upon all parties and legal counsel for the Commission.

1:1-17.30 NO PROBABLE CAUSE

A finding of no probable cause pursuant to section 1:1-17.8(d) shall be deemed a final order.

1:1-17.31 REOPENED PROCEEDINGS FOR CAUSE

The Commission may, upon its own motion or upon motion of any party, reopen any proceeding, but such action shall not be as a matter of right and shall be only for good cause shown.

1:1-17.32 ORDERS OF COMMISSION

At any time during the course of a proceeding the Commission may enter such orders as appropriate to further the intent and purposes of the Act.