

19:44A-1 + 009.

November 2, 1973

LEGISLATIVE HISTORY OF 19:44A-1 et seq.
"New Jersey Campaign Contributions and Expenditures
Reporting Act."

L.1973 - Chap.83 - S1124; Schluter et al.
Assembly Committee Substitute, Second Official Copy Reprint.

Nov.20, 1972 - Amended. Senate.
Nov.27 - Amended Senate.
Dec.14 - Passed Senate.
Feb.6, 1973 - Public Hearing.
Feb.22 - Assembly Committee Substitute reported by majority.
Feb.22 - Senate 1124 as passed by Senate, reported by minority.
Feb.22 - ACS accepted by Assembly.
Feb.22 - Six amendments introduced. Three amendments passed;
Three lost.
Feb.22 - ACS passed under emergency resolution.
Apr.2 - Amended, Senate.
Apr.5 - 2d amendment introduced in Senate; lost.
Apr.5 - ACS with Senate amendment passed
Apr.16 - Passed Assembly.
Apr.24 - Approved.

Enclosed

Bill with Statement.
SA Nov.20.
OCR (Nov.27).
SA to OCR Nov.27.
2d OCR (Dec.14).
ACS (Feb.22).
AA to ACS Feb.22.
Minutes of Assembly for Feb.22 (The three amendments which
were lost were not printed. According to the staff of
Law Revision and Legislative Services, the Foran amend-
ment reinstated the criminal penalty; the Klein amend-
ment deleted section 21c in the ACS. We have no report
on the Horn amendment).
OCR to ACS (Apr.2).
SA to OCR of ACS Apr.2.
Senate Journal for April 5 with reprint of lost Senate
amendment.
Senate Reprint of ACS with amendments.

Related Bills

1964 - A361 - L.1964 - chap.29 Creates N.J. Election Law
Revision Commission.

1965 - ACR34 - S93

1966 - S128
SCR14 Creates Commission to study campaign expenditures.
Filed.

1968 - ACR 15

1969 - A658
ACR9 - Passed Assembly, died in Senate.
S850 - L1969 - chap.192 repeals Title 39-1, 39-2
former campaign expenditure law.
1970/71 - A300, A2076.
1972/73 - A1017, A1555, A2190, A2314, A2336, A2394, A2551,
S615, S1253.

Reports and Hearings

974.90 New Jersey Election Law Revision Commission
E38 Report September 1970
1970

974.90 New Jersey Election Law Revision Commission
E38 Public Hearing December 9, 1970,
1970a February 24, 1971. Trenton, 1970-71
 4 vol.

974.90 New Jersey Election Law Revision Commission
E38 Resolution adopted January 20, 1971
1971 15 1

974.90 New Jersey Legislature. Assembly. Judiciary
E38 Committee.
1973 Public Hearing on S1124 New Jersey
 Campaign Contributions and Expenditure reporting
 Act. February 6, 1973.

Governor Hughes 8th Annual Message p.9 (enclosed).
Governor Cahill 1st. Annual Message 1971 p.55
" " 2nd " " 1972 p.46
" " 3rd " " 1973 p.14
(enclosed)

Newspaper Clippings

The Vertical files at the State Library have a great many newspaper clippings under the subject New Jersey Campaign Finance. Enclosed only a few selected ones.

The Price Freeze That Got Away	Sunday Record	8/29/71
Election Fund Bill Fails Test	T E T	4/14/72
Drive on to Leash State Campaign Funds	Sunday Star Ledger	11/19/72
Campaign Funds Disclosure Bill Picks Up Two More Changes	N S L	11/18/72
Disclosure Chances Good	T E T	12/15/73
Committee Releases Weak Disclosure Bill	N S L	2/14/73
Mr. Dicky's Crusade	Trentonian	2/17/73
Assembly Clears Watered-down Disclosure Bill	N S L	2/23/73
GOP Senators ok Tough Disclosure Bill	Trentonian	3/30/73

HP/EH

Encl.

CHAPTER 83 LAWS OF N. J. 19 73
APPROVED 4-24-73

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE
for
SENATE, No. 1124

STATE OF NEW JERSEY

ADOPTED FEBRUARY 22, 1973

AN ACT concerning the reporting of campaign contributions and expenditures, limiting election campaign expenditures, establishing an Election Law Enforcement Commission and prescribing its powers and duties, making an appropriation therefor, amending R. S. 19:5-5 and repealing R. S. 19:3-8, 19:34-36 and 19:34-37, chapters 40, 41, 42, 43 and 44 of Title 19 of the Revised Statutes and chapter 152 of the laws of 1946.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as "The New Jersey
2 Campaign Contributions and Expenditures Reporting Act."

1 2. It is hereby declared to be in the public interest and to be the
2 policy of the State to limit the campaign expenditures by candidates
3 for public office and to require the reporting of all contributions
4 received and expenditures made to aid or promote the nomination,
5 election or defeat of any candidate for public office or to aid or
6 promote the passage or defeat of a public question in any election
7 and to require the reporting of all contributions received and ex-
8 penditures made to provide political information on any candidate
9 for public office, or on any public question, or to influence the
10 content, introduction, passage or defeat of legislation.

1 3. As used in this act, unless a different meaning clearly appears
2 from the context:

3 a. The term "allied candidates" means candidates in any election
4 who are (1) seeking nomination or election (A) to an office or offices
5 in the same county or municipal government **or school district**
6 or (B) to the Legislature representing in whole or part the same
7 constituency ****[or (C)]****, (C) *as members of the State com-*
8 *mittee of the same political party from the same county or (D)***

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

9 as delegates or alternates to the national convention of the same
10 political party; and who are (2) either (A) nominees of the same
11 political party or (B) publicly declared in any manner, including
11A the seeking or obtaining of any ballot position or common ballot
11B slogan, to be aligned or mutually supportive.

12 b. The term "allied campaign organization" means any political
13 committee, any State, county or municipal committee of a political
14 party or any campaign organization of a candidate which is in
15 support or furtherance of the same candidate or any one or more
16 of the same group of allied candidates or the same public question
17 as any other such committee or organization.

18 c. The term "candidate" means an individual seeking election
19 to a public office of the State or of a county ~~**[or of a]~~ ~~**~~, ~~**~~
20 municipality ~~**or school district**~~ ~~*~~ ~~[in which there are more than~~
21 5,000 registered voters]~~*~~ at a primary, general, municipal~~**~~,
22 school~~**~~ or special election; except that the term shall not include
23 the office of ~~*[school board member or]~~ ~~**[State or]~~ ~~**~~ county
23A committeeman or commmitteewoman.

24 d. The terms "contributions" and "expenditures" include all
25 transfers of money or other thing of value to or by any candidate,
26 political committee, committee of a political party or political in-
27 formation organization, and all pledges or other commitments
28 or assumptions of liability to make any such transfer; and for
29 purposes of reports required under the provisions of this act shall
30 be deemed to have been made upon the date when such commitment
31 is made or liability assumed.

32 e. The term "election" means any election described in section
33 4 of this act.

34 f. The term "paid personal services" means personal, clerical,
35 administrative or professional services of every kind and nature
36 including, without limitation, public relations, research, legal, can-
37 vassing, telephone, speech writing or other such services, per-
38 formed other than on a voluntary basis, the salary, cost or con-
39 sideration for which is paid, borne or provided by someone other
40 than the committee, candidate or organization for whom such ser-
41 vices are rendered. ***In determining the value, for the purpose of*
42 *reports required under this act, of contributions made in the form*
43 *of paid personal services, the person contributing such services*
44 *shall furnish to the campaign treasurer through whom such con-*
45 *tribution is made a statement setting forth the actual amount of*
46 *compensation paid by said contributor to the individuals actually*
47 *performing said services for the performance thereof. But if any*
48 *individual or individuals actually performing such services also*

49 performed for the contributor other services during the same
 50 period, and the manner of payment was such that payment for the
 51 services contributed cannot readily be segregated from contem-
 52 porary payment for the other services, the contributor shall in his
 52A statement to the campaign treasurer so state and shall either (1)
 53 set forth his best estimate of the dollar amount of payment to each
 54 such individual which is attributable to the contribution of his paid
 55 personal services, and shall certify the substantial accuracy of the
 56 same, or (2) if unable to determine such amount with sufficient
 57 accuracy, set forth the total compensation paid by him to each such
 58 individual for the period of time during which the services con-
 59 tributed by him were performed. If any candidate is a holder of
 60 public office to whom there is attached or assigned, by virtue of said
 61 office, any aide or aides whose services are of a personal or con-
 62 fidential nature in assisting him to carry out the duties of said office,
 63 and whose salary or other compensation is paid in whole or part
 64 out of public funds, the services of such aide or aides which are paid
 65 for out of public funds shall be for public purposes only; but they
 66 may contribute their personal services, on a voluntary basis, to
 67 such candidate for election campaign purposes.**

68 g. The term "political information organization" means any
 69 two or more persons acting jointly, or any corporation, partner-
 70 ship, or any other incorporated or unincorporated association,
 71 whether or not it is required to be registered pursuant to the
 72 "Legislative Activities Disclosure Act of 1971" (P. L. 1971, c. 183),
 73 which is organized for the purpose of, or which provides political
 74 information concerning any candidate or candidates for public
 75 office or with respect to any public question, or which seeks to
 76 influence the content, introduction, passage or defeat of legislation.
 77 **The term shall not apply to any bona fide newspaper, magazine,
 78 radio or television station or other bona fide news medium dis-
 79 seminating political information, advertising and comment in the
 80 normal course of its business; nor to any recognized school or in-
 81 stitution of higher education, public or private, in conducting,
 82 sponsoring or subsidizing any classes, seminars, forums, discus-
 83 sions or other events in which political information or discussion
 84 thereof or comment thereon is an integral part.**

85 h. The term "political information" means any statement in-
 86 cluding but not limited to, press releases, pamphlets, newsletters,
 87 advertisements, flyers, form letters, or radio or television programs
 88 or advertisements which **[reflects]** **reflect** the opinion of
 89 the members of the organization on any candidate or candidates for
 90 public office, on any public question, or on any legislation, or which

91 contains facts on any such candidate, public question or legislation
 92 whether or not such facts are within the personal knowledge of
 93 members of the organization.

94 i. The term "political committee" means any two or more per-
 95 sons acting jointly, or any corporation, partnership, or any other
 96 incorporated or unincorporated association which is organized to,
 97 or does, aid or promote the nomination, election or defeat of any
 98 candidate or candidates for public office, or which is organized to,
 99 or does, aid or promote the passage or defeat of a public question
 100 in any election.

101 j. The term "public solicitation" means any activity by or on
 102 behalf of any candidate, State, county or municipal party committee,
 103 political committee or political information organization whereby
 104 either (1) members of the general public are personally solicited
 105 for cash contributions not exceeding \$10.00 from each person so
 106 solicited and contributed on the spot by the person so solicited to
 107 a person so soliciting or through a receptacle provided for the pur-
 108 pose of depositing contributions, or (2) members of the general
 109 public are personally solicited for the purchase of items having
 110 some tangible value as merchandise, at a price not exceeding
 111 \$10.00 per item, which price is paid on the spot in cash by the
 112 person so solicited to the person so soliciting, when the net proceeds
 113 of such solicitation are to be used by or on behalf of such candidate,
 114 party committee, or political committee or political information
 115 organization.

116 k. The term "testimonial affair" means an affair of any kind or
 117 nature including, without limitation, cocktail parties, breakfasts,
 118 luncheons, dinners, dances, picnics or similar affairs directly or
 119 indirectly intended to raise campaign funds in behalf of a person
 120 who holds, or who is or was a candidate for nomination or election
 121 to a public office in this State, or directly or indirectly intended to
 122 raise funds in behalf of any State, county or municipal com-
 123 mittee of a political party or in behalf of a political committee, or
 124 directly or indirectly intended to raise funds for any political in-
 125 formation organization.

126 ***l. The term "other thing of value" means any item of real or*
 127 *personal property, tangible or intangible, but shall not be deemed to*
 128 *include personal services other than paid personal services.***

1 4. The provisions of this act shall apply:

2 a. Whenever an attempt is made to influence the content, intro-
 3 duction, passage or defeat of legislation;

4 b. In any primary election for delegates and alternates to the
 5 national conventions of a political party;

6 e. In any election at which a public question is to be voted upon
7 by the voters of the State or any political subdivision thereof;

8 d. In any primary, general, special*, *school** or municipal election
9 for any public office of the State or any political subdivision
10 thereof; provided, however, that this act shall not apply to elections
11 for county ****[or State]**** committeeman or committeewoman ***[or**
12 to municipal elections in municipalities containing 5,000 or less
13 registered voters]*.

1 5. There is hereby created a commission consisting of four
2 members which shall be designated as the New Jersey Election
3 Law Enforcement Commission. The members shall be ap-
4 pointed by the Governor by and with the advice and consent of
5 the Senate for a term of 3 years, beginning on July 1 and ending
6 June 30, except as hereinafter provided. The Governor shall desig-
7 nate one of his appointees to serve as chairman of the commission.
8 No more than two members shall belong to the same political party,
9 and no person holding a public office or an office in any political
10 party shall be eligible for appointment to the commission. Of the
11 members initially appointed, two shall be appointed for a term of
12 3 years, one for a term of 2 years and one for a term of 1 year.
13 Each member shall serve until his successor has been appointed
14 and qualified. In case of a vacancy, however, the successor shall be
15 appointed in like manner for the unexpired term only. The mem-
16 bers shall serve without compensation, but shall be reimbursed for
17 necessary expenses incurred in the performance of their duties
18 under this act. For the purpose of complying with the provisions
19 of Article V, Section IV, paragraph 1 of the New Jersey Constitu-
20 tion, the Election Law Enforcement Commission is hereby allocated
21 within the Department of Law and Public Safety; but, notwith-
22 standing said allocation, the commission shall be independent of any
23 supervision or control by the department or by any board or officer
24 thereof, it being the intention of this act that the assignment, direc-
25 tion, discipline and supervision of all the employees of the commis-
26 sion shall be so far as possible, and except as otherwise provided in
27 this act, fully determined by the commission or by such officers
28 and employees thereof to whom the commission may delegate the
29 powers of such assignment direction discipline and supervision.

1 6. a. The commission shall appoint a full-time executive director
2 ****[who]**** **, *legal counsel and hearing officers, all of whom*** shall
3 serve at the pleasure of the commission and shall not have tenure
4 by reason of the provisions of chapter 16 of Title 38 of the Revised
5 Statutes. The commission shall also appoint such other employees
6 as are necessary to carry out the purposes of this act, which em-

7 ployees shall be in the classified service of the civil service and shall
 8 be appointed in accordance with and shall be subject to the pro-
 9 visions of Title 11, Civil Service.

9A b. ***It shall be the duty of the commission to enforce the pro-*
 10 *visions of this act, to conduct hearings with regard to possible vio-*
 11 *lations and to impose penalties; and for the effectual carrying out*
 12 *of its enforcement responsibilities the commission shall have the*
 12A *authority to initiate a civil action in any court of competent juris-*
 12B *isdiction for the purpose of enforcing compliance with the provisions*
 12C *of this act or enjoining violatoins thereof or recovering any penalty*
 12D *prescribed by this act.*** The commission shall promulgate such
 12E regulations and official forms and perform such duties as are
 12F necessary to implement the provisions of this act. Without limiting
 12G the generality of the foregoing, the commission is authorized and
 12H empowered to:

- 13 (1) Develop forms for the making of the required reports;
- 14 (2) Prepare and publish a manual for all candidates, com-
 15 mittees and political information organizations prescribing the
 16 requirements of the law, including uniform methods of bookkeeping
 17 and reporting and requirements as to the length of time that any
 18 person required to keep any records pursuant to the provisions of
 19 this act shall retain such records, or any class or category thereof,
 20 or any other documents, including canceled checks, deposit slips,
 21 invoices and other similar documents, necessary for the compilation
 22 of such records;
- 23 (3) Develop a filing, coding and cross-indexing system;
- 24 (4) Permit copying or photo-copying of any report required to
 25 be submitted pursuant to this act as requested by any person;
- 26 (5) Prepare and make available for public inspection summaries
 27 of all said reports grouped according to candidates, parties and
 28 issues, containing the total receipts and expenditures, and the date,
 29 name, address and amount contributed by each contributor;
- 30 (6) Prepare and publish, prior to May 1 of each year, an annual
 31 report to the Legislature;
- 32 (7) Ascertain whether candidates, committees, organizations or
 33 others have failed to file reports or have filed defective reports; ex-
 34 tend, for good cause shown, the dates upon which reports are re-
 35 quired to be filed; give notice to delinquents to correct or explain
 36 defects; and make available for public inspection a list of such
 37 delinquents;
- 38 (8) Ascertain the total expenditures for candidates and deter-
 39 mine whether they have exceeded the limits set forth in this act;

40 notify candidates, committees or others if they have exceeded or
41 about to exceed the limits imposed;

42 (9) Hold public hearings, investigate allegations of any viola-
43 tions ****[in reporting or expenditures]**** ***of this act***, and issue
44 subpoenas for the production of documents and the attendance of
44A witnesses;

45 (10) Forward ****[information concerning violations of any of the**
46 **provisions of this act for which the penalty assessed by the com-**
47 **mission cannot be collected to the Attorney General]**** ***to the*
47A *Attorney General or to the appropriate county prosecutor informa-*
47B *tion concerning any violations of this act which may become the*
47C *subject of criminal prosecution or which may warrant the institu-*
47D *tion of other legal proceedings by the Attorney General***;

48 c. The commission shall take such steps as may be necessary or
49 appropriate to furnish timely and adequate information, in appro-
50 priate printed summaries and in such other form as it may see fit,
51 to every candidate or prospective candidate for public office who
52 becomes or is likely to become subject to the provisions of this act,
53 ***and to every treasurer and depository duly designated under the*
54 *provisions of this act,*** informing ****[him]**** ***them*** of
54A ****[his]**** ***their*** actual or prospective obligations and responsi-
54B bilities under this act. Such steps shall include, but not be limited
55 to, furnishing to every person on whose behalf petitions of nomina-
56 tion are filed for any public office a copy of such printed summary
57 as aforesaid, which shall be furnished to such person by the com-
58 mission through the public official charged with the responsibility
59 of receiving and accepting such petitions of nomination, at the time
60 when such petitions are filed. The commission shall also make
61 available copies of such printed summary to any other person
62 requesting the same. ***The commission shall also take such steps*
62A *as it may deem necessary or effectual to disseminate among the*
62B *general public such information as may serve to guide all persons*
62C *who may become subject to the provisions of this act by reason of*
62D *their participation in election campaigns or in the dissemination of*
62E *political information, for the purpose of facilitating voluntary com-*
62F *pliance with the provisions and purposes of this act. In the dis-*
62G *semination of such information, the commission shall to the greatest*
62H *extent practicable enlist the cooperation of commercial purveyors,*
62I *within and without the State, of materials and services commonly*
62J *used for political campaign purposes.***

63 ****[d.** No certificate of election shall be issued to any candidate
64 whose election is subject to the provisions of this act without the
65 written consent of the Election Law Enforcement Commission; pro-
66 vided, however, that the issuance or nonissuance of such consent

67 shall not be admissible in evidence in any proceeding to determine
 68 whether or not such candidate or any other person has complied
 69 with the provisions of this act, nor shall anything herein contained
 70 be construed in derogation of the constitutional authority of either
 71 House of the Legislature to be the judge of the election and quali-
 72 fication of its own members.】**

72A ***d. If the nomination for or election to any public office or party*
 72B *position becomes void under the terms of subsection c. of section 21*
 72C *of this act, the withholding or revocation of his certificate of elec-*
 72D *tion, the omission of his name from the ballot or the vacation of the*
 72E *office into which he has been inducted as a result of such void elec-*
 72F *tion, as the case may be, shall be subject to the provisions of chapter*
 72G *3, articles 2 and 3, of this Title (R. S. 19:3-7 et seq.).***

73 e. The commission shall be assigned suitable quarters for the
 74 performance of its duties hereunder.

75 f. The commission ***through its legal counsel*** is authorized to
 76 render advisory opinions as to whether a given set of facts and
 77 circumstances would constitute a violation of any of the provisions
 78 of this act, or whether a given set of facts and circumstances would
 79 render any person subject to any of the reporting requirements of
 79A this act.

80 Unless an extension of time is consented to by any person re-
 81 questing an advisory opinion, the commission shall render its ad-
 82 visory opinion within 10 days of receipt of the request therefor.
 83 Failure of the commission to reply to a request for an advisory
 84 opinion within the time so fixed or agreed to shall preclude it from
 85 instituting proceedings for imposition of a penalty ***[under this*
 86 *act based on the facts and circumstances set forth in the request]***
 87 ***upon any person for a violation of this act arising out of the*
 88 *particular facts and circumstances set forth in such request, except*
 89 *as such facts and circumstances may give rise to a violation when*
 90 *taken in conjunction with other facts and circumstances not set forth*
 91 *in such request.***

92 ***[g. The commission shall be entitled to the services of the*
 93 *Attorney General in connection with the affairs of the commis-*
 94 *sion.]***

1 7. The amount which may be spent in aid of the candidacy of any
 2 candidate for a public office at any election shall not exceed \$0.50
 3 for each voter who voted in the last preceding general election in
 4 a presidential year in the district in which the public office is sought.

5 No money or other thing of value shall be paid or promised, or
 6 expense authorized or incurred in behalf of any candidate for
 7 nomination or election to any office, whether such payment is made

8 or promised, or expense authorized or incurred by the candidate
9 himself or by any other person, political committee or organiza-
10 tion, in furtherance or in aid of his candidacy, under any circum-
11 stances whatsoever, in excess of the sums provided; but such sums
12 shall not include the traveling expenses of the candidate or of any
13 person other than the candidate if such traveling expenses are
14 voluntarily paid by such person without any understanding or
15 agreement with the candidate that they shall be, directly or in-
16 directly, repaid to him by the candidate.

1 8. Each State, county and municipal committee of a political
2 party, each political committee and each political information or-
3 ganization shall make a full report, upon a form prescribed by
4 the Election Law Enforcement Commission of all moneys, loans,
5 paid personal services, or other things of value contributed to it
6 and all expenditures made, incurred, or authorized by it in further-
7 ance of the nomination, election or defeat of any candidate, or in
8 aid of the passage or defeat of any public question, or to provide
9 political information on any candidate or public question or to
10 seek to influence the content, introduction, passage or defeat of
11 any legislation, during the period ending with the day preceding
12 the date of the report and beginning on the date of the most recent
13 such report filed. The report**, *except as hereinafter provided,***
14 shall contain the name and address of each person or group from
15 whom moneys, loans, paid personal services or other things of value
16 have been contributed and the amount contributed by each person
17 or group. The report shall also contain the name and address of
18 each person, firm or organization to whom expenditures have been
19 paid and the amount and purpose of each such expenditure. The
20 report shall be filed with the Election Law Enforcement Commis-
21 sion on the dates designated in section 16 hereof; provided, how-
22 ever, that any political information organization which solely seeks
23 to influence the content, introduction, passage or defeat of legisla-
24 tion shall report only on the date designated in this section. The
25 campaign treasurer of the committee or political committee report-
26 ing or the treasurer of the political information organization re-
27 porting shall certify to the correctness of each report.

28 Each State, county and municipal committee of a political party
29 and each political information organization shall also file with the
30 Election Law Enforcement Commission, not later than March 1
31 of each year, an annual report of all moneys, loans, paid personal
32 services or other things of value contributed to it during the pre-
33 vious calendar year and all expenditures made, incurred, or au-

34 thorized by it, whether or not such expenditures were made, in-
35 curred or authorized in furtherance of the election or defeat of any
36 candidate, or in aid of the passage or defeat of any public question
37 or to provide information on any candidate or public question or to
37A seek to influence the content, introduction, passage or defeat of any
38 legislation. The report shall contain the name and address of
39 each person or group from whom moneys, loans, paid personal
40 services or other things of value have been contributed and the
41 amount contributed by each person or group. The report shall also
42 contain the name and address of each person, firm or organization
43 to whom expenditures have been paid and the amount and purpose
44 of each such expenditure. The treasurer of the committee or or-
45 ganization reporting shall certify to the correctness of each report.

46 In any report filed pursuant to the provisions of this section the
47 organization or committee reporting may exclude from the report
48 the names and addresses of contributors whose contributions dur-
49 ing the period covered by the report did not exceed ***[\$250.00]***
50 *\$100.00* ; provided, however, that (1) such exclusion is unlawful if
51 any person responsible for the preparation or filing of the report
52 knew that it was made with respect to any person whose contribu-
53 tions relating to the same election or issue and made to the report-
54 ing organization or committee or to an allied campaign organization
55 or organizations aggregate, in combination with the contribution in
56 respect of which such exclusion is made, more than ***[\$250.00]***
57 *\$100.00* and (2) any person who knowingly prepares, assists in
58 preparing, files or acquiesces in the filing of any report from which
59 the identification of a contributor has been excluded contrary to the
60 provisions of this section is subject to the provisions of section 21 of
61 this act, but (3) nothing in this proviso shall be construed as requir-
62 ing any committee or organization reporting pursuant to this act to
63 report the amounts, dates or other circumstantial data regarding
64 contributions made to any other organization or political committee,
65 committee of a political party or campaign organization of a candi-
65A date.

66 Any report filed pursuant to the provisions of this section shall
67 include an itemized accounting of all receipts and expenditures
68 relative to any testimonial affairs held since the date of the most
69 recent report filed, which accounting shall include the names and
70 addresses of each contributor in excess of ***[\$250.00]*** *\$100.00* to
71 such testimonial affair and the amount contributed by each, the
72 expenses incurred, and the disposition of the proceeds of such
73 testimonial affair.

74 No State, county or municipal committee of a political party nor
75 any political committee nor any political information organization
76 shall be required to file reports pursuant to this section of con-
77 tributions received or expenditures made in behalf of any candidate
78 who is not required to file reports pursuant to section 16 of this act.

1 9. Each candidate in an election shall appoint one campaign
2 treasurer and shall designate one campaign depository before
3 receiving any contribution or expending any money in furtherance
4 or aid of his candidacy. Any bank authorized by law to transact
5 business in the State may be designated as the campaign depository.
6 The designation of the campaign treasurer and the campaign de-
7 pository shall be made by the candidate's filing the name and ad-
8 dress of such campaign treasurer and such depository with the
9 Election Law Enforcement Commission.

10 A campaign treasurer of the candidate may appoint deputy
11 campaign treasurers as required and may designate additional
12 campaign depositories in each county in which the campaign is
13 conducted. The candidate shall file the names and addresses of
14 deputy campaign treasurers and additional campaign depositories
15 with the Election Law Enforcement Commission.

16 A candidate may remove a campaign treasurer or deputy cam-
17 paign treasurer. In the case of the death, resignation or removal
18 of a campaign treasurer, the candidate shall appoint a successor
19 as soon as practicable and shall file his name and address with the
20 Election Law Enforcement Commission within 3 days. A candidate
21 may serve as his own campaign treasurer.

1 10. Each State, county and municipal committee of a political
2 party shall, on or before January 31 in each year, designate a
3 campaign treasurer and a campaign depository and shall file the
4 name and address thereof with the Election Law Enforcement
5 Commission.

6 Every political committee shall, before receiving any contribu-
7 tion or expending any money in furtherance or aid of the election
8 or defeat of any candidate, or to aid the passage or defeat of any
9 public question, appoint one campaign treasurer and designate one
10 campaign depository and file the name and address thereof with
11 the Election Law Enforcement Commission. A campaign treasurer
12-13 of the State, county or municipal committee of a political party,
14 and a campaign treasurer of a political committee may appoint
15 deputy campaign treasurers as may be required and may designate
16 additional campaign depositories. Such committees shall file the
17 names and addresses of such deputy campaign treasurers and

18 additional campaign depositories with the Election Law Enforce-
19 ment Commission.

20 Any State, county or municipal committee of a political party,
21 and any political committee may remove its campaign treasurer or
22 deputy campaign treasurer. In the case of the death, resignation
23 or removal of its campaign treasurer, the committee shall appoint
24 a successor as soon as practicable and shall file his name and
25 address with the Election Law Enforcement Commission within
26 3 days.

1 11. No contribution of money or other thing of value, nor obliga-
2 tion therefor, including but not limited to contributions, loans or
3 obligations of a candidate himself or of his family, shall be made
4 or received, and no expenditure of money or other thing of value,
5 nor obligation therefor, including expenditures, loans or obliga-
6 tions of a candidate himself or of his family, shall be made or
7 incurred, directly or indirectly, to support or defeat a candidate
8 in any election, or to aid the passage or defeat of any public
9 question, except through:

10 a. The duly appointed campaign treasurer, or deputy campaign
11 treasurers of the candidate;

12 b. The duly appointed campaign treasurer or deputy campaign
13 treasurers of a political party committee;

14 c. The duly appointed campaign treasurer or deputy campaign
15 treasurers of a political committee.

16 It shall be lawful, however, for any person, not acting in concert
17 with any other person or group, to expend personally from his own
18 funds a sum which is not to be repaid to him for any purpose not
19 prohibited by law, or to contribute his own personal services and
20 personal traveling expenses, to support or defeat a candidate or to
21 aid the passage or defeat of a public question; provided, however,
22 that any person making such expenditure shall be required to re-
23 port all such expenditures and expenses, except personal traveling
24 expenses, ****[and the estimated value of all such services]**** if the
25 total of the money so expended ****[and the estimated value of the**
26 **services so contributed]**** ****, *exclusive of such traveling ex-*
26A *penses,*** exceeds ***[\$250.00]*** **\$100.00**, either:

27 a. To the campaign treasurer of the candidate, political party
28 committee or political committee on whose behalf such expenditure
29 or contribution was made, or to his deputy, who shall cause the
30 same to be included in his report to the Election Law Enforcement
31 Commission subject to the provisions of sections 8 and 9 of this
32 act; or

33 b. Directly to the Election Law Enforcement Commission at the
 34 same time and in the same manner as a political committee subject
 35 to the provisions of section 8 of this act.

36 Any anonymous contribution received by a campaign treasurer
 37 or deputy campaign treasurer shall not be used or expended, but
 38 shall be returned to the donor, if his identity is known, and if no
 39 donor is found, the contribution shall escheat to the State.

40 Any State, county or municipal committee of any political party,
 41 after a primary election, but not prior thereto, may receive and
 42 expend funds to be spent in furtherance and in aid of the candidacy
 43 of all the candidates of such party, or of any one or more of such
 44 candidates, in accordance with the provisions of this act.

1 12. All funds received by a campaign treasurer or deputy cam-
 2 paign treasurer of a candidate, of a State, county or municipal
 3 committee of a political party, or of a political committee shall be
 4 deposited by the campaign treasurer or deputy campaign treasurer
 5 in a campaign depository of the candidate, committee or political
 6 committee, in an account designated "Campaign Fund of (name
 7 of candidate or committee)" no later than the tenth calendar day
 8 following receipt of such funds; except that any such treasurer or
 9 deputy treasurer may, when authorized by the candidate or com-
 10 mittee of which he is the campaign treasurer or deputy campaign
 11 treasurer, transfer any such funds to the duly designated campaign
 12 treasurer or deputy campaign treasurer of another candidate or
 13 committee, for inclusion in the campaign fund thereof, without first
 14 so depositing them; provided, however, that a record of all non-
 15 deposited funds so transferred shall be attached to the statement
 16 required under this section, identifying them as to source and
 17 amount in the same manner as deposited funds.

18 All deposits made by a campaign treasurer or deputy campaign
 19 treasurer shall be accompanied by a statement containing the name
 20 and address of each person or group contributing or providing
 21 the funds so deposited, and the amount contributed or provided by
 22 each person or group, provided that the campaign treasurer or
 23 deputy campaign treasurer may exclude from such statement the
 24 names and addresses of persons or groups contributing ***[\$250.00]***
 25 *\$100.00* or less. The statement shall be made upon a form pre-
 26 scribed by the Election Law Enforcement Commission, and one
 27 copy thereof shall be filed by the campaign depository with the
 28 Election Law Enforcement Commission in accordance with section
 29 17 of this act, one copy shall be retained by the campaign depository
 30 for its records and one copy shall be retained by the campaign
 31 treasurer for his records.

1 13. Each political information organization shall, on or before
 2 January 31 in each year, designate a treasurer and a depository
 3 and shall file the name and address thereof with the Election Law
 4 Enforcement Commission.

5 Every political information organization shall, before receiving
 6 any contribution or expending any money to provide any political
 7 information on any candidate, or public question or to seek to in-
 8 fluence the content, introduction, passage or defeat of legislation,
 9 appoint one treasurer and designate one depository and file the
 10 name and address thereof with the Election Law Enforcement
 11 Commission. The treasurer of a political information organization
 12 may appoint deputy treasurers as may be required and may desig-
 13 nate additional depositories. Such organizations shall file the
 14 names and addresses of such deputy treasurers and additional
 15 depositories with the Election Law Enforcement Commission.

16 Any political information organization may remove its treasurer
 17 or deputy treasurer. In the case of the death, resignation or re-
 18 moval of its treasurer, the organization shall appoint a successor
 19 within 10 days and shall file his name and address with the Elec-
 20 tion Law Enforcement Commission within 3 days.

1 14. No contribution of money or other thing of value, nor obli-
 2 gation therefor, including but not limited to contributions, loans
 3 or obligations shall be made ***to*** or received ***by a political in-*
 4 *formation organization***, and no expenditure of money or other
 5 thing of value, nor obligation therefor, including expenditures,
 6 loans or obligations shall be made or incurred, directly or indirectly,
 7 ***by a political information organization*** to provide information
 8 on any candidate or public question or to seek to influence the con-
 9 tent, introduction, passage, or defeat of legislation except through
 10 the duly appointed treasurer or deputy treasurer of the political
 10A information organization.

11 It shall be lawful, however, for any person, not acting in concert
 12 with any other person or group, to expend personally from his
 13 own funds a sum which is not to be repaid to him for any purpose
 14 not prohibited by law, or to contribute his own personal services
 15 and personal traveling expenses, to provide political information
 16 on any candidate or public question or to seek to influence the
 17 content, introduction, passage or defeat of legislation; provided,
 18 however, that the person making such expenditure shall be required
 19 to report all such expenditures and expenses except personal
 20 traveling expenses ***[and the estimated value of all such*
 21 *services]*** if the total of the money so expended ***[and the*

22 estimated value of the services so contributed]** ** , *exclusive of*
 22A *such travel expenses,*** exceeds ***[\$250.00]*** *\$100.00*, either:

23 a. To the treasurer of the political information organization on
 24 whose behalf such expenditure or contribution was made, or to
 25 his deputy, who shall cause the same to be included in his report
 26 to the Election Law Enforcement Commission; or

27 b. Directly to the Election Law Enforcement Commission at
 28 the same time and in the same manner as a political information
 29 organization subject to the provisions of section 8 of this act.

30 Any anonymous contribution received by a treasurer or deputy
 31 treasurer of a political information organization shall not be used
 32 or expended, but shall be returned to the donor, if his identity is
 33 known, and if no donor is found, the contribution shall escheat to
 34 the State.

1 15. All funds received by a treasurer or deputy treasurer of a
 2 political information organization shall be deposited by the trea-
 3 surer or deputy treasurer in a depository of the organization in
 4 an account designated “(name of political information organiza-
 5 tion) Fund” no later than the tenth calendar day following receipt
 6 of such funds.

7 All deposits made by a treasurer or deputy treasurer of a po-
 8 litical information organization shall be accompanied by a state-
 9 ment containing the name and address of each person or group
 10 contributing or providing the funds so deposited, and the amount
 11 contributed or provided by each person or group, provided that
 12 the treasurer or deputy treasurer may exclude from such statement
 13 the names and addresses of persons or groups contributing
 14 ***[\$250.00]*** *\$100.00* or less. The statement shall be made upon a
 15 form prescribed by the Election Law Enforcement Commission,
 16 and one copy thereof shall be filed by the depository with the Elec-
 17 tion Law Enforcement Commission in accordance with section 17
 18 of this act, one copy shall be retained by the treasurer for his
 19 records.

1 16. Each campaign treasurer of a candidate shall make a full
 2 report, upon a form prescribed by the Election Law Enforcement
 3 Commission, of all moneys, loans, paid personal services or other
 4 things of value, contributed to him or to the deputy campaign
 5 treasurers of the candidate, and all expenditures paid out of the
 6 campaign fund of the candidate, during the period ending with the
 7 day preceding the date of the report and beginning on the date the
 8 most recent such report was filed, or, in the case of the first such
 9 report filed after the appointment of the campaign treasurer, be-

10 ginning on the date of the appointment of the campaign treasurer.
 11 The report shall also contain the name and address of each person
 12 or group from whom moneys, loans, paid personal services or other
 13 things of value have been contributed and the amount contributed
 14 by each person or group. The campaign treasurer and the candi-
 15 date shall certify the correctness of the report.

16 During the period between the appointment of the campaign
 17 treasurer and the election with respect to which contributions are
 18 accepted or expenditures made by him, the campaign treasurer shall
 19 file his report (1) on the ****[fifth]**** ***seventh*** day preceding the
 20 election, and (2) on the twenty-fifth day preceding the election; and
 21 after the election he shall file his report on the fifteenth day follow-
 22 ing such election. Concurrent with the report filed on the fifteenth
 23 day following an election, or at any time thereafter, the campaign
 24 treasurer of a candidate or political committee ***or committee of*
 25 *a political party*** or the treasurer of a political information
 26 organization may certify to the Election Law Enforcement Com-
 27 mission that the campaign fund of such candidate, political com-
 28 mittee ***or committee of a political party***, or ***the fund of such***
 29 political information organization, having been instituted for the
 30 purposes of the late election, has wound up its business and been
 31 dissolved ***or, in the case of a political committee or a committee of*
 32 *a political party or a political information organization which con-*
 33 *tinues its activities beyond the election, that its business regarding*
 34 *the late election has been wound up***; and said certification shall be
 35 accompanied by a final accounting of such campaign fund, ***or of*
 36 *the transactions relating to such election,*** including the final
 37 disposition of any balance remaining in such fund at the time of
 37A dissolution or the arrangements which have been made for the dis-
 37B charge of any obligations remaining unpaid at the time of dis-
 37C solution. Until such certification has been filed, each such treasurer
 37D shall continue to file, at the conclusion of each 60-day interval from
 37E the fifteenth day following such election, reports in the form and
 37F manner herein prescribed.

38 In the case of a primary, general, municipal, **school,** or special
 39 election of a candidate for an office elected by a municipal or county-
 40 wide constituency **or a school district** a duplicate copy of the
 41 campaign treasurer's report, duly certified, shall be filed at the
 42 same time with the county clerk of the county in which the candidate
 42A resides.

43 There shall be no obligation to file the reports required by this
 44 section on behalf of a candidate ****[seeking election to a *board of**

45 *education or to a* public office ***[in any municipality containing]****
46 **more than 5,000 registered voters]*** if such candidate files with the
47 Election Law Enforcement Commission a sworn statement to the
48 effect that the total amount to be expended in behalf of his candi-
49 dacy by the candidate, by any State, county or municipal committee
50 of a political party, by any political committee, or by any person
51 shall not in the aggregate exceed \$1,000.00; provided, that if a
52 candidate who has filed such a sworn statement receives contribu-
53 tions from any one source aggregating more than ***[\$250.00]****
54 ***\$100.00*** he shall forthwith make report of the same, including
55 the identity of the source and the aggregate total of contributions
56 therefrom, to the Election Law Enforcement Commission.

57 In any report filed pursuant to the provisions of this section, the
58 names and addresses of contributors whose contributions during
59 the period covered by the report did not exceed ***[\$250.00]****
60 ***\$100.00*** may be excluded; provided, however, that (1) such ex-
61 clusion is unlawful if any person responsible for the preparation or
62 filing of the report knew that such exclusion was made with respect
63 to any person whose contributions relating to the same election and
64 made to the reporting candidate or to an allied campaign organiza-
65 tion or organizations aggregate, in combination with the contribu-
66 tion in respect of which such exclusion is made, more than
67 ***[\$250.00]**** ***\$100.00***, and (2) any person who knowingly prepares,
68 assists in preparing, files or acquiesces in the filing of any report
69 from which the identity of any contributor has been excluded con-
70 trary to the provisions of this section is subject to the provisions
71 of section 21 of this act, but (3) nothing in this proviso shall be
72 construed as requiring any candidate reporting pursuant to this
73 act to report the amounts, dates or other circumstantial data re-
74 garding contributions made to any other candidate, political com-
75 mittee or committee of a political party.

76 Any report filed pursuant to the provisions of this section shall
77 include an itemized accounting of all receipts and expenditures
78 relative to any testimonial affair held since the date of the most
79 recent report filed, which accounting shall include the names and
80 addresses of each contributor in excess of ***[\$250.00]**** ***\$100.00***
81 to such testimonial affair and the amount contributed by each, the
82 expenses incurred, and the disposition of the proceeds of such
83 testimonial affair.

1 17. Within 15 days after the primary or general election, each
2 campaign depository of a candidate, of a State, county or municipal
3 committee of a political party or of a political committee and each
4 depository of a political information organization shall file with the
5 Election Law Enforcement Commission the originals or true copies

6 of the statements filed with such depositories by the treasurers or
 7 deputy treasurers pursuant to sections 12 and 15, together with ****[a**
 8 **statement setting forth the balance of funds remaining on deposit**
 9 **with such depository as of the date on which such statement is**
 10 **filed]**** ***true copies of ledger sheets and deposit tickets of a*
 11 *campaign fund or political information organization fund account*
 12 *or accounts as of the date on which they are transmitted to the*
 13 *commission by the depository.***

1 18. If any former candidate or any political committee or any
 2 political information organization or any person or association of
 3 persons in behalf of such political committee or former candidate
 4 or organization shall receive any contributions or make any ex-
 5 penditures with relation to any election after the date set in
 6 section 16 of this act for the final report subsequent to such election,
 7 or shall conduct any testimonial affair or public solicitation for the
 8 purpose of raising funds to cover any part of the expenses of a
 9 candidate or political committee or organization in such election,
 10 all such contributions, expenditures, testimonial affairs or public
 11 solicitations shall be reported to the Election Law Enforcement
 12 Commission by the person or persons receiving such contributions
 13 or making such expenditures or conducting such testimonial affairs
 14 or public solicitations. Such report shall be made by any person
 15 receiving any such contribution or contributions, or making any
 16 such expenditure or expenditures, which in the aggregate total
 17 more than ****[\$250.00]**** **\$100.00**, or conducting any testimonial
 18 affair or public solicitation of which the net proceeds exceed
 19 ****[\$250.00]**** **\$100.00**; and shall be made within 20 days from the
 20 date upon which the aggregate of such contributions, expenditures
 21 or proceeds exceeds ****[\$250.00]**** **\$100.00** for the period com-
 22 mencing with the fifteenth day following such election or with the
 23 date upon which any previous report was made pursuant to this
 24 section, whichever is soonest. Such report shall be made in the same
 25 form and shall contain the same detail prescribed for any other
 26 report made pursuant to section 8 or 16 of this act.

1 19. a. No person shall conduct any public solicitation as defined
 2 in this act except (1) upon written authorization of the campaign
 3 treasurer of the candidate, party committee or political committee
 4 on whose behalf such solicitation is conducted, or (2) upon written
 5 authorization of the treasurer of a political information organiza-
 6 tion, or (3) in accordance with the provisions of subsection c. of this
 7 section. A person with such written authorization may employ and
 8 accept the services of others as solicitors, and shall be responsible

9 for reporting to the treasurer the information required under sub-
10 section b. of this section and for delivery to the treasurer the net
11 proceeds of such solicitation in compliance with sections 11 and 14
12 of this act. A contribution made through donation or purchase in
13 response to a public solicitation conducted pursuant to written
14 authorization of a treasurer shall be deemed to have been made
15 through such treasurer.

16 b. Whenever a public solicitation has been authorized by a
17 treasurer during a period covered by a report required to be filed
18 under sections 8 and 16 of this act, there shall be filed with such
19 report and as a part thereof an itemized report on any such solici-
20 tation of which the net proceeds exceed *~~[\$250.00]~~* **\$100.00**, in
21 such form and detail as required by the rules of the Election Law
22 Enforcement Commission, which report shall include:

23 (1) the name of the person authorized to conduct such solici-
24 tation, and the method of solicitation;

25 (2) the gross receipts and expenses involved in the solicitation
26 including the actual amount paid for any items purchased for resale
27 in connection with the solicitation or, if such items or any portion
28 of the cost thereof was donated, the estimated actual value thereof
29 and the actual amount paid therefor, and the names and addresses
30 of any such donors. If it is not practicable for such itemized re-
31 port to be completed in time to be included with the report due
32 under sections 8 and 16 of this act for the period during which such
33 solicitation was held, then such itemized report may be omitted
34 from said report and if so omitted shall be included in the report
35 for the next succeeding period.

36 c. Notwithstanding the provisions of subsection b. of this section,
37 it shall be lawful for any natural person, not acting in concert with
38 any other person or group, to make personally a public solicitation
39 the entire proceeds of which, without deduction for the expenses of
40 solicitation, are to be expended by him personally or under his
41 personal direction to finance any lawful activity in support of or
41A opposition to any candidate or public question or to provide
42 political information on any candidate or public question
43 or to seek to influence the content, introduction, passage or defeat
44 of legislation; provided, however, that any individual making
45 such solicitation who receives gross contributions exceeding
46 ~~**[\$250.00]**~~ ***\$100.00*** in respect of activities relating to any
47 one election shall be required to make a report stating (1) the
48 amount so collected, (2) the method of solicitation and (3) the pur-
49 pose or purposes for which the funds so collected were expended and

50 the amount expended for each such purpose. Such report shall be
50A made either

51 (1) to the treasurer of the candidate, political party committee,
52 political committee or political information organization on whose
53 behalf such funds were collected and expenditures made, or to his
54 deputy, who shall cause the same to be included in this report to the
55 Election Law Enforcement Commission subject to the provisions
56 of sections 8 and 16 of this act; or,

57 (2) directly to the Election Law Enforcement Commission at the
58 same time and in the same manner as a political committee or
59 political information organization subject to the provisions of
60 section 8 of this act.

61 d. Contributions or purchases made in response to a public
62 solicitation conducted in conformity with the requirements and con-
63 ditions of this act shall not be deemed anonymous within the mean-
64 ing of sections 11, 14 and 20 of this act.

65 e. No person contributing in good faith to a public solicitation
66 not duly authorized in compliance with the provisions of this act
67 shall be liable to any penalty under this act by reason of having
68 made such contribution.

1 20. No contribution of money or other thing of value, nor obliga-
2 tion therefor, shall be made, and no expenditure of money or other
3 thing of value, nor obligation therefor, shall be made or incurred
4 whether anonymously, in a fictitious name, or by one person or
5 group in the name of another, to support or defeat a candidate
6 in a primary or general election or to aid the passage or defeat
7 of any public question or to provide political information on any
8 candidate or public question or to seek to influence the content,
9 introduction, passage or defeat of legislation. No person shall
10 contribute, or purport to contribute, to any political candidate,
11 party committee, political committee or political information or-
12 ganization funds or property not actually belonging to him and
13 in his full custody and control, or which has been given or furnished
14 to him by any other person or groups for the purpose of making a
15 contribution thereof, except in the case of group contributions by
16 persons who are members of the contributing group. No treasurer,
17 candidate or member of a party committee, political committee or
18 political information organization shall solicit or knowingly accept,
19 agree to accept or concur in or abet the solicitation or acceptance
20 of any contribution contrary to the provisions of this section.

1 21. a. Any person who willfully and knowingly ***and with intent*
2 *to conceal or misrepresent contributions given or received or ex-*

3 *penditures made or incurred to aid or promote the nomination,*
 4 *election or defeat of any candidate for public office or party posi-*
 5 *tion, or to aid or promote the passage or defeat of a public question*
 6 *in any election, or to aid the dissemination of political information*
 6A *in connection with any election*** makes or accepts any contribution
 6B or makes or incurs any expenditure in violation of sections 7, 11,
 6C 14 or 20 of this act ****[shall, in addition to any other penalty pro-**
 6D **vided by law, be liable to a penalty of not more than \$5,000.00 for**
 6E **the first offense and not more than \$10,000.00 for the second and**
 6F **each subsequent offense]**** ***is guilty of a misdemeanor.***

7 b. Any person who willfully and knowingly files or prepares or
 8 assists in the preparation for filing or acquiesces in the prepara-
 9 tion or filing of any report required under this act which is false,
 10 inaccurate or incomplete in any material particular; or who will-
 11 fully and knowingly fails or refuses to file any such report when
 12 required to do so pursuant to the provisions of this act; or who
 13 willfully supplies any information which he knows to be false,
 14 inaccurate or incomplete to any person preparing or assisting in
 15 the preparation of any such report, with the knowledge that such
 16 information is intended for the purposes of such report, ****[shall, in**
 17 **addition to any other penalty provided by law, be liable to a**
 18 **penalty of not more than \$5,000.00 for the first offense and not**
 19 **more than \$10,000.00 for the second and each subsequent offense]****
 19A ***is guilty of a misdemeanor.***

20 c. The nomination for or election to any office of any candidate
 21 who is guilty of any violation within the description of subsection
 22 a. or b. of this section shall be void, and the office shall be filled
 23 as required by law in the case of a vacancy; provided, however,
 24 that nothing herein contained shall be construed in derogation of
 25 the constitutional authority of either House of the Legislature to
 26 be the judge of the election and qualification of its own members.

27 ****[d. Upon receiving evidence of any violation of this section, the**
 28 **Election Law Enforcement Commission shall have power to hold**
 29 **hearings upon such violation and, upon finding any person to have**
 30 **committed such a violation, to assess such penalty, within the**
 31 **limits prescribed in subsections a. and b. of this section, as it deems**
 32 **proper under the circumstances, which penalty shall be paid forth-**
 33 **with into the State Treasury for the general purposes of the State.**
 34 **Such penalty shall be enforceable in a summary proceeding under**
 35 **the "Penalty Enforcement Law" (N. J. S. 2A:58-1 et seq.).**

36 e. Any failure to file a report or any defect or inaccuracy in a
 37 report which is due to the illness of the candidate, or the absence,
 38 illness or death of his campaign treasurer or was caused by the

39 misconduct of any person other than the candidate or his campaign
40 treasurer, or by any other reasonable cause not involving gross
41 negligence on the part of the candidate or his campaign treasurer
42 or willful intention to violate any provision of this act, shall be
43 deemed to be not a violation of this act.

44 f. In assessing any penalty under this section, the Election Law
45 Enforcement Commission may provide for the remission of all or
46 any part of such penalty conditioned upon prompt correction of
47 any failure, neglect, error or omission constituting the violation
48 for which said penalty was assessed.]]**

1 **22. a. Any person charged with the responsibility under the
2 terms of this act for the filing of any reports or other documents
3 required to be filed pursuant to this act who fails, neglects or omits
4 to file any such report or document at the time and in the manner
5 prescribed by law, or who omits or incorrectly states any of the
6 information required by law to be included in such report or docu-
7 ment, shall, in addition to any other penalty provided by law, be
8 liable to a penalty of not more than \$1,000.00 for the first offense
9 and not more than \$2,000.00 for the second and each subsequent
10 offense.

11 b. Upon receiving evidence of any violation of this section, the
12 Election Law Enforcement Commission shall have power to hold,
13 or to cause to be held under the provisions of subsection d. of this
14 section, hearings upon such violation and, upon finding any person
15 to have committed such a violation, to assess such penalty, within
16 the limits prescribed in subsection a. of this section, as it deems
17 proper under the circumstances, which penalty shall be paid forth-
18 with into the State Treasury for the general purposes of the State.
19 Such penalty shall be enforceable in a summary proceeding under
20 the "Penalty Enforcement law" (N. J. S. 2A:58-1 et seq.).

21 c. In assessing any penalty under this section, the Election Law
22 Enforcement Commission may provide for the remission of all or
23 any part of such penalty conditioned upon the prompt correction
24 of any failure, neglect, error or omission constituting the violation
25 for which said penalty was assessed.

26 d. The commission may designate a hearing officer to hear com-
27 plaints of violations of this act. Such hearing officer shall take
28 testimony, compile a record and make factual findings, and shall
29 submit the same to the commission, which shall have power to
30 assess penalties within the limits and under the conditions pre-
31 scribed in subsections b. and c. of this section. The commission
32 shall review the record and findings of the hearing officer, but it
33 may also seek such additional testimony as it deems necessary.

34 *The commission's determination shall be by majority vote of the*
 35 *entire authorized membership thereof.***

1 ****[22.]**** ****23.**** This act shall be construed liberally to effec-
 2 tuate the legislative intent and as complete and independent au-
 3 thority for the performance of each and every act and thing herein
 4 authorized.

1 ****[23.]**** ****24**** All acts and parts of acts, rules and regulations
 2 issued thereunder inconsistent in whole or in part with the pro-
 3 visions of this act are to such extent superseded.

1 ****[24.]**** ****25.**** If any section, subsection, paragraph, sentence
 2 or other part of this act is adjudged unconstitutional or invalid,
 3 such judgment shall not affect, impair or invalidate the remainder
 4 of this act, but shall be confined in its effect to the section, subsec-
 5 tion, paragraph, sentence or other part of this act directly involved
 6 in the controversy in which said judgment shall have been rendered.

1 ****[25.]**** ****26.**** The following acts or parts of acts are repealed.

2 a. R. S. 19:3-8, 19:34-36 and 19:34-37.

3 b. Chapters 40, 41, 42, 43 and 44 of Title 19 of the Revised
 4 Statutes.

5 c. P. L. 1946, c. 152 (C. 19:41-4.1 and 19:41-4.2).

1 ****[26.]**** ****27.**** R. S. 19:5-5 is amended to read as follows:

2 19:5-5. Any State committee, county committee or municipal
 3 committee of any political party may receive and disburse moneys
 4 for the general purposes of maintaining such organization during
 5 the whole or any part of the year. The expenses for maintenance
 6 of organization shall be confined to the hiring *or acquisition* of
 7 suitable **[rooms]** *quarters* for meetings of such committee, for
 8 stationery, for hiring of necessary clerks, for the expenses of
 9 notices of the meetings of such committee, for giving publicity to
 10 the policies and candidates of their respective party organizations,
 11 and other expenses incidental to the maintenance of such
 12 organization.

13 **[**Within 20 days after the day of the general election, the person
 14 who has had the custody of the moneys contributed to or on account
 15 of any State, county or municipal committee during the previous
 16 year shall file with the Secretary of State in the case of the State
 17 committee, and with the county clerk in the case of the county or
 18 municipal committee, a statement of the amount of money received
 19 by or on behalf of such committee during the previous year, together
 20 with the names and addresses of the persons from whom the money
 21 was received, and also a statement of the purposes for which it was
 22 expended, itemized as to all items in excess of \$5.00, and with a

23 general statement as to the purposes for which the items less than
24 \$5.00 were expended. The person making such statement shall make
25 affidavit that the same is true.】

1 **【27.】** **28.** The sum of \$150,000.00 is hereby appropriated
2 to the Election Law Enforcement Commission for the fiscal year
3 ending June 30, 1973, for the purpose of carrying out the provisions
4 of this act.

1 **【28.】** **29.** This act shall take effect immediately; pro-
2 vided, however, that the reporting requirements contained in sec-
3 tion 8 and section 16 of this act shall remain inoperative for 90 days
4 after the effective date.

SENATE, No. 1124

STATE OF NEW JERSEY

INTRODUCED JULY 17, 1972

By Senators SCHLUTER, WOODCOCK, BATEMAN, HIRKALA,
CAFIERO, BATE and MARAZITI

(Without Reference)

AN ACT concerning the reporting of election campaign contributions and expenditures, establishing an Election Law Enforcement Commission and prescribing its powers and duties, making an appropriation therefor, amending R. S. 19:5-5 and repealing R. S. 19:3-8, 19:34-36 and 19:34-37, chapters 40, 41, 42, 43, and 44 of Title 19 of the Revised Statutes and chapter 152 of the laws of 1946.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as "The New Jersey
2 Campaign Contributions and Expenditures Reporting Act."

1 2. It is hereby declared to be in the public interest and to be the
2 policy of the State to require the reporting of all contributions
3 received and expenditures made to aid or promote the nomination,
4 election or defeat of any candidate for public office or to aid or
5 promote the passage or defeat of a public question in any election.

1 3. As used in this act, unless a different meaning clearly appears
2 from the context:

3 a. The term "political committee" means any two or more per-
4 sons acting jointly, or any corporation, partnership, or any other
5 incorporated or unincorporated association which is organized to,
6 or does, aid or promote the nomination, election or defeat of any
7 candidate or candidates for public office, or which is organized to,
8 or does, aid or promote the passage or defeat of a public question
9 in any election.

10 b. The term "testimonial affair" means an affair of any kind or
11 nature including, without limitation, cocktail parties, breakfasts,
12 luncheons, dinners, dances, picnics or similar affairs directly or
13 indirectly, intended to raise campaign funds in behalf of a person

14 who holds, or who is or was a candidate for nomination or election
15 to a public office in this State, or directly or indirectly intended to
16 raise funds in behalf of any state, county or municipal committee of
17 a political party or in behalf of a political committee.

18 c. The term "election" means any election described in section
19 4 of this act.

20 d. The term "paid personal services" means personal, clerical,
21 administrative or professional services of every kind and nature
22 including, without limitation, public relations, research, legal, can-
23 vassing, telephone, speech writing or other such services, per-
24 formed other than on a voluntary basis, the salary, cost or con-
25 sideration for which is paid, borne or provided by someone other
26 than the committee or candidate for whom such services are
27 rendered.

28 e. The term "public solicitation" means any activity by or on
29 behalf of any candidate, State, county or municipal party committee
30 or political committee whereby either (1) members of the general
31 public are personally solicited for cash contributions not exceeding
32 \$2.00 from each person so solicited and contributed on the spot by
33 the person so solicited to a person so soliciting or through a
34 receptacle provided for the purpose of depositing contributions, or
35 (2) members of the general public are personally solicited for the
36 purchase of items having some tangible value as merchandise, at a
37 price not exceeding \$5.00 per item, which price is paid on the spot
38 in cash by the person so solicited to the person so soliciting, when
39 the net proceeds of such solicitation are to be used by on on behalf
40 of such candidate, party committee or political committee.

41 f. The term "allied candidates" means candidates in any election
42 who are (1) seeking nomination or election (A) to an office or offices
43 in the same county or municipal government or school district or
44 (B) to the Legislature representing in whole or part the same con-
45 stituency or (C) as committeemen of the same political party in the
46 same county, or (D) as delegates or alternates to the national
47 convention of the same political party; and who are (2) either (A)
48 nominees of the same political party or (B) publicly declared in
49 any manner, including the seeking or obtaining of any ballot posi-
50 tion or common ballot slogan, to be aligned or mutually supportive.

51 g. The term "allied campaign organization" means any political
52 committee, any State, county or municipal committee of a political
53 party or any campaign organization of a candidate which is in
54 support of furtherance of the same candidate or any one or more of
55 the same group of allied candidates or the same public question as
56 any other such committee or organization.

57 h. The term "contributions" and "expenditures" include all
 58 transfers of money or other thing of value to or by any candidate,
 59 political committee or committee of a political party, and all pledges
 60 or other commitments or assumptions of liability to make any such
 61 transfer; and for purposes of reports required under the provi-
 62 sions of this act shall be deemed to have been made upon the date
 63 when such commitment is made or liability assumed.

1 4. The provisions of this act shall apply :

2 a. In any primary, general, special, municipal or school election
 3 for any public office of the State or any political subdivision thereof ;

4 b. In any primary election for delegates and alternates to the
 5 national conventions of a political party ;

6 c. In any election at which a public question is to be voted upon
 7 by the voters of the State or any political subdivision thereof.

1 5. There is hereby created a commission consisting of five mem-
 2 bers which shall be designated as the New Jersey Election Law
 3 Enforcement Commission. The members shall be appointed by the
 4 Governor by and with the advice and consent of the Senate for a
 5 term of 3 years, beginning on July 1 and ending June 30, except as
 6 hereinafter provided. The Governor shall designate one of his
 7 appointees to serve as chairman of the commission. No more than
 8 three members shall belong to the same political party, and no
 9 person holding a public office or an office in any political party shall
 10 be eligible for appointment to the commission. Of the members
 11 initially appointed, two shall be appointed for a term of 3 years,
 12 two for a term of 2 years and one for a term of 1 year. Each mem-
 13 ber shall serve until his successor has been appointed and qualified.
 14 In case of a vacancy, however, the successor shall be appointed in
 15 like manner for the unexpired term only. The members shall serve
 16 without compensation, but shall be reimbursed for necessary
 17 expenses incurred in the performance of their duties under this act.
 18 For the purpose of complying with the provisions of Article V,
 19 Section IV, paragraph 1 of the New Jersey Constitution, the Elec-
 20 tion Law Enforcement Commission is hereby allocated within the
 21 Department of Law and Public Safety ; but, notwithstanding said
 22 allocation, the commission shall be independent of any supervision
 23 or control by the department or by any board or officer thereof, it
 24 being the intention of this act that the assignment, direction,
 25 discipline and supervision of all the employees of the commission
 26 shall be so far as possible, and except as otherwise provided in this
 27 act, fully determined by the commission or by such officers and em-
 28 ployees thereof to whom the commission may delegate the powers of
 29 such assignment, direction, discipline and supervision.

1 6. a. The commission shall appoint a full-time executive director
2 and a legal counsel, both of whom shall serve at the pleasure of the
3 commission and shall not have tenure by reason of the provisions
4 of chapter 16 of Title 38 of the Revised Statutes. The commission
5 shall also appoint such other employees as are necessary to carry
6 out the purposes of this act, which employees shall be in the classi-
7 fied service of the civil service and shall be appointed in accordance
8 with and shall be subject to the provisions of Title 11, Civil Service.

9 b. The commission shall promulgate such regulations and official
10 forms and perform such duties as are necessary to implement the
11 provisions of this act. Without limiting the generality of the fore-
12 going, the commission is authorized and empowered to:

13 (1) Develop forms for the making of the required reports;

14 (2) Prepare and publish a manual for all candidates and com-
15 mittees prescribing the requirements of the law, including uniform
16 methods of bookkeeping and reporting and requirements as to the
17 length of time that any person required to keep any records pur-
18 suant to the provisions of this act shall retain such records, or any
19 class or category thereof, or any other documents, including
20 canceled checks, deposit slips invoices and other similar documents,
21 necessary for the compilation of such records;

22 (3) Develop a filing, coding and cross-indexing system;

23 (4) Permit copying or photo-copying of any report required to
24 be submitted pursuant to this act as requested by any person;

25 (5) Prepare and make available for public inspection summaries
26 of all said reports grouped according to candidates and parties,
27 containing the total receipts and expenditures, and the date, name,
28 address and amount contributed by each contributor; mail copies of
29 such summaries to all newspapers of general circulation in the
30 candidate's constituency;

31 (6) Prepare and publish, prior to May 1 of each year, an annual
32 report to the Legislature;

33 (7) Ascertain whether candidates, committees or others have
34 failed to file reports or have filed defective reports; extend, for
35 good cause shown, the dates upon which reports are required to be
36 filed; give notice to delinquents to correct or explain defects; and
37 make available for public inspection a list of such delinquents;

38 (8) Hold public hearings, investigate allegations of any viola-
39 tions in reporting, and issue subpoenas for the production of docu-
40 ments and the attendance of witnesses;

41 (9) Forward information concerning violations of any of the
42 provisions of this act to the Attorney General.

43 c. The commission shall take such steps as may be necessary or
44 appropriate to furnish timely and adequate information, in appro-
45 priate printed summaries and in such other form as it may see fit,
46 to every candidate or prospective candidate for public office who
47 becomes or is likely to become subject to the provisions of this act,
48 informing him of his actual or prospective obligations and responsi-
49 bilities under this act. Such steps shall include, but not be limited
50 to, furnishing to every person on whose behalf petitions of nomina-
51 tion are filed for any public office a copy of such printed summary
52 as aforesaid, which shall be furnished to such person by the com-
53 mission through the public official charged with the responsibility
54 of receiving and accepting such petitions of nomination, at the time
55 when such petitions are filed. The commission shall also make
56 available copies of such printed summary to any other person
57 requesting the same.

58 d. No certificate of election shall be issued to any candidate whose
59 election is subject to the provisions of this act without the written
60 consent of the Election Law Enforcement Commission; provided,
61 however, that the issuance or nonissuance of such consent shall not
62 be admissible in evidence in any proceeding to determine whether
63 or not such candidate or any other person has complied with the
64 provisions of this act, nor shall anything herein contained be con-
65 strued in derogation of the constitutional authority of either House
66 of the Legislature to be the judge of the election and qualification
67 of its own members.

68 e. The commission shall be assigned suitable quarters for the
69 performance of its duties hereunder, which quarters shall not be
70 located in the State House, the State House Annex, or in any build-
71 ing owned by the State or any political subdivision thereof.

1 7. Each State, county and municipal committee of a political
2 party, and each political committee shall make a full report, upon a
3 form prescribed by the Election Law Enforcement Commission,
4 of all moneys, loans, paid personal services, or other things of
5 value contributed to it and all expenditures made, incurred, or
6 authorized by it in furtherance of the nomination, election or defeat
7 of any candidate, or in aid of the passage or defeat of any public
8 question, during the period ending with the day preceding the date
9 of the report and beginning on the date of the most recent such
10 report filed. The report shall contain the name and address of each
11 person or group from whom moneys, loans, paid personal services
12 or other things of value have been contributed and the amount
13 contributed by each person or group. The report shall also contain

14 the name and address of each person, firm or organization to whom
15 expenditures have been paid and the amount and purpose of each
16 such expenditure. The report shall be filed with the Election Law
17 Enforcement Commission no later than noon on the dates desig-
18 nated in section 12 hereof. The campaign treasurer of the com-
19 mittee or political committee reporting shall certify to the correct-
20 ness of each report.

21 Each State, county and municipal committee of a political party
22 shall also file with the Election Law Enforcement Commission, not
23 later than March 1 of each year, an annual report of all moneys,
24 loans, paid personal services or other things of value contributed
25 to it during the previous calendar year and all expenditures made,
26 incurred, or authorized by it, whether or not such expenditures were
27 made, incurred or authorized in furtherance of the election or
28 defeat of any candidate, or in aid of the passage or defeat of any
29 public question. The report shall contain the name and address of
30 each person or group from whom moneys, loans, paid personal
31 services or other things of value have been contributed and the
32 amount contributed by each person or group. The report shall also
33 contain the name and address of each person, firm or organization
34 to whom expenditures have been paid and the amount and purpose
35 of each such expenditure. The campaign treasurer of the committee
36 reporting shall certify to the correctness of each report.

37 In any report filed pursuant to the provisions of this section the
38 committee reporting may exclude from the report the names and
39 addresses of contributors whose contributions during the period
40 covered by the report did not exceed \$100.00; provided, however,
41 that (1) such exclusion is unlawful if any person responsible for
42 the preparation or filing of the report knew that it was made with
43 respect to any person whose contributions relating to the same
44 election and made to the reporting committee or to an allied
45 campaign organization or organizations aggregate, in combination
46 with the contribution in respect of which such exclusion is made,
47 more than \$100.00, and (2) any person who knowingly prepares,
48 assists in preparing, files or acquiesces in the filing of any report
49 from which the identification of a contributor has been excluded
50 contrary to the provisions of this section is subject to the provisions
51 of section 17 of this act, but (3) nothing in this proviso shall be
52 construed as requiring any committee reporting pursuant to this
53 act to report the amounts, dates or other circumstantial data re-
54 garding contributions made to any other political committee, com-
55 mittee of a political party or campaign organization of a candidate.

56 Any report filed pursuant to the provisions of this section shall
57 include an itemized accounting of all receipts and expenditures
58 relative to any testimonial affairs held since the date of the most
59 recent report filed, which accounting shall include the names and
60 addresses of each contributor in excess of \$100.00 to such testi-
61 monial affair and the amount contributed by each, the expenses
62 incurred, and the disposition of the proceeds of such testimonial
63 affair.

64 No State, county or municipal committee of a political party nor
65 any political committee shall be required to file reports pursuant to
66 this section of contributions received or expenditures made in
67 behalf of any candidate who is not required to file reports pursuant
68 to section 12 of this act.

1 8. Each candidate in an election shall appoint one campaign
2 treasurer and shall designate one campaign depository before
3 receiving any contribution or expending any money in furtherance
4 or aid of his candidacy. Any bank authorized by law to transact
5 business in the State may be designated as the campaign depository.
6 The designation of the campaign treasurer and the campaign de-
7 pository shall be made by the candidate's filing the name and ad-
8 dress of such campaign treasurer and such depository with the
9 Election Law Enforcement Commission.

10 A campaign treasurer of the candidate may appoint deputy
11 campaign treasurers as required and may designate not more than
12 one additional campaign depository in each county in which the
13 campaign is conducted. The candidate shall file the names and
14 addresses of deputy campaign treasurers and additional campaign
15 depositories with the Election Law Enforcement Commission.

16 A candidate may remove a campaign treasurer or deputy cam-
17 paign treasurer. In the case of the death, resignation or removal
18 of a campaign treasurer, the candidate shall appoint a successor
19 within 3 days and shall file his name and address with the Election
20 Law Enforcement Commission. A candidate may serve as his own
21 campaign treasurer.

1 9. Each State, county and municipal committee of a political
2 party shall, on or before January 31 in each year, designate a
3 campaign treasurer and a campaign depository and shall file the
4 name and address thereof with the Election Law Enforcement
5 Commission.

6 Every political committee shall, before receiving any contribu-
7 tion or expending any money in furtherance or aid of the election
8 or defeat of any candidate, or to aid the passage or defeat of any

9 public question, appoint one campaign treasurer and designate one
10 campaign depository and file the name and address thereof with
11 the Election Law Enforcement Commission. A campaign treasurer
12 of the State, county or municipal committee of a political party,
13 and a campaign treasurer of a political committee may appoint
14 deputy campaign treasurers as may be required and may designate
15 not more than three additional campaign depositories. Such com-
16 mittees shall file the names and addresses of such deputy campaign
17 treasurers and additional campaign depositories with the Election
18 Law Enforcement Commission.

19 Any State, county or municipal committee of a political party,
20 and any political committee may remove its campaign treasurer or
21 deputy campaign treasurer. In the case of the death, resignation
22 or removal of its campaign treasurer, the committee shall appoint
23 a successor as soon as practicable and shall file **his name and**
24 address with the Election Law Enforcement Commission within
25 3 days.

1 10. No contribution of money or other thing of value, nor obliga-
2 tion therefor, including but not limited to contributions, loans or
3 obligations of a candidate himself or of his family, shall be made
4 or received, and no expenditure of money or other thing of value,
5 nor obligation therefor, including expenditures, loans or obliga-
6 tions of a candidate himself or of his family, shall be made or
7 incurred, directly or indirectly, to support or defeat a candidate
8 in any election, or to aid the passage or defeat of any public
9 question, except through:

10 a. The duly appointed campaign treasurer, or deputy campaign
11 treasurers of the candidate;

12 b. The duly appointed campaign treasurer or deputy campaign
13 treasurers of a political party committee;

14 c. The duly appointed campaign treasurer or deputy campaign
15 treasurers of a political committee.

16 It shall be lawful, however, for any person, not acting in concert
17 with any other person or group, to expend personally from his own
18 funds a sum which is not to be repaid to him for any purpose not
19 prohibited by law, or to contribute his own personal services and
20 personal traveling expenses, to support or defeat a candidate or to
21 aid the passage or defeat of a public question; provided, however,
22 that any person making such expenditure shall be required to re-
23 port all such expenditures in excess of \$100.00 and the estimated
24 value of all such contributions not made in money if the estimated
25 value thereof exceeds \$100.00, either

26 a. To the campaign treasurer of the candidate, political party
27 committee or political committee on whose behalf such expenditure
28 or contribution was made, or to his deputy, who shall cause the
29 same to be included in his report to the Election Law Enforcement
30 Commission subject to the provisions of sections 7 and 8 of this
31 act; or

32 b. Directly to the Election Law Enforcement Commission at the
33 same time and in the same manner as a political committee subject
34 to the provisions of section 7 of this act.

35 Any anonymous contribution received by a campaign treasurer
36 or deputy campaign treasurer shall not be used or expended, but
37 shall be returned to the donor, if his identity is known, and if no
38 donor is found, the contribution shall escheat to the State.

39 Any State, county or municipal committee of any political party,
40 after a primary election, but not prior thereto, may receive and
41 expend funds to be spent in furtherance and in aid of the candidacy
42 of all the candidates of such party, or of any one or more of such
43 candidates, in accordance with the provisions of this act.

1 11. All funds received by a campaign treasurer or deputy cam-
2 paign treasurer of a candidate, of a State, county or municipal
3 committee of a political party, or of a political committee shall be
4 deposited by the campaign treasurer or deputy campaign treasurer
5 in a campaign depository of the candidate, committee or political
6 committee, in an account designated "Campaign Fund of (name
7 of candidate or committee)" no later than the seventh calendar day
8 following receipt of such funds.

9 All deposits made by a campaign treasurer or deputy campaign
10 treasurer shall be accompanied by a statement containing the name
11 and address of each person or group contributing or providing
12 the funds so deposited, and the amount contributed or provided by
13 each person or group, provided that the campaign treasurer or
14 deputy campaign treasurer may exclude from such statement the
15 names and addresses of persons or groups contributing \$100.00 or
16 less. The statement shall be made upon a form prescribed by the
17 Election Law Enforcement Commission, and one copy thereof
18 shall be filed by the campaign depository with the Election Law
19 Enforcement Commission in accordance with section 13 of this
20 act, one copy shall be retained by the campaign depository for its
21 records and one copy shall be retained by the campaign treasurer
22 for his records.

1 12. Each campaign treasurer of a candidate shall make a full
2 report, upon a form prescribed by the Election Law Enforcement

3 Commission, of all moneys, loans, paid personal services or other
4 things of value, contributed to him or to the deputy campaign
5 treasurers of the candidate, and all expenditures paid out of the
6 campaign fund of the candidate, during the period ending with the
7 day preceding the date of the report and beginning on the date the
8 most recent such report was filed, or, in the case of the first such re-
9 port filed after the appointment of the campaign treasurer, begin-
10 ning on the date of the appointment of the campaign treasurer. The
11 report shall also contain the name and address of each person or
12 group from whom moneys, loans, paid personal services or other
13 things of value have been contributed and the amount contributed
14 by each person or group. The campaign treasurer and the candidate
15 shall certify the correctness of the report.

16 During the period between the appointment of the campaign
17 treasurer and the election with respect to which contributions are
18 accepted or expenditures made by him, the campaign treasurer shall
19 file his report (1) on the fifth day preceding the election, (2) on the
20 thirty-fifth day preceding the election, and (3) at 60-day intervals
21 ending with the ninety-fifth day preceding the election; and after the
22 election he shall file his report on the fifteenth day following such
23 election; and each report shall be filed not later than noon of the
24 day on which it is due.

25 In the case of a primary, general, municipal, school or special
26 election of a candidate for an office elected by a municipal or county-
27 wide constituency or a school district, a duplicate copy of the
28 campaign treasurer's report, duly certified, shall be filed at the
29 same time with the county clerk of the county in which the candidate
30 resides.

31 There shall be no obligation to file the reports required by this
32 section on behalf of a candidate seeking election to a board of educa-
33 tion or to a public office in any municipality if such candidate files
34 with the Election Law Enforcement Commission a sworn statement
35 to the effect that the total amount to be expended in behalf of his
36 candidacy by the candidate, by any State, county or municipal com-
37 mittee of a political party, by any political committee, or by any
38 person shall not in the aggregate exceed \$500.00; provided, that if a
39 candidate who has filed such a sworn statement receives contribu-
40 tions from any one source aggregating more than \$100.00 he shall
41 forthwith make report of the same, including the identity of the
42 source and the aggregate total of contributions therefrom, to the
43 Election Law Enforcement Commission.

44 In any report filed pursuant to the provisions of this section, the
45 names and addresses of contributors whose contributions during

46 the period covered by the report did not exceed \$100.00 may be ex-
47 cluded; provided, however, that (1) such exclusion is unlawful if any
48 person responsible for the preparation or filing of the report knew
48A that such exclusion was made with respect to any person whose
49 contributions relating to the same election and made to the report-
50 ing candidate or to an allied campaign organization or organizations
51 aggregate, in combination with the contribution in respect of which
52 such exclusion is made, more than \$100.00, and (2) any person who
53 knowingly prepares, assists in preparing, files or acquiesces in the
54 filing of any report from which the identity of any contributor has
55 been excluded contrary to the provisions of this section is subject to
56 the provisions of section 16 of this act, but (3) nothing in this pro-
57 viso shall be construed as requiring any candidate reporting pur-
58 suant to this act to report the amounts, dates or other circumstantial
59 data regarding contributions made to any other candidate, political
60 committee or committee of a political party.

61 Any report filed pursuant to the provisions of this section shall
62 include an itemized accounting of all receipts and expenditures
63 relative to any testimonial affair held since the date of the most
64 recent report filed, which accounting shall include the names and
65 addresses of each contributor in excess of \$100.00 to such testimonial
66 affair and the amount contributed by each, the expenses incurred,
67 and the disposition of the proceeds of such testimonial affair.

1 13. Within 15 days after the primary or general election, each
2 campaign depository of a candidate, of a State, county or municipal
3 committee of a political party or of a political committee shall file
4 with the Election Law Enforcement Commission the originals or
5 true copies of the statements filed with such campaign depositories
6 by the campaign treasurers or deputy campaign treasurers pur-
7 suant to section 11, together with a statement setting forth the
8 balance of funds remaining on deposit with such campaign deposi-
9 tory as of the date on which such statement is filed.

1 14. If any former candidate or any political committee or any
2 person or association of persons in behalf of such political com-
3 mittee or former candidate shall receive any contributions or make
4 any expenditures with relation to any election after the date set in
5 section 12 of this act for the final report subsequent to such election,
6 or shall conduct any testimonial affair or public solicitation for the
7 purpose of raising funds to cover any part of the expenses of a
8 candidate or political committee in such election, all such contri-
9 butions, expenditures, testimonial affairs or public solicitations
10 shall be reported to the Election Law Enforcement Commission by

11 the person or persons receiving such contributions or making such
12 expenditures or conducting such testimonial affairs or public solici-
13 tations. Such report shall be made by any person receiving any
14 such contribution or contributions, or making any such expenditure
15 or expenditures, which in the aggregate total more than \$100.00, or
16 conducting any testimonial affair or public solicitation of which the
17 net proceeds exceed \$100.00; and shall be made within 20 days from
18 the date upon which the aggregate of such contributions, expendi-
19 tures or proceeds exceeds \$100.00 for the period commencing with
20 the fifteenth day following such election or with the date upon which
21 any previous report was made pursuant to this section, whichever
22 is soonest. Such report shall be made in the same form and shall
23 contain the same detail prescribed for any other report made pur-
24 suant to section 7 or 12 of this act.

1 15. a. No person shall conduct any public solicitation as defined
2 in this act except (1) upon written authorization of the campaign
3 treasurer of the candidate, party committee or political committee
4 on whose behalf such solicitation is conducted, or (2) in accordance
5 with the provisions of subsection c. of this section. A person with
6 such written authorization may employ and accept the services of
7 others as solicitors, and shall be responsible for reporting to the
8 campaign treasurer the information required under subsection b.
9 of this section and for delivery to the campaign treasurer the net
10 proceeds of such solicitation in compliance with section 10 of this
11 act. A contribution made through donation or purchase in response
12 to a public solicitation conducted pursuant to written authorization
13 of a campaign treasurer shall be deemed to have been made through
14 such campaign treasurer.

15 b. Whenever a public solicitation has been authorized by a cam-
16 paign treasurer during a period covered by a report required to be
17 filed under sections 7 and 12 of this act, there shall be filed with
18 such report and as a part thereof an itemized report on any such
19 solicitation of which the net proceeds exceed \$100.00, in such form
20 and detail as required by the rules of the Election Law Enforce-
21 ment Commission, which report shall include :

22 (1) the name of the person authorized to conduct such sollicita-
23 tion, and the method of solicitation;

24 (2) the gross receipts and expenses involved in the solicitation
25 including the actual amount paid for any items purchased for resale
26 in connection with the solicitation or, if such items or any portion
27 of the cost thereof was donated, the estimated actual value thereof
28 and the actual amount paid therefor, and the names and addresses

29 of any such donors. If it is not practicable for such itemized re-
30 port to be completed in time to be included with the report due
31 under sections 7 and 12 of this act for the period during which such
32 solicitation was held, then such itemized report may be omitted
33 from said report and if so omitted shall be included in the report
34 for the next succeeding period.

35 c. Notwithstanding the provisions of subsection b. of this section,
36 it shall be lawful for any natural person, not acting in concert with
37 any other person or group, to make personally a public solicitation
38 the entire proceeds of which, without deduction for the expenses of
39 solicitation, are to be expended by him personally or under his
40 personal direction to finance any lawful activity in support of or
41 opposition to any candidate or candidates or public question or
42 questions; provided, however, that any individual making such
43 solicitation who receives gross contributions exceeding \$100.00 in
44 respect of activities relating to any one election shall be required
45 to make a report stating (1) the amount so collected, (2) the method
46 of solicitation and (3) the purpose or purposes for which the funds
47 so collected were expended and the amount expended for each such
48 purpose. Such report shall be made either

49 (1) to the campaign treasurer of the candidate, political party
50 committee or political committee on whose behalf such funds were
51 collected and expenditures made, or to his deputy, who shall cause
52 the same to be included in this report to the Election Law Enforce-
53 ment Commission subject to the provisions of sections 7 and 8 of
54 this act; or,

55 (2) directly to the Election Law Enforcement Commission at the
56 same time and in the same manner as a political committee subject
57 to the provisions of section 7 of this act.

58 d. Contributions or purchases made in response to a public
59 solicitation conducted in conformity with the requirements and con-
60 ditions of this act shall not be deemed anonymous within the mean-
61 ing of sections 10 and 16 of this act.

62 e. No person contributing in good faith to a public solicitation
63 not duly authorized in compliance with the provisions of this act
64 shall be liable to any penalty under this act by reason of having
65 made such contribution.

1 16. No contribution of money or other thing of value, nor obliga-
2 tion therefor, shall be made, and no expenditure of money or other
3 thing of value, nor obligation therefor, shall be made or incurred
4 whether anonymously, in a fictitious name, or by one person or
5 group in the name of another, to support or defeat a candidate
6 in a primary or general election or to aid the passage or defeat

7 of any public question. No person shall contribute, or purport
 8 to contribute, to any political candidate, party committee or
 9 political committee any funds or property not actually belonging to
 10 him and in his full custody and control, or which has been given or
 11 furnished to him by any other person or groups for the purpose of
 12 making a contribution thereof, except in the case of group contribu-
 13 tions by persons who are members of the contributing group. No
 14 campaign treasurer, candidate or member of a party committee or
 15 political committee shall solicit or knowingly accept, agree to accept
 16 or concur in or abet the solicitation or acceptance of any contribu-
 17 tion contrary to the provisions of this section.

1 17. Any person who violates a provision of this act is guilty of a
 2 misdemeanor and shall be punishable by a fine not exceeding
 3 \$1,000.00 and by imprisonment not exceeding 3 years, or by both.
 4 The nomination for, or election to, an office of any candidate who
 5 violates a provision of this act, or whose campaign treasurer or
 6 deputy campaign treasurer violates a provision of this act with such
 7 candidate's knowledge, shall be void, and the office shall be filled as
 8 required by law in the case of a vacancy; provided, however, that
 9 nothing herein contained shall be construed in derogation of the
 10 constitutional authority of either House of the Legislature to be
 11 the judge of the election and qualification of its own members.

1 18. This act shall be construed liberally to effectuate the legisla-
 2 tive intent and as complete and independent authority for the per-
 3 formance of each and every act and thing herein authorized.

1 19. All acts and parts of acts, rules and regulations issued there-
 2 under inconsistent in whole or in part with the provisions of this
 3 act are to such extent superseded.

1 20. If any section, subsection, paragraph, sentence or other part
 2 of this act is adjudged unconstitutional or invalid, such judgment
 3 shall not affect, impair or invalidate the remainder of this act, but
 4 shall be confined in its effect to the section, subsection, paragraph,
 5 sentence or other part of this act directly involved in the contro-
 6 versy in which said judgment shall have been rendered.

1 21. The following acts or parts of acts are repealed:

- 2 a. R. S. 19:3-8, 19:34-36 and 19:34-37.
- 3 b. Chapters 40, 41, 42, 43 and 44 of Title 19 of the Revised
 4 Statutes.
- 5 c. P. L. 1946, c. 152 (C. 19:41-4.1 and 19:41-4.2).

1 22. R. S. 19:5-5 is amended to read as follows:

2 19:5-5. Any State committee, county committee or municipal
 3 committee of any political party may receive and disburse moneys
 4 for the general purposes of maintaining such organization during
 5

6 the whole or any part of the year. The expenses for maintenance
 7 of organization shall be confined to the hiring *or acquisition* of
 8 suitable **[rooms]** *quarters* for meetings of such committee, for
 9 stationary, for hiring of necessary clerks, for the expenses of
 10 notices of the meetings of such committee, for giving publicity to
 11 the policies and candidates of their respective party organizations,
 12 and other expenses incidental to the maintenance of such
 13 organization.

14 **[**Within 20 days after the day of the general election, the person
 15 who has had the custody of the moneys contributed to or on account
 16 of any State, county or municipal committee during the previous
 17 year shall file with the Secretary of State in the case of the State
 18 committee, and with the county clerk in the case of the county or
 19 municipal committee, a statement of the amount of money received
 20 by or on behalf of such committee during the previous year, together
 21 with the names and addresses of the persons from whom the money
 22 was received, and also a statement of the purposes for which it was
 23 expended, itemized as to all items in excess of \$5.00, and with a
 24 general statement as to the purposes for which the items less than
 25 \$5.00 were expended. The person making such statement shall make
 26 affidavit that the same is true.]

1 23. The sum of \$50,000.00 is hereby appropriated to the Election
 2 Law Enforcement Commission for the fiscal year ending June 30,
 3 1973, for the purpose of carrying out the provisions of this act.

1 24. This act shall take effect immediately; provided, however,
 2 that the reporting requirements contained in section 7 and section
 3 12 of this act shall remain inoperative for 90 days after the effective
 4 date.

STATEMENT

This bill implements the Interim Report (September 1, 1970) of the Election Law Revision Commission, and incorporates modifications of that report adopted by the commission in its resolution of January 20, 1971, as well as other modifications intended to enhance the effectiveness of this proposed legislation.

In order to comply with the requirements of the State Constitution (Article V, Section IV, paragraph 1), it has been necessary to add (in section 5) to the commission's recommended draft a provision allocating the proposed Election Law Enforcement Commission to one of the "principal departments" of State Government (the Department of Law and Public Safety); but this allocation has been made in a way intended to preserve the independence of the Election Law Enforcement Commission's operations.

Nov. 27

[OFFICIAL COPY REPRINT]

SENATE, No. 1124

STATE OF NEW JERSEY

INTRODUCED JULY 17, 1972

By Senators SCHLUTER, WOODCOCK, BATEMAN, HIRKALA,
CAFIERO, BATE and MARAZITI

(Without Reference)

AN ACT concerning the reporting of election campaign contributions and expenditures, establishing an Election Law Enforcement Commission and prescribing its powers and duties, making an appropriation therefor, amending R. S. 19:5-5 and repealing R. S. 19:3-8, 19:34-36 and 19:34-37, chapters 40, 41, 42, 43, and 44 of Title 19 of the Revised Statutes and chapter 152 of the laws of 1946.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as "The New Jersey
2 Campaign Contributions and Expenditures Reporting Act."

1 2. It is hereby declared to be in the public interest and to be the
2 policy of the State to require the reporting of all contributions
3 received and expenditures made to aid or promote the nomination,
4 election or defeat of any candidate for public office or to aid or
5 promote the passage or defeat of a public question in any election.

1 3. As used in this act, unless a different meaning clearly appears
2 from the context:

3 a. The term "political committee" means any two or more per-
4 sons acting jointly, or any corporation, partnership, or any other
5 incorporated or unincorporated association which is organized to,
6 or does, aid or promote the nomination, election or defeat of any
7 candidate or candidates for public office, or which is organized to,
8 or does, aid or promote the passage or defeat of a public question
9 in any election.

10 b. The term "testimonial affair" means an affair of any kind or
11 nature including, without limitation, cocktail parties, breakfasts,
12 luncheons, dinners, dances, picnics or similar affairs directly or

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

13 indirectly, intended to raise campaign funds in behalf of a person
14 who holds, or who is or was a candidate for nomination or election
15 to a public office in this State, or directly or indirectly intended to
16 raise funds in behalf of any state, county or municipal committee of
17 a political party or in behalf of a political committee.

18 c. The term "election" means any election described in section
19 4 of this act.

20 d. The term "paid personal services" means personal, clerical,
21 administrative or professional services of every kind and nature
22 including, without limitation, public relations, research, legal, can-
23 vassing, telephone, speech writing or other such services, per-
24 formed other than on a voluntary basis, the salary, cost or con-
25 sideration for which is paid, borne or provided by someone other
26 than the committee or candidate for whom such services are
27 rendered.

28 e. The term "public solicitation" means any activity by or on
29 behalf of any candidate, State, county or municipal party committee
30 or political committee whereby either (1) members of the general
31 public are personally solicited for cash contributions not exceeding
32 \$2.00 from each person so solicited and contributed on the spot by
33 the person so solicited to a person so soliciting or through a
34 receptacle provided for the purpose of depositing contributions, or
35 (2) members of the general public are personally solicited for the
36 purchase of items having some tangible value as merchandise, at a
37 price not exceeding \$5.00 per item, which price is paid on the spot
38 in cash by the person so solicited to the person so soliciting, when
39 the net proceeds of such solicitation are to be used by on on behalf
40 of such candidate, party committee or political committee.

41 f. The term "allied candidates" means candidates in any election
42 who are (1) seeking nomination or election (A) to an office or offices
43 in the same county or municipal government or school district or
44 (B) to the Legislature representing in whole or part the same con-
45 stituency or (C) as committeemen of the same political party in the
46 same county, or (D) as delegates or alternates to the national
47 convention of the same political party; and who are (2) either (A)
48 nominees of the same political party or (B) publicly declared in
49 any manner, including the seeking or obtaining of any ballot posi-
50 tion or common ballot slogan, to be aligned or mutually supportive.

51 g. The term "allied campaign organization" means any political
52 committee, any State, county or municipal committee of a political
53 party or any campaign organization of a candidate which is in
54 support of furtherance of the same candidate or any one or more of
55 the same group of allied candidates or the same public question as
56 any other such committee or organization.

57 h. The term "contributions" and "expenditures" include all
58 transfers of money or other thing of value to or by any candidate,
59 political committee or committee of a political party, and all pledges
60 or other commitments or assumptions of liability to make any such
61 transfer; and for purposes of reports required under the provi-
62 sions of this act shall be deemed to have been made upon the date
63 when such commitment is made or liability assumed.

1 4. The provisions of this act shall apply:

2 a. In any primary, general, special, municipal or school election
3 for any public office of the State or any political subdivision thereof;

4 b. In any primary election for delegates and alternates to the
5 national conventions of a political party;

6 c. In any election at which a public question is to be voted upon
7 by the voters of the State or any political subdivision thereof.

1 5. There is hereby created a commission consisting of five mem-
2 bers which shall be designated as the New Jersey Election Law
3 Enforcement Commission. The members shall be appointed by the
4 Governor by and with the advice and consent of the Senate for a
5 term of 3 years, beginning on July 1 and ending June 30, except as
6 hereinafter provided. The Governor shall designate one of his
7 appointees to serve as chairman of the commission. No more than
8 three members shall belong to the same political party, and no
9 person holding a public office or an office in any political party shall
10 be eligible for appointment to the commission. Of the members
11 initially appointed, two shall be appointed for a term of 3 years,
12 two for a term of 2 years and one for a term of 1 year. Each mem-
13 ber shall serve until his successor has been appointed and qualified.
14 In case of a vacancy, however, the successor shall be appointed in
15 like manner for the unexpired term only. The members shall serve
16 without compensation, but shall be reimbursed for necessary
17 expenses incurred in the performance of their duties under this act.
18 For the purpose of complying with the provisions of Article V,
19 Section IV, paragraph 1 of the New Jersey Constitution, the Elec-
20 tion Law Enforcement Commission is hereby allocated within the
21 Department of Law and Public Safety; but, notwithstanding said
22 allocation, the commission shall be independent of any supervision
23 or control by the department or by any board or officer thereof, it
24 being the intention of this act that the assignment, direction,
25 discipline and supervision of all the employees of the commission
26 shall be so far as possible, and except as otherwise provided in this
27 act, fully determined by the commission or by such officers and em-
28 ployees thereof to whom the commission may delegate the powers of
29 such assignment, direction, discipline and supervision.

1 6. a. The commission shall appoint a full-time executive director
2 and a legal counsel, both of whom shall serve at the pleasure of the
3 commission and shall not have tenure by reason of the provisions
4 of chapter 16 of Title 38 of the Revised Statutes. The commission
5 shall also appoint such other employees as are necessary to carry
6 out the purposes of this act, which employees shall be in the classi-
7 fied service of the civil service and shall be appointed in accordance
8 with and shall be subject to the provisions of Title 11, Civil Service.

9 b. The commission shall promulgate such regulations and official
10 forms and perform such duties as are necessary to implement the
11 provisions of this act. Without limiting the generality of the fore-
12 going, the commission is authorized and empowered to:

13 (1) Develop forms for the making of the required reports;

14 (2) Prepare and publish a manual for all candidates and com-
15 mittees prescribing the requirements of the law, including uniform
16 methods of bookkeeping and reporting and requirements as to the
17 length of time that any person required to keep any records pur-
18 suant to the provisions of this act shall retain such records, or any
19 class or category thereof, or any other documents, including
20 canceled checks, deposit slips invoices and other similar documents,
21 necessary for the compilation of such records;

22 (3) Develop a filing, coding and cross-indexing system;

23 (4) Permit copying or photo-copying of any report required to
24 be submitted pursuant to this act as requested by any person;

25 (5) Prepare and make available for public inspection summaries
26 of all said reports grouped according to candidates and parties,
27 containing the total receipts and expenditures, and the date, name,
28 address and amount contributed by each contributor; mail copies of
29 such summaries to all newspapers of general circulation in the
30 candidate's constituency;

31 (6) Prepare and publish, prior to May 1 of each year, an annual
32 report to the Legislature;

33 (7) Ascertain whether candidates, committees or others have
34 failed to file reports or have filed defective reports; extend, for
35 good cause shown, the dates upon which reports are required to be
36 filed; give notice to delinquents to correct or explain defects; and
37 make available for public inspection a list of such delinquents;

38 (8) Hold public hearings, investigate allegations of any viola-
39 tions in reporting, and issue subpoenas for the production of docu-
40 ments and the attendance of witnesses;

41 (9) Forward information concerning violations of any of the
42 provisions of this act to the Attorney General.

43 c. The commission shall take such steps as may be necessary or
44 appropriate to furnish timely and adequate information, in appro-
45 priate printed summaries and in such other form as it may see fit,
46 to every candidate or prospective candidate for public office who
47 becomes or is likely to become subject to the provisions of this act,
48 informing him of his actual or prospective obligations and responsi-
49 bilities under this act. Such steps shall include, but not be limited
50 to, furnishing to every person on whose behalf petitions of nomina-
51 tion are filed for any public office a copy of such printed summary
52 as aforesaid, which shall be furnished to such person by the com-
53 mission through the public official charged with the responsibility
54 of receiving and accepting such petitions of nomination, at the time
55 when such petitions are filed. The commission shall also make
56 available copies of such printed summary to any other person
57 requesting the same.

58 d. No certificate of election shall be issued to any candidate whose
59 election is subject to the provisions of this act without the written
60 consent of the Election Law Enforcement Commission; provided,
61 however, that the issuance or nonissuance of such consent shall not
62 be admissible in evidence in any proceeding to determine whether
63 or not such candidate or any other person has complied with the
64 provisions of this act, nor shall anything herein contained be con-
65 strued in derogation of the constitutional authority of either House
66 of the Legislature to be the judge of the election and qualification
67 of its own members.

68 e. The commission shall be assigned suitable quarters for the
69 performance of its duties hereunder, which quarters shall not be
70 located in the State House, the State House Annex, or in any build-
71 ing owned by the State or any political subdivision thereof.

1 7. Each State, county and municipal committee of a political
2 party, and each political committee shall make a full report, upon a
3 form prescribed by the Election Law Enforcement Commission,
4 of all moneys, loans, paid personal services, or other things of
5 value contributed to it and all expenditures made, incurred, or
6 authorized by it in furtherance of the nomination, election or defeat
7 of any candidate, or in aid of the passage or defeat of any public
8 question, during the period ending with the day preceding the date
9 of the report and beginning on the date of the most recent such
10 report filed. The report shall contain the name and address of each
11 person or group from whom moneys, loans, paid personal services
12 or other things of value have been contributed and the amount
13 contributed by each person or group. The report shall also contain

14 the name and address of each person, firm or organization to whom
15 expenditures have been paid and the amount and purpose of each
16 such expenditure. The report shall be filed with the Election Law
17 Enforcement Commission no later than noon on the dates desig-
18 nated in section 12 hereof. The campaign treasurer of the com-
19 mittee or political committee reporting shall certify to the correct-
20 ness of each report.

21 Each State, county and municipal committee of a political party
22 shall also file with the Election Law Enforcement Commission, not
23 later than March 1 of each year, an annual report of all moneys,
24 loans, paid personal services or other things of value contributed
25 to it during the previous calendar year and all expenditures made,
26 incurred, or authorized by it, whether or not such expenditures were
27 made, incurred or authorized in furtherance of the election or
28 defeat of any candidate, or in aid of the passage or defeat of any
29 public question. The report shall contain the name and address of
30 each person or group from whom moneys, loans, paid personal
31 services or other things of value have been contributed and the
32 amount contributed by each person or group. The report shall also
33 contain the name and address of each person, firm or organization
34 to whom expenditures have been paid and the amount and purpose
35 of each such expenditure. The campaign treasurer of the committee
36 reporting shall certify to the correctness of each report.

37 In any report filed pursuant to the provisions of this section the
38 committee reporting may exclude from the report the names and
39 addresses of contributors whose contributions during the period
40 covered by the report did not exceed \$100.00; provided, however,
41 that (1) such exclusion is unlawful if any person responsible for
42 the preparation or filing of the report knew that it was made with
43 respect to any person whose contributions relating to the same
44 election and made to the reporting committee or to an allied
45 campaign organization or organizations aggregate, in combination
46 with the contribution in respect of which such exclusion is made,
47 more than \$100.00, and (2) any person who knowingly prepares,
48 assists in preparing, files or acquiesces in the filing of any report
49 from which the identification of a contributor has been excluded
50 contrary to the provisions of this section is subject to the provisions
51 of section 17 of this act, but (3) nothing in this proviso shall be
52 construed as requiring any committee reporting pursuant to this
53 act to report the amounts, dates or other circumstantial data re-
54 garding contributions made to any other political committee, com-
55 mittee of a political party or campaign organization of a candidate.

56 Any report filed pursuant to the provisions of this section shall
57 include an itemized accounting of all receipts and expenditures
58 relative to any testimonial affairs held since the date of the most
59 recent report filed, which accounting shall include the names and
60 addresses of each contributor in excess of \$100.00 to such testi-
61 monial affair and the amount contributed by each, the expenses
62 incurred, and the disposition of the proceeds of such testimonial
63 affair.

64 No State, county or municipal committee of a political party nor
65 any political committee shall be required to file reports pursuant to
66 this section of contributions received or expenditures made in
67 behalf of any candidate who is not required to file reports pursuant
68 to section 12 of this act.

1 8. Each candidate in an election shall appoint one campaign
2 treasurer and shall designate one campaign depository before
3 receiving any contribution or expending any money in furtherance
4 or aid of his candidacy. Any bank authorized by law to transact
5 business in the State may be designated as the campaign depository.
6 The designation of the campaign treasurer and the campaign de-
7 pository shall be made by the candidate's filing the name and ad-
8 dress of such campaign treasurer and such depository with the
9 Election Law Enforcement Commission.

10 A campaign treasurer of the candidate may appoint deputy
11 campaign treasurers as required and may designate not more than
12 one additional campaign depository in each county in which the
13 campaign is conducted. The candidate shall file the names and
14 addresses of deputy campaign treasurers and additional campaign
15 depositories with the Election Law Enforcement Commission.

16 A candidate may remove a campaign treasurer or deputy cam-
17 paign treasurer. In the case of the death, resignation or removal
18 of a campaign treasurer, the candidate shall appoint a successor
19 within 3 days and shall file his name and address with the Election
20 Law Enforcement Commission. A candidate may serve as his own
21 campaign treasurer.

1 9. Each State, county and municipal committee of a political
2 party shall, on or before January 31 in each year, designate a
3 campaign treasurer and a campaign depository and shall file the
4 name and address thereof with the Election Law Enforcement
5 Commission.

6 Every political committee shall, before receiving any contribu-
7 tion or expending any money in furtherance or aid of the election
8 or defeat of any candidate, or to aid the passage or defeat of any

9 public question, appoint one campaign treasurer and designate one
10 campaign depository and file the name and address thereof with
11 the Election Law Enforcement Commission. A campaign treasurer
12 of the State, county or municipal committee of a political party,
13 and a campaign treasurer of a political committee may appoint
14 deputy campaign treasurers as may be required and may designate
15 not more than three additional campaign depositories. Such com-
16 mittees shall file the names and addresses of such deputy campaign
17 treasurers and additional campaign depositories with the Election
18 Law Enforcement Commission.

19 Any State, county or municipal committee of a political party,
20 and any political committee may remove its campaign treasurer or
21 deputy campaign treasurer. In the case of the death, resignation
22 or removal of its campaign treasurer, the committee shall appoint
23 a successor as soon as practicable and shall file his name and
24 address with the Election Law Enforcement Commission within
25 3 days.

1 10. No contribution of money or other thing of value, nor obliga-
2 tion therefor, including but not limited to contributions, loans or
3 obligations of a candidate himself or of his family, shall be made
4 or received, and no expenditure of money or other thing of value,
5 nor obligation therefor, including expenditures, loans or obliga-
6 tions of a candidate himself or of his family, shall be made or
7 incurred, directly or indirectly, to support or defeat a candidate
8 in any election, or to aid the passage or defeat of any public
9 question, except through:

10 a. The duly appointed campaign treasurer, or deputy campaign
11 treasurers of the candidate;

12 b. The duly appointed campaign treasurer or deputy campaign
13 treasurers of a political party committee;

14 c. The duly appointed campaign treasurer or deputy campaign
15 treasurers of a political committee.

16 It shall be lawful, however, for any person, not acting in concert
17 with any other person or group, to expend personally from his own
18 funds a sum which is not to be repaid to him for any purpose not
19 prohibited by law, or to contribute his own personal services and
20 personal traveling expenses, to support or defeat a candidate or to
21 aid the passage or defeat of a public question; provided, however,
22 that any person making such expenditure shall be required to re-
23 port all such expenditures in excess of \$100.00 and the estimated
24 value of all such contributions not made in money if the estimated
25 value thereof exceeds \$100.00, either

26 a. To the campaign treasurer of the candidate, political party
27 committee or political committee on whose behalf such expenditure
28 or contribution was made, or to his deputy, who shall cause the
29 same to be included in his report to the Election Law Enforcement
30 Commission subject to the provisions of sections 7 and 8 of this
31 act; or

32 b. Directly to the Election Law Enforcement Commission at the
33 same time and in the same manner as a political committee subject
34 to the provisions of section 7 of this act.

35 Any anonymous contribution received by a campaign treasurer
36 or deputy campaign treasurer shall not be used or expended, but
37 shall be returned to the donor, if his identity is known, and if no
38 donor is found, the contribution shall escheat to the State.

39 Any State, county or municipal committee of any political party,
40 after a primary election, but not prior thereto, may receive and
41 expend funds to be spent in furtherance and in aid of the candidacy
42 of all the candidates of such party, or of any one or more of such
43 candidates, in accordance with the provisions of this act.

1 11. All funds received by a campaign treasurer or deputy cam-
2 paign treasurer of a candidate, of a State, county or municipal
3 committee of a political party, or of a political committee shall be
4 deposited by the campaign treasurer or deputy campaign treasurer
5 in a campaign depository of the candidate, committee or political
6 committee, in an account designated "Campaign Fund of (name
7 of candidate or committee)" no later than the seventh calendar day
8 following receipt of such funds*; *except that any such treasurer*
8A *or deputy treasurer may, when authorized by the candidate or*
8B *committee of which he is the campaign treasurer or deputy*
8C *campaign treasurer, transfer any such funds to the duly designated*
8D *campaign treasurer or deputy campaign treasurer of another*
8E *candidate or committee, for inclusion in the campaign fund thereof,*
8F *without first so depositing them; provided, however, that a record*
8G *of all nondeposited funds so transferred shall be attached to the*
8H *statement required under this section, identifying them as to source*
8I *and amount in the same manner as deposited funds.**

9 All deposits made by a campaign treasurer or deputy campaign
10 treasurer shall be accompanied by a statement containing the name
11 and address of each person or group contributing or providing
12 the funds so deposited, and the amount contributed or provided by
13 each person or group, provided that the campaign treasurer or
14 deputy campaign treasurer may exclude from such statement the
15 names and addresses of persons or groups contributing \$100.00 or
16 less. The statement shall be made upon a form prescribed by the

17 Election Law Enforcement Commission, and one copy thereof
18 shall be filed by the campaign depository with the Election Law
19 Enforcement Commission in accordance with section 13 of this
20 act, one copy shall be retained by the campaign depository for its
21 records and one copy shall be retained by the campaign treasurer
22 for his records.

1 12. Each campaign treasurer of a candidate shall make a full
2 report, upon a form prescribed by the Election Law Enforcement
3 Commission, of all moneys, loans, paid personal services or other
4 things of value, contributed to him or to the deputy campaign
5 treasurers of the candidate, and all expenditures paid out of the
6 campaign fund of the candidate, during the period ending with the
7 day preceding the date of the report and beginning on the date the
8 most recent such report was filed, or, in the case of the first such re-
9 port filed after the appointment of the campaign treasurer, begin-
10 ning on the date of the appointment of the campaign treasurer. The
11 report shall also contain the name and address of each person or
12 group from whom moneys, loans, paid personal services or other
13 things of value have been contributed and the amount contributed
14 by each person or group. The campaign treasurer and the candidate
15 shall certify the correctness of the report.

16 During the period between the appointment of the campaign
17 treasurer and the election with respect to which contributions are
18 accepted or expenditures made by him, the campaign treasurer shall
19 file his report (1) on the fifth day preceding the election, (2) on the
20 thirty-fifth day preceding the election, and (3) at 60-day intervals
21 ending with the ninety-fifth day preceding the election; and after the
22 election he shall file his report on the fifteenth day following such
23 election; and each report shall be filed not later than noon of the
24 day on which it is due. **Concurrent with the report filed on the*
24A *fifteenth day following an election, or at any time thereafter, the*
24B *campaign treasurer of a candidate or political committee may*
24C *certify to the Election Law Enforcement Commission that the*
24D *campaign fund of such candidate or political committee, having*
24E *been instituted for the purposes of the late election, has wound up*
24F *its business and been dissolved; and said certification shall be*
24G *accompanied by a final accounting of such campaign fund, including*
24H *the final disposition of any balance remaining in such fund at the*
24I *time of dissolution or the arrangements which have been made for*
24J *the discharge of any obligations remaining unpaid at the time of*
24K *dissolution. Until such certification has been filed, each such*
24L *campaign treasurer shall continue to file, at the conclusion of each*

24M *60-day interval from the fifteenth day following such election, re-*
24N *ports in the form and manner herein prescribed.**

25 In the case of a primary, general, municipal, school or special
26 election of a candidate for an office elected by a municipal or county-
27 wide constituency or a school district, a duplicate copy of the
28 campaign treasurer's report, duly certified, shall be filed at the
29 same time with the county clerk of the county in which the candidate
30 resides.

31 There shall be no obligation to file the reports required by this
32 section on behalf of a candidate seeking election to a board of educa-
33 tion or to a public office in any municipality if such candidate files
34 with the Election Law Enforcement Commission a sworn statement
35 to the effect that the total amount to be expended in behalf of his
36 candidacy by the candidate, by any State, county or municipal com-
37 mittee of a political party, by any political committee, or by any
38 person shall not in the aggregate exceed \$500.00; provided, that if a
39 candidate who has filed such a sworn statement receives contribu-
40 tions from any one source aggregating more than \$100.00 he shall
41 forthwith make report of the same, including the identity of the
42 source and the aggregate total of contributions therefrom, to the
43 Election Law Enforcement Commission.

44 In any report filed pursuant to the provisions of this section, the
45 names and addresses of contributors whose contributions during
46 the period covered by the report did not exceed \$100.00 may be ex-
47 cluded; provided, however, that (1) such exclusion is unlawful if any
48 person responsible for the preparation or filing of the report knew
48A that such exclusion was made with respect to any person whose
49 contributions relating to the same election and made to the report-
50 ing candidate or to an allied campaign organization or organizations
51 aggregate, in combination with the contribution in respect of which
52 such exclusion is made, more than \$100.00, and (2) any person who
53 knowingly prepares, assists in preparing, files or acquiesces in the
54 filing of any report from which the identity of any contributor has
55 been excluded contrary to the provisions of this section is subject to
56 the provisions of section 16 of this act, but (3) nothing in this pro-
57 viso shall be construed as requiring any candidate reporting pur-
58 suant to this act to report the amounts, dates or other circumstantial
59 data regarding contributions made to any other candidate, political
60 committee or committee of a political party.

61 Any report filed pursuant to the provisions of this section shall
62 include an itemized accounting of all receipts and expenditures
63 relative to any testimonial affair held since the date of the most
64 recent report filed, which accounting shall include the names and

65 addresses of each contributor in excess of \$100.00 to such testimonial
66 affair and the amount contributed by each, the expenses incurred,
67 and the disposition of the proceeds of such testimonial affair.

1 13. Within 15 days after the primary or general election, each
2 campaign depository of a candidate, of a State, county or municipal
3 committee of a political party or of a political committee shall file
4 with the Election Law Enforcement Commission the originals or
5 true copies of the statements filed with such campaign depositories
6 by the campaign treasurers or deputy campaign treasurers pur-
7 suant to section 11, together with a statement setting forth the
8 balance of funds remaining on deposit with such campaign depository
9 as of the date on which such statement is filed.

1 14. If any former candidate or any political committee or any
2 person or association of persons in behalf of such political com-
3 mittee or former candidate shall receive any contributions or make
4 any expenditures with relation to any election after the date set in
5 section 12 of this act for the final report subsequent to such election,
6 or shall conduct any testimonial affair or public solicitation for the
7 purpose of raising funds to cover any part of the expenses of a
8 candidate or political committee in such election, all such contri-
9 butions, expenditures, testimonial affairs or public solicitations
10 shall be reported to the Election Law Enforcement Commission by
11 the person or persons receiving such contributions or making such
12 expenditures or conducting such testimonial affairs or public solici-
13 tations. Such report shall be made by any person receiving any
14 such contribution or contributions, or making any such expenditure
15 or expenditures, which in the aggregate total more than \$100.00, or
16 conducting any testimonial affair or public solicitation of which the
17 net proceeds exceed \$100.00; and shall be made within 20 days from
18 the date upon which the aggregate of such contributions, expendi-
19 tures or proceeds exceeds \$100.00 for the period commencing with
20 the fifteenth day following such election or with the date upon which
21 any previous report was made pursuant to this section, whichever
22 is soonest. Such report shall be made in the same form and shall
23 contain the same detail prescribed for any other report made pur-
24 suant to section 7 or 12 of this act.

1 15. a. No person shall conduct any public solicitation as defined
2 in this act except (1) upon written authorization of the campaign
3 treasurer of the candidate, party committee or political committee
4 on whose behalf such solicitation is conducted, or (2) in accordance
5 with the provisions of subsection c. of this section. A person with
6 such written authorization may employ and accept the services of
7 others as solicitors, and shall be responsible for reporting to the

8 campaign treasurer the information required under subsection b.
9 of this section and for delivery to the campaign treasurer the net
10 proceeds of such solicitation in compliance with section 10 of this
11 act. A contribution made through donation or purchase in response
12 to a public solicitation conducted pursuant to written authorization
13 of a campaign treasurer shall be deemed to have been made through
14 such campaign treasurer.

15 b. Whenever a public solicitation has been authorized by a cam-
16 paign treasurer during a period covered by a report required to be
17 filed under sections 7 and 12 of this act, there shall be filed with
18 such report and as a part thereof an itemized report on any such
19 solicitation of which the net proceeds exceed \$100.00, in such form
20 and detail as required by the rules of the Election Law Enforce-
21 ment Commission, which report shall include :

22 (1) the name of the person authorized to conduct such sollicita-
23 tion, and the method of solicitation ;

24 (2) the gross receipts and expenses involved in the solicitation
25 including the actual amount paid for any items purchased for resale
26 in connection with the solicitation or, if such items or any portion
27 of the cost thereof was donated, the estimated actual value thereof
28 and the actual amount paid therefor, and the names and addresses
29 of any such donors. If it is not practicable for such itemized re-
30 port to be completed in time to be included with the report due
31 under sections 7 and 12 of this act for the period during which such
32 solicitation was held, then such itemized report may be omitted
33 from said report and if so omitted shall be included in the report
34 for the next succeeding period.

35 c. Notwithstanding the provisions of subsection b. of this section,
36 it shall be lawful for any natural person, not acting in concert with
37 any other person or group, to make personally a public solicitation
38 the entire proceeds of which, without deduction for the expenses of
39 solicitation, are to be expended by him personally or under his
40 personal direction to finance any lawful activity in support of or
41 opposition to any candidate or candidates or public question or
42 questions; provided, however, that any individual making such
43 solicitation who receives gross contributions exceeding \$100.00 in
44 respect of activities relating to any one election shall be required
45 to make a report stating (1) the amount so collected, (2) the method
46 of solicitation and (3) the purpose or purposes for which the funds
47 so collected were expended and the amount expended for each such
48 purpose. Such report shall be made either

49 (1) to the campaign treasurer of the candidate, political party
50 committee or political committee on whose behalf such funds were

51 collected and expenditures made, or to his deputy, who shall cause
 52 the same to be included in this report to the Election Law Enforce-
 53 ment Commission subject to the provisions of sections 7 and 8 of
 54 this act; or,

55 (2) directly to the Election Law Enforcement Commission at the
 56 same time and in the same manner as a political committee subject
 57 to the provisions of section 7 of this act.

58 d. Contributions or purchases made in response to a public
 59 solicitation conducted in conformity with the requirements and con-
 60 ditions of this act shall not be deemed anonymous within the mean-
 61 ing of sections 10 and 16 of this act.

62 e. No person contributing in good faith to a public solicitation
 63 not duly authorized in compliance with the provisions of this act
 64 shall be liable to any penalty under this act by reason of having
 65 made such contribution.

1 16. No contribution of money or other thing of value, nor obliga-
 2 tion therefor, shall be made, and no expenditure of money or other
 3 thing of value, nor obligation therefor, shall be made or incurred
 4 whether anonymously, in a fictitious name, or by one person or
 5 group in the name of another, to support or defeat a candidate
 6 in a primary or general election or to aid the passage or defeat
 7 of any public question. No person shall contribute, or purport
 8 to contribute, to any political candidate, party committee or
 9 political committee any funds or property not actually belonging to
 10 him and in his full custody and control, or which has been given or
 11 furnished to him by any other person or groups for the purpose of
 12 making a contribution thereof, except in the case of group contribu-
 13 tions by persons who are members of the contributing group. No
 14 campaign treasurer, candidate or member of a party committee or
 15 political committee shall solicit or knowingly accept, agree to accept
 16 or concur in or abet the solicitation or acceptance of any contribu-
 17 tion contrary to the provisions of this section.

1 ***17.** Any person who violates a provision of this act is guilty of a
 2 misdemeanor and shall be punishable by a fine not exceeding
 3 \$1,000.00 and by imprisonment not exceeding 3 years, or by both.
 4 The nomination for, or election to, an office of any candidate who
 5 violates a provision of this act, or whose campaign treasurer or
 6 deputy campaign treasurer violates a provision of this act with such
 7 candidate's knowledge, shall be void, and the office shall be filled as
 8 required by law in the case of a vacancy; provided, however, that
 9 nothing herein contained shall be construed in derogation of the
 10 constitutional authority of either House of the Legislature to be
 11 the judge of the election and qualification of its own members.]*

12 *17. a. Any person who willfully and knowingly makes or accepts
13 any contribution or makes or incurs any expenditure in violation of
14 section 10 or section 16 of this act is guilty of a misdemeanor.

15 b. Any person who willfully and knowingly files or prepares or
16 assists in the preparation for filing or acquiesces in the preparation
17 or filing of any report required under this act which is false, in-
18 accurate or incomplete in any material particular; or who willfully
19 supplies any information which he knows to be false, inaccurate or
20 incomplete to any person preparing or assisting in the preparation
21 of any such report, with the knowledge that such information is
22 intended for the purposes of such report, is guilty of a misdemeanor.

23 c. The nomination for or election to any office of any candidate
24 who is guilty of any violation within the description of subsection
25 a. or b. of this section shall be void, and the office shall be filled as
26 required by law in the case of a vacancy; provided, however, that
27 nothing herein contained shall be construed in derogation of the
28 constitutional authority of either House of the Legislature to be
29 the judge of the election and qualification of its own members.

1 18. a. Any person charged with the responsibility under the terms
2 of this act for the filing of any reports or other documents required
3 to be filed pursuant to this act who fails, neglects or omits to file
4 any such report or document at the time and in the manner pre-
5 scribed by law, or who omits or incorrectly states any of the in-
6 formation required by law to be included in such report or docu-
7 ment, shall, in addition to any other penalty provided by law, be
8 liable to a penalty of not more than \$1,000.00 for the first offense
9 and not more than \$2,000.00 for the second and each subsequent
10 offense.

11 b. Upon receiving evidence of any violation of this section, the
12 Election Law Enforcement Commission shall have power to hold
13 hearings upon such violation and, upon finding any person to have
14 committed such a violation, to assess such penalty, within the limits
15 prescribed in subsection a. of this section, as it deems proper under
16 the circumstances, which penalty shall be paid forthwith into the
17 State Treasury for the general purposes of the State. Such penalty
18 shall be enforceable in a summary proceeding under the "Penalty
19 Enforcement Law" (N. J. S. 2A:58-1 et seq.).

20 c. In assessing any penalty under this section, the Election Law
21 Enforcement Commission may provide for the remission of all or
22 any part of such penalty conditioned upon prompt correction
23 of any failure, neglect, error or omission constituting the violation
24 for which said penalty was assessed.*

1 *~~18.~~* *19.* This act shall be construed liberally to effectuate the
 2 legislative intent and as complete and independent authority for the
 3 performance of each and every act and thing herein authorized.

1 *~~19.~~* *20.* All acts and parts of acts, rules and regulations
 2 issued thereunder inconsistent in whole or in part with the pro-
 3 visions of this act are to such extent superseded.

1 *~~20.~~* *21.* If any section, subsection, paragraph, sentence or
 2 other part of this act is adjudged unconstitutional or invalid, such
 3 judgment shall not affect, impair or invalidate the remainder of this
 4 act, but shall be confined in its effect to the section, subsection, para-
 5 graph, sentence or other part of this act directly involved in the
 6 controversy in which said judgment shall have been rendered.

1 *~~21.~~* *22.* The following acts or parts of acts are repealed:

2 a. R. S. 19:3-8, 19:34-36 and 19:34-37.

3 b. Chapters 40, 41, 42, 43 and 44 of Title 19 of the Revised
 4 Statutes.

1 c. P. L. 1946, c. 152 (C. 19:41-4.1 and 19:41-4.2).

2 22. R. S. 19:5-5 is amended to read as follows:

3 19:5-5. Any State committee, county committee or municipal
 4 committee of any political party may receive and disburse moneys
 5 for the general purposes of maintaining such organization during
 6 the whole or any part of the year. The expenses for maintenance
 7 of organization shall be confined to the hiring *or acquisition* of
 8 suitable **[rooms]** *quarters* for meetings of such committee, for
 9 stationary, for hiring of necessary clerks, for the expenses of
 10 notices of the meetings of such committee, for giving publicity to
 11 the policies and candidates of their respective party organizations,
 12 and other expenses incidental to the maintenance of such
 13 organization.

14 **[**Within 20 days after the day of the general election, the person
 15 who has had the custody of the moneys contributed to or on account
 16 of any State, county or municipal committee during the previous
 17 year shall file with the Secretary of State in the case of the State
 18 committee, and with the county clerk in the case of the county or
 19 municipal committee, a statement of the amount of money received
 20 by or on behalf of such committee during the previous year, together
 21 with the names and addresses of the persons from whom the money
 22 was received, and also a statement of the purposes for which it was
 23 expended, itemized as to all items in excess of \$5.00, and with a
 24 general statement as to the purposes for which the items less than
 25 \$5.00 were expended. The person making such statement shall make
 26 affidavit that the same is true.]

1 ***[23.]*** *24.* The sum of \$50,000.00 is hereby appropriated to the
2 Election Law Enforcement Commission for the fiscal year ending
3 June 30, 1973, for the purpose of carrying out the provisions of
4 this act.

1 ***[24.]*** *25.* This act shall take effect immediately; provided,
2 however, that the reporting requirements contained in section 7
3 and section 12 of this act shall remain inoperative for 90 days after
4 the effective date.

Dec 14/72

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1124

STATE OF NEW JERSEY

INTRODUCED JULY 17, 1972

By Senators SCHLUTER, WOODCOCK, BATEMAN, HIRKALA,
CAFIERO, BATE and MARAZITI

(Without Reference)

AN ACT concerning the reporting of election campaign contributions and expenditures, establishing an Election Law Enforcement Commission and prescribing its powers and duties, making an appropriation therefor, amending R. S. 19:5-5 and repealing R. S. 19:3-8, 19:34-36 and 19:34-37, chapters 40, 41, 42, 43, and 44 of Title 19 of the Revised Statutes and chapter 152 of the laws of 1946.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as "The New Jersey
2 Campaign Contributions and Expenditures Reporting Act."

1 2. It is hereby declared to be in the public interest and to be the
2 policy of the State to require the reporting of all contributions
3 received and expenditures made to aid or promote the nomination,
4 election or defeat of any candidate for public office or to aid or
5 promote the passage or defeat of a public question in any election.

1 3. As used in this act, unless a different meaning clearly appears
2 from the context:

3 a. The term "political committee" means any two or more per-
4 sons acting jointly, or any corporation, partnership, or any other
5 incorporated or unincorporated association which is organized to,
6 or does, aid or promote the nomination, election or defeat of any
7 candidate or candidates for public office, or which is organized to,
8 or does, aid or promote the passage or defeat of a public question
9 in any election.

10 b. The term "testimonial affair" means an affair of any kind or
11 nature including, without limitation, cocktail parties, breakfasts,
12 luncheons, dinners, dances, picnics or similar affairs directly or

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

13 indirectly****[,]**** intended to raise campaign funds in behalf of a
14 person who holds, or who is or was a candidate for nomination or
15 election to a public office in this State, or directly or indirectly
16 intended to raise funds in behalf of any state, county or municipal
17 committee of a political party or in behalf of a political committee.

18 c. The term "election" means any election described in section
19 4 of this act.

20 d. The term "paid personal services" means personal, clerical,
21 administrative or professional services of every kind and nature
22 including, without limitation, public relations, research, legal, can-
23 vassing, telephone, speech writing or other such services, per-
24 formed other than on a voluntary basis, the salary, cost or con-
25 sideration for which is paid, borne or provided by someone other
26 than the committee or candidate for whom such services are
27 rendered.

28 e. The term "public solicitation" means any activity by or on
29 behalf of any candidate, State, county or municipal party committee
30 or political committee whereby either (1) members of the general
31 public are personally solicited for cash contributions not exceeding
32 \$2.00 from each person so solicited and contributed on the spot by
33 the person so solicited to a person so soliciting or through a
34 receptacle provided for the purpose of depositing contributions, or
35 (2) members of the general public are personally solicited for the
36 purchase of items having some tangible value as merchandise, at a
37 price not exceeding \$5.00 per item, which price is paid on the spot
38 in cash by the person so solicited to the person so soliciting, when
39 the net proceeds of such solicitation are to be used by ****[on]****
40 ****or**** on behalf of such candidate, party committee or political
40A committee.

41 f. The term "allied candidates" means candidates in any election
42 who are (1) seeking nomination or election (A) to an office or offices
43 in the same county or municipal government or school district or
44 (B) to the Legislature representing in whole or part the same con-
45 stituency or (C) as committeemen of the same political party in the
46 same county, or (D) as delegates or alternates to the national
47 convention of the same political party; and who are (2) either (A)
48 nominees of the same political party or (B) publicly declared in
49 any manner, including the seeking or obtaining of any ballot posi-
50 tion or common ballot slogan, to be aligned or mutually supportive.

51 g. The term "allied campaign organization" means any political
52 committee, any State, county or municipal committee of a political
53 party or any campaign organization of a candidate which is in

54 support **[of]** *or* furtherance of the same candidate or any
 55 one or more of the same group of allied candidates or the same
 56 public question as any other such committee or organization.

57 h. The **[term]** *terms* “contributions” and “expendi-
 58 tures” include all transfers of money or other thing of value to
 59 or by any candidate, political committee or committee of a political
 60 party, and all pledges or other commitments or assumptions of
 61 liability to make any such transfer; and for purposes of reports
 62 required under the provisions of this act shall be deemed to have
 63 been made upon the date when such commitment is made or lia-
 64 bility assumed.

1 4. The provisions of this act shall apply:

2 a. In any primary, general, special, municipal or school election
 3 for any public office of the State or any political subdivision thereof;

4 b. In any primary election for delegates and alternates to the
 5 national conventions of a political party;

6 c. In any election at which a public question is to be voted upon
 7 by the voters of the State or any political subdivision thereof.

1 5. There is hereby created a commission consisting of **[five]**
 2 *four* members which shall be designated as the New Jersey
 3 Election Law Enforcement Commission. The members shall be
 4 appointed by the Governor by and with the advice and consent of
 5 the Senate for a term of 3 years, beginning on July 1 and ending
 6 June 30, except as hereinafter provided. The Governor shall desig-
 7 nate one of his appointees to serve as chairman of the commission.
 8 No more than **[three]** *two* members shall belong to the
 9 same political party, and no person holding a public office or an
 10 office in any political party shall be eligible for appointment to the
 11 commission. Of the members initially appointed, two shall be ap-
 12 pointed for a term of 3 years, **[two]** *one* for a term of 2
 13 years and one for a term of 1 year. Each member shall serve until
 14 his successor has been appointed and qualified. In case of a
 15 vacancy, however, the successor shall be appointed in like man-
 15A ner for the unexpired term only. The members shall serve
 16 without compensation, but shall be reimbursed for necessary
 17 expenses incurred in the performance of their duties under this act.
 18 For the purpose of complying with the provisions of Article V,
 19 Section IV, paragraph 1 of the New Jersey Constitution, the Elec-
 20 tion Law Enforcement Commission is hereby allocated within the
 21 Department of Law and Public Safety; but, notwithstanding said
 22 allocation, the commission shall be independent of any supervision
 23 or control by the department or by any board or officer thereof, it
 24 being the intention of this act that the assignment, direction,

25 discipline and supervision of all the employees of the commission
26 shall be so far as possible, and except as otherwise provided in this
27 act, fully determined by the commission or by such officers and em-
28 ployees thereof to whom the commission may delegate the powers of
29 such assignment, direction, discipline and supervision.

1 6. a. The commission shall appoint a full-time executive director
2 and a legal counsel, both of whom shall serve at the pleasure of the
3 commission and shall not have tenure by reason of the provisions
4 of chapter 16 of Title 38 of the Revised Statutes. The commission
5 shall also appoint such other employees as are necessary to carry
6 out the purposes of this act, which employees shall be in the classi-
7 fied service of the civil service and shall be appointed in accordance
8 with and shall be subject to the provisions of Title 11, Civil Service.

9 b. The commission shall promulgate such regulations and official
10 forms and perform such duties as are necessary to implement the
11 provisions of this act. Without limiting the generality of the fore-
12 going, the commission is authorized and empowered to:

- 13 (1) Develop forms for the making of the required reports;
- 14 (2) Prepare and publish a manual for all candidates and com-
15 mittees prescribing the requirements of the law, including uniform
16 methods of bookkeeping and reporting and requirements as to the
17 length of time that any person required to keep any records pur-
18 suant to the provisions of this act shall retain such records, or any
19 class or category thereof, or any other documents, including
20 canceled checks, deposit slips invoices and other similar documents,
21 necessary for the compilation of such records;
- 22 (3) Develop a filing, coding and cross-indexing system;
- 23 (4) Permit copying or photo-copying of any report required to
24 be submitted pursuant to this act as requested by any person;
- 25 (5) Prepare and make available for public inspection summaries
26 of all said reports grouped according to candidates and parties,
27 containing the total receipts and expenditures, and the date, name,
28 address and amount contributed by each contributor; mail copies of
29 such summaries to all newspapers of general circulation in the
30 candidate's constituency;
- 31 (6) Prepare and publish, prior to May 1 of each year, an annual
32 report to the Legislature;
- 33 (7) Ascertain whether candidates, committees or others have
34 failed to file reports or have filed defective reports; extend, for
35 good cause shown, the dates upon which reports are required to be
36 filed; give notice to delinquents to correct or explain defects; and
37 make available for public inspection a list of such delinquents;

38 (8) Hold public hearings, investigate allegations of any viola-
39 tions in reporting, and issue subpoenas for the production of docu-
40 ments and the attendance of witnesses;

41 (9) Forward information concerning violations of any of the
42 provisions of this act to the Attorney General.

43 c. The commission shall take such steps as may be necessary or
44 appropriate to furnish timely and adequate information, in appro-
45 priate printed summaries and in such other form as it may see fit,
46 to every candidate or prospective candidate for public office who
47 becomes or is likely to become subject to the provisions of this act,
48 informing him of his actual or prospective obligations and responsi-
49 bilities under this act. Such steps shall include, but not be limited
50 to, furnishing to every person on whose behalf petitions of nomina-
51 tion are filed for any public office a copy of such printed summary
52 as aforesaid, which shall be furnished to such person by the com-
53 mission through the public official charged with the responsibility
54 of receiving and accepting such petitions of nomination, at the time
55 when such petitions are filed. The commission shall also make
56 available copies of such printed summary to any other person
57 requesting the same.

58 d. No certificate of election shall be issued to any candidate whose
59 election is subject to the provisions of this act without the written
60 consent of the Election Law Enforcement Commission; provided,
61 however, that the issuance or nonissuance of such consent shall not
62 be admissible in evidence in any proceeding to determine whether
63 or not such candidate or any other person has complied with the
64 provisions of this act, nor shall anything herein contained be con-
65 strued in derogation of the constitutional authority of either House
66 of the Legislature to be the judge of the election and qualification
67 of its own members.

68 e. The commission shall be assigned suitable quarters for the
69 performance of its duties hereunder, which quarters shall not be
70 located in the State House, the State House Annex, or in any build-
71 ing owned by the State or any political subdivision thereof.

72 ***f. The commission through its legal counsel is authorized to*
73 *render advisory opinions as to whether a given set of facts and*
74 *circumstances would constitute a violation of any of the provisions*
75 *of this act, or whether a given set of facts and circumstances*
76 *would render any person subject to any of the reporting require-*
77 *ments of this act.***

1 7. Each State, county and municipal committee of a political
2 party, and each political committee shall make a full report, upon a
3 form prescribed by the Election Law Enforcement Commission,

4 of all moneys, loans, paid personal services, or other things of
5 value contributed to it and all expenditures made, incurred, or
6 authorized by it in furtherance of the nomination, election or defeat
7 of any candidate, or in aid of the passage or defeat of any public
8 question, during the period ending with the day preceding the date
9 of the report and beginning on the date of the most recent such
10 report filed. The report shall contain the name and address of each
11 person or group from whom moneys, loans, paid personal services
12 or other things of value have been contributed and the amount
13 contributed by each person or group. The report shall also contain
14 the name and address of each person, firm or organization to whom
15 expenditures have been paid and the amount and purpose of each
16 such expenditure. The report shall be filed with the Election Law
17 Enforcement Commission no later than noon on the dates desig-
18 nated in section 12 hereof. The campaign treasurer of the com-
19 mittee or political committee reporting shall certify to the correct-
20 ness of each report.

21 Each State, county and municipal committee of a political party
22 shall also file with the Election Law Enforcement Commission, not
23 later than March 1 of each year, an annual report of all moneys,
24 loans, paid personal services or other things of value contributed
25 to it during the previous calendar year and all expenditures made,
26 incurred, or authorized by it, whether or not such expenditures were
27 made, incurred or authorized in furtherance of the election or
28 defeat of any candidate, or in aid of the passage or defeat of any
29 public question. The report shall contain the name and address of
30 each person or group from whom moneys, loans, paid personal
31 services or other things of value have been contributed and the
32 amount contributed by each person or group. The report shall also
33 contain the name and address of each person, firm or organization
34 to whom expenditures have been paid and the amount and purpose
35 of each such expenditure. The campaign treasurer of the committee
36 reporting shall certify to the correctness of each report.

37 In any report filed pursuant to the provisions of this section the
38 committee reporting may exclude from the report the names and
39 addresses of contributors whose contributions during the period
40 covered by the report did not exceed \$100.00; provided, however,
41 that (1) such exclusion is unlawful if any person responsible for
42 the preparation or filing of the report knew that it was made with
43 respect to any person whose contributions relating to the same
44 election and made to the reporting committee or to an allied
45 campaign organization or organizations aggregate, in combination
46 with the contribution in respect of which such exclusion is made,

47 more than \$100.00, and (2) any person who knowingly prepares,
48 assists in preparing, files or acquiesces in the filing of any report
49 from which the identification of a contributor has been excluded
50 contrary to the provisions of this section is subject to the provisions
51 of section 17 of this act, but (3) nothing in this proviso shall be
52 construed as requiring any committee reporting pursuant to this
53 act to report the amounts, dates or other circumstantial data re-
54 garding contributions made to any other political committee, com-
55 mittee of a political party or campaign organization of a candidate.

56 Any report filed pursuant to the provisions of this section shall
57 include an itemized accounting of all receipts and expenditures
58 relative to any testimonial affairs held since the date of the most
59 recent report filed, which accounting shall include the names and
60 addresses of each contributor in excess of \$100.00 to such testi-
61 monial affair and the amount contributed by each, the expenses
62 incurred, and the disposition of the proceeds of such testimonial
63 affair.

64 No State, county or municipal committee of a political party nor
65 any political committee shall be required to file reports pursuant to
66 this section of contributions received or expenditures made in
67 behalf of any candidate who is not required to file reports pursuant
68 to section 12 of this act.

1 8. Each candidate in an election shall appoint one campaign
2 treasurer and shall designate one campaign depository before
3 receiving any contribution or expending any money in furtherance
4 or aid of his candidacy. Any bank authorized by law to transact
5 business in the State may be designated as the campaign depository.
6 The designation of the campaign treasurer and the campaign de-
7 pository shall be made by the candidate's filing the name and ad-
8 dress of such campaign treasurer and such depository with the
9 Election Law Enforcement Commission.

10 A campaign treasurer of the candidate may appoint deputy
11 campaign treasurers as required and may designate not more than
12 one additional campaign depository in each county in which the
13 campaign is conducted. The candidate shall file the names and
14 addresses of deputy campaign treasurers and additional campaign
15 depositories with the Election Law Enforcement Commission.

16 A candidate may remove a campaign treasurer or deputy cam-
17 paign treasurer. In the case of the death, resignation or removal
18 of a campaign treasurer, the candidate shall appoint a successor
19 within 3 days and shall file his name and address with the Election
20 Law Enforcement Commission. A candidate may serve as his own
21 campaign treasurer.

1 9. Each State, county and municipal committee of a political
2 party shall, on or before January 31 in each year, designate a
3 campaign treasurer and a campaign depository and shall file the
4 name and address thereof with the Election Law Enforcement
5 Commission.

6 Every political committee shall, before receiving any contribu-
7 tion or expending any money in furtherance or aid of the election
8 or defeat of any candidate, or to aid the passage or defeat of any
9 public question, appoint one campaign treasurer and designate one
10 campaign depository and file the name and address thereof with
11 the Election Law Enforcement Commission. A campaign treasurer
12 of the State, county or municipal committee of a political party,
13 and a campaign treasurer of a political committee may appoint
14 deputy campaign treasurers as may be required and may designate
15 not more than three additional campaign depositories. Such com-
16 mittees shall file the names and addresses of such deputy campaign
17 treasurers and additional campaign depositories with the Election
18 Law Enforcement Commission.

19 Any State, county or municipal committee of a political party,
20 and any political committee may remove its campaign treasurer or
21 deputy campaign treasurer. In the case of the death, resignation
22 or removal of its campaign treasurer, the committee shall appoint
23 a successor as soon as practicable and shall file **his name and**
24 address with the Election Law Enforcement Commission within
25 3 days.

1 10. No contribution of money or other thing of value, nor obliga-
2 tion therefor, including but not limited to contributions, loans or
3 obligations of a candidate himself or of his family, shall be made
4 or received, and no expenditure of money or other thing of value,
5 nor obligation therefor, including expenditures, loans or obliga-
6 tions of a candidate himself or of his family, shall be made or
7 incurred, directly or indirectly, to support or defeat a candidate
8 in any election, or to aid the passage or defeat of any public
9 question, except through:

10 a. The duly appointed campaign treasurer, or deputy campaign
11 treasurers of the candidate;

12 b. The duly appointed campaign treasurer or deputy campaign
13 treasurers of a political party committee;

14 c. The duly appointed campaign treasurer or deputy campaign
15 treasurers of a political committee.

16 It shall be lawful, however, for any person, not acting in concert
17 with any other person or group, to expend personally from his own
18 funds a sum which is not to be repaid to him for any purpose not

19 prohibited by law, or to contribute his own personal services and
 20 personal traveling expenses, to support or defeat a candidate or to
 21 aid the passage or defeat of a public question; provided, however,
 22 that any person making such expenditure shall be required to re-
 23 port all such expenditures **** [in excess of \$100.00 and the estimated
 24 value of all such contributions not made in money if the estimated
 25 value thereof exceeds \$100.00, either] **** ***and expenses and the*
 25A *estimated value of all such services if the total of the money so*
 25B *expended and the estimated value of the services so contributed*
 25C *exceeds \$100.00, either*

26 a. To the campaign treasurer of the candidate, political party
 27 committee or political committee on whose behalf such expenditure
 28 or contribution was made, or to his deputy, who shall cause the
 29 same to be included in his report to the Election Law Enforcement
 30 Commission subject to the provisions of sections 7 and 8 of this
 31 act; or

32 b. Directly to the Election Law Enforcement Commission at the
 33 same time and in the same manner as a political committee subject
 34 to the provisions of section 7 of this act.

35 Any anonymous contribution received by a campaign treasurer
 36 or deputy campaign treasurer shall not be used or expended, but
 37 shall be returned to the donor, if his identity is known, and if no
 38 donor is found, the contribution shall escheat to the State.

39 Any State, county or municipal committee of any political party,
 40 after a primary election, but not prior thereto, may receive and
 41 expend funds to be spent in furtherance and in aid of the candidacy
 42 of all the candidates of such party, or of any one or more of such
 43 candidates, in accordance with the provisions of this act.

1 11. All funds received by a campaign treasurer or deputy cam-
 2 paign treasurer of a candidate, of a State, county or municipal
 3 committee of a political party, or of a political committee shall be
 4 deposited by the campaign treasurer or deputy campaign treasurer
 5 in a campaign depository of the candidate, committee or political
 6 committee, in an account designated "Campaign Fund of (name
 7 of candidate or committee)" no later than the seventh calendar day
 8 following receipt of such funds*; *except that any such treasurer*
 8A *or deputy treasurer may, when authorized by the candidate or*
 8B *committee of which he is the campaign treasurer or deputy*
 8C *campaign treasurer, transfer any such funds to the duly designated*
 8D *campaign treasurer or deputy campaign treasurer of another*
 8E *candidate or committee, for inclusion in the campaign fund thereof,*
 8F *without first so depositing them; provided, however, that a record*
 8G *of all nondeposited funds so transferred shall be attached to the*

8H *statement required under this section, identifying them as to source*
8I *and amount in the same manner as deposited funds.**

9 All deposits made by a campaign treasurer or deputy campaign
10 treasurer shall be accompanied by a statement containing the name
11 and address of each person or group contributing or providing
12 the funds so deposited, and the amount contributed or provided by
13 each person or group, provided that the campaign treasurer or
14 deputy campaign treasurer may exclude from such statement the
15 names and addresses of persons or groups contributing \$100.00 or
16 less. The statement shall be made upon a form prescribed by the
17 Election Law Enforcement Commission, and one copy thereof
18 shall be filed by the campaign depository with the Election Law
19 Enforcement Commission in accordance with section 13 of this
20 act, one copy shall be retained by the campaign depository for its
21 records and one copy shall be retained by the campaign treasurer
22 for his records.

1 12. Each campaign treasurer of a candidate shall make a full
2 report, upon a form prescribed by the Election Law Enforcement
3 Commission, of all moneys, loans, paid personal services or other
4 things of value, contributed to him or to the deputy campaign
5 treasurers of the candidate, and all expenditures paid out of the
6 campaign fund of the candidate, during the period ending with the
7 day preceding the date of the report and beginning on the date the
8 most recent such report was filed, or, in the case of the first such re-
9 port filed after the appointment of the campaign treasurer, begin-
10 ning on the date of the appointment of the campaign treasurer. The
11 report shall also contain the name and address of each person or
12 group from whom moneys, loans, paid personal services or other
13 things of value have been contributed and the amount contributed
14 by each person or group. The campaign treasurer and the candidate
15 shall certify the correctness of the report.

16 During the period between the appointment of the campaign
17 treasurer and the election with respect to which contributions are
18 accepted or expenditures made by him, the campaign treasurer shall
19 file his report (1) on the fifth day preceding the election, (2) on the
20 thirty-fifth day preceding the election, and (3) at 60-day intervals
21 ending with the ninety-fifth day preceding the election; and after the
22 election he shall file his report on the fifteenth day following such
23 election; and each report shall be filed not later than noon of the
24 day on which it is due. **Concurrent with the report filed on the*
24A *fifteenth day following an election, or at any time thereafter, the*
24B *campaign treasurer of a candidate or political committee may*
24C *certify to the Election Law Enforcement Commission that the*

24D *campaign fund of such candidate or political committee, having*
 24E *been instituted for the purposes of the late election, has wound up*
 24F *its business and been dissolved; and said certification shall be*
 24G *accompanied by a final accounting of such campaign fund, including*
 24H *the final disposition of any balance remaining in such fund at the*
 24I *time of dissolution or the arrangements which have been made for*
 24J *the discharge of any obligations remaining unpaid at the time of*
 24K *dissolution. Until such certification has been filed, each such*
 24L *campaign treasurer shall continue to file, at the conclusion of each*
 24M *60-day interval from the fifteenth day following such election, re-*
 24N *ports in the form and manner herein prescribed.**

25 In the case of a primary, general, municipal, school or special
 26 election of a candidate for an office elected by a municipal or county-
 27 wide constituency or a school district, a duplicate copy of the
 28 campaign treasurer's report, duly certified, shall be filed at the
 29 same time with the county clerk of the county in which the candidate
 30 resides.

31 There shall be no obligation to file the reports required by this
 32 section on behalf of a candidate seeking election to a board of educa-
 33 tion or to a public office in any municipality if such candidate files
 34 with the Election Law Enforcement Commission a sworn statement
 35 to the effect that the total amount to be expended in behalf of his
 36 candidacy by the candidate, by any State, county or municipal com-
 37 mittee of a political party, by any political committee, or by any
 38 person shall not in the aggregate exceed \$500.00; provided, that if a
 39 candidate who has filed such a sworn statement receives contribu-
 40 tions from any one source aggregating more than \$100.00 he shall
 41 forthwith make report of the same, including the identity of the
 42 source and the aggregate total of contributions therefrom, to the
 43 Election Law Enforcement Commission.

44 In any report filed pursuant to the provisions of this section, the
 45 names and addresses of contributors whose contributions during
 46 the period covered by the report did not exceed \$100.00 may be ex-
 47 cluded; provided, however, that (1) such exclusion is unlawful if any
 48 person responsible for the preparation or filing of the report knew
 48A that such exclusion was made with respect to any person whose
 49 contributions relating to the same election and made to the report-
 50 ing candidate or to an allied campaign organization or organizations
 51 aggregate, in combination with the contribution in respect of which
 52 such exclusion is made, more than \$100.00, and (2) any person who
 53 knowingly prepares, assists in preparing, files or acquiesces in the
 54 filing of any report from which the identity of any contributor has
 55 been excluded contrary to the provisions of this section is subject to

56 the provisions of section ****[16]** **17**** of this act, but (3) noth-
57 ing in this proviso shall be construed as requiring any candidate
58 reporting pursuant to this act to report the amounts, dates or other
59 circumstantial data regarding contributions made to any other
60 candidate, political committee or committee of a political party.

61 Any report filed pursuant to the provisions of this section shall
62 include an itemized accounting of all receipts and expenditures
63 relative to any testimonial affair held since the date of the most
64 recent report filed, which accounting shall include the names and
65 addresses of each contributor in excess of \$100.00 to such testimonial
66 affair and the amount contributed by each, the expenses incurred,
67 and the disposition of the proceeds of such testimonial affair.

1 13. Within 15 days after the primary or general election, each
2 campaign depository of a candidate, of a State, county or municipal
3 committee of a political party or of a political committee shall file
4 with the Election Law Enforcement Commission the originals or
5 true copies of the statements filed with such campaign depositories
6 by the campaign treasurers or deputy campaign treasurers pur-
7 suant to section 11, together with a statement setting forth the
8 balance of funds remaining on deposit with such campaign deposi-
9 tory as of the date on which such statement is filed.

1 14. If any former candidate or any political committee or any
2 person or association of persons in behalf of such political com-
3 mittee or former candidate shall receive any contributions or make
4 any expenditures with relation to any election after the date set in
5 section 12 of this act for the final report subsequent to such election,
6 or shall conduct any testimonial affair or public solicitation for the
7 purpose of raising funds to cover any part of the expenses of a
8 candidate or political committee in such election, all such contri-
9 butions, expenditures, testimonial affairs or public solicitations
10 shall be reported to the Election Law Enforcement Commission by
11 the person or persons receiving such contributions or making such
12 expenditures or conducting such testimonial affairs or public solici-
13 tations. Such report shall be made by any person receiving any
14 such contribution or contributions, or making any such expenditure
15 or expenditures, which in the aggregate total more than \$100.00, or
16 conducting any testimonial affair or public solicitation of which the
17 net proceeds exceed \$100.00; and shall be made within 20 days from
18 the date upon which the aggregate of such contributions, expendi-
19 tures or proceeds exceeds \$100.00 for the period commencing with
20 the fifteenth day following such election or with the date upon which
21 any previous report was made pursuant to this section, whichever
22 is soonest. Such report shall be made in the same form and shall

23 contain the same detail prescribed for any other report made pur-
24 suant to section 7 or 12 of this act.

1 15. a. No person shall conduct any public solicitation as defined
2 in this act except (1) upon written authorization of the campaign
3 treasurer of the candidate, party committee or political committee
4 on whose behalf such solicitation is conducted, or (2) in accordance
5 with the provisions of subsection c. of this section. A person with
6 such written authorization may employ and accept the services of
7 others as solicitors, and shall be responsible for reporting to the
8 campaign treasurer the information required under subsection b.
9 of this section and for delivery to the campaign treasurer the net
10 proceeds of such solicitation in compliance with section 10 of this
11 act. A contribution made through donation or purchase in response
12 to a public solicitation conducted pursuant to written authorization
13 of a campaign treasurer shall be deemed to have been made through
14 such campaign treasurer.

15 b. Whenever a public solicitation has been authorized by a cam-
16 paign treasurer during a period covered by a report required to be
17 filed under sections 7 and 12 of this act, there shall be filed with
18 such report and as a part thereof an itemized report on any such
19 solicitation of which the net proceeds exceed \$100.00, in such form
20 and detail as required by the rules of the Election Law Enforce-
21 ment Commission, which report shall include:

22 (1) the name of the person authorized to conduct such sollicita-
23 tion, and the method of solicitation;

24 (2) the gross receipts and expenses involved in the solicitation
25 including the actual amount paid for any items purchased for resale
26 in connection with the solicitation or, if such items or any portion
27 of the cost thereof was donated, the estimated actual value thereof
28 and the actual amount paid therefor, and the names and addresses
29 of any such donors. If it is not practicable for such itemized re-
30 port to be completed in time to be included with the report due
31 under sections 7 and 12 of this act for the period during which such
32 solicitation was held, then such itemized report may be omitted
33 from said report and if so omitted shall be included in the report
34 for the next succeeding period.

35 c. Notwithstanding the provisions of subsection b. of this section,
36 it shall be lawful for any natural person, not acting in concert with
37 any other person or group, to make personally a public solicitation
38 the entire proceeds of which, without deduction for the expenses of
39 solicitation, are to be expended by him personally or under his
40 personal direction to finance any lawful activity in support of or
41 opposition to any candidate or candidates or public question or

42 questions; provided, however, that any individual making such
43 solicitation who receives gross contributions exceeding \$100.00 in
44 respect of activities relating to any one election shall be required
45 to make a report stating (1) the amount so collected, (2) the method
46 of solicitation and (3) the purpose or purposes for which the funds
47 so collected were expended and the amount expended for each such
48 purpose. Such report shall be made either

49 (1) to the campaign treasurer of the candidate, political party
50 committee or political committee on whose behalf such funds were
51 collected and expenditures made, or to his deputy, who shall cause
52 the same to be included in this report to the Election Law Enforce-
53 ment Commission subject to the provisions of sections 7 and 8 of
54 this act; or,

55 (2) directly to the Election Law Enforcement Commission at the
56 same time and in the same manner as a political committee subject
57 to the provisions of section 7 of this act.

58 d. Contributions or purchases made in response to a public
59 solicitation conducted in conformity with the requirements and con-
60 ditions of this act shall not be deemed anonymous within the mean-
61 ing of sections 10 and 16 of this act.

62 e. No person contributing in good faith to a public solicitation
63 not duly authorized in compliance with the provisions of this act
64 shall be liable to any penalty under this act by reason of having
65 made such contribution.

1 16. No contribution of money or other thing of value, nor obliga-
2 tion therefor, shall be made, and no expenditure of money or other
3 thing of value, nor obligation therefor, shall be made or incurred
4 whether anonymously, in a fictitious name, or by one person or
5 group in the name of another, to support or defeat a candidate
6 in a primary or general election or to aid the passage or defeat
7 of any public question. No person shall contribute, or purport
8 to contribute, to any political candidate, party committee or
9 political committee any funds or property not actually belonging to
10 him and in his full custody and control, or which has been given or
11 furnished to him by any other person or groups for the purpose of
12 making a contribution thereof, except in the case of group contribu-
13 tions by persons who are members of the contributing group. No
14 campaign treasurer, candidate or member of a party committee or
15 political committee shall solicit or knowingly accept, agree to accept
16 or concur in or abet the solicitation or acceptance of any contribu-
17 tion contrary to the provisions of this section.

1 *17. Any person who violates a provision of this act is guilty of a
2 misdemeanor and shall be punishable by a fine not exceeding

3 \$1,000.00 and by imprisonment not exceeding 3 years, or by both.
4 The nomination for, or election to, an office of any candidate who
5 violates a provision of this act, or whose campaign treasurer or
6 deputy campaign treasurer violates a provision of this act with such
7 candidate's knowledge, shall be void, and the office shall be filled as
8 required by law in the case of a vacancy; provided, however, that
9 nothing herein contained shall be construed in derogation of the
10 constitutional authority of either House of the Legislature to be
11 the judge of the election and qualification of its own members.]*

12 *17. a. Any person who willfully and knowingly makes or accepts
13 any contribution or makes or incurs any expenditure in violation of
14 section 10 or section 16 of this act is guilty of a misdemeanor.

15 b. Any person who willfully and knowingly files or prepares or
16 assists in the preparation for filing or acquiesces in the preparation
17 or filing of any report required under this act which is false, in-
18 accurate or incomplete in any material particular; **or who will-
19 fully and knowingly fails or refuses to file any such report when
20 required to do so pursuant to the provisions of this act;** or who
21 willfully supplies any information which he knows to be false, in-
22 accurate or incomplete to any person preparing or assisting in the
22A preparation of any such report, with the knowledge that such in-
22B formation is intended for the purposes of such report, is guilty
22C of a misdemeanor.

23 c. The nomination for or election to any office of any candidate
24 who is guilty of any violation within the description of subsection
25 a. or b. of this section shall be void, and the office shall be filled as
26 required by law in the case of a vacancy; provided, however, that
27 nothing herein contained shall be construed in derogation of the
28 constitutional authority of either House of the Legislature to be
29 the judge of the election and qualification of its own members.

1 18. a. Any person charged with the responsibility under the terms
2 of this act for the filing of any reports or other documents required
3 to be filed pursuant to this act who fails, neglects or omits to file
4 any such report or document at the time and in the manner pre-
5 scribed by law, or who omits or incorrectly states any of the in-
6 formation required by law to be included in such report or docu-
7 ment, shall, in addition to any other penalty provided by law, be
8 liable to a penalty of not more than \$1,000.00 for the first offense
9 and not more than \$2,000.00 for the second and each subsequent
10 offense.

11 b. Upon receiving evidence of any violation of this section, the
12 Election Law Enforcement Commission shall have power to hold
13 hearings upon such violation and, upon finding any person to have

14 *committed such a violation, to assess such penalty, within the limits*
 15 *prescribed in subsection a. of this section, as it deems proper under*
 16 *the circumstances, which penalty shall be paid forthwith into the*
 17 *State Treasury for the general purposes of the State. Such penalty*
 18 *shall be enforceable in a summary proceeding under the "Penalty*
 19 *Enforcement Law" (N. J. S. 2A:58-1 et seq.).*

20 *c. In assessing any penalty under this section, the Election Law*
 21 *Enforcement Commission may provide for the remission of all or*
 22 *any part of such penalty conditioned upon prompt correction*
 23 *of any failure, neglect, error or omission constituting the violation*
 24 *for which said penalty was assessed.**

1 ***[18.]*** *19.* This act shall be construed liberally to effectuate the
 2 legislative intent and as complete and independent authority for the
 3 performance of each and every act and thing herein authorized.

1 ***[19.]*** *20.* All acts and parts of acts, rules and regulations
 2 issued thereunder inconsistent in whole or in part with the pro-
 3 visions of this act are to such extent superseded.

1 ***[20.]*** *21.* If any section, subsection, paragraph, sentence or
 2 other part of this act is adjudged unconstitutional or invalid, such
 3 judgment shall not affect, impair or invalidate the remainder of this
 4 act, but shall be confined in its effect to the section, subsection, para-
 5 graph, sentence or other part of this act directly involved in the
 6 controversy in which said judgment shall have been rendered.

1 ***[21.]*** *22.* The following acts or parts of acts are repealed:
 2 a. R. S. 19:3-8, 19:34-36 and 19:34-37.

3 b. Chapters 40, 41, 42, 43 and 44 of Title 19 of the Revised
 4 Statutes.

5 c. P. L. 1946, c. 152 (C. 19:41-4.1 and 19:41-4.2).

1 ****[22.]**** *23.** R. S. 19:5-5 is amended to read as follows:
 2-3 19:5-5. Any State committee, county committee or municipal
 4 committee of any political party may receive and disburse moneys
 5 for the general purposes of maintaining such organization during
 6 the whole or any part of the year. The expenses for maintenance
 7 of organization shall be confined to the hiring *or acquisition* of
 8 suitable **[rooms]** *quarters* for meetings of such committee, for
 9 ****[stationary]**** *stationery**, for hiring of necessary clerks,
 10 for the expenses of notices of the meetings of such committee, for
 11 giving publicity to the policies and candidates of their respective
 12 party organizations, and other expenses incidental to the mainte-
 13 nance of such organization.

14 **[**Within 20 days after the day of the general election, the person
 15 who has had the custody of the moneys contributed to or on account
 16 of any State, county or municipal committee during the previous

17 year shall file with the Secretary of State in the case of the State
18 committee, and with the county clerk in the case of the county or
19 municipal committee, a statement of the amount of money received
20 by or on behalf of such committee during the previous year, together
21 with the names and addresses of the persons from whom the money
22 was received, and also a statement of the purposes for which it was
23 expended, itemized as to all items in excess of \$5.00, and with a
24 general statement as to the purposes for which the items less than
25 \$5.00 were expended. The person making such statement shall make
26 affidavit that the same is true.】

1 *【23.】* *24.* The sum of \$50,000.00 is hereby appropriated to the
2 Election Law Enforcement Commission for the fiscal year ending
3 June 30, 1973, for the purpose of carrying out the provisions of
4 this act.

1 *【24.】* *25.* This act shall take effect immediately; provided,
2 however, that the reporting requirements contained in section 7
3 and section 12 of this act shall remain inoperative for 90 days after
4 the effective date.

SENATE AMENDMENTS TO
SENATE, No. 1124

—◆—
STATE OF NEW JERSEY
—◆—

ADOPTED NOVEMBER 20, 1972

Amend page 9, section 11, line 8, after "funds", insert the following:
"; 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 the campaign fund thereof, without first so depositing them; provided, however, that a record of all nondeposited funds so transferred shall be attached to the statement required under this section, identifying them as to source and amount in the same manner as deposited funds".

Amend page 10, section 12, line 24, after "due.", insert the following:
"Concurrent with the report filed on the fifteenth day following an election, or at any time thereafter, the campaign treasurer of a candidate or political committee may certify to the Election Law Enforcement Commission that the campaign fund of such candidate or political committee, having been instituted for the purposes of the late election, has wound up its business and been dissolved; and said certification shall be accompanied by a final accounting of such campaign fund, including the final disposition of any balance remaining in such fund at the time of dissolution or the arrangements which have been made for the discharge of any obligations remaining unpaid at the time of dissolution. Until such certification has been filed, each such campaign treasurer shall continue to file, at the conclusion of each 60-day interval from the fifteenth day following such election, reports in the form and manner herein prescribed."

Amend page 14, section 17, lines 1-11, omit lines 1 through 11 in their entirety, insert the following:

"17. a. Any person who willfully and knowingly makes or accepts any contribution or makes or incurs any expenditure in violation of section 10 or section 16 of this act is guilty of a misdemeanor.

“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 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.

“c. The nomination for or election to any office of any candidate who is guilty of any violation within the description of subsection a. or b. of this section shall be void, 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.

“18. a. 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 \$1,000.00 for the first offense and not more than \$2,000.00 for the second and each subsequent offense.

“b. Upon receiving evidence of any violation of this section, the Election Law Enforcement Commission shall have power to hold hearings upon such violation and, upon finding any person to have committed such a violation, to assess such penalty, within the limits prescribed in subsection a. of this section, as it deems proper under the circumstances, which penalty shall be paid forthwith into the State Treasury for the general purposes of the State. Such penalty shall be enforceable in a summary proceeding under the “Penalty Enforcement Law” (N. J. S. 2A :58-1 et seq.).

“c. In assessing any penalty under this section, the Election Law Enforcement Commission may provide for the remission of all or any part of such penalty conditioned upon prompt correction of any failure, neglect, error or omission constituting the violation for which said penalty was assessed.”

Amend pages 14 and 15, renumber sections 18 through 24 as 19 through 25.

SENATE AMENDMENTS TO
SENATE, No. 1124
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED NOVEMBER 27, 1972

Amend page 2, section 3, line 13, after "indirectly", omit " ,".

Amend page 2, section 3, line 39, after "by", omit "on", insert "or".

Amend page 2, section 3, line 54, after "support", omit "of", insert "or".

Amend page 3, section 3, line 57, omit "term", insert "terms".

Amend page 3, section 5, line 1, omit "five", insert "four".

Amend page 3, section 5, line 8, omit "three", insert "two".

Amend page 3, section 5, line 12, omit "two", insert "one".

Amend page 5, section 6, line 71, after line 71, add a new subsection, as follows:

"f. The commission through its legal counsel is authorized to render advisory opinions as to whether a given set of facts and circumstances would constitute a violation of any of the provisions of this act, or whether a given set of facts and circumstances would render any person subject to any of the reporting requirements of this act."

Amend page 8, section 10, lines 23-25, after "expenditures", omit the rest of line 23 and all of lines 24 and 25, insert "and expenses and the estimated value of all such services if the total of the money so expended and the estimated value of the services so contributed exceeds \$100.00, either".

Amend page 11, section 12, line 56, omit "16", insert "17".

Amend page 15, section 17, line 18, after "particular;", insert "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;".

Amend page 16, section 22, line 2, omit "22", insert "23".

Amend page 16, section 22, line 9, omit "stationary", insert "stationery".

ASSEMBLY AMENDMENTS TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
SENATE, No. 1124

STATE OF NEW JERSEY

ADOPTED FEBRUARY 22, 1973

Amend page 1, section 3, line 5, after "government", insert "or school district".

Amend page 2, section 3, lines 19, 20, after "municipality", omit "in which there are more than 5,000 registered voters".

Amend page 2, section 3, line 22, omit "school board member or".

Amend page 4, section 4, line 8, after "special", insert ", school".

Amend page 4, section 4, lines 11, 12, omit "or to municipal elections in municipalities containing 5,000 or less registered voters".

Amend page 8, section 8, line 49, omit "\$250.00", insert "\$100.00".

Amend page 8, section 8, line 56, omit "\$250.00", insert "\$100.00".

Amend page 8, section 8, line 70, omit "\$250.00", insert "\$100.00".

Amend page 10, section 11, line 26, omit "\$250.00", insert "\$100.00".

Amend page 11, section 12, line 24, omit "\$250.00", insert "\$100.00".

Amend page 12, section 14, line 22, omit "\$250.00", insert "\$100.00".

Amend page 13, section 15, line 13, omit "\$250.00", insert "\$100.00".

Amend page 14, section 16, line 38, after "municipal," insert "school,".

Amend page 14, section 16, line 40, after "constituency", insert "or a school district".

Amend page 14, section 16, line 44, after "to a", insert "board of education or to a".

Amend page 14, section 16, line 45, omit.

Amend page 14, section 16, line 53, omit "\$250.00", insert "\$100.00".

Amend page 15, section 16, line 59, omit "\$250.00", insert "\$100.00".

Amend page 15, section 16, line 66, omit "\$250.00", insert "\$100.00".

Amend page 15, section 16, line 80, omit "\$250.00", insert "\$100.00".

Amend page 16, section 18, line 17, omit "\$250.00", insert "\$100.00".

Amend page 16, section 18, line 18, omit "\$250.00", insert "\$100.00".

Amend page 16, section 18, line 20, omit "\$250.00", insert "\$100.00".

Amend page 16, section 19, line 20, omit "\$250.00", insert "\$100.00".

Feb 22, 1973
ADVANCE COPY

PROPOSED ASSEMBLY COMMITTEE SUBSTITUTE FOR

SENATE, No. 1124

[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

AN ACT concerning the reporting of campaign contributions and expenditures, limiting election campaign expenditures, establishing an Election Law Enforcement Commission and prescribing its powers and duties, making an appropriation therefor, amending R. S. 19:5-5 and repealing R. S. 19:3-8, 19:34-36 and 19:34-37, chapters 40, 41, 42, 43 and 44 of Title 19 of the Revised Statutes and chapter 152 of the laws of 1946.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as "The New Jersey
2 Campaign Contributions and Expenditures Reporting Act."

1 2. It is hereby declared to be in the public interest and to be the
2 policy of the State to limit the campaign expenditures by candidates
3 for public office and to require the reporting of all contributions
4 received and expenditures made to aid or promote the nomination,
5 election or defeat of any candidate for public office or to aid or
6 promote the passage or defeat of a public question in any election
7 and to require the reporting of all contributions received and ex-
8 penditures made to provide political information on any candidate
9 for public office, or on any public question, or to influence the
10 content, introduction, passage or defeat of legislation.

1 3. As used in this act, unless a different meaning clearly appears
2 from the context:

3 a. The term "allied candidates" means candidates in any election
4 who are (1) seeking nomination or election (A) to an office or offices
5 in the same county or municipal government or (B) to the Legis-
6 lature representing in whole or part the same constituency or (C)
7 as delegates or alternates to the national convention of the same
8 political party; and who are (2) either (A) nominees of the same
9 political party or (B) publicly declared in any manner, including
10 the seeking or obtaining of any ballot position or common ballot
11 slogan, to be aligned or mutually supportive.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

12 b. The term "allied campaign organization" means any political
13 committee, any State, county or municipal committee of a political
14 party or any campaign organization of a candidate which is in
15 support or furtherance of the same candidate or any one or more
16 of the same group of allied candidates or the same public question
17 as any other such committee or organization.

18 c. The term "candidate" means an individual seeking election
19 to a public office of the State or of a county or of a municipality in
20 which there are more than 5,000 registered voters at a primary,
21 general, municipal or special election; except that the term shall
22 not include the office of school board member or State or county
23 committeeman or committeewoman.

24 d. The terms "contributions" and "expenditures" include all
25 transfers of money or other thing of value to or by any candidate,
26 political committee, committee of a political party or political in-
27 formation organization, and all pledges or other commitments
28 or assumptions of liability to make any such transfer; and for
29 purposes of reports required under the provisions of this act shall
30 be deemed to have been made upon the date when such commitment
31 is made or liability assumed.

32 e. The term "election" means any election described in section
33 4 of this act.

34 f. The term "paid personal services" means personal, clerical,
35 administrative or professional services of every kind and nature
36 including, without limitation, public relations, research, legal, can-
37 vassing, telephone, speech writing or other such services, per-
38 formed other than on a voluntary basis, the salary, cost or con-
39 sideration for which is paid, borne or provided by someone other
40 than the committee, candidate or organization for whom such ser-
41 vices are rendered.

42 g. The term "political information organization" means any
43 two or more persons acting jointly, or any corporation, partner-
44 ship, or any other incorporated or unincorporated association,
45 whether or not it is required to be registered pursuant to the
46 "Legislative Activities Disclosure Act of 1971" (P. L. 1971, c. 183),
47 which is organized for the purpose of, or which provides political
48 information concerning any candidate or candidates for public
49 office or with respect to any public question, or which seeks to
50 influence the content, introduction, passage or defeat of legislation.

51 h. The term "political information" means any statement in-
52 cluding but not limited to, press releases, pamphlets, newsletters,
53 advertisements, flyers, form letters, or radio or television programs
54 or advertisements which reflects the opinion of the members of

55 the organization on any candidate or candidates for public office,
56 on any public question, or on any legislation, or which contains
57 facts on any such candidate, public question or legislation whether
58 or not such facts are within the personal knowledge of members
59 of the organization.

60 i. The term "political committee" means any two or more per-
61 sons acting jointly, or any corporation, partnership, or any other
62 incorporated or unincorporated association which is organized to,
63 or does, aid or promote the nomination, election or defeat of any
64 candidate or candidates for public office, or which is organized to,
65 or does, aid or promote the passage or defeat of a public question
66 in any election.

67 j. The term "public solicitation" means any activity by or on
68 behalf of any candidate, State, county or municipal party committee,
69 political committee or political information organization whereby
70 either (1) members of the general public are personally solicited
71 for cash contributions not exceeding \$10.00 from each person so
72 solicited and contributed on the spot by the person so solicited to
73 a person so soliciting or through a receptacle provided for the pur-
74 pose of depositing contributions, or (2) members of the general
75 public are personally solicited for the purchase of items having
76 some tangible value as merchandise, at a price not exceeding
77 \$10.00 per item, which price is paid on the spot in cash by the
78 person so solicited to the person so soliciting, when the net proceeds
79 of such solicitation are to be used by or on behalf of such candidate,
80 party committee, or political committee or political information
81 organization.

82 k. The term "testimonial affair" means an affair of any kind or
83 nature including, without limitation, cocktail parties, breakfasts,
84 luncheons, dinners, dances, picnics or similar affairs directly or
85 indirectly intended to raise campaign funds in behalf of a person
86 who holds, or who is or was a candidate for nomination or election
87 to a public office in this State, or directly or indirectly intended to
88 raise funds in behalf of any State, county or municipal com-
89 mittee of a political party or in behalf of a political committee, or
90 directly or indirectly intended to raise funds for any political in-
91 formation organization.

1 4. The provisions of this act shall apply:

2 a. Whenever an attempt is made to influence the content, intro-
3 duction, passage or defeat of legislation;

4 b. In any primary election for delegates and alternates to the
5 national conventions of a political party;

6 c. In any election at which a public question is to be voted upon
7 by the voters of the State or any political subdivision thereof;

8 d. In any primary, general, special or municipal election for any
9 public office of the State or any political subdivision thereof; pro-
10 vided, however, that this act shall not apply to elections for county
11 or State committeeman or committeewoman or to municipal
12 elections in municipalities containing 5,000 or less registered voters.

1 5. There is hereby created a commission consisting of four
2 members which shall be designated as the New Jersey Election
3 Law Enforcement Commission. The members shall be ap-
4 pointed by the Governor by and with the advice and consent of
5 the Senate for a term of 3 years, beginning on July 1 and ending
6 June 30, except as hereinafter provided. The Governor shall desig-
7 nate one of his appointees to serve as chairman of the commission.
8 No more than two members shall belong to the same political party,
9 and no person holding a public office or an office in any political
10 party shall be eligible for appointment to the commission. Of the
11 members initially appointed, two shall be appointed for a term of
12 3 years, one for a term of 2 years and one for a term of 1 year.
13 Each member shall serve until his successor has been appointed
14 and qualified. In case of a vacancy, however, the successor shall be
15 appointed in like manner for the unexpired term only. The mem-
16 bers shall serve without compensation, but shall be reimbursed for
17 necessary expenses incurred in the performance of their duties
18 under this act. For the purpose of complying with the provisions
19 of Article V, Section IV, paragraph 1 of the New Jersey Constitu-
20 tion, the Election Law Enforcement Commission is hereby allocated
21 within the Department of Law and Public Safety; but, notwith-
22 standing said allocation, the commission shall be independent of any
23 supervision or control by the department or by any board or officer
24 thereof, it being the intention of this act that the assignment, direc-
25 tion, discipline and supervision of all the employees of the commis-
26 sion shall be so far as possible, and except as otherwise provided in
27 this act, fully determined by the commission or by such officers
28 and employees thereof to whom the commission may delegate the
29 powers of such assignment direction discipline and supervision.

1 6. a. The commission shall appoint a full-time executive director
2 who shall serve at the pleasure of the commission and shall not
3 have tenure by reason of the provisions of chapter 16 of Title 38
4 of the Revised Statutes. The commission shall also appoint such
5 other employees as are necessary to carry out the purposes of this
6 act, which employees shall be in the classified service of the civil

7 service and shall be appointed in accordance with and shall be sub-
8 ject to the provisions of Title 11, Civil Service.

9 b. The commission shall promulgate such regulations and official
10 forms and perform such duties as are necessary to implement the
11 provisions of this act. Without limiting the generality of the fore-
12 going, the commission is authorized and empowered to:

13 (1) Develop forms for the making of the required reports;

14 (2) Prepare and publish a manual for all candidates, com-
15 mittees and political information organizations prescribing the
16 requirements of the law, including uniform methods of bookkeeping
17 and reporting and requirements as to the length of time that any
18 person required to keep any records pursuant to the provisions of
19 this act shall retain such records, or any class or category thereof,
20 or any other documents, including canceled checks, deposit slips,
21 invoices and other similar documents, necessary for the compilation
22 of such records;

23 (3) Develop a filing, coding and cross-indexing system;

24 (4) Permit copying or photo-copying of any report required to
25 be submitted pursuant to this act as requested by any person;

26 (5) Prepare and make available for public inspection summaries
27 of all said reports grouped according to candidates, parties and
28 issues, containing the total receipts and expenditures, and the date,
29 name, address and amount contributed by each contributor;

30 (6) Prepare and publish, prior to May 1 of each year, an annual
31 report to the Legislature;

32 (7) Ascertain whether candidates, committees, organizations or
33 others have failed to file reports or have filed defective reports; ex-
34 tend, for good cause shown, the dates upon which reports are re-
35 quired to be filed; give notice to delinquents to correct or explain
36 defects; and make available for public inspection a list of such
37 delinquents;

38 (8) Ascertain the total expenditures for candidates and deter-
39 mine whether they have exceeded the limits set forth in this act;
40 notify candidates, committees or others if they have exceeded or
41 about to exceed the limits imposed;

42 (9) Hold public hearings, investigate allegations of any viola-
43 tions in reporting or expenditures, and issue subpoenas for the
44 production of documents and the attendance of witnesses;

45 (10) Forward information concerning violations of any of the
46 provisions of this act for which the penalty assessed by the com-
47 mission cannot be collected to the Attorney General;

48 c. The commission shall take such steps as may be necessary or
49 appropriate to furnish timely and adequate information, in appro-

50 priate printed summaries and in such other form as it may see fit,
51 to every candidate or prospective candidate for public office who
52 becomes or is likely to become subject to the provisions of this act,
53 informing him of his actual or prospective obligations and responsi-
54 bilities under this act. Such steps shall include, but not be limited
55 to, furnishing to every person on whose behalf petitions of nomina-
56 tion are filed for any public office a copy of such printed summary
57 as aforesaid, which shall be furnished to such person by the com-
58 mission through the public official charged with the responsibility
59 of receiving and accepting such petitions of nomination, at the time
60 when such petitions are filed. The commission shall also make
61 available copies of such printed summary to any other person
62 requesting the same.

63 d. No certificate of election shall be issued to any candidate whose
64 election is subject to the provisions of this act without the written
65 consent of the Election Law Enforcement Commission; provided,
66 however, that the issuance or nonissuance of such consent shall not
67 be admissible in evidence in any proceeding to determine whether
68 or not such candidate or any other person has complied with the
69 provisions of this act, nor shall anything herein contained be con-
70 strued in derogation of the constitutional authority of either House
71 of the Legislature to be the judge of the election and qualification
72 of its own members.

73 e. The commission shall be assigned suitable quarters for the
74 performance of its duties hereunder.

75 f. The commission is authorized to render advisory opinions
76 as to whether a given set of facts and circumstances would consti-
77 tute a violation of any of the provisions of this act, or whether
78 a given set of facts and circumstances would render any person
79 subject to any of the reporting requirements of this act.

80 Unless an extension of time is consented to by any person re-
81 questing an advisory opinion, the commission shall render its ad-
82 visory opinion within 10 days of receipt of the request therefor.
83 Failure of the commission to reply to a request for an advisory
84 opinion within the time so fixed or agreed to shall preclude it from
85 instituting proceedings for imposition of a penalty under this act
86 based on the facts and circumstances set forth in the request.

87 g. The commission shall be entitled to the services of the Attor-
88 ney General in connection with the affairs of the commission.

1 7. The amount which may be spent in aid of the candidacy of any
2 candidate for a public office at any election shall not exceed \$0.50
3 for each voter who voted in the last preceding general election in
4 a presidential year in the district in which the public office is sought.

5 No money or other thing of value shall be paid or promised, or
6 expense authorized or incurred in behalf of any candidate for
7 nomination or election to any office, whether such payment is made
8 or promised, or expense authorized or incurred by the candidate
9 himself or by any other person, political committee or organiza-
10 tion, in furtherance or in aid of his candidacy, under any circum-
11 stances whatsoever, in excess of the sums provided; but such sums
12 shall not include the traveling expenses of the candidate or of any
13 person other than the candidate if such traveling expenses are
14 voluntarily paid by such person without any understanding or
15 agreement with the candidate that they shall be, directly or in-
16 directly, repaid to him by the candidate.

1 8. Each State, county and municipal committee of a political
2 party, each political committee and each political information or-
3 ganization shall make a full report, upon a form prescribed by
4 the Election Law Enforcement Commission of all moneys, loans,
5 paid personal services, or other things of value contributed to it
6 and all expenditures made, incurred, or authorized by it in further-
7 ance of the nomination, election or defeat of any candidate, or in
8 aid of the passage or defeat of any public question, or to provide
9 political information on any candidate or public question or to
10 seek to influence the content, introduction, passage or defeat of
11 any legislation, during the period ending with the day preceding
12 the date of the report and beginning on the date of the most recent
13 such report filed. The report shall contain the name and address
14 of each person or group from whom moneys, loans, paid personal
15 services or other things of value have been contributed and the
16 amount contributed by each person or group. The report shall also
17 contain the name and address of each person, firm or organization
18 to whom expenditures have been paid and the amount and purpose
19 of each such expenditure. The report shall be filed with the Elec-
20 tion Law Enforcement Commission on the dates designated in
21 section 16 hereof; provided, however, that any political informa-
22 tion organization which solely seeks to influence the content, in-
23 troduction, passage or defeat of legislation shall report only on
24 the date designated in this section. The campaign treasurer of the
25 committee or political committee reporting or the treasurer of
26 the political information organization reporting shall certify to
27 the correctness of each report.

28 Each State, county and municipal committee of a political party
29 and each political information organization shall also file with the
30 Election Law Enforcement Commission, not later than March 1
31 of each year, an annual report of all moneys, loans, paid personal

32 services or other things of value contributed to it during the pre-
33 vious calendar year and all expenditures made, incurred, or au-
34 thorized by it, whether or not such expenditures were made, in-
35 curred or authorized in furtherance of the election or defeat of any
36 candidate, or in aid of the passage or defeat of any public question
37 or to provide information on any candidate or public question or to
37A seek to influence the content, introduction, passage or defeat of any
38 legislation. The report shall contain the name and address of
39 each person or group from whom moneys, loans, paid personal
40 services or other things of value have been contributed and the
41 amount contributed by each person or group. The report shall also
42 contain the name and address of each person, firm or organization
43 to whom expenditures have been paid and the amount and purpose
44 of each such expenditure. The treasurer of the committee or or-
45 ganization reporting shall certify to the correctness of each report.

46 In any report filed pursuant to the provisions of this section the
47 organization or committee reporting may exclude from the report
48 the names and addresses of contributors whose contributions dur-
49 ing the period covered by the report did not exceed \$250.00; pro-
50 vided, however, that (1) such exclusion is unlawful if any person
51 responsible for the preparation or filing of the report knew that
52 it was made with respect to any person whose contributions relat-
53 ing to the same election or issue and made to the reporting or-
54 ganization or committee or to an allied campaign organization or
55 organizations aggregate, in combination with the contribution in
56 respect of which such exclusion is made, more than \$250.00 and
57 (2) any person who knowingly prepares, assists in preparing, files
58 or acquiesces in the filing of any report from which the identifi-
59 cation of a contributor has been excluded contrary to the provi-
60 sions of this section is subject to the provisions of section 21 of this
61 act, but (3) nothing in this proviso shall be construed as requiring
62 any committee or organization reporting pursuant to this act to re-
63 port the amounts, dates or other circumstantial data regarding con-
64 tributions made to any other organization or political committee,
65 committee of a political party or campaign organization of a candi-
65A date.

66 Any report filed pursuant to the provisions of this section shall
67 include an itemized accounting of all receipts and expenditures
68 relative to any testimonial affairs held since the date of the most
69 recent report filed, which accounting shall include the names and
70 addresses of each contributor in excess of \$250.00 to such testi-
71 monial affair and the amount contributed by each, the expenses

72 incurred, and the disposition of the proceeds of such testimonial
73 affair.

74 No State, county or municipal committee of a political party nor
75 any political committee nor any political information organization
76 shall be required to file reports pursuant to this section of con-
77 tributions received or expenditures made in behalf of any candidate
78 who is not required to file reports pursuant to section 16 of this act.

1 9. Each candidate in an election shall appoint one campaign
2 treasurer and shall designate one campaign depository before
3 receiving any contribution or expending any money in furtherance
4 or aid of his candidacy. Any bank authorized by law to transact
5 business in the State may be designated as the campaign depository.
6 The designation of the campaign treasurer and the campaign de-
7 pository shall be made by the candidate's filing the name and ad-
8 dress of such campaign treasurer and such depository with the
9 Election Law Enforcement Commission.

10 A campaign treasurer of the candidate may appoint deputy
11 campaign treasurers as required and may designate additional
12 campaign depositories in each county in which the campaign is
13 conducted. The candidate shall file the names and addresses of
14 deputy campaign treasurers and additional campaign depositories
15 with the Election Law Enforcement Commission.

16 A candidate may remove a campaign treasurer or deputy cam-
17 paign treasurer. In the case of the death, resignation or removal
18 of a campaign treasurer, the candidate shall appoint a successor
19 as soon as practicable and shall file his name and address with the
20 Election Law Enforcement Commission within 3 days. A candidate
21 may serve as his own campaign treasurer.

1 10. Each State, county and municipal committee of a political
2 party shall, on or before January 31 in each year, designate a
3 campaign treasurer and a campaign depository and shall file the
4 name and address thereof with the Election Law Enforcement
5 Commission.

6 Every political committee shall, before receiving any contribu-
7 tion or expending any money in furtherance or aid of the election
8 or defeat of any candidate, or to aid the passage or defeat of any
9 public question, appoint one campaign treasurer and designate one
10 campaign depository and file the name and address thereof with
11 the Election Law Enforcement Commission. A campaign treasurer
12-13 of the State, county or municipal committee of a political party,
14 and a campaign treasurer of a political committee may appoint
15 deputy campaign treasurers as may be required and may designate
16 additional campaign depositories. Such committees shall file the

17 names and addresses of such deputy campaign treasurers and
18 additional campaign depositories with the Election Law Enforce-
19 ment Commission.

20 Any State, county or municipal committee of a political party,
21 and any political committee may remove its campaign treasurer or
22 deputy campaign treasurer. In the case of the death, resignation
23 or removal of its campaign treasurer, the committee shall appoint
24 a successor as soon as practicable and shall file his name and
25 address with the Election Law Enforcement Commission within
26 3 days.

1 11. No contribution of money or other thing of value, nor obliga-
2 tion therefor, including but not limited to contributions, loans or
3 obligations of a candidate himself or of his family, shall be made
4 or received, and no expenditure of money or other thing of value,
5 nor obligation therefor, including expenditures, loans or obliga-
6 tions of a candidate himself or of his family, shall be made or
7 incurred, directly or indirectly, to support or defeat a candidate
8 in any election, or to aid the passage or defeat of any public
9 question, except through:

10 a. The duly appointed campaign treasurer, or deputy campaign
11 treasurers of the candidate;

12 b. The duly appointed campaign treasurer or deputy campaign
13 treasurers of a political party committee;

14 c. The duly appointed campaign treasurer or deputy campaign
15 treasurers of a political committee.

16 It shall be lawful, however, for any person, not acting in concert
17 with any other person or group, to expend personally from his own
18 funds a sum which is not to be repaid to him for any purpose not
19 prohibited by law, or to contribute his own personal services and
20 personal traveling expenses, to support or defeat a candidate or to
21 aid the passage or defeat of a public question; provided, however,
22 that any person making such expenditure shall be required to re-
23 port all such expenditures and expenses, except personal traveling
24 expenses, and the estimated value of all such services if the total
25 of the money so expended and the estimated value of the services
26 so contributed exceeds \$250.00, either:

27 a. To the campaign treasurer of the candidate, political party
28 committee or political committee on whose behalf such expenditure
29 or contribution was made, or to his deputy, who shall cause the
30 same to be included in his report to the Election Law Enforcement
31 Commission subject to the provisions of sections 8 and 9 of this
32 act; or

33 b. Directly to the Election Law Enforcement Commission at the
34 same time and in the same manner as a political committee subject
35 to the provisions of section 8 of this act.

36 Any anonymous contribution received by a campaign treasurer
37 or deputy campaign treasurer shall not be used or expended, but
38 shall be returned to the donor, if his identity is known, and if no
39 donor is found, the contribution shall escheat to the State.

40 Any State, county or municipal committee of any political party,
41 after a primary election, but not prior thereto, may receive and
42 expend funds to be spent in furtherance and in aid of the candidacy
43 of all the candidates of such party, or of any one or more of such
44 candidates, in accordance with the provisions of this act.

1 12. All funds received by a campaign treasurer or deputy cam-
2 paign treasurer of a candidate, of a State, county or municipal
3 committee of a political party, or of a political committee shall be
4 deposited by the campaign treasurer or deputy campaign treasurer
5 in a campaign depository of the candidate, committee or political
6 committee, in an account designated "Campaign Fund of (name
7 of candidate or committee)" no later than the tenth calendar day
8 following receipt of such funds; except that any such treasurer or
9 deputy treasurer may, when authorized by the candidate or com-
10 mittee of which he is the campaign treasurer or deputy campaign
11 treasurer, transfer any such funds to the duly designated campaign
12 treasurer or deputy campaign treasurer of another candidate or
13 committee, for inclusion in the campaign fund thereof, without first
14 so depositing them; provided, however, that a record of all non-
15 deposited funds so transferred shall be attached to the statement
16 required under this section, identifying them as to source and
17 amount in the same manner as deposited funds.

18 All deposits made by a campaign treasurer or deputy campaign
19 treasurer shall be accompanied by a statement containing the name
20 and address of each person or group contributing or providing
21 the funds so deposited, and the amount contributed or provided by
22 each person or group, provided that the campaign treasurer or
23 deputy campaign treasurer may exclude from such statement the
24 names and addresses of persons or groups contributing \$250.00 or
25 less. The statement shall be made upon a form prescribed by the
26 Election Law Enforcement Commission, and one copy thereof
27 shall be filed by the campaign depository with the Election Law
28 Enforcement Commission in accordance with section 17 of this
29 act, one copy shall be retained by the campaign depository for its
30 records and one copy shall be retained by the campaign treasurer
31 for his records.

1 13. Each political information organization shall, on or before
2 January 31 in each year, designate a treasurer and a depository
3 and shall file the name and address thereof with the Election Law
4 Enforcement Commission.

5 Every political information organization shall, before receiving
6 any contribution or expending any money to provide any political
7 information on any candidate, or public question or to seek to in-
8 fluence the content, introduction, passage or defeat of legislation,
9 appoint one treasurer and designate one depository and file the
10 name and address thereof with the Election Law Enforcement
11 Commission. The treasurer of a political information organization
12 may appoint deputy treasurers as may be required and may desig-
13 nate additional depositories. Such organizations shall file the
14 names and addresses of such deputy treasurers and additional
15 depositories with the Election Law Enforcement Commission.

16 Any political information organization may remove its treasurer
17 or deputy treasurer. In the case of the death, resignation or re-
18 moval of its treasurer, the organization shall appoint a successor
19 within 10 days and shall file his name and address with the Elec-
20 tion Law Enforcement Commission within 3 days.

1 14. No contribution of money or other thing of value, nor obli-
2 gation therefor, including but not limited to contributions, loans
3 or obligations shall be made or received, and no expenditure of
4 money or other thing of value, nor obligation therefor, including
5 expenditures, loans or obligations shall be made or incurred, di-
6 rectly or indirectly, to provide information on any candidate or
7 public question or to seek to influence the content, introduction,
8 passage, or defeat of legislation except through the duly appointed
9 treasurer or deputy treasurer of the political information organi-
10 zation.

11 It shall be lawful, however, for any person, not acting in concert
12 with any other person or group, to expend personally from his
13 own funds a sum which is not to be repaid to him for any purpose
14 not prohibited by law, or to contribute his own personal services
15 and personal traveling expenses, to provide political information
16 on any candidate or public question or to seek to influence the
17 content, introduction, passage or defeat of legislation; provided,
18 however, that the person making such expenditure shall be required
19 to report all such expenditures and expenses except personal
20 traveling expenses and the estimated value of all such services
21 if the total of the money so expended and the estimated value of
22 the services so contributed exceeds \$250.00, either:

23 a. To the treasurer of the political information organization on
24 whose behalf such expenditure or contribution was made, or to
25 his deputy, who shall cause the same to be included in his report
26 to the Election Law Enforcement Commission; or

27 b. Directly to the Election Law Enforcement Commission at
28 the same time and in the same manner as a political information
29 organization subject to the provisions of section 8 of this act.

30 Any anonymous contribution received by a treasurer or deputy
31 treasurer of a political information organization shall not be used
32 or expended, but shall be returned to the donor, if his identity is
33 known, and if no donor is found, the contribution shall escheat to
34 the State.

1 15. All funds received by a treasurer or deputy treasurer of a
2 political information organization shall be deposited by the trea-
3 surer or deputy treasurer in a depository of the organization in
4 an account designated "(name of political information organiza-
5 tion) Fund" no later than the tenth calendar day following receipt
6 of such funds.

7 All deposits made by a treasurer or deputy treasurer of a po-
8 litical information organization shall be accompanied by a state-
9 ment containing the name and address of each person or group
10 contributing or providing the funds so deposited, and the amount
11 contributed or provided by each person or group, provided that
12 the treasurer or deputy treasurer may exclude from such statement
13 the names and addresses of persons or groups contributing \$250.00
14 or less. The statement shall be made upon a form prescribed by
15 the Election Law Enforcement Commission, and one copy thereof
16 shall be filed by the depository with the Election Law Enforcement
17 Commission in accordance with section 17 of this act, one copy
18 shall be retained by the treasurer for his records.

1 16. Each campaign treasurer of a candidate shall make a full
2 report, upon a form prescribed by the Election Law Enforcement
3 Commission, of all moneys, loans, paid personal services or other
4 things of value, contributed to him or to the deputy campaign
5 treasurers of the candidate, and all expenditures paid out of the
6 campaign fund of the candidate, during the period ending with the
7 day preceding the date of the report and beginning on the date the
8 most recent such report was filed, or, in the case of the first such
9 report filed after the appointment of the campaign treasurer, be-
10 ginning on the date of the appointment of the campaign treasurer.
11 The report shall also contain the name and address of each person
12 or group from whom moneys, loans, paid personal services or other
13 things of value have been contributed and the amount contributed

14 by each person or group. The campaign treasurer and the candi-
15 date shall certify the correctness of the report.

16 During the period between the appointment of the campaign
17 treasurer and the election with respect to which contributions are
18 accepted or expenditures made by him, the campaign treasurer shall
19 file his report (1) on the fifth day preceding the election, and (2)
20 on the twenty-fifth day preceding the election; and after the elec-
21 tion he shall file his report on the fifteenth day following such
22 election. Concurrent with the report filed on the fifteenth day fol-
23 lowing an election, or at any time thereafter, the campaign trea-
24 surer of a candidate or political committee or the treasurer of a
25 political information organization may certify to the Election Law
26 Enforcement Commission that the campaign fund of such candi-
27 date, political committee, or political information organization,
28 having been instituted for the purposes of the late election, has
29 wound up its business and been dissolved; and said certification
30 shall be accompanied by a final accounting of such campaign fund,
31 including the final disposition of any balance remaining in such
32 fund at the time of dissolution or the arrangements which have
33 been made for the discharge of any obligations remaining unpaid
34 at the time of dissolution. Until such certification has been filed,
35 each such treasurer shall continue to file, at the conclusion of each
36 60-day interval from the fifteenth day following such election,
37 reports in the form and manner herein prescribed.

38 In the case of a primary, general, municipal, or special election
39 of a candidate for an office elected by a municipal or countywide
40 constituency a duplicate copy of the campaign treasurer's report,
41 duly certified, shall be filed at the same time with the county clerk
42 of the county in which the candidate resides.

43 There shall be no obligation to file the reports required by this
44 section on behalf of a candidate seeking election to a public office
45 in any municipality containing more than 5,000 registered voters
46 if such candidate files with the Election Law Enforcement Com-
47 mission a sworn statement to the effect that the total amount to be
48 expended in behalf of his candidacy by the candidate, by any State,
49 county or municipal committee of a political party, by any political
50 committee, or by any person shall not in the aggregate exceed
51 \$1,000.00; provided, that if a candidate who has filed such a sworn
52 statement receives contributions from any one source aggregating
53 more than \$250.00 he shall forthwith make report of the same, in-
54 cluding the identity of the source and the aggregate total of con-
55 tributions therefrom, to the Election Law Enforcement Commis-
56 sion.

57 In any report filed pursuant to the provisions of this section, the
58 names and addresses of contributors whose contributions during
59 the period covered by the report did not exceed \$250.00 may be ex-
60 cluded; provided, however, that (1) such exclusion is unlawful if
61 any person responsible for the preparation or filing of the report
62 knew that such exclusion was made with respect to any person
63 whose contributions relating to the same election and made to the
64 reporting candidate or to an allied campaign organization or or-
65 ganizations aggregate, in combination with the contribution in
66 respect of which such exclusion is made, more than \$250.00, and
67 (2) any person who knowingly prepares, assists in preparing, files
68 or acquiesces in the filing of any report from which the identity of
69 any contributor has been excluded contrary to the provisions of
70 this section is subject to the provisions of section 21 of this act,
71 but (3) nothing in this proviso shall be construed as requiring any
72 candidate reporting pursuant to this act to report the amounts,
73 dates or other circumstantial data regarding contributions made
74 to any other candidate, political committee or committee of a
75 political party.

76 Any report filed pursuant to the provisions of this section shall
77 include an itemized accounting of all receipts and expenditures
78 relative to any testimonial affair held since the date of the most
79 recent report filed, which accounting shall include the names and
80 addresses of each contributor in excess of \$250.00 to such testi-
81 monial affair and the amount contributed by each, the expenses
82 incurred, and the disposition of the proceeds of such testimonial
83 affair.

1 17. Within 15 days after the primary or general election, each
2 campaign depository of a candidate, of a State, county or municipal
3 committee of a political party or of a political committee and each
4 depository of a political information organization shall file with the
5 Election Law Enforcement Commission the originals or true copies
6 of the statements filed with such depositories by the treasurers or
7 deputy treasurers pursuant to sections 12 and 15, together with a
8 statement setting forth the balance of funds remaining on deposit
9 with such depository as of the date on which such statement is filed.

1 18. If any former candidate or any political committee or any
2 political information organization or any person or association of
3 persons in behalf of such political committee or former candidate
4 or organization shall receive any contributions or make any ex-
5 penditures with relation to any election after the date set in
6 section 16 of this act for the final report subsequent to such election,
7 or shall conduct any testimonial affair or public solicitation for the

8 purpose of raising funds to cover any part of the expenses of a
9 candidate or political committee or organization in such election,
10 all such contributions, expenditures, testimonial affairs or public
11 solicitations shall be reported to the Election Law Enforcement
12 Commission by the person or persons receiving such contributions
13 or making such expenditures or conducting such testimonial affairs
14 or public solicitations. Such report shall be made by any person
15 receiving any such contribution or contributions, or making any
16 such expenditure or expenditures, which in the aggregate total
17 more than \$250.00, or conducting any testimonial affair or public
18 solicitation of which the net proceeds exceed \$250.00; and shall be
19 made within 20 days from the date upon which the aggregate of
20 such contributions, expenditures or proceeds exceeds \$250.00 for
21 the period commencing with the fifteenth day following such election
22 or with the date upon which any previous report was made pursuant
23 to this section, whichever is soonest. Such report shall be made in
24 the same form and shall contain the same detail prescribed for any
25 other report made pursuant to section 8 or 16 of this act.

1 19. a. No person shall conduct any public solicitation as defined
2 in this act except (1) upon written authorization of the campaign
3 treasurer of the candidate, party committee or political committee
4 on whose behalf such solicitation is conducted, or (2) upon written
5 authorization of the treasurer of a political information organiza-
6 tion, or (3) in accordance with the provisions of subsection c. of this
7 section. A person with such written authorization may employ and
8 accept the services of others as solicitors, and shall be responsible
9 for reporting to the treasurer the information required under sub-
10 section b. of this section and for delivery to the treasurer the net
11 proceeds of such solicitation in compliance with sections 11 and 14
12 of this act. A contribution made through donation or purchase in
13 response to a public solicitation conducted pursuant to written
14 authorization of a treasurer shall be deemed to have been made
15 through such treasurer.

16 b. Whenever a public solicitation has been authorized by a
17 treasurer during a period covered by a report required to be filed
18 under sections 8 and 16 of this act, there shall be filed with such
19 report and as a part thereof on itemized report on any such solicita-
20 tion of which the net proceeds exceed \$250.00, in such form and
21 detail as required by the rules of the Election Law Enforcement
22 Commission, which report shall include:

23 (1) the name of the person authorized to conduct such solicita-
24 tion, and the method of solicitation;

25 (2) the gross receipts and expenses involved in the solicitation
26 including the actual amount paid for any items purchased for resale
27 in connection with the solicitation or, if such items or any portion
28 of the cost thereof was donated, the estimated actual value thereof
29 and the actual amount paid therefor, and the names and addresses
30 of any such donors. If it is not practicable for such itemized re-
31 port to be completed in time to be included with the report due
32 under sections 8 and 16 of this act for the period during which such
33 solicitation was held, then such itemized report may be omitted
34 from said report and if so omitted shall be included in the report
35 for the next succeeding period.

36 c. Notwithstanding the provisions of subsection b. of this section,
37 it shall be lawful for any natural person, not acting in concert with
38 any other person or group, to make personally a public solicitation
39 the entire proceeds of which, without deduction for the expenses of
40 solicitation, are to be expended by him personally or under his
41 personal direction to finance any lawful activity in support of or
41A opposition to any candidate or public question or to provide
42 political information on any candidate or public question
43 or to seek to influence the content, introduction, passage or defeat
44 of legislation; provided, however, that any individual making such
45 solicitation who receives gross contributions exceeding \$250.00 in
46 respect of activities relating to any one election shall be required
47 to make a report stating (1) the amount so collected, (2) the method
48 of solicitation and (3) the purpose or purposes for which the funds
49 so collected were expended and the amount expended for each such
50 purpose. Such report shall be made either

51 (1) to the treasurer of the candidate, political party committee,
52 political committee or political information organization on whose
53 behalf such funds were collected and expenditures made, or to his
54 deputy, who shall cause the same to be included in this report to the
55 Election Law Enforcement Commission subject to the provisions
56 of sections 8 and 16 of this act; or,

57 (2) directly to the Election Law Enforcement Commission at the
58 same time and in the same manner as a political committee or
59 political information organization subject to the provisions of
60 section 8 of this act.

61 d. Contributions or purchases made in response to a public
62 solicitation conducted in conformity with the requirements and con-
63 ditions of this act shall not be deemed anonymous within the mean-
64 ing of sections 11, 14 and 20 of this act.

65 e. No person contributing in good faith to a public solicitation
66 not duly authorized in compliance with the provisions of this act

67 shall be liable to any penalty under this act by reason of having
68 made such contribution.

1 20. No contribution of money or other thing of value, nor obliga-
2 tion therefor, shall be made, and no expenditure of money or other
3 thing of value, nor obligation therefor, shall be made or incurred
4 whether anonymously, in a fictitious name, or by one person or
5 group in the name of another, to support or defeat a candidate
6 in a primary or general election or to aid the passage or defeat
7 of any public question or to provide political information on any
8 candidate or public question or to seek to influence the content,
9 introduction, passage or defeat of legislation. No person shall
10 contribute, or purport to contribute, to any political candidate,
11 party committee, political committee or political information or-
12 ganization funds or property not actually belonging to him and
13 in his full custody and control, or which has been given or furnished
14 to him by any other person or groups for the purpose of making a
15 contribution thereof, except in the case of group contributions by
16 persons who are members of the contributing group. No treasurer,
17 candidate or member of a party committee, political committee or
18 political information organization shall solicit or knowingly accept,
19 agree to accept or concur in or abet the solicitation or acceptance
20 of any contribution contrary to the provisions of this section.

1 21. a. Any person who willfully and knowingly makes or accepts
2 any contribution or makes or incurs any expenditure in violation
3 of sections 7, 11, 14 or 20 of this act shall, in addition to any other
4 penalty provided by law, be liable to a penalty of not more than
5 \$5,000.00 for the first offense and not more than \$10,000.00 for the
6 second and each subsequent offense.

7 b. Any person who willfully and knowingly files or prepares or
8 assists in the preparation for filing or acquiesces in the prepara-
9 tion or filing of any report required under this act which is false,
10 inaccurate or incomplete in any material particular; or who will-
11 fully and knowingly fails or refuses to file any such report when
12 required to do so pursuant to the provisions of this act; or who
13 willfully supplies any information which he knows to be false,
14 inaccurate or incomplete to any person preparing or assisting in
15 the preparation of any such report, with the knowledge that such
16 information is intended for the purposes of such report, shall, in
17 addition to any other penalty provided by law, be liable to a
18 penalty of not more than \$5,000.00 for the first offense and not
19 more than \$10,000.00 for the second and each subsequent offense.

20 c. The nomination for or election to any office of any candidate
21 who is guilty of any violation within the description of subsection

22 a. or b. of this section shall be void, and the office shall be filled
 23 as required by law in the case of a vacancy; provided, however,
 24 that nothing herein contained shall be construed in derogation of
 25 the constitutional authority of either House of the Legislature to
 26 be the judge of the election and qualification of its own members.

27 d. Upon receiving evidence of any violation of this section, the
 28 Election Law Enforcement Commission shall have power to hold
 29 hearings upon such violation and, upon finding any person to have
 30 committed such a violation, to assess such penalty, within the
 31 limits prescribed in subsections a. and b. of this section, as it deems
 32 proper under the circumstances, which penalty shall be paid forth-
 33 with into the State Treasury for the general purposes of the State.
 34 Such penalty shall be enforceable in a summary proceeding under
 35 the "Penalty Enforcement Law" (N. J. S. 2A:58-1 et seq.).

36 e. Any failure to file a report or any defect or inaccuracy in a
 37 report which is due to the illness of the candidate, or the absence,
 38 illness or death of his campaign treasurer or was caused by the
 39 misconduct of any person other than the candidate or his campaign
 40 treasurer, or by any other reasonable cause not involving gross
 41 negligence on the part of the candidate or his campaign treasurer
 42 or willful intention to violate any provision of this act, shall be
 43 deemed to be not a violation of this act.

44 f. In assessing any penalty under this section, the Election Law
 45 Enforcement Commission may provide for the remission of all or
 46 any part of such penalty conditioned upon prompt correction of
 47 any failure, neglect, error or omission constituting the violation
 48 for which said penalty was assessed.

1 22. This act shall be construed liberally to effectuate the legis-
 2 lative intent and as complete and independent authority for the
 3 performance of each and every act and thing herein authorized.

1 23. All acts and parts of acts, rules and regulations issued there-
 2 under inconsistent in whole or in part with the provisions of this
 3 act are to such extent superseded.

1 24. If any section, subsection, paragraph, sentence or other part
 2 of this act is adjudged unconstitutional or invalid, such judgment
 3 shall not affect, impair or invalidate the remainder of this act, but
 4 shall be confined in its effect to the section, subsection, paragraph,
 5 sentence or other part of this act directly involved in the contro-
 6 versy in which said judgment shall have been rendered.

1 25. The following acts or parts of acts are repealed:

2 a. R. S. 19:3-8, 19:34-36 and 19:34-37.

3 b. Chapters 40, 41, 42, 43 and 44 of Title 19 of the Revised
 4 Statutes.

5 c. P. L. 1946, c. 152 (C. 19:41-4.1 and 19:41-4.2).

1 26. R. S. 19:5-5 is amended to read as follows:

2 19:5-5. Any State committee, county committee or municipal
3 committee of any political party may receive and disburse moneys
4 for the general purposes of maintaining such organization during
5 the whole or any part of the year. The expenses for maintenance
6 of organization shall be confined to the hiring *or acquisition* of
7 suitable **[rooms]** *quarters* for meetings of such committee, for
8 stationery, for hiring of necessary clerks, for the expenses of
9 notices of the meetings of such committee, for giving publicity to
10 the policies and candidates of their respective party organizations,
11 and other expenses incidental to the maintenance of such
12 organization.

13 **[**Within 20 days after the day of the general election, the person
14 who has had the custody of the moneys contributed to or on account
15 of any State, county or municipal committee during the previous
16 year shall file with the Secretary of State in the case of the State
17 committee, and with the county clerk in the case of the county or
18 municipal committee, a statement of the amount of money received
19 by or on behalf of such committee during the previous year, together
20 with the names and addresses of the persons from whom the money
21 was received, and also a statement of the purposes for which it was
22 expended, itemized as to all items in excess of \$5.00, and with a
23 general statement as to the purposes for which the items less than
24 \$5.00 were expended. The person making such statement shall make
25 affidavit that the same is true.]

1 27. The sum of \$150,000.00 is hereby appropriated to the Election
2 Law Enforcement Commission for the fiscal year ending June 30,
3 1973, for the purpose of carrying out the provisions of this act.

1 28. This act shall take effect immediately; provided, however,
2 that the reporting requirements contained in section 8 and section
3 16 of this act shall remain inoperative for 90 days after the
4 effective date.

[SENATE REPRINT]
ASSEMBLY COMMITTEE SUBSTITUTE
for
SENATE, No. 1124
[OFFICIAL COPY REPRINT]

with Senate amendments adopted April 2, 1973

STATE OF NEW JERSEY

ADOPTED FEBRUARY 22, 1973

AN ACT concerning the reporting of campaign contributions and expenditures, limiting election campaign expenditures, establishing an Election Law Enforcement Commission and prescribing its powers and duties, making an appropriation therefor, amending R. S. 19:5-5 and repealing R. S. 19:3-8, 19:34-36 and 19:34-37, chapters 40, 41, 42, 43 and 44 of Title 19 of the Revised Statutes and chapter 152 of the laws of 1946.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as "The New Jersey
2 Campaign Contributions and Expenditures Reporting Act."

1 2. It is hereby declared to be in the public interest and to be the
2 policy of the State to limit the campaign expenditures by candidates
3 for public office and to require the reporting of all contributions
4 received and expenditures made to aid or promote the nomination,
5 election or defeat of any candidate for public office or to aid or
6 promote the passage or defeat of a public question in any election
7 and to require the reporting of all contributions received and ex-
8 penditures made to provide political information on any candidate
9 for public office, or on any public question, or to influence the
10 content, introduction, passage or defeat of legislation.

1 3. As used in this act, unless a different meaning clearly appears
2 from the context:

3 a. The term "allied candidates" means candidates in any election
4 who are (1) seeking nomination or election (A) to an office or offices
5 in the same county or municipal government **or school district**
6 or (B) to the Legislature representing in whole or part the same
7 constituency ****[or (C)]**** ****, (C) *as members of the State com-*
8 *mittee of the same political party from the same county or (D)***

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

9 as delegates or alternates to the national convention of the same
 10 political party; and who are (2) either (A) nominees of the same
 11 political party or (B) publicly declared in any manner, including
 11A the seeking or obtaining of any ballot position or common ballot
 11B slogan, to be aligned or mutually supportive.

12 b. The term "allied campaign organization" means any political
 13 committee, any State, county or municipal committee of a political
 14 party or any campaign organization of a candidate which is in
 15 support or furtherance of the same candidate or any one or more
 16 of the same group of allied candidates or the same public question
 17 as any other such committee or organization.

18 c. The term "candidate" means an individual seeking election
 19 to a public office of the State or of a county ****[or of a]** **,****
 20 **municipality ***or school district*** * [in which there are more than**
 21 **5,000 registered voters]*** at a primary, general, municipal**,
 22 *school*** or special election; except that the term shall not include
 23 the office of *** [school board member or]* ** [State or]**** county
 23A committeeman or committeewoman.

24 d. The terms "contributions" and "expenditures" include all
 25 transfers of money or other thing of value to or by any candidate,
 26 political committee, committee of a political party or political in-
 27 formation organization, and all pledges or other commitments
 28 or assumptions of liability to make any such transfer; and for
 29 purposes of reports required under the provisions of this act shall
 30 be deemed to have been made upon the date when such commitment
 31 is made or liability assumed.

32 e. The term "election" means any election described in section
 33 4 of this act.

34 f. The term "paid personal services" means personal, clerical,
 35 administrative or professional services of every kind and nature
 36 including, without limitation, public relations, research, legal, can-
 37 vassing, telephone, speech writing or other such services, per-
 38 formed other than on a voluntary basis, the salary, cost or con-
 39 sideration for which is paid, borne or provided by someone other
 40 than the committee, candidate or organization for whom such ser-
 41 vices are rendered. ***In determining the value, for the purpose of*
 42 *reports required under this act, of contributions made in the form*
 43 *of paid personal services, the person contributing such services*
 44 *shall furnish to the campaign treasurer through whom such con-*
 45 *tribution is made a statement setting forth the actual amount of*
 46 *compensation paid by said contributor to the individuals actually*
 47 *performing said services for the performance thereof. But if any*
 48 *individual or individuals actually performing such services also*

49 performed for the contributor other services during the same
 50 period, and the manner of payment was such that payment for the
 51 services contributed cannot readily be segregated from contem-
 52 porary payment for the other services, the contributor shall in his
 52A statement to the campaign treasurer so state and shall either (1)
 53 set forth his best estimate of the dollar amount of payment to each
 54 such individual which is attributable to the contribution of his paid
 55 personal services, and shall certify the substantial accuracy of the
 56 same, or (2) if unable to determine such amount with sufficient
 57 accuracy, set forth the total compensation paid by him to each such
 58 individual for the period of time during which the services con-
 59 tributed by him were performed. If any candidate is a holder of
 60 public office to whom there is attached or assigned, by virtue of said
 61 office, any aide or aides whose services are of a personal or con-
 62 fidential nature in assisting him to carry out the duties of said office,
 63 and whose salary or other compensation is paid in whole or part
 64 out of public funds, the services of such aide or aides which are paid
 65 for out of public funds shall be for public purposes only; but they
 66 may contribute their personal services, on a voluntary basis, to
 67 such candidate for election campaign purposes.**

68 g. The term "political information organization" means any
 69 two or more persons acting jointly, or any corporation, partner-
 70 ship, or any other incorporated or unincorporated association,
 71 whether or not it is required to be registered pursuant to the
 72 "Legislative Activities Disclosure Act of 1971" (P. L. 1971, c. 183),
 73 which is organized for the purpose of, or which provides political
 74 information concerning any candidate or candidates for public
 75 office or with respect to any public question, or which seeks to
 76 influence the content, introduction, passage or defeat of legislation.
 77 **The term shall not apply to any bona fide newspaper, magazine,
 78 radio or television station or other bona fide news medium dis-
 79 seminating political information, advertising and comment in the
 80 normal course of its business; nor to any recognized school or in-
 81 stitution of higher education, public or private, in conducting,
 82 sponsoring or subsidizing any classes, seminars, forums, discus-
 83 sions or other events in which political information or discussion
 84 thereof or comment thereon is an integral part.**

85 h. The term "political information" means any statement in-
 86 cluding but not limited to, press releases, pamphlets, newsletters,
 87 advertisements, flyers, form letters, or radio or television programs
 88 or advertisements which ****[reflects]**** **reflect** the opinion of
 89 the members of the organization on any candidate or candidates for
 90 public office, on any public question, or on any legislation, or which

91 contains facts on any such candidate, public question or legislation
 92 whether or not such facts are within the personal knowledge of
 93 members of the organization.

94 i. The term "political committee" means any two or more per-
 95 sons acting jointly, or any corporation, partnership, or any other
 96 incorporated or unincorporated association which is organized to,
 97 or does, aid or promote the nomination, election or defeat of any
 98 candidate or candidates for public office, or which is organized to,
 99 or does, aid or promote the passage or defeat of a public question
 100 in any election.

101 j. The term "public solicitation" means any activity by or on
 102 behalf of any candidate, State, county or municipal party committee,
 103 political committee or political information organization whereby
 104 either (1) members of the general public are personally solicited
 105 for cash contributions not exceeding \$10.00 from each person so
 106 solicited and contributed on the spot by the person so solicited to
 107 a person so soliciting or through a receptacle provided for the pur-
 108 pose of depositing contributions, or (2) members of the general
 109 public are personally solicited for the purchase of items having
 110 some tangible value as merchandise, at a price not exceeding
 111 \$10.00 per item, which price is paid on the spot in cash by the
 112 person so solicited to the person so soliciting, when the net proceeds
 113 of such solicitation are to be used by or on behalf of such candidate,
 114 party committee, or political committee or political information
 115 organization.

116 k. The term "testimonial affair" means an affair of any kind or
 117 nature including, without limitation, cocktail parties, breakfasts,
 118 luncheons, dinners, dances, picnics or similar affairs directly or
 119 indirectly intended to raise campaign funds in behalf of a person
 120 who holds, or who is or was a candidate for nomination or election
 121 to a public office in this State, or directly or indirectly intended to
 122 raise funds in behalf of any State, county or municipal com-
 123 mittee of a political party or in behalf of a political committee, or
 124 directly or indirectly intended to raise funds for any political in-
 125 formation organization.

126 ***l. The term "other thing of value" means any item of real or*
 127 *personal property, tangible or intangible, but shall not be deemed to*
 128 *include personal services other than paid personal services.***

1 4. The provisions of this act shall apply:

2 a. Whenever an attempt is made to influence the content, intro-
 3 duction, passage or defeat of legislation;

4 b. In any primary election for delegates and alternates to the
 5 national conventions of a political party;

6 e. In any election at which a public question is to be voted upon
7 by the voters of the State or any political subdivision thereof;

8 d. In any primary, general, special*, *school** or municipal election
9 for any public office of the State or any political subdivision
10 thereof; provided, however, that this act shall not apply to elections
11 for county ****[or State]**** committeeman or committeewoman ***[or**
12 to municipal elections in municipalities containing 5,000 or less
13 registered voters]*.

1 5. There is hereby created a commission consisting of four
2 members which shall be designated as the New Jersey Election
3 Law Enforcement Commission. The members shall be ap-
4 pointed by the Governor by and with the advice and consent of
5 the Senate for a term of 3 years, beginning on July 1 and ending
6 June 30, except as hereinafter provided. The Governor shall desig-
7 nate one of his appointees to serve as chairman of the commission.
8 No more than two members shall belong to the same political party,
9 and no person holding a public office or an office in any political
10 party shall be eligible for appointment to the commission. Of the
11 members initially appointed, two shall be appointed for a term of
12 3 years, one for a term of 2 years and one for a term of 1 year.
13 Each member shall serve until his successor has been appointed
14 and qualified. In case of a vacancy, however, the successor shall be
15 appointed in like manner for the unexpired term only. The mem-
16 bers shall serve without compensation, but shall be reimbursed for
17 necessary expenses incurred in the performance of their duties
18 under this act. For the purpose of complying with the provisions
19 of Article V, Section IV, paragraph 1 of the New Jersey Constitu-
20 tion, the Election Law Enforcement Commission is hereby allocated
21 within the Department of Law and Public Safety; but, notwith-
22 standing said allocation, the commission shall be independent of any
23 supervision or control by the department or by any board or officer
24 thereof, it being the intention of this act that the assignment, direc-
25 tion, discipline and supervision of all the employees of the commis-
26 sion shall be so far as possible, and except as otherwise provided in
27 this act, fully determined by the commission or by such officers
28 and employees thereof to whom the commission may delegate the
29 powers of such assignment direction discipline and supervision.

1 6. a. The commission shall appoint a full-time executive director
2 ****[who]**** **, *legal counsel and hearing officers, all of whom*** shall
3 serve at the pleasure of the commission and shall not have tenure
4 by reason of the provisions of chapter 16 of Title 38 of the Revised
5 Statutes. The commission shall also appoint such other employees
6 as are necessary to carry out the purposes of this act, which em-

7 ployees shall be in the classified service of the civil service and shall
 8 be appointed in accordance with and shall be subject to the pro-
 9 visions of Title 11, Civil Service.

9A b. ***It shall be the duty of the commission to enforce the pro-*
 10 *visions of this act, to conduct hearings with regard to possible vio-*
 11 *lations and to impose penalties; and for the effectual carrying out*
 12 *of its enforcement responsibilities the commission shall have the*
 12A *authority to initiate a civil action in any court of competent juris-*
 12B *isdiction for the purpose of enforcing compliance with the provisions*
 12C *of this act or enjoining violatoins thereof or recovering any penalty*
 12D *prescribed by this act.*** The commission shall promulgate such
 12E regulations and official forms and perform such duties as are
 12F necessary to implement the provisions of this act. Without limiting
 12G the generality of the foregoing, the commission is authorized and
 12H empowered to:

13 (1) Develop forms for the making of the required reports:

14 (2) Prepare and publish a manual for all candidates, com-
 15 mittees and political information organizations prescribing the
 16 requirements of the law, including uniform methods of bookkeeping
 17 and reporting and requirements as to the length of time that any
 18 person required to keep any records pursuant to the provisions of
 19 this act shall retain such records, or any class or category thereof,
 20 or any other documents, including canceled checks, deposit slips,
 21 invoices and other similar documents, necessary for the compilation
 22 of such records;

23 (3) Develop a filing, coding and cross-indexing system:

24 (4) Permit copying or photo-copying of any report required to
 25 be submitted pursuant to this act as requested by any person:

26 (5) Prepare and make available for public inspection summaries
 27 of all said reports grouped according to candidates, parties and
 28 issues, containing the total receipts and expenditures, and the date,
 29 name, address and amount contributed by each contributor;

30 (6) Prepare and publish, prior to May 1 of each year, an annual
 31 report to the Legislature;

32 (7) Ascertain whether candidates, committees, organizations or
 33 others have failed to file reports or have filed defective reports; ex-
 34 tend, for good cause shown, the dates upon which reports are re-
 35 quired to be filed; give notice to delinquents to correct or explain
 36 defects; and make available for public inspection a list of such
 37 delinquents;

38 (8) Ascertain the total expenditures for candidates and deter-
 39 mine whether they have exceeded the limits set forth in this act;

40 notify candidates, committees or others if they have exceeded or
41 about to exceed the limits imposed;

42 (9) Hold public hearings, investigate allegations of any viola-
43 tions ****[in reporting or expenditures]**** ***of this act***, and issue
44 subpoenas for the production of documents and the attendance of
44A witnesses;

45 (10) Forward ****[information concerning violations of any of the**
46 **provisions of this act for which the penalty assessed by the com-**
47 **mission cannot be collected to the Attorney General]**** ***to the*
47A *Attorney General or to the appropriate county prosecutor informa-*
47B *tion concerning any violations of this act which may become the*
47C *subject of criminal prosecution or which may warrant the institu-*
47D *tion of other legal proceedings by the Attorney General***;

48 c. The commission shall take such steps as may be necessary or
49 appropriate to furnish timely and adequate information, in appro-
50 priate printed summaries and in such other form as it may see fit,
51 to every candidate or prospective candidate for public office who
52 becomes or is likely to become subject to the provisions of this act,
53 ***and to every treasurer and depository duly designated under the*
54 *provisions of this act,*** informing ****[him]**** ***them*** of
54A ****[his]**** ***their*** actual or prospective obligations and responsi-
54B bilities under this act. Such steps shall include, but not be limited
55 to, furnishing to every person on whose behalf petitions of nomina-
56 tion are filed for any public office a copy of such printed summary
57 as aforesaid, which shall be furnished to such person by the com-
58 mission through the public official charged with the responsibility
59 of receiving and accepting such petitions of nomination, at the time
60 when such petitions are filed. The commission shall also make
61 available copies of such printed summary to any other person
62 requesting the same. ***The commission shall also take such steps*
62A *as it may deem necessary or effectual to disseminate among the*
62B *general public such information as may serve to guide all persons*
62C *who may become subject to the provisions of this act by reason of*
62D *their participation in election campaigns or in the dissemination of*
62E *political information, for the purpose of facilitating voluntary com-*
62F *pliance with the provisions and purposes of this act. In the dis-*
62G *semination of such information, the commission shall to the greatest*
62H *extent practicable enlist the cooperation of commercial purveyors,*
62I *within and without the State, of materials and services commonly*
62J *used for political campaign purposes.***

63 ****[d.** No certificate of election shall be issued to any candidate
64 whose election is subject to the provisions of this act without the
65 written consent of the Election Law Enforcement Commission; pro-
66 vided, however, that the issuance or nonissuance of such consent

67 shall not be admissible in evidence in any proceeding to determine
 68 whether or not such candidate or any other person has complied
 69 with the provisions of this act, nor shall anything herein contained
 70 be construed in derogation of the constitutional authority of either
 71 House of the Legislature to be the judge of the election and quali-
 72 fication of its own members.】**

72A ***d. If the nomination for or election to any public office or party*
 72B *position becomes void under the terms of subsection c. of section 21*
 72C *of this act, the withholding or revocation of his certificate of elec-*
 72D *tion, the omission of his name from the ballot or the vacation of the*
 72E *office into which he has been inducted as a result of such void elec-*
 72F *tion, as the case may be, shall be subject to the provisions of chapter*
 72G *3, articles 2 and 3, of this Title (R. S. 19:3-7 et seq.).***

73 e. The commission shall be assigned suitable quarters for the
 74 performance of its duties hereunder.

75 f. The commission ***through its legal counsel*** is authorized to
 76 render advisory opinions as to whether a given set of facts and
 77 circumstances would constitute a violation of any of the provisions
 78 of this act, or whether a given set of facts and circumstances would
 79 render any person subject to any of the reporting requirements of
 79A this act.

80 Unless an extension of time is consented to by any person re-
 81 questing an advisory opinion, the commission shall render its ad-
 82 visory opinion within 10 days of receipt of the request therefor.
 83 Failure of the commission to reply to a request for an advisory
 84 opinion within the time so fixed or agreed to shall preclude it from
 85 instituting proceedings for imposition of a penalty ***[under this*
 86 *act based on the facts and circumstances set forth in the request]***
 87 ***upon any person for a violation of this act arising out of the*
 88 *particular facts and circumstances set forth in such request, except*
 89 *as such facts and circumstances may give rise to a violation when*
 90 *taken in conjunction with other facts and circumstances not set forth*
 91 *in such request.***

92 ***[g. The commission shall be entitled to the services of the*
 93 *Attorney General in connection with the affairs of the commis-*
 94 *sion.]***

1 7. The amount which may be spent in aid of the candidacy of any
 2 candidate for a public office at any election shall not exceed \$0.50
 3 for each voter who voted in the last preceding general election in
 4 a presidential year in the district in which the public office is sought.

5 No money or other thing of value shall be paid or promised, or
 6 expense authorized or incurred in behalf of any candidate for
 7 nomination or election to any office, whether such payment is made

8 or promised, or expense authorized or incurred by the candidate
9 himself or by any other person, political committee or organiza-
10 tion, in furtherance or in aid of his candidacy, under any circum-
11 stances whatsoever, in excess of the sums provided; but such sums
12 shall not include the traveling expenses of the candidate or of any
13 person other than the candidate if such traveling expenses are
14 voluntarily paid by such person without any understanding or
15 agreement with the candidate that they shall be, directly or in-
16 directly, repaid to him by the candidate.

1 8. Each State, county and municipal committee of a political
2 party, each political committee and each political information or-
3 ganization shall make a full report, upon a form prescribed by
4 the Election Law Enforcement Commission of all moneys, loans,
5 paid personal services, or other things of value contributed to it
6 and all expenditures made, incurred, or authorized by it in further-
7 ance of the nomination, election or defeat of any candidate, or in
8 aid of the passage or defeat of any public question, or to provide
9 political information on any candidate or public question or to
10 seek to influence the content, introduction, passage or defeat of
11 any legislation, during the period ending with the day preceding
12 the date of the report and beginning on the date of the most recent
13 such report filed. The report**, *except as hereinafter provided,***
14 shall contain the name and address of each person or group from
15 whom moneys, loans, paid personal services or other things of value
16 have been contributed and the amount contributed by each person
17 or group. The report shall also contain the name and address of
18 each person, firm or organization to whom expenditures have been
19 paid and the amount and purpose of each such expenditure. The
20 report shall be filed with the Election Law Enforcement Commis-
21 sion on the dates designated in section 16 hereof; provided, how-
22 ever, that any political information organization which solely seeks
23 to influence the content, introduction, passage or defeat of legisla-
24 tion shall report only on the date designated in this section. The
25 campaign treasurer of the committee or political committee report-
26 ing or the treasurer of the political information organization re-
27 porting shall certify to the correctness of each report.

28 Each State, county and municipal committee of a political party
29 and each political information organization shall also file with the
30 Election Law Enforcement Commission, not later than March 1
31 of each year, an annual report of all moneys, loans, paid personal
32 services or other things of value contributed to it during the pre-
33 vious calendar year and all expenditures made, incurred, or au-

34 thORIZED by it, whether or not such expenditures were made, in-
35 curred or authorized in furtherance of the election or defeat of any
36 candidate, or in aid of the passage or defeat of any public question
37 or to provide information on any candidate or public question or to
37A seek to influence the content, introduction, passage or defeat of any
38 legislation. The report shall contain the name and address of
39 each person or group from whom moneys, loans, paid personal
40 services or other things of value have been contributed and the
41 amount contributed by each person or group. The report shall also
42 contain the name and address of each person, firm or organization
43 to whom expenditures have been paid and the amount and purpose
44 of each such expenditure. The treasurer of the committee or or-
45 ganization reporting shall certify to the correctness of each report.

46 In any report filed pursuant to the provisions of this section the
47 organization or committee reporting may exclude from the report
48 the names and addresses of contributors whose contributions dur-
49 ing the period covered by the report did not exceed *~~[\$250.00]~~*
50 *\$100.00* ; provided, however, that (1) such exclusion is unlawful if
51 any person responsible for the preparation or filing of the report
52 knew that it was made with respect to any person whose contribu-
53 tions relating to the same election or issue and made to the report-
54 ing organization or committee or to an allied campaign organization
55 or organizations aggregate, in combination with the contribution in
56 respect of which such exclusion is made, more than *~~[\$250.00]~~*
57 *\$100.00* and (2) any person who knowingly prepares, assists in
58 preparing, files or acquiesces in the filing of any report from which
59 the identification of a contributor has been excluded contrary to the
60 provisions of this section is subject to the provisions of section 21 of
61 this act, but (3) nothing in this proviso shall be construed as requir-
62 ing any committee or organization reporting pursuant to this act to
63 report the amounts, dates or other circumstantial data regarding
64 contributions made to any other organization or political committee,
65 committee of a political party or campaign organization of a candi-
65A date.

66 Any report filed pursuant to the provisions of this section shall
67 include an itemized accounting of all receipts and expenditures
68 relative to any testimonial affairs held since the date of the most
69 recent report filed, which accounting shall include the names and
70 addresses of each contributor in excess of *~~[\$250.00]~~* *\$100.00* to
71 such testimonial affair and the amount contributed by each, the
72 expenses incurred, and the disposition of the proceeds of such
73 testimonial affair.

74 No State, county or municipal committee of a political party nor
75 any political committee nor any political information organization
76 shall be required to file reports pursuant to this section of con-
77 tributions received or expenditures made in behalf of any candidate
78 who is not required to file reports pursuant to section 16 of this act.

1 9. Each candidate in an election shall appoint one campaign
2 treasurer and shall designate one campaign depository before
3 receiving any contribution or expending any money in furtherance
4 or aid of his candidacy. Any bank authorized by law to transact
5 business in the State may be designated as the campaign depository.
6 The designation of the campaign treasurer and the campaign de-
7 pository shall be made by the candidate's filing the name and ad-
8 dress of such campaign treasurer and such depository with the
9 Election Law Enforcement Commission.

10 A campaign treasurer of the candidate may appoint deputy
11 campaign treasurers as required and may designate additional
12 campaign depositories in each county in which the campaign is
13 conducted. The candidate shall file the names and addresses of
14 deputy campaign treasurers and additional campaign depositories
15 with the Election Law Enforcement Commission.

16 A candidate may remove a campaign treasurer or deputy cam-
17 paign treasurer. In the case of the death, resignation or removal
18 of a campaign treasurer, the candidate shall appoint a successor
19 as soon as practicable and shall file his name and address with the
20 Election Law Enforcement Commission within 3 days. A candidate
21 may serve as his own campaign treasurer.

1 10. Each State, county and municipal committee of a political
2 party shall, on or before January 31 in each year, designate a
3 campaign treasurer and a campaign depository and shall file the
4 name and address thereof with the Election Law Enforcement
5 Commission.

6 Every political committee shall, before receiving any contribu-
7 tion or expending any money in furtherance or aid of the election
8 or defeat of any candidate, or to aid the passage or defeat of any
9 public question, appoint one campaign treasurer and designate one
10 campaign depository and file the name and address thereof with
11 the Election Law Enforcement Commission. A campaign treasurer
12-13 of the State, county or municipal committee of a political party,
14 and a campaign treasurer of a political committee may appoint
15 deputy campaign treasurers as may be required and may designate
16 additional campaign depositories. Such committees shall file the
17 names and addresses of such deputy campaign treasurers and

18 additional campaign depositories with the Election Law Enforce-
19 ment Commission.

20 Any State, county or municipal committee of a political party,
21 and any political committee may remove its campaign treasurer or
22 deputy campaign treasurer. In the case of the death, resignation
23 or removal of its campaign treasurer, the committee shall appoint
24 a successor as soon as practicable and shall file his name and
25 address with the Election Law Enforcement Commission within
26 3 days.

1 11. No contribution of money or other thing of value, nor obliga-
2 tion therefor, including but not limited to contributions, loans or
3 obligations of a candidate himself or of his family, shall be made
4 or received, and no expenditure of money or other thing of value,
5 nor obligation therefor, including expenditures, loans or obliga-
6 tions of a candidate himself or of his family, shall be made or
7 incurred, directly or indirectly, to support or defeat a candidate
8 in any election, or to aid the passage or defeat of any public
9 question, except through:

10 a. The duly appointed campaign treasurer, or deputy campaign
11 treasurers of the candidate;

12 b. The duly appointed campaign treasurer or deputy campaign
13 treasurers of a political party committee;

14 c. The duly appointed campaign treasurer or deputy campaign
15 treasurers of a political committee.

16 It shall be lawful, however, for any person, not acting in concert
17 with any other person or group, to expend personally from his own
18 funds a sum which is not to be repaid to him for any purpose not
19 prohibited by law, or to contribute his own personal services and
20 personal traveling expenses, to support or defeat a candidate or to
21 aid the passage or defeat of a public question; provided, however,
22 that any person making such expenditure shall be required to re-
23 port all such expenditures and expenses, except personal traveling
24 expenses, ****[and the estimated value of all such services]**** if the
25 total of the money so expended ****[and the estimated value of the
26 services so contributed]**** ****, exclusive of such traveling ex-
26A *penses,*** exceeds ***[\$250.00]*** ***\$100.00***, either:

27 a. To the campaign treasurer of the candidate, political party
28 committee or political committee on whose behalf such expenditure
29 or contribution was made, or to his deputy, who shall cause the
30 same to be included in his report to the Election Law Enforcement
31 Commission subject to the provisions of sections 8 and 9 of this
32 act; or

33 b. Directly to the Election Law Enforcement Commission at the
34 same time and in the same manner as a political committee subject
35 to the provisions of section 8 of this act.

36 Any anonymous contribution received by a campaign treasurer
37 or deputy campaign treasurer shall not be used or expended, but
38 shall be returned to the donor, if his identity is known, and if no
39 donor is found, the contribution shall escheat to the State.

40 Any State, county or municipal committee of any political party,
41 after a primary election, but not prior thereto, may receive and
42 expend funds to be spent in furtherance and in aid of the candidacy
43 of all the candidates of such party, or of any one or more of such
44 candidates, in accordance with the provisions of this act.

1 12. All funds received by a campaign treasurer or deputy cam-
2 paign treasurer of a candidate, of a State, county or municipal
3 committee of a political party, or of a political committee shall be
4 deposited by the campaign treasurer or deputy campaign treasurer
5 in a campaign depository of the candidate, committee or political
6 committee, in an account designated "Campaign Fund of (name
7 of candidate or committee)" no later than the tenth calendar day
8 following receipt of such funds; except that any such treasurer or
9 deputy treasurer may, when authorized by the candidate or com-
10 mittee of which he is the campaign treasurer or deputy campaign
11 treasurer, transfer any such funds to the duly designated campaign
12 treasurer or deputy campaign treasurer of another candidate or
13 committee, for inclusion in the campaign fund thereof, without first
14 so depositing them; provided, however, that a record of all non-
15 deposited funds so transferred shall be attached to the statement
16 required under this section, identifying them as to source and
17 amount in the same manner as deposited funds.

18 All deposits made by a campaign treasurer or deputy campaign
19 treasurer shall be accompanied by a statement containing the name
20 and address of each person or group contributing or providing
21 the funds so deposited, and the amount contributed or provided by
22 each person or group, provided that the campaign treasurer or
23 deputy campaign treasurer may exclude from such statement the
24 names and addresses of persons or groups contributing *~~[\$250.00]~~*
25 *\$100.00* or less. The statement shall be made upon a form pre-
26 scribed by the Election Law Enforcement Commission, and one
27 copy thereof shall be filed by the campaign depository with the
28 Election Law Enforcement Commission in accordance with section
29 17 of this act, one copy shall be retained by the campaign depository
30 for its records and one copy shall be retained by the campaign
31 treasurer for his records.

1 13. Each political information organization shall, on or before
 2 January 31 in each year, designate a treasurer and a depository
 3 and shall file the name and address thereof with the Election Law
 4 Enforcement Commission.

5 Every political information organization shall, before receiving
 6 any contribution or expending any money to provide any political
 7 information on any candidate, or public question or to seek to in-
 8 fluence the content, introduction, passage or defeat of legislation,
 9 appoint one treasurer and designate one depository and file the
 10 name and address thereof with the Election Law Enforcement
 11 Commission. The treasurer of a political information organization
 12 may appoint deputy treasurers as may be required and may desig-
 13 nate additional depositories. Such organizations shall file the
 14 names and addresses of such deputy treasurers and additional
 15 depositories with the Election Law Enforcement Commission.

16 Any political information organization may remove its treasurer
 17 or deputy treasurer. In the case of the death, resignation or re-
 18 moval of its treasurer, the organization shall appoint a successor
 19 within 10 days and shall file his name and address with the Elec-
 20 tion Law Enforcement Commission within 3 days.

1 14. No contribution of money or other thing of value, nor obli-
 2 gation therefor, including but not limited to contributions, loans
 3 or obligations shall be made ***to*** or received ***by a political in-*
 4 *formation organization***, and no expenditure of money or other
 5 thing of value, nor obligation therefor, including expenditures,
 6 loans or obligations shall be made or incurred, directly or indirectly,
 7 ***by a political information organization*** to provide information
 8 on any candidate or public question or to seek to influence the con-
 9 tent, introduction, passage, or defeat of legislation except through
 10 the duly appointed treasurer or deputy treasurer of the political
 10A information organization.

11 It shall be lawful, however, for any person, not acting in concert
 12 with any other person or group, to expend personally from his
 13 own funds a sum which is not to be repaid to him for any purpose
 14 not prohibited by law, or to contribute his own personal services
 15 and personal traveling expenses, to provide political information
 16 on any candidate or public question or to seek to influence the
 17 content, introduction, passage or defeat of legislation; provided,
 18 however, that the person making such expenditure shall be required
 19 to report all such expenditures and expenses except personal
 20 traveling expenses ***[and the estimated value of all such*
 21 *services]*** if the total of the money so expended ***[and the*

22 estimated value of the services so contributed]***, *exclusive of*
22A *such travel expenses*,** exceeds ***[\$250.00]*** *\$100.00*, either:

23 a. To the treasurer of the political information organization on
24 whose behalf such expenditure or contribution was made, or to
25 his deputy, who shall cause the same to be included in his report
26 to the Election Law Enforcement Commission; or

27 b. Directly to the Election Law Enforcement Commission at
28 the same time and in the same manner as a political information
29 organization subject to the provisions of section 8 of this act.

30 Any anonymous contribution received by a treasurer or deputy
31 treasurer of a political information organization shall not be used
32 or expended, but shall be returned to the donor, if his identity is
33 known, and if no donor is found, the contribution shall escheat to
34 the State.

1 15. All funds received by a treasurer or deputy treasurer of a
2 political information organization shall be deposited by the trea-
3 surer or deputy treasurer in a depository of the organization in
4 an account designated “(name of political information organiza-
5 tion) Fund” no later than the tenth calendar day following receipt
6 of such funds.

7 All deposits made by a treasurer or deputy treasurer of a po-
8 litical information organization shall be accompanied by a state-
9 ment containing the name and address of each person or group
10 contributing or providing the funds so deposited, and the amount
11 contributed or provided by each person or group, provided that
12 the treasurer or deputy treasurer may exclude from such statement
13 the names and addresses of persons or groups contributing
14 ***[\$250.00]*** *\$100.00* or less. The statement shall be made upon a
15 form prescribed by the Election Law Enforcement Commission,
16 and one copy thereof shall be filed by the depository with the Elec-
17 tion Law Enforcement Commission in accordance with section 17
18 of this act, one copy shall be retained by the treasurer for his
19 records.

1 16. Each campaign treasurer of a candidate shall make a full
2 report, upon a form prescribed by the Election Law Enforcement
3 Commission, of all moneys, loans, paid personal services or other
4 things of value, contributed to him or to the deputy campaign
5 treasurers of the candidate, and all expenditures paid out of the
6 campaign fund of the candidate, during the period ending with the
7 day preceding the date of the report and beginning on the date the
8 most recent such report was filed, or, in the case of the first such
9 report filed after the appointment of the campaign treasurer, be-

10 ginning on the date of the appointment of the campaign treasurer.
11 The report shall also contain the name and address of each person
12 or group from whom moneys, loans, paid personal services or other
13 things of value have been contributed and the amount contributed
14 by each person or group. The campaign treasurer and the candi-
15 date shall certify the correctness of the report.

16 During the period between the appointment of the campaign
17 treasurer and the election with respect to which contributions are
18 accepted or expenditures made by him, the campaign treasurer shall
19 file his report (1) on the ~~**[fifth]**~~ ***seventh*** day preceding the
20 election, and (2) on the twenty-fifth day preceding the election; and
21 after the election he shall file his report on the fifteenth day follow-
22 ing such election. Concurrent with the report filed on the fifteenth
23 day following an election, or at any time thereafter, the campaign
24 treasurer of a candidate or political committee ***or committee of*
25 *a political party*** or the treasurer of a political information
26 organization may certify to the Election Law Enforcement Com-
27 mission that the campaign fund of such candidate, political com-
28 mittee ***or committee of a political party***, or ***the fund of such***
29 political information organization, having been instituted for the
30 purposes of the late election, has wound up its business and been
31 dissolved ***or, in the case of a political committee or a committee of*
32 *a political party or a political information organization which con-*
33 *tinues its activities beyond the election, that its business regarding*
34 *the late election has been wound up***; and said certification shall be
35 accompanied by a final accounting of such campaign fund, ***or of*
36 *the transactions relating to such election,*** including the final
37 disposition of any balance remaining in such fund at the time of
37A dissolution or the arrangements which have been made for the dis-
37B charge of any obligations remaining unpaid at the time of dis-
37C solution. Until such certification has been filed, each such treasurer
37D shall continue to file, at the conclusion of each 60-day interval from
37E the fifteenth day following such election, reports in the form and
37F manner herein prescribed.

38 In the case of a primary, general, municipal, **school,** or special
39 election of a candidate for an office elected by a municipal or county-
40 wide constituency **or a school district** a duplicate copy of the
41 campaign treasurer's report, duly certified, shall be filed at the
42 same time with the county clerk of the county in which the candidate
42A resides.

43 There shall be no obligation to file the reports required by this
44 section on behalf of a candidate ~~**[seeking election to a~~ **board of*

45 *education or to a* public office ***[in any municipality containing]****
 46 **more than 5,000 registered voters]**** if such candidate files with the
 47 Election Law Enforcement Commission a sworn statement to the
 48 effect that the total amount to be expended in behalf of his candi-
 49 dacy by the candidate, by any State, county or municipal committee
 50 of a political party, by any political committee, or by any person
 51 shall not in the aggregate exceed \$1,000.00; provided, that if a
 52 candidate who has filed such a sworn statement receives contribu-
 53 tions from any one source aggregating more than ***[\$250.00]****
 54 ***\$100.00*** he shall forthwith make report of the same, including
 55 the identity of the source and the aggregate total of contributions
 56 therefrom, to the Election Law Enforcement Commission.

57 In any report filed pursuant to the provisions of this section, the
 58 names and addresses of contributors whose contributions during
 59 the period covered by the report did not exceed ***[\$250.00]****
 60 ***\$100.00*** may be excluded; provided, however, that (1) such ex-
 61 clusion is unlawful if any person responsible for the preparation or
 62 filing of the report knew that such exclusion was made with respect
 63 to any person whose contributions relating to the same election and
 64 made to the reporting candidate or to an allied campaign organiza-
 65 tion or organizations aggregate, in combination with the contribu-
 66 tion in respect of which such exclusion is made, more than
 67 ***[\$250.00]**** ***\$100.00***, and (2) any person who knowingly prepares,
 68 assists in preparing, files or acquiesces in the filing of any report
 69 from which the identity of any contributor has been excluded con-
 70 trary to the provisions of this section is subject to the provisions
 71 of section 21 of this act, but (3) nothing in this proviso shall be
 72 construed as requiring any candidate reporting pursuant to this
 73 act to report the amounts, dates or other circumstantial data re-
 74 garding contributions made to any other candidate, political com-
 75 mittee or committee of a political party.

76 Any report filed pursuant to the provisions of this section shall
 77 include an itemized accounting of all receipts and expenditures
 78 relative to any testimonial affair held since the date of the most
 79 recent report filed, which accounting shall include the names and
 80 addresses of each contributor in excess of ***[\$250.00]**** ***\$100.00***
 81 to such testimonial affair and the amount contributed by each, the
 82 expenses incurred, and the disposition of the proceeds of such
 83 testimonial affair.

1 17. Within 15 days after the primary or general election, each
 2 campaign depository of a candidate, of a State, county or municipal
 3 committee of a political party or of a political committee and each
 4 depository of a political information organization shall file with the
 5 Election Law Enforcement Commission the originals or true copies

6 of the statements filed with such depositories by the treasurers or
 7 deputy treasurers pursuant to sections 12 and 15, together with ****[a**
 8 **statement setting forth the balance of funds remaining on deposit**
 9 **with such depository as of the date on which such statement is**
 10 **filed]**** ***true copies of ledger sheets and deposit tickets of a*
 11 *campaign fund or political information organization fund account*
 12 *or accounts as of the date on which they are transmitted to the*
 13 *commission by the depository.***

1 18. If any former candidate or any political committee or any
 2 political information organization or any person or association of
 3 persons in behalf of such political committee or former candidate
 4 or organization shall receive any contributions or make any ex-
 5 penditures with relation to any election after the date set in
 6 section 16 of this act for the final report subsequent to such election,
 7 or shall conduct any testimonial affair or public solicitation for the
 8 purpose of raising funds to cover any part of the expenses of a
 9 candidate or political committee or organization in such election,
 10 all such contributions, expenditures, testimonial affairs or public
 11 solicitations shall be reported to the Election Law Enforcement
 12 Commission by the person or persons receiving such contributions
 13 or making such expenditures or conducting such testimonial affairs
 14 or public solicitations. Such report shall be made by any person
 15 receiving any such contribution or contributions, or making any
 16 such expenditure or expenditures, which in the aggregate total
 17 more than ****[\$250.00]* *\$100.00***, or conducting any testimonial
 18 affair or public solicitation of which the net proceeds exceed
 19 ****[\$250.00]* *\$100.00***; and shall be made within 20 days from the
 20 date upon which the aggregate of such contributions, expenditures
 21 or proceeds exceeds ****[\$250.00]* *\$100.00*** for the period com-
 22 mencing with the fifteenth day following such election or with the
 23 date upon which any previous report was made pursuant to this
 24 section, whichever is soonest. Such report shall be made in the same
 25 form and shall contain the same detail prescribed for any other
 26 report made pursuant to section 8 or 16 of this act.

1 19. a. No person shall conduct any public solicitation as defined
 2 in this act except (1) upon written authorization of the campaign
 3 treasurer of the candidate, party committee or political committee
 4 on whose behalf such solicitation is conducted, or (2) upon written
 5 authorization of the treasurer of a political information organiza-
 6 tion, or (3) in accordance with the provisions of subsection c. of this
 7 section. A person with such written authorization may employ and
 8 accept the services of others as solicitors, and shall be responsible

9 for reporting to the treasurer the information required under sub-
10 section b. of this section and for delivery to the treasurer the net
11 proceeds of such solicitation in compliance with sections 11 and 14
12 of this act. A contribution made through donation or purchase in
13 response to a public solicitation conducted pursuant to written
14 authorization of a treasurer shall be deemed to have been made
15 through such treasurer.

16 b. Whenever a public solicitation has been authorized by a
17 treasurer during a period covered by a report required to be filed
18 under sections 8 and 16 of this act, there shall be filed with such
19 report and as a part thereof an itemized report on any such solici-
20 tation of which the net proceeds exceed *~~[\$250.00]~~* *\$100.00*, in
21 such form and detail as required by the rules of the Election Law
22 Enforcement Commission, which report shall include:

23 (1) the name of the person authorized to conduct such solici-
24 tation, and the method of solicitation;

25 (2) the gross receipts and expenses involved in the solicitation
26 including the actual amount paid for any items purchased for resale
27 in connection with the solicitation or, if such items or any portion
28 of the cost thereof was donated, the estimated actual value thereof
29 and the actual amount paid therefor, and the names and addresses
30 of any such donors. If it is not practicable for such itemized re-
31 port to be completed in time to be included with the report due
32 under sections 8 and 16 of this act for the period during which such
33 solicitation was held, then such itemized report may be omitted
34 from said report and if so omitted shall be included in the report
35 for the next succeeding period.

36 c. Notwithstanding the provisions of subsection b. of this section,
37 it shall be lawful for any natural person, not acting in concert with
38 any other person or group, to make personally a public solicitation
39 the entire proceeds of which, without deduction for the expenses of
40 solicitation, are to be expended by him personally or under his
41 personal direction to finance any lawful activity in support of or
41A opposition to any candidate or public question or to provide
42 political information on any candidate or public question
43 or to seek to influence the content, introduction, passage or defeat
44 of legislation; provided, however, that any individual making
45 such solicitation who receives gross contributions exceeding
46 **~~[\$250.00]~~** **\$100.00** in respect of activities relating to any
47 one election shall be required to make a report stating (1) the
48 amount so collected, (2) the method of solicitation and (3) the pur-
49 pose or purposes for which the funds so collected were expended and

50 the amount expended for each such purpose. Such report shall be
50A made either

51 (1) to the treasurer of the candidate, political party committee,
52 political committee or political information organization on whose
53 behalf such funds were collected and expenditures made, or to his
54 deputy, who shall cause the same to be included in this report to the
55 Election Law Enforcement Commission subject to the provisions
56 of sections 8 and 16 of this act; or,

57 (2) directly to the Election Law Enforcement Commission at the
58 same time and in the same manner as a political committee or
59 political information organization subject to the provisions of
60 section 8 of this act.

61 d. Contributions or purchases made in response to a public
62 solicitation conducted in conformity with the requirements and con-
63 ditions of this act shall not be deemed anonymous within the mean-
64 ing of sections 11, 14 and 20 of this act.

65 e. No person contributing in good faith to a public solicitation
66 not duly authorized in compliance with the provisions of this act
67 shall be liable to any penalty under this act by reason of having
68 made such contribution.

1 20. No contribution of money or other thing of value, nor obliga-
2 tion therefor, shall be made, and no expenditure of money or other
3 thing of value, nor obligation therefor, shall be made or incurred
4 whether anonymously, in a fictitious name, or by one person or
5 group in the name of another, to support or defeat a candidate
6 in a primary or general election or to aid the passage or defeat
7 of any public question or to provide political information on any
8 candidate or public question or to seek to influence the content,
9 introduction, passage or defeat of legislation. No person shall
10 contribute, or purport to contribute, to any political candidate,
11 party committee, political committee or political information or-
12 ganization funds or property not actually belonging to him and
13 in his full custody and control, or which has been given or furnished
14 to him by any other person or groups for the purpose of making a
15 contribution thereof, except in the case of group contributions by
16 persons who are members of the contributing group. No treasurer,
17 candidate or member of a party committee, political committee or
18 political information organization shall solicit or knowingly accept,
19 agree to accept or concur in or abet the solicitation or acceptance
20 of any contribution contrary to the provisions of this section.

1 21. a. Any person who willfully and knowingly ***and with intent*
2 *to conceal or misrepresent contributions given or received or ex-*

3 *penditures made or incurred to aid or promote the nomination,*
 4 *election or defeat of any candidate for public office or party posi-*
 5 *tion, or to aid or promote the passage or defeat of a public question*
 6 *in any election, or to aid the dissemination of political information*
 6A *in connection with any election*** makes or accepts any contribution
 6B or makes or incurs any expenditure in violation of sections 7, 11,
 6C 14 or 20 of this act ****[shall, in addition to any other penalty pro-**
 6D **vided by law, be liable to a penalty of not more than \$5,000.00 for**
 6E **the first offense and not more than \$10,000.00 for the second and**
 6F **each subsequent offense]**** ***is guilty of a misdemeanor.***

7 b. Any person who willfully and knowingly files or prepares or
 8 assists in the preparation for filing or acquiesces in the prepara-
 9 tion or filing of any report required under this act which is false,
 10 inaccurate or incomplete in any material particular; or who will-
 11 fully and knowingly fails or refuses to file any such report when
 12 required to do so pursuant to the provisions of this act; or who
 13 willfully supplies any information which he knows to be false,
 14 inaccurate or incomplete to any person preparing or assisting in
 15 the preparation of any such report, with the knowledge that such
 16 information is intended for the purposes of such report, ****[shall, in**
 17 **addition to any other penalty provided by law, be liable to a**
 18 **penalty of not more than \$5,000.00 for the first offense and not**
 19 **more than \$10,000.00 for the second and each subsequent offense]****
 19A ***is guilty of a misdemeanor.***

20 c. The nomination for or election to any office of any candidate
 21 who is guilty of any violation within the description of subsection
 22 a. or b. of this section shall be void, and the office shall be filled
 23 as required by law in the case of a vacancy; provided, however,
 24 that nothing herein contained shall be construed in derogation of
 25 the constitutional authority of either House of the Legislature to
 26 be the judge of the election and qualification of its own members.

27 ****[d. Upon receiving evidence of any violation of this section, the**
 28 **Election Law Enforcement Commission shall have power to hold**
 29 **hearings upon such violation and, upon finding any person to have**
 30 **committed such a violation, to assess such penalty, within the**
 31 **limits prescribed in subsections a. and b. of this section, as it deems**
 32 **proper under the circumstances, which penalty shall be paid forth-**
 33 **with into the State Treasury for the general purposes of the State.**
 34 **Such penalty shall be enforceable in a summary proceeding under**
 35 **the "Penalty Enforcement Law" (N. J. S. 2A :58-1 et seq.).**

36 e. Any failure to file a report or any defect or inaccuracy in a
 37 report which is due to the illness of the candidate, or the absence,
 38 illness or death of his campaign treasurer or was caused by the

39 misconduct of any person other than the candidate or his campaign
 40 treasurer, or by any other reasonable cause not involving gross
 41 negligence on the part of the candidate or his campaign treasurer
 42 or willful intention to violate any provision of this act, shall be
 43 deemed to be not a violation of this act.

44 f. In assessing any penalty under this section, the Election Law
 45 Enforcement Commission may provide for the remission of all or
 46 any part of such penalty conditioned upon prompt correction of
 47 any failure, neglect, error or omission constituting the violation
 48 for which said penalty was assessed.】**

1 **22. a. *Any person charged with the responsibility under the*
 2 *terms of this act for the filing of any reports or other documents*
 3 *required to be filed pursuant to this act who fails, neglects or omits*
 4 *to file any such report or document at the time and in the manner*
 5 *prescribed by law, or who omits or incorrectly states any of the*
 6 *information required by law to be included in such report or docu-*
 7 *ment, shall, in addition to any other penalty provided by law, be*
 8 *liable to a penalty of not more than \$1,000.00 for the first offense*
 9 *and not more than \$2,000.00 for the second and each subsequent*
 10 *offense.*

11 *b. Upon receiving evidence of any violation of this section, the*
 12 *Election Law Enforcement Commission shall have power to hold,*
 13 *or to cause to be held under the provisions of subsection d. of this*
 14 *section, hearings upon such violation and, upon finding any person*
 15 *to have committed such a violation, to assess such penalty, within*
 16 *the limits prescribed in subsection a. of this section, as it deems*
 17 *proper under the circumstances, which penalty shall be paid forth-*
 18 *with into the State Treasury for the general purposes of the State.*
 19 *Such penalty shall be enforceable in a summary proceeding under*
 20 *the "Penalty Enforcement law" (N. J. S. 2A:58-1 et seq.).*

21 *c. In assessing any penalty under this section, the Election Law*
 22 *Enforcement Commission may provide for the remission of all or*
 23 *any part of such penalty conditioned upon the prompt correction*
 24 *of any failure, neglect, error or omission constituting the violation*
 25 *for which said penalty was assessed.*

26 *d. The commission may designate a hearing officer to hear com-*
 27 *plaints of violations of this act. Such hearing officer shall take*
 28 *testimony, compile a record and make factual findings, and shall*
 29 *submit the same to the commission, which shall have power to*
 30 *assess penalties within the limits and under the conditions pre-*
 31 *scribed in subsections b. and c. of this section. The commission*
 32 *shall review the record and findings of the hearing officer, but it*
 33 *may also seek such additional testimony as it deems necessary.*

34 *The commission's determination shall be by majority vote of the*
 35 *entire authorized membership thereof.***

1 ****[22.]**** ****23.**** This act shall be construed liberally to effec-
 2 tuate the legislative intent and as complete and independent au-
 3 thority for the performance of each and every act and thing herein
 4 authorized.

1 ****[23.]**** ****24**** All acts and parts of acts, rules and regulations
 2 issued thereunder inconsistent in whole or in part with the pro-
 3 visions of this act are to such extent superseded.

1 ****[24.]**** ****25.**** If any section, subsection, paragraph, sentence
 2 or other part of this act is adjudged unconstitutional or invalid,
 3 such judgment shall not affect, impair or invalidate the remainder
 4 of this act, but shall be confined in its effect to the section, subsec-
 5 tion, paragraph, sentence or other part of this act directly involved
 6 in the controversy in which said judgment shall have been rendered.

1 ****[25.]**** ****26.**** The following acts or parts of acts are repealed.

2 a. R. S. 19:3-8, 19:34-36 and 19:34-37.

3 b. Chapters 40, 41, 42, 43 and 44 of Title 19 of the Revised
 4 Statutes.

5 c. P. L. 1946, c. 152 (C. 19:41-4.1 and 19:41-4.2).

1 ****[26.]**** ****27.**** R. S. 19:5-5 is amended to read as follows:

2 19:5-5. Any State committee, county committee or municipal
 3 committee of any political party may receive and disburse moneys
 4 for the general purposes of maintaining such organization during
 5 the whole or any part of the year. The expenses for maintenance
 6 of organization shall be confined to the hiring *or acquisition* of
 7 suitable **[rooms]** *quarters* for meetings of such committee, for
 8 stationery, for hiring of necessary clerks, for the expenses of
 9 notices of the meetings of such committee, for giving publicity to
 10 the policies and candidates of their respective party organizations,
 11 and other expenses incidental to the maintenance of such
 12 organization.

13 **[**Within 20 days after the day of the general election, the person
 14 who has had the custody of the moneys contributed to or on account
 15 of any State, county or municipal committee during the previous
 16 year shall file with the Secretary of State in the case of the State
 17 committee, and with the county clerk in the case of the county or
 18 municipal committee, a statement of the amount of money received
 19 by or on behalf of such committee during the previous year, together
 20 with the names and addresses of the persons from whom the money
 21 was received, and also a statement of the purposes for which it was
 22 expended, itemized as to all items in excess of \$5.00, and with a

23 general statement as to the purposes for which the items less than
24 \$5.00 were expended. The person making such statement shall make
25 affidavit that the same is true.】

1 **【27.】** **28.** The sum of \$150,000.00 is hereby appropriated
2 to the Election Law Enforcement Commission for the fiscal year
3 ending June 30, 1973, for the purpose of carrying out the provisions
4 of this act.

1 **【28.】** **29.** This act shall take effect immediately; pro-
2 vided, however, that the reporting requirements contained in sec-
3 tion 8 and section 16 of this act shall remain inoperative for 90 days
4 after the effective date.

April 2, 1973

[OFFICIAL COPY REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE

for

SENATE, No. 1124

STATE OF NEW JERSEY

ADOPTED FEBRUARY 22, 1973

AN ACT concerning the reporting of campaign contributions and expenditures, limiting election campaign expenditures, establishing an Election Law Enforcement Commission and prescribing its powers and duties, making an appropriation therefor, amending R. S. 19:5-5 and repealing R. S. 19:3-8, 19:34-36 and 19:34-37, chapters 40, 41, 42, 43 and 44 of Title 19 of the Revised Statutes and chapter 152 of the laws of 1946.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as "The New Jersey
2 Campaign Contributions and Expenditures Reporting Act."

1 2. It is hereby declared to be in the public interest and to be the
2 policy of the State to limit the campaign expenditures by candidates
3 for public office and to require the reporting of all contributions
4 received and expenditures made to aid or promote the nomination,
5 election or defeat of any candidate for public office or to aid or
6 promote the passage or defeat of a public question in any election
7 and to require the reporting of all contributions received and ex-
8 penditures made to provide political information on any candidate
9 for public office, or on any public question, or to influence the
10 content, introduction, passage or defeat of legislation.

1 3. As used in this act, unless a different meaning clearly appears
2 from the context:

3 a. The term "allied candidates" means candidates in any election
4 who are (1) seeking nomination or election (A) to an office or offices
5 in the same county or municipal government **or school district**
6 or (B) to the Legislature representing in whole or part the same
7 constituency or (C) as delegates or alternates to the national con-
8 vention of the same political party; and who are (2) either (A)

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

9 nominees of the same political party or (B) publicly declared in
10 any manner, including the seeking or obtaining of any ballot posi-
11 tion or common ballot slogan, to be aligned or mutually supportive.

12 b. The term "allied campaign organization" means any political
13 committee, any State, county or municipal committee of a political
14 party or any campaign organization of a candidate which is in
15 support or furtherance of the same candidate or any one or more
16 of the same group of allied candidates or the same public question
17 as any other such committee or organization.

18 c. The term "candidate" means an individual seeking election
19 to a public office of the State or of a county or of a municipality ***[in**
20 **which there are more than 5,000 registered voters]*** at a primary,
21 general, municipal or special election; except that the term shall
22 not include the office of ***[school board member or]*** State or county
23 committeeman or committeewoman.

24 d. The terms "contributions" and "expenditures" include all
25 transfers of money or other thing of value to or by any candidate,
26 political committee, committee of a political party or political in-
27 formation organization, and all pledges or other commitments
28 or assumptions of liability to make any such transfer; and for
29 purposes of reports required under the provisions of this act shall
30 be deemed to have been made upon the date when such commitment
31 is made or liability assumed.

32 e. The term "election" means any election described in section
33 4 of this act.

34 f. The term "paid personal services" means personal, clerical,
35 administrative or professional services of every kind and nature
36 including, without limitation, public relations, research, legal, can-
37 vassing, telephone, speech writing or other such services, per-
38 formed other than on a voluntary basis, the salary, cost or con-
39 sideration for which is paid, borne or provided by someone other
40 than the committee, candidate or organization for whom such ser-
41 vices are rendered.

42 g. The term "political information organization" means any
43 two or more persons acting jointly, or any corporation, partner-
44 ship, or any other incorporated or unincorporated association,
45 whether or not it is required to be registered pursuant to the
46 "Legislative Activities Disclosure Act of 1971" (P. L. 1971, c. 183),
47 which is organized for the purpose of, or which provides political
48 information concerning any candidate or candidates for public
49 office or with respect to any public question, or which seeks to
50 influence the content, introduction, passage or defeat of legislation.

51 h. The term "political information" means any statement in-

52 cluding but not limited to, press releases, pamphlets, newsletters,
 53 advertisements, flyers, form letters, or radio or television programs
 54 or advertisements which reflects the opinion of the members of
 55 the organization on any candidate or candidates for public office,
 56 on any public question, or on any legislation, or which contains
 57 facts on any such candidate, public question or legislation whether
 58 or not such facts are within the personal knowledge of members
 59 of the organization.

60 i. The term "political committee" means any two or more per-
 61 sons acting jointly, or any corporation, partnership, or any other
 62 incorporated or unincorporated association which is organized to,
 63 or does, aid or promote the nomination, election or defeat of any
 64 candidate or candidates for public office, or which is organized to,
 65 or does, aid or promote the passage or defeat of a public question
 66 in any election.

67 j. The term "public solicitation" means any activity by or on
 68 behalf of any candidate, State, county or municipal party committee,
 69 political committee or political information organization whereby
 70 either (1) members of the general public are personally solicited
 71 for cash contributions not exceeding \$10.00 from each person so
 72 solicited and contributed on the spot by the person so solicited to
 73 a person so soliciting or through a receptacle provided for the pur-
 74 pose of depositing contributions, or (2) members of the general
 75 public are personally solicited for the purchase of items having
 76 some tangible value as merchandise, at a price not exceeding
 77 \$10.00 per item, which price is paid on the spot in cash by the
 78 person so solicited to the person so soliciting, when the net proceeds
 79 of such solicitation are to be used by or on behalf of such candidate,
 80 party committee, or political committee or political information
 81 organization.

82 k. The term "testimonial affair" means an affair of any kind or
 83 nature including, without limitation, cocktail parties, breakfasts,
 84 luncheons, dinners, dances, picnics or similar affairs directly or
 85 indirectly intended to raise campaign funds in behalf of a person
 86 who holds, or who is or was a candidate for nomination or election
 87 to a public office in this State, or directly or indirectly intended to
 88 raise funds in behalf of any State, county or municipal com-
 89 mittee of a political party or in behalf of a political committee, or
 90 directly or indirectly intended to raise funds for any political in-
 91 formation organization.

1 4. The provisions of this act shall apply:

2 a. Whenever an attempt is made to influence the content, intro-
 3 duction, passage or defeat of legislation;

4 b. In any primary election for delegates and alternates to the
5 national conventions of a political party;

6 c. In any election at which a public question is to be voted upon
7 by the voters of the State or any political subdivision thereof;

8 d. In any primary, general, special*, *school** or municipal election
9 for any public office of the State or any political subdivision
10 thereof; provided, however, that this act shall not apply to elections
11 for county or State committeeman or committeewoman *~~or to mu-~~
12 nicipal elections in municipalities containing 5,000 or less registered
13 voters]*.

1 5. There is hereby created a commission consisting of four
2 members which shall be designated as the New Jersey Election
3 Law Enforcement Commission. The members shall be ap-
4 pointed by the Governor by and with the advice and consent of
5 the Senate for a term of 3 years, beginning on July 1 and ending
6 June 30, except as hereinafter provided. The Governor shall desig-
7 nate one of his appointees to serve as chairman of the commission.
8 No more than two members shall belong to the same political party,
9 and no person holding a public office or an office in any political
10 party shall be eligible for appointment to the commission. Of the
11 members initially appointed, two shall be appointed for a term of
12 3 years, one for a term of 2 years and one for a term of 1 year.
13 Each member shall serve until his successor has been appointed
14 and qualified. In case of a vacancy, however, the successor shall be
15 appointed in like manner for the unexpired term only. The mem-
16 bers shall serve without compensation, but shall be reimbursed for
17 necessary expenses incurred in the performance of their duties
18 under this act. For the purpose of complying with the provisions
19 of Article V, Section IV, paragraph 1 of the New Jersey Constitu-
20 tion, the Election Law Enforcement Commission is hereby allocated
21 within the Department of Law and Public Safety; but, notwith-
22 standing said allocation, the commission shall be independent of any
23 supervision or control by the department or by any board or officer
24 thereof, it being the intention of this act that the assignment, direc-
25 tion, discipline and supervision of all the employees of the commis-
26 sion shall be so far as possible, and except as otherwise provided in
27 this act, fully determined by the commission or by such officers
28 and employees thereof to whom the commission may delegate the
29 powers of such assignment direction discipline and supervision.

1 6. a. The commission shall appoint a full-time executive director
2 who shall serve at the pleasure of the commission and shall not
3 have tenure by reason of the provisions of chapter 16 of Title 38
4 of the Revised Statutes. The commission shall also appoint such

5 other employees as are necessary to carry out the purposes of this
6 act, which employees shall be in the classified service of the civil
7 service and shall be appointed in accordance with and shall be sub-
8 ject to the provisions of Title 11, Civil Service.

9 b. The commission shall promulgate such regulations and official
10 forms and perform such duties as are necessary to implement the
11 provisions of this act. Without limiting the generality of the fore-
12 going, the commission is authorized and empowered to:

13 (1) Develop forms for the making of the required reports;

14 (2) Prepare and publish a manual for all candidates, com-
15 mittees and political information organizations prescribing the
16 requirements of the law, including uniform methods of bookkeeping
17 and reporting and requirements as to the length of time that any
18 person required to keep any records pursuant to the provisions of
19 this act shall retain such records, or any class or category thereof,
20 or any other documents, including canceled checks, deposit slips,
21 invoices and other similar documents, necessary for the compilation
22 of such records;

23 (3) Develop a filing, coding and cross-indexing system;

24 (4) Permit copying or photo-copying of any report required to
25 be submitted pursuant to this act as requested by any person;

26 (5) Prepare and make available for public inspection summaries
27 of all said reports grouped according to candidates, parties and
28 issues, containing the total receipts and expenditures, and the date,
29 name, address and amount contributed by each contributor;

30 (6) Prepare and publish, prior to May 1 of each year, an annual
31 report to the Legislature;

32 (7) Ascertain whether candidates, committees, organizations or
33 others have failed to file reports or have filed defective reports; ex-
34 tend, for good cause shown, the dates upon which reports are re-
35 quired to be filed; give notice to delinquents to correct or explain
36 defects; and make available for public inspection a list of such
37 delinquents;

38 (8) Ascertain the total expenditures for candidates and deter-
39 mine whether they have exceeded the limits set forth in this act;
40 notify candidates, committees or others if they have exceeded or
41 about to exceed the limits imposed;

42 (9) Hold public hearings, investigate allegations of any viola-
43 tions in reporting or expenditures, and issue subpoenas for the
44 production of documents and the attendance of witnesses;

45 (10) Forward information concerning violations of any of the
46 provisions of this act for which the penalty assessed by the com-
47 mission cannot be collected to the Attorney General;

48 c. The commission shall take such steps as may be necessary or
49 appropriate to furnish timely and adequate information, in appro-
50 priate printed summaries and in such other form as it may see fit,
51 to every candidate or prospective candidate for public office who
52 becomes or is likely to become subject to the provisions of this act,
53 informing him of his actual or prospective obligations and responsi-
54 bilities under this act. Such steps shall include, but not be limited
55 to, furnishing to every person on whose behalf petitions of nomina-
56 tion are filed for any public office a copy of such printed summary
57 as aforesaid, which shall be furnished to such person by the com-
58 mission through the public official charged with the responsibility
59 of receiving and accepting such petitions of nomination, at the time
60 when such petitions are filed. The commission shall also make
61 available copies of such printed summary to any other person
62 requesting the same.

63 d. No certificate of election shall be issued to any candidate whose
64 election is subject to the provisions of this act without the written
65 consent of the Election Law Enforcement Commission; provided,
66 however, that the issuance or nonissuance of such consent shall not
67 be admissible in evidence in any proceeding to determine whether
68 or not such candidate or any other person has complied with the
69 provisions of this act, nor shall anything herein contained be con-
70 strued in derogation of the constitutional authority of either House
71 of the Legislature to be the judge of the election and qualification
72 of its own members.

73 e. The commission shall be assigned suitable quarters for the
74 performance of its duties hereunder.

75 f. The commission is authorized to render advisory opinions
76 as to whether a given set of facts and circumstances would consti-
77 tute a violation of any of the provisions of this act, or whether
78 a given set of facts and circumstances would render any person
79 subject to any of the reporting requirements of this act.

80 Unless an extension of time is consented to by any person re-
81 questing an advisory opinion, the commission shall render its ad-
82 visory opinion within 10 days of receipt of the request therefor.
83 Failure of the commission to reply to a request for an advisory
84 opinion within the time so fixed or agreed to shall preclude it from
85 instituting proceedings for imposition of a penalty under this act
86 based on the facts and circumstances set forth in the request.

87 g. The commission shall be entitled to the services of the Attor-
88 ney General in connection with the affairs of the commission.

1 7. The amount which may be spent in aid of the candidacy of any
2 candidate for a public office at any election shall not exceed \$0.50

3 for each voter who voted in the last preceding general election in
4 a presidential year in the district in which the public office is sought.

5 No money or other thing of value shall be paid or promised, or
6 expense authorized or incurred in behalf of any candidate for
7 nomination or election to any office, whether such payment is made
8 or promised, or expense authorized or incurred by the candidate
9 himself or by any other person, political committee or organiza-
10 tion, in furtherance or in aid of his candidacy, under any circum-
11 stances whatsoever, in excess of the sums provided; but such sums
12 shall not include the traveling expenses of the candidate or of any
13 person other than the candidate if such traveling expenses are
14 voluntarily paid by such person without any understanding or
15 agreement with the candidate that they shall be, directly or in-
16 directly, repaid to him by the candidate.

1 8. Each State, county and municipal committee of a political
2 party, each political committee and each political information or-
3 ganization shall make a full report, upon a form prescribed by
4 the Election Law Enforcement Commission of all moneys, loans,
5 paid personal services, or other things of value contributed to it
6 and all expenditures made, incurred, or authorized by it in further-
7 ance of the nomination, election or defeat of any candidate, or in
8 aid of the passage or defeat of any public question, or to provide
9 political information on any candidate or public question or to
10 seek to influence the content, introduction, passage or defeat of
11 any legislation, during the period ending with the day preceding
12 the date of the report and beginning on the date of the most recent
13 such report filed. The report shall contain the name and address
14 of each person or group from whom moneys, loans, paid personal
15 services or other things of value have been contributed and the
16 amount contributed by each person or group. The report shall also
17 contain the name and address of each person, firm or organization
18 to whom expenditures have been paid and the amount and purpose
19 of each such expenditure. The report shall be filed with the Elec-
20 tion Law Enforcement Commission on the dates designated in
21 section 16 hereof; provided, however, that any political informa-
22 tion organization which solely seeks to influence the content, in-
23 troduction, passage or defeat of legislation shall report only on
24 the date designated in this section. The campaign treasurer of the
25 committee or political committee reporting or the treasurer of
26 the political information organization reporting shall certify to
27 the correctness of each report.

28 Each State, county and municipal committee of a political party
29 and each political information organization shall also file with the

30 Election Law Enforcement Commission, not later than March 1
31 of each year, an annual report of all moneys, loans, paid personal
32 services or other things of value contributed to it during the pre-
33 vious calendar year and all expenditures made, incurred, or au-
34 thorized by it, whether or not such expenditures were made, in-
35 curred or authorized in furtherance of the election or defeat of any
36 candidate, or in aid of the passage or defeat of any public question
37 or to provide information on any candidate or public question or to
37A seek to influence the content, introduction, passage or defeat of any
38 legislation. The report shall contain the name and address of
39 each person or group from whom moneys, loans, paid personal
40 services or other things of value have been contributed and the
41 amount contributed by each person or group. The report shall also
42 contain the name and address of each person, firm or organization
43 to whom expenditures have been paid and the amount and purpose
44 of each such expenditure. The treasurer of the committee or or-
45 ganization reporting shall certify to the correctness of each report.

46 In any report filed pursuant to the provisions of this section the
47 organization or committee reporting may exclude from the report
48 the names and addresses of contributors whose contributions dur-
49 ing the period covered by the report did not exceed ***[\$250.00]***
50 *\$100.00* ; provided, however, that (1) such exclusion is unlawful if
51 any person responsible for the preparation or filing of the report
52 knew that it was made with respect to any person whose contribu-
53 tions relating to the same election or issue and made to the report-
54 ing organization or committee or to an allied campaign organization
55 or organizations aggregate, in combination with the contribution in
56 respect of which such exclusion is made, more than ***[\$250.00]***
57 *\$100.00* and (2) any person who knowingly prepares, assists in
58 preparing, files or acquiesces in the filing of any report from which
59 the identification of a contributor has been excluded contrary to the
60 provisions of this section is subject to the provisions of section 21 of
61 this act, but (3) nothing in this proviso shall be construed as requir-
62 ing any committee or organization reporting pursuant to this act to
63 report the amounts, dates or other circumstantial data regarding
64 contributions made to any other organization or political committee,
65 committee of a political party or campaign organization of a candi-
65A date.

66 Any report filed pursuant to the provisions of this section shall
67 include an itemized accounting of all receipts and expenditures
68 relative to any testimonial affairs held since the date of the most
69 recent report filed, which accounting shall include the names and
70 addresses of each contributor in excess of ***[\$250.00]*** *\$100.00* to

71 such testimonial affair and the amount contributed by each, the
72 expenses incurred, and the disposition of the proceeds of such
73 testimonial affair.

74 No State, county or municipal committee of a political party nor
75 any political committee nor any political information organization
76 shall be required to file reports pursuant to this section of con-
77 tributions received or expenditures made in behalf of any candidate
78 who is not required to file reports pursuant to section 16 of this act.

1 9. Each candidate in an election shall appoint one campaign
2 treasurer and shall designate one campaign depository before
3 receiving any contribution or expending any money in furtherance
4 or aid of his candidacy. Any bank authorized by law to transact
5 business in the State may be designated as the campaign depository.
6 The designation of the campaign treasurer and the campaign de-
7 pository shall be made by the candidate's filing the name and ad-
8 dress of such campaign treasurer and such depository with the
9 Election Law Enforcement Commission.

10 A campaign treasurer of the candidate may appoint deputy
11 campaign treasurers as required and may designate additional
12 campaign depositories in each county in which the campaign is
13 conducted. The candidate shall file the names and addresses of
14 deputy campaign treasurers and additional campaign depositories
15 with the Election Law Enforcement Commission.

16 A candidate may remove a campaign treasurer or deputy cam-
17 paign treasurer. In the case of the death, resignation or removal
18 of a campaign treasurer, the candidate shall appoint a successor
19 as soon as practicable and shall file his name and address with the
20 Election Law Enforcement Commission within 3 days. A candidate
21 may serve as his own campaign treasurer.

1 10. Each State, county and municipal committee of a political
2 party shall, on or before January 31 in each year, designate a
3 campaign treasurer and a campaign depository and shall file the
4 name and address thereof with the Election Law Enforcement
5 Commission.

6 Every political committee shall, before receiving any contribu-
7 tion or expending any money in furtherance or aid of the election
8 or defeat of any candidate, or to aid the passage or defeat of any
9 public question, appoint one campaign treasurer and designate one
10 campaign depository and file the name and address thereof with
11 the Election Law Enforcement Commission. A campaign treasurer
12-13 of the State, county or municipal committee of a political party,
14 and a campaign treasurer of a political committee may appoint
15 deputy campaign treasurers as may be required and may designate

16 additional campaign depositories. Such committees shall file the
17 names and addresses of such deputy campaign treasurers and
18 additional campaign depositories with the Election Law Enforce-
19 ment Commission.

20 Any State, county or municipal committee of a political party,
21 and any political committee may remove its campaign treasurer or
22 deputy campaign treasurer. In the case of the death, resignation
23 or removal of its campaign treasurer, the committee shall appoint
24 a successor as soon as practicable and shall file his name and
25 address with the Election Law Enforcement Commission within
26 3 days.

1 11. No contribution of money or other thing of value, nor obliga-
2 tion therefor, including but not limited to contributions, loans or
3 obligations of a candidate himself or of his family, shall be made
4 or received, and no expenditure of money or other thing of value,
5 nor obligation therefor, including expenditures, loans or obliga-
6 tions of a candidate himself or of his family, shall be made or
7 incurred, directly or indirectly, to support or defeat a candidate
8 in any election, or to aid the passage or defeat of any public
9 question, except through:

10 a. The duly appointed campaign treasurer, or deputy campaign
11 treasurers of the candidate;

12 b. The duly appointed campaign treasurer or deputy campaign
13 treasurers of a political party committee;

14 c. The duly appointed campaign treasurer or deputy campaign
15 treasurers of a political committee.

16 It shall be lawful, however, for any person, not acting in concert
17 with any other person or group, to expend personally from his own
18 funds a sum which is not to be repaid to him for any purpose not
19 prohibited by law, or to contribute his own personal services and
20 personal traveling expenses, to support or defeat a candidate or to
21 aid the passage or defeat of a public question; provided, however,
22 that any person making such expenditure shall be required to re-
23 port all such expenditures and expenses, except personal traveling
24 expenses, and the estimated value of all such services if the total
25 of the money so expended and the estimated value of the services
26 so contributed exceeds *~~[\$250.00]~~* *\$100.00*, either:

27 a. To the campaign treasurer of the candidate, political party
28 committee or political committee on whose behalf such expenditure
29 or contribution was made, or to his deputy, who shall cause the
30 same to be included in his report to the Election Law Enforcement
31 Commission subject to the provisions of sections 8 and 9 of this
32 act; or

33 b. Directly to the Election Law Enforcement Commission at the
34 same time and in the same manner as a political committee subject
35 to the provisions of section 8 of this act.

36 Any anonymous contribution received by a campaign treasurer
37 or deputy campaign treasurer shall not be used or expended, but
38 shall be returned to the donor, if his identity is known, and if no
39 donor is found, the contribution shall escheat to the State.

40 Any State, county or municipal committee of any political party,
41 after a primary election, but not prior thereto, may receive and
42 expend funds to be spent in furtherance and in aid of the candidacy
43 of all the candidates of such party, or of any one or more of such
44 candidates, in accordance with the provisions of this act.

1 12. All funds received by a campaign treasurer or deputy cam-
2 paign treasurer of a candidate, of a State, county or municipal
3 committee of a political party, or of a political committee shall be
4 deposited by the campaign treasurer or deputy campaign treasurer
5 in a campaign depository of the candidate, committee or political
6 committee, in an account designated "Campaign Fund of (name
7 of candidate or committee)" no later than the tenth calendar day
8 following receipt of such funds; except that any such treasurer or
9 deputy treasurer may, when authorized by the candidate or com-
10 mittee of which he is the campaign treasurer or deputy campaign
11 treasurer, transfer any such funds to the duly designated campaign
12 treasurer or deputy campaign treasurer of another candidate or
13 committee, for inclusion in the campaign fund thereof, without first
14 so depositing them; provided, however, that a record of all non-
15 deposited funds so transferred shall be attached to the statement
16 required under this section, identifying them as to source and
17 amount in the same manner as deposited funds.

18 All deposits made by a campaign treasurer or deputy campaign
19 treasurer shall be accompanied by a statement containing the name
20 and address of each person or group contributing or providing
21 the funds so deposited, and the amount contributed or provided by
22 each person or group, provided that the campaign treasurer or
23 deputy campaign treasurer may exclude from such statement the
24 names and addresses of persons or groups contributing ***[\$250.00]***
25 *\$100.00* or less. The statement shall be made upon a form pre-
26 scribed by the Election Law Enforcement Commission, and one
27 copy thereof shall be filed by the campaign depository with the
28 Election Law Enforcement Commission in accordance with section
29 17 of this act, one copy shall be retained by the campaign depository
30 for its records and one copy shall be retained by the campaign
31 treasurer for his records.

1 13. Each political information organization shall, on or before
2 January 31 in each year, designate a treasurer and a depository
3 and shall file the name and address thereof with the Election Law
4 Enforcement Commission.

5 Every political information organization shall, before receiving
6 any contribution or expending any money to provide any political
7 information on any candidate, or public question or to seek to in-
8 fluence the content, introduction, passage or defeat of legislation,
9 appoint one treasurer and designate one depository and file the
10 name and address thereof with the Election Law Enforcement
11 Commission. The treasurer of a political information organization
12 may appoint deputy treasurers as may be required and may desig-
13 nate additional depositories. Such organizations shall file the
14 names and addresses of such deputy treasurers and additional
15 depositories with the Election Law Enforcement Commission.

16 Any political information organization may remove its treasurer
17 or deputy treasurer. In the case of the death, resignation or re-
18 moval of its treasurer, the organization shall appoint a successor
19 within 10 days and shall file his name and address with the Elec-
20 tion Law Enforcement Commission within 3 days.

1 14. No contribution of money or other thing of value, nor obli-
2 gation therefor, including but not limited to contributions, loans
3 or obligations shall be made or received, and no expenditure of
4 money or other thing of value, nor obligation therefor, including
5 expenditures, loans or obligations shall be made or incurred, di-
6 rectly or indirectly, to provide information on any candidate or
7 public question or to seek to influence the content, introduction,
8 passage, or defeat of legislation except through the duly appointed
9 treasurer or deputy treasurer of the political information organi-
10 zation.

11 It shall be lawful, however, for any person, not acting in concert
12 with any other person or group, to expend personally from his
13 own funds a sum which is not to be repaid to him for any purpose
14 not prohibited by law, or to contribute his own personal services
15 and personal traveling expenses, to provide political information
16 on any candidate or public question or to seek to influence the
17 content, introduction, passage or defeat of legislation; provided,
18 however, that the person making such expenditure shall be required
19 to report all such expenditures and expenses except personal
20 traveling expenses and the estimated value of all such services
21 if the total of the money so expended and the estimated value of
22 the services so contributed exceeds ***[\$250.00]*** *\$100.00*, either:

23 a. To the treasurer of the political information organization on

24 whose behalf such expenditure or contribution was made, or to
25 his deputy, who shall cause the same to be included in his report
26 to the Election Law Enforcement Commission; or

27 b. Directly to the Election Law Enforcement Commission at
28 the same time and in the same manner as a political information
29 organization subject to the provisions of section 8 of this act.

30 Any anonymous contribution received by a treasurer or deputy
31 treasurer of a political information organization shall not be used
32 or expended, but shall be returned to the donor, if his identity is
33 known, and if no donor is found, the contribution shall escheat to
34 the State.

1 15. All funds received by a treasurer or deputy treasurer of a
2 political information organization shall be deposited by the trea-
3 surer or deputy treasurer in a depository of the organization in
4 an account designated "(name of political information organiza-
5 tion) Fund" no later than the tenth calendar day following receipt
6 of such funds.

7 All deposits made by a treasurer or deputy treasurer of a po-
8 litical information organization shall be accompanied by a state-
9 ment containing the name and address of each person or group
10 contributing or providing the funds so deposited, and the amount
11 contributed or provided by each person or group, provided that
12 the treasurer or deputy treasurer may exclude from such statement
13 the names and addresses of persons or groups contributing
14 ***[\$250.00]*** *\$100.00* or less. The statement shall be made upon a
15 form prescribed by the Election Law Enforcement Commission,
16 and one copy thereof shall be filed by the depository with the Elec-
17 tion Law Enforcement Commission in accordance with section 17
18 of this act, one copy shall be retained by the treasurer for his
19 records.

1 16. Each campaign treasurer of a candidate shall make a full
2 report, upon a form prescribed by the Election Law Enforcement
3 Commission, of all moneys, loans, paid personal services or other
4 things of value, contributed to him or to the deputy campaign
5 treasurers of the candidate, and all expenditures paid out of the
6 campaign fund of the candidate, during the period ending with the
7 day preceding the date of the report and beginning on the date the
8 most recent such report was filed, or, in the case of the first such
9 report filed after the appointment of the campaign treasurer, be-
10 ginning on the date of the appointment of the campaign treasurer.
11 The report shall also contain the name and address of each person
12 or group from whom moneys, loans, paid personal services or other
13 things of value have been contributed and the amount contributed

14 by each person or group. The campaign treasurer and the candi-
15 date shall certify the correctness of the report.

16 During the period between the appointment of the campaign
17 treasurer and the election with respect to which contributions are
18 accepted or expenditures made by him, the campaign treasurer shall
19 file his report (1) on the fifth day preceding the election, and (2)
20 on the twenty-fifth day preceding the election; and after the elec-
21 tion he shall file his report on the fifteenth day following such
22 election. Concurrent with the report filed on the fifteenth day fol-
23 lowing an election, or at any time thereafter, the campaign trea-
24 surer of a candidate or political committee or the treasurer of a
25 political information organization may certify to the Election Law
26 Enforcement Commission that the campaign fund of such candi-
27 date, political committee, or political information organization,
28 having been instituted for the purposes of the late election, has
29 wound up its business and been dissolved; and said certification
30 shall be accompanied by a final accounting of such campaign fund,
31 including the final disposition of any balance remaining in such
32 fund at the time of dissolution or the arrangements which have
33 been made for the discharge of any obligations remaining unpaid
34 at the time of dissolution. Until such certification has been filed,
35 each such treasurer shall continue to file, at the conclusion of each
36 60-day interval from the fifteenth day following such election,
37 reports in the form and manner herein prescribed.

38 In the case of a primary, general, municipal, **school,** or special
39 election of a candidate for an office elected by a municipal or county-
40 wide constituency **or a school district** a duplicate copy of the
41 campaign treasurer's report, duly certified, shall be filed at the
42 same time with the county clerk of the county in which the candidate
42A resides.

43 There shall be no obligation to file the reports required by this
44 section on behalf of a candidate seeking election to a **board of*
45 *education or to a** public office **[in any municipality containing*
46 *more than 5,000 registered voters]** if such candidate files with the
47 Election Law Enforcement Commission a sworn statement to the
48 effect that the total amount to be expended in behalf of his candi-
49 dacy by the candidate, by any State, county or municipal committee
50 of a political party, by any political committee, or by any person
51 shall not in the aggregate exceed \$1,000.00; provided, that if a
52 candidate who has filed such a sworn statement receives contribu-
53 tions from any one source aggregating more than **[\$250.00]**
54 **\$100.00** he shall forthwith make report of the same, including

55 the identity of the source and the aggregate total of contributions
56 therefrom, to the Election Law Enforcement Commission.

57 In any report filed pursuant to the provisions of this section, the
58 names and addresses of contributors whose contributions during
59 the period covered by the report did not exceed ***[\$250.00]***
60 *\$100.00* may be excluded; provided, however, that (1) such ex-
61 clusion is unlawful if any person responsible for the preparation or
62 filing of the report knew that such exclusion was made with respect
63 to any person whose contributions relating to the same election and
64 made to the reporting candidate or to an allied campaign organiza-
65 tion or organizations aggregate, in combination with the contribu-
66 tion in respect of which such exclusion is made, more than
67 ***[\$250.00]*** *\$100.00*, and (2) any person who knowingly prepares,
68 assists in preparing, files or acquiesces in the filing of any report
69 from which the identity of any contributor has been excluded con-
70 trary to the provisions of this section is subject to the provisions
71 of section 21 of this act, but (3) nothing in this proviso shall be
72 construed as requiring any candidate reporting pursuant to this
73 act to report the amounts, dates or other circumstantial data re-
74 garding contributions made to any other candidate, political com-
75 mittee or committee of a political party.

76 Any report filed pursuant to the provisions of this section shall
77 include an itemized accounting of all receipts and expenditures
78 relative to any testimonial affair held since the date of the most
79 recent report filed, which accounting shall include the names and
80 addresses of each contributor in excess of ***[\$250.00]*** *\$100.00*
81 to such testimonial affair and the amount contributed by each, the
82 expenses incurred, and the disposition of the proceeds of such
83 testimonial affair.

1 17. Within 15 days after the primary or general election, each
2 campaign depository of a candidate, of a State, county or municipal
3 committee of a political party or of a political committee and each
4 depository of a political information organization shall file with the
5 Election Law Enforcement Commission the originals or true copies
6 of the statements filed with such depositories by the treasurers or
7 deputy treasurers pursuant to sections 12 and 15, together with a
8 statement setting forth the balance of funds remaining on deposit
9 with such depository as of the date on which such statement is filed.

1 18. If any former candidate or any political committee or any
2 political information organization or any person or association of
3 persons in behalf of such political committee or former candidate
4 or organization shall receive any contributions or make any ex-
5 penditures with relation to any election after the date set in

6 section 16 of this act for the final report subsequent to such election,
7 or shall conduct any testimonial affair or public solicitation for the
8 purpose of raising funds to cover any part of the expenses of a
9 candidate or political committee or organization in such election,
10 all such contributions, expenditures, testimonial affairs or public
11 solicitations shall be reported to the Election Law Enforcement
12 Commission by the person or persons receiving such contributions
13 or making such expenditures or conducting such testimonial affairs
14 or public solicitations. Such report shall be made by any person
15 receiving any such contribution or contributions, or making any
16 such expenditure or expenditures, which in the aggregate total
17 more than ***[\$250.00]*** *\$100.00*, or conducting any testimonial
18 affair or public solicitation of which the net proceeds exceed
19 ***[\$250.00]*** *\$100.00*; and shall be made within 20 days from the
20 date upon which the aggregate of such contributions, expenditures
21 or proceeds exceeds ***[\$250.00]*** *\$100.00* for the period com-
22 mencing with the fifteenth day following such election or with the
23 date upon which any previous report was made pursuant to this
24 section, whichever is soonest. Such report shall be made in the same
25 form and shall contain the same detail prescribed for any other
26 report made pursuant to section 8 or 16 of this act.

1 19. a. No person shall conduct any public solicitation as defined
2 in this act except (1) upon written authorization of the campaign
3 treasurer of the candidate, party committee or political committee
4 on whose behalf such solicitation is conducted, or (2) upon written
5 authorization of the treasurer of a political information organiza-
6 tion, or (3) in accordance with the provisions of subsection c. of this
7 section. A person with such written authorization may employ and
8 accept the services of others as solicitors, and shall be responsible
9 for reporting to the treasurer the information required under sub-
10 section b. of this section and for delivery to the treasurer the net
11 proceeds of such solicitation in compliance with sections 11 and 14
12 of this act. A contribution made through donation or purchase in
13 response to a public solicitation conducted pursuant to written
14 authorization of a treasurer shall be deemed to have been made
15 through such treasurer.

16 b. Whenever a public solicitation has been authorized by a
17 treasurer during a period covered by a report required to be filed
18 under sections 8 and 16 of this act, there shall be filed with such
19 report and as a part thereof an itemized report on any such solicita-
20 tion of which the net proceeds exceed ***[\$250.00]*** *\$100.00*, in
21 such form and detail as required by the rules of the Election Law
22 Enforcement Commission, which report shall include:

23 (1) the name of the person authorized to conduct such solicita-
24 tion, and the method of solicitation;

25 (2) the gross receipts and expenses involved in the solicitation
26 including the actual amount paid for any items purchased for resale
27 in connection with the solicitation or, if such items or any portion
28 of the cost thereof was donated, the estimated actual value thereof
29 and the actual amount paid therefor, and the names and addresses
30 of any such donors. If it is not practicable for such itemized re-
31 port to be completed in time to be included with the report due
32 under sections 8 and 16 of this act for the period during which such
33 solicitation was held, then such itemized report may be omitted
34 from said report and if so omitted shall be included in the report
35 for the next succeeding period.

36 c. Notwithstanding the provisions of subsection b. of this section,
37 it shall be lawful for any natural person, not acting in concert with
38 any other person or group, to make personally a public solicitation
39 the entire proceeds of which, without deduction for the expenses of
40 solicitation, are to be expended by him personally or under his
41 personal direction to finance any lawful activity in support of or
41A opposition to any candidate or public question or to provide
42 political information on any candidate or public question
43 or to seek to influence the content, introduction, passage or defeat
44 of legislation; provided, however, that any individual making such
45 solicitation who receives gross contributions exceeding \$250.00 in
46 respect of activities relating to any one election shall be required
47 to make a report stating (1) the amount so collected, (2) the method
48 of solicitation and (3) the purpose or purposes for which the funds
49 so collected were expended and the amount expended for each such
50 purpose. Such report shall be made either

51 (1) to the treasurer of the candidate, political party committee,
52 political committee or political information organization on whose
53 behalf such funds were collected and expenditures made, or to his
54 deputy, who shall cause the same to be included in this report to the
55 Election Law Enforcement Commission subject to the provisions
56 of sections 8 and 16 of this act; or,

57 (2) directly to the Election Law Enforcement Commission at the
58 same time and in the same manner as a political committee or
59 political information organization subject to the provisions of
60 section 8 of this act.

61 d. Contributions or purchases made in response to a public
62 solicitation conducted in conformity with the requirements and con-
63 ditions of this act shall not be deemed anonymous within the mean-
64 ing of sections 11, 14 and 20 of this act.

65 e. No person contributing in good faith to a public solicitation
66 not duly authorized in compliance with the provisions of this act
67 shall be liable to any penalty under this act by reason of having
68 made such contribution.

1 20. No contribution of money or other thing of value, nor obliga-
2 tion therefor, shall be made, and no expenditure of money or other
3 thing of value, nor obligation therefor, shall be made or incurred
4 whether anonymously, in a fictitious name, or by one person or
5 group in the name of another, to support or defeat a candidate
6 in a primary or general election or to aid the passage or defeat
7 of any public question or to provide political information on any
8 candidate or public question or to seek to influence the content,
9 introduction, passage or defeat of legislation. No person shall
10 contribute, or purport to contribute, to any political candidate,
11 party committee, political committee or political information or-
12 ganization funds or property not actually belonging to him and
13 in his full custody and control, or which has been given or furnished
14 to him by any other person or groups for the purpose of making a
15 contribution thereof, except in the case of group contributions by
16 persons who are members of the contributing group. No treasurer,
17 candidate or member of a party committee, political committee or
18 political information organization shall solicit or knowingly accept,
19 agree to accept or concur in or abet the solicitation or acceptance
20 of any contribution contrary to the provisions of this section.

1 21. a. Any person who willfully and knowingly makes or accepts
2 any contribution or makes or incurs any expenditure in violation
3 of sections 7, 11, 14 or 20 of this act shall, in addition to any other
4 penalty provided by law, be liable to a penalty of not more than
5 \$5,000.00 for the first offense and not more than \$10,000.00 for the
6 second and each subsequent offense.

7 b. Any person who willfully and knowingly files or prepares or
8 assists in the preparation for filing or acquiesces in the prepara-
9 tion or filing of any report required under this act which is false,
10 inaccurate or incomplete in any material particular; or who will-
11 fully and knowingly fails or refuses to file any such report when
12 required to do so pursuant to the provisions of this act; or who
13 willfully supplies any information which he knows to be false,
14 inaccurate or incomplete to any person preparing or assisting in
15 the preparation of any such report, with the knowledge that such
16 information is intended for the purposes of such report, shall, in
17 addition to any other penalty provided by law, be liable to a
18 penalty of not more than \$5,000.00 for the first offense and not
19 more than \$10,000.00 for the second and each subsequent offense.

20 c. The nomination for or election to any office of any candidate
 21 who is guilty of any violation within the description of subsection
 22 a. or b. of this section shall be void, and the office shall be filled
 23 as required by law in the case of a vacancy; provided, however,
 24 that nothing herein contained shall be construed in derogation of
 25 the constitutional authority of either House of the Legislature to
 26 be the judge of the election and qualification of its own members.

27 d. Upon receiving evidence of any violation of this section, the
 28 Election Law Enforcement Commission shall have power to hold
 29 hearings upon such violation and, upon finding any person to have
 30 committed such a violation, to assess such penalty, within the
 31 limits prescribed in subsections a. and b. of this section, as it deems
 32 proper under the circumstances, which penalty shall be paid forth-
 33 with into the State Treasury for the general purposes of the State.
 34 Such penalty shall be enforceable in a summary proceeding under
 35 the "Penalty Enforcement Law" (N. J. S. 2A:58-1 et seq.).

36 e. Any failure to file a report or any defect or inaccuracy in a
 37 report which is due to the illness of the candidate, or the absence,
 38 illness or death of his campaign treasurer or was caused by the
 39 misconduct of any person other than the candidate or his campaign
 40 treasurer, or by any other reasonable cause not involving gross
 41 negligence on the part of the candidate or his campaign treasurer
 42 or willful intention to violate any provision of this act, shall be
 43 deemed to be not a violation of this act.

44 f. In assessing any penalty under this section, the Election Law
 45 Enforcement Commission may provide for the remission of all or
 46 any part of such penalty conditioned upon prompt correction of
 47 any failure, neglect, error or omission constituting the violation
 48 for which said penalty was assessed.

1 22. This act shall be construed liberally to effectuate the legis-
 2 lative intent and as complete and independent authority for the
 3 performance of each and every act and thing herein authorized.

1 23. All acts and parts of acts, rules and regulations issued there-
 2 under inconsistent in whole or in part with the provisions of this
 3 act are to such extent superseded.

1 24. If any section, subsection, paragraph, sentence or other part
 2 of this act is adjudged unconstitutional or invalid, such judgment
 3 shall not affect, impair or invalidate the remainder of this act, but
 4 shall be confined in its effect to the section, subsection, paragraph,
 5 sentence or other part of this act directly involved in the contro-
 6 versy in which said judgment shall have been rendered.

1 25. The following acts or parts of acts are repealed:

2 a. R. S. 19:3-8, 19:34-36 and 19:34-37.

3 b. Chapters 40, 41, 42, 43 and 44 of Title 19 of the Revised
4 Statutes.

5 c. P. L. 1946, c. 152 (C. 19:41-4.1 and 19:41-4.2).

1 26. R. S. 19:5-5 is amended to read as follows:

2 19:5-5. Any State committee, county committee or municipal
3 committee of any political party may receive and disburse moneys
4 for the general purposes of maintaining such organization during
5 the whole or any part of the year. The expenses for maintenance
6 of organization shall be confined to the hiring *or acquisition* of
7 suitable [rooms] *quarters* for meetings of such committee, for
8 stationery, for hiring of necessary clerks, for the expenses of
9 notices of the meetings of such committee, for giving publicity to
10 the policies and candidates of their respective party organizations,
11 and other expenses incidental to the maintenance of such
12 organization.

13 [Within 20 days after the day of the general election, the person
14 who has had the custody of the moneys contributed to or on account
15 of any State, county or municipal committee during the previous
16 year shall file with the Secretary of State in the case of the State
17 committee, and with the county clerk in the case of the county or
18 municipal committee, a statement of the amount of money received
19 by or on behalf of such committee during the previous year, together
20 with the names and addresses of the persons from whom the money
21 was received, and also a statement of the purposes for which it was
22 expended, itemized as to all items in excess of \$5.00, and with a
23 general statement as to the purposes for which the items less than
24 \$5.00 were expended. The person making such statement shall make
25 affidavit that the same is true.]

1 27. The sum of \$150,000.00 is hereby appropriated to the Election
2 Law Enforcement Commission for the fiscal year ending June 30,
3 1973, for the purpose of carrying out the provisions of this act.

1 28. This act shall take effect immediately; provided, however,
2 that the reporting requirements contained in section 8 and section
3 16 of this act shall remain inoperative for 90 days after the
4 effective date.

SENATE AMENDMENTS TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
SENATE, No. 1124
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

Adopted April 2, 1973

Amend page 1, section 3, line 7, after "constituency", omit "or (C)", insert ", (C) as members of the State committee of the same political party from the same county or (D)".

Amend page 2, section 3, line 19, after "county", omit "or of a", insert ","; after "municipality", insert "or school district".

Amend page 2, section 3, line 21, after "municipal", insert ", school".

Amend page 2, section 3, line 22, after "of", omit "State or".

Amend page 2, section 3, line 41, after "rendered.", insert "In determining the value, for the purpose of reports required under this act, of contributions made in the form of paid personal 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 said contributor to the individuals actually performing said services for the performance thereof. But if any individual or individuals actually performing such services 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. If any candidate is a holder of public office to whom there is attached or assigned, by virtue of said office, any aide or aides whose services are of a personal or confidential nature in assisting him to carry out the duties of said office, and whose salary or other compensation is paid in whole or part out of public funds, the services of such aide or aides which

are paid for out of public funds shall be for public purposes only; but they may contribute their personal services, on a voluntary basis, to such candidate for election campaign purposes.”.

Amend page 2, section 3, line 50, after line 50, insert the following: “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 discussion thereof or comment thereon is an integral part.”.

Amend page 3, section 3, line 54, omit “reflects”, insert “reflect”.

Amend page 3, section 3, line 91, after line 91, insert a new subsection, as follows:

“1. The term ‘other thing of value’ means any item of real or personal property, tangible or intangible, but shall not be deemed to include personal services other than paid personal services.”.

Amend page 4, section 4, line 11, after “county”, omit “or State”.

Amend page 4, section 6, line 1, after “director”, omit “who”, insert “, legal counsel and hearing officers, all of whom”.

Amend page 5, section 6, line 9, after “b.”, insert “It shall be the duty of the commission to enforce the provisions of this act, to conduct hearings with regard to possible violations and to impose penalties; and for the effectual carrying out of its enforcement responsibilities the commission shall have the authority to initiate a civil action in any court of competent jurisdiction for the purpose of enforcing compliance with the provisions of this act or enjoining violations thereof or recovering any penalty prescribed by this act.”.

Amend page 5, section 6, line 43, omit “in reporting or expenditures”, insert “of this act”.

Amend page 5, section 6, lines 45-47, after “Forward”, omit the rest of line 45 and all of lines 46 and 47, insert “to the Attorney General or to the appropriate county prosecutor information concerning any violations of this act which may become the subject of criminal prosecution or which may warrant the institution of other legal proceedings by the Attorney General.”.

Amend page 6, section 6, line 52, after “act,”, insert “and to every treasurer and depository duly designated under the provisions of this act,”.

Amend page 6, section 6, line 53, omit “him”, insert “them”; omit “his”, insert “their”.

Amend page 6, section 6, line 62, after “same.”, insert “The commission shall also take such steps as it may deem necessary or effectual to disseminate among the general public such information as may serve to guide all persons who may become subject to the provisions of this act by reason of their participation in election campaigns or in the dissemination of political information, for the purpose of facilitating voluntary compliance with the provisions and purposes of this act. In the dissemination of such information, the commission shall to the greatest extent practicable enlist the cooperation of commercial purveyors, within and without the State, of materials and services commonly used for political campaign purposes.”.

Amend page 6, section 6, lines 63-72, omit lines 63 through 72 in their entirety, and insert a new subsection d. as follows:

“d. If the nomination for or election to any public office or party position becomes void under the terms of subsection c. of section 21 of this act, the withholding or revocation of his certificate of election, the omission of his name from the ballot or the vacation of the office into which he has been inducted as a result of such void election, as the case may be, shall be subject to the provisions of chapter 3, articles 2 and 3, of this Title (R. S. 19:3-7 et seq.).”.

Amend page 6, section 6, line 75, after “commission”, insert “through its legal counsel”.

Amend page 6, section 6, lines 85 and 86, after “penalty”, omit the remainder of line 85 and all of line 86, insert “upon any person for a violation of this act 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.”.

Amend page 6, section 6, lines 87 and 88, omit lines 87 and 88 in their entirety.

Amend page 7, section 8, line 13, after “The report”, insert “, except as hereinafter provided,”.

Amend page 10, section 11, line 24, after “expenses,”, omit “and the estimated value of all such services”.

Amend page 10, section 11, lines 25-26, after “expended”, omit the remainder of line 25 and “so contributed” in line 26, insert “, exclusive of such traveling expenses,”.

Amend page 12, section 14, line 3, after “made”, insert “to”; after “received”, insert “by a political information organization”.

Amend page 12, section 14, line 6, after “indirectly,”, insert “by a political information organization”.

Amend page 12, section 14, line 20, after “expenses”, omit the rest of line 20.

Amend page 12, section 14, lines 21 and 22, after “expended”, omit the rest of line 21 and “the services so contributed” in line 22, insert “, exclusive of such travel expenses,”.

Amend page 14, section 16, line 19, omit “fifth”, insert “seventh”.

Amend page 14, section 16, line 24, after “committee”, insert “or committee of a political party”.

Amend page 14, section 16, line 27, after “committee”, insert “or committee of a political party”; after “or”, insert “the fund of such”.

Amend page 14, section 16, line 29, after “dissolved”, insert “or, in the case of a political committee or a committee of a political party or a political information organization which continues its activities beyond the election, that its business regarding the late election has been wound up”.

Amend page 14, section 16, line 30, after “fund,”, insert “or of the transactions relating to such election,”.

Amend page 14, section 16, lines 44 and 45, after “candidate”, omit the rest of line 44 and all of line 45.

Amend page 15, section 17, line 7, after “together with”, omit the rest of line 7 and all of lines 8 and 9, insert “true copies of ledger sheets and deposit tickets of a campaign fund or political information organization fund account or accounts as of the date on which they are transmitted to the commission by the depository.”.

Amend page 17, section 19, line 45, omit “\$250.00”, insert “\$100.00”.

Amend page 18, section 21, line 1, after “knowingly”, insert “and with intent to conceal or misrepresent contributions given or received or expenditures made or incurred to aid or promote the nomination, election or defeat of any candidate for public office or party position, or to aid or promote the passage or defeat of a public question in any election, or to aid the dissemination of political information in connection with any election,”.

Amend page 18, section 21, lines 3-6, after “act”, omit the rest of line 3 and all of lines 4 through 6, insert “is guilty of a misdemeanor.”.

Amend page 18, section 21, line 16-19, after “report,”, omit the rest of line 16 and all of lines 17 through 19, insert “is guilty of a misdemeanor.”.

Amend page 19, section 21, lines 27-48, omit lines 27 through 48 in their entirety, insert a new section, as follows:

“2. a. 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 \$1,000.00 for the first offense and not more than \$2,000.00 for the second and each subsequent offense.

b. Upon receiving evidence of any violation of this section, the Election Law Enforcement Commission shall have power to hold, or to cause to be held under the provisions of subsection d. of this section, hearings upon such violation and, upon finding any person to have committed such a violation, to assess such penalty, within the limits prescribed in subsection a. of this section, as it deems proper under the circumstances, which penalty shall be paid forthwith into the State Treasury for the general purposes of the State. Such penalty shall be enforceable in a summary proceeding under the 'Penalty Enforcement Law' (N. J. S. 2A :58-1 et seq.).

c. In assessing any penalty under this section, the Election Law Enforcement Commission may provide for the remission of all or any part of such penalty conditioned upon the prompt correction of any failure, neglect, error or omission constituting the violation for which said penalty was assessed.

d. The Commission may designate a hearing officer to hear complaints of violations of this act. Such hearing officer shall take testimony, compile a record and make factual findings, and shall submit the same to the Commission, which shall have power to assess penalties within the limits and under the conditions prescribed in subsections b. and c. of this section. The Commission shall review the record and findings of the hearing officer, but it may also seek such additional testimony as it deems necessary. The Commission's determination shall be by majority vote of the entire authorized membership thereof."

Amend page 19, section 22, line 1, omit "22.", insert "23."

Amend page 19, section 23, line 1, omit "23.", insert "24."

Amend page 19, section 24, line 1, omit "24.", insert "25."

Amend page 19, section 25, line 1, omit "25.", insert "26."

Amend page 20, section 26, line 1, omit "26.", insert "27."

Amend page 20, section 27, line 1, omit "27.", insert "28."

Amend page 20, section 28, line 1, omit "28.", insert "29."

Mr. De Korte moved that the General Assembly recess until 3:15 p.m.

Which motion was adopted.

The General Assembly reconvened at 4:15 p.m., and upon calling the roll the following members appeared and answered to their names:

Messrs. Apy, Baer, Bassano, Bedell, Berry, Bornheimer, Burstein, Chinnici, Colasurdo, Dawes, De Korte, Deverin, Dickey, Esposito, Ewing, Fay, Florio, Foran, Froude, Gallo, Garibaldi, Gewertz, Gorman, Hamilton, Hicks, Horn, J. J., Horn, M. M., Hurley, Hynes, Jackman, Kean (Speaker), Kennedy, Kiehm, Klein, A., LeFante, Littell, Mabie, Mancini, Manner, Margetts, McDonough, McManimon, Menza, Merck, Orechio, Owens, Pellecchia, Perskie, Raymond, Rizzolo, Robertson, Russo, Rys, Sinsimer, Stewart, H. D., Vreeland, Wallace, Weidel, Wilkie, Woodson, Yates—61.

The Clerk read a message from the Senate that the Senate has passed the following Assembly bill:

Assembly No. 2138, which bill was ordered held for delivery to the Governor.

Mr. De Korte moved that Assembly Committee Substitute for Senate No. 1124 be given second reading.

Which motion was adopted.

Mr. Merck moved, seconded by Mr. Keogh-Dwyer, that Assembly Committee Substitute for Senate No. 1124 be placed back on second reading for purposes of amendment, which motion passed by voice vote. Mr. Merck moved the adoption of the amendments, which motion passed by voice vote.

A motion was made by Mr. Foran, seconded by Mr. Burstein, for Assembly amendments to Assembly Committee Substitute for Senate No. 1124.

Which motion was lost by voice vote.

Mr. Orechio moved, seconded by Mr. Dennis, that Assembly Committee Substitute for Senate No. 1124 be placed back on second reading for purposes of amendment, which motion passed by voice vote. Mr. Orechio moved the adoption of the amendments, which motion passed by voice vote.

Mr. J. J. Horn moved, seconded by Mr. Reid, that Assembly Committee Substitute for Senate No. 1124 be placed back on second reading for purposes of amendment, which motion passed by voice vote. Mr. J. J. Horn moved the adoption of the amendments, which motion passed by voice vote.

Mr. J. J. Horn moved, seconded by Mr. Froude, Assembly amendments to Assembly Committee Substitute for Senate No. 1124.

Which motion was lost by voice vote.

Mrs. A. Klein moved, seconded by Mr. Perskie, Assembly amendments to Assembly Committee Substitute for Senate No. 1124.

Which motion was lost by voice vote.

Assembly Committee Substitute for Senate No. 1124, as amended, was given second reading.

Mr. De Korte offered the following resolution, which was read by the Clerk and adopted by the following vote:

Pursuant to Paragraph 6 of Section IV of Article IV of the Constitution, the General Assembly does resolve that Assembly Committee Substitute for Senate No. 1124, as amended, is an emergency measure and that it proceed forthwith from second to third reading.

In the affirmative were—

Messrs. Apy, Baer, Barbour, Bedell, Berry, Black, Bornheimer, Burstein, Chinnici, Colasurdo, Dawes, De Korte, Dennis, Deverin, Esposito, Ewing, Fay, Florio, Foran, Friedland, Froude, Garibaldi, Gewertz, Gorman, Hamilton, Hawkins, Hicks, Higgins, Horn, J. J., Horn, M. M., Hurley, Hynes, Kean (Speaker), Kennedy, Keogh-Dwyer, Kiehm, Klein, A., Klein, H. C., LeFante, Littell, Mabie, Mancini, Manner, Margetts, McDonough, McManimon, Megaro, Menza, Merck, Orechio, Owens, Pareti, Pellecchia, Perskie, Raymond, Reid, Rizzolo, Robertson, Rys, Sinsimer, Stewart, H. D., Stewart, P. G., Veit, Vreeland, Wilkie, Woodson—66.

In the negative—None.

lost amendment April 5, 1973

Lazzara, Lipman, Lynch, Maressa, McGahn, Merlino, Parker, Schiaffo, Schluter, Stout, Tanzman, Wallwork, Wendel—28.

In the negative—None.

On motion of Mr. Bate, Assembly Concurrent Resolution No. 2030 was taken up and adopted by voice vote.

Mr. Crabiel offered the following further Senate amendments to Assembly Committee Substitute for Senate 1124, which were taken up and lost by the following vote:

Amend page 20, section 27, after line 25, insert the following new section:

“28. Any State committee of any political party and any candidate for the nomination of Governor shall report each individual contribution of money in excess of \$500.00 received from January 1, 1972 through the effective date of this act.”

Amend page 20, section 28, line 1, delete “28”, and insert “29”.

Amend page 20, section 29, line 1, delete “29”, and insert “30”.

Amend page 20, section 29, line 1, after “immediately”, delete the remainder of this section and insert in lieu thereof “but the initial reports required under sections 8 and 16 of this act shall not be required to be filed until 30 days thereafter, but shall contain the information required under this act from the effective date hereof or as provided in section 28 hereof.”

In the affirmative were—

Messrs. Bate, Crabiel, DeRose, Dodd, Hirkala, Kelly, Lazzara, Lipman, Lynch, Maressa, McDermott, McGahn, Merlino, Musto, Tanzman—15.

In the negative were—

Messrs. Azzolina, Bateman, Beadleston (President), Brown, Cafiero, Dumont, Epstein, Giuliano, Hagedorn, Hollenbeck, Italiano, Miller, Parker, Schiaffo, Schluter, Stout, Thomas, Turner, Wallwork, Wendel, Woodecock—21.

Assembly Committee Substitute for 1124 was given third reading.

N. J. Governor (Hughes)
8th Ann. Mess Jan 13, 1970
Tax Reform

New Jersey's antiquated tax structure must be reformed. By relying so heavily on the local property tax, we force on the homeowner and the small businessman an unfair share of the cost of public services. Moreover, the local property tax creates grave inequities among New Jersey communities. The tax reform required by these circumstances will not be achieved merely by increasing the sales tax or by removing certain exemptions. The only hope for assisting our homeowners is to enact the graduated income tax I have long urged.

Enactment of an income tax is also required if we are to remove other inequities that now weigh on our tax system. Proposals for tax relief for the elderly, fair State payments to municipalities in lieu of taxes, and other useful and deserving reforms simply cannot be put into effect without the reliable replacement revenue that an income tax would provide.

This Legislature has a unique opportunity to respond to New Jersey's pressing fiscal needs. I strongly urge you to accept the fair and responsible course—enactment of an income tax. I urge you just as strongly to avoid cruel and unfair adjustments in the sales tax that will only result in failure to meet unquestioned public needs and the inevitable imposition of an income tax at a later date.

In short, I ask you to use your great power for the good of the people and to set New Jersey's fiscal house in order.

Election Law Reform: Campaign Finance

I have already advised you of my strong hope that you will enact my proposals of last year to broaden political participation in this State. I call your attention as well to a basic defect in our approach to campaign finance. Our laws governing campaign spending promote evasion and hypocrisy by setting unrealistic limits. As you know, the Election Law Revision Commission is to report in April on recommended changes in these laws, and I urge your prompt consideration of them.

Gov Cahill First Message 1971

The recommendations of the Election Law Revision Commission relative to contributions and expenditures in a political campaign are under review in my office. While I have not finalized my own conclusions on the entire report there is no doubt in my mind that corrective action must be undertaken by the Legislature to eliminate the many abuses that have existed in the application of campaign contributions. I expect to give my views to Legislature in the near future.

PROFESSIONAL AND OCCUPATIONAL LICENSING

Last week, the Professional and Occupational Licensing Study Commission submitted its report concerning the 21 State licensing boards that regulate 42 professions and occupations having a total of more than 200,000 licensed practitioners.

These recommendations include:

- elimination of State licensing regulation in professions and occupations that do not directly affect the health, welfare or safety of the public;
- that education, experience, and examination rather than age, New Jersey residency or sponsorship be utilized as primary entrance requirements;
- that Boards be reconstituted with greater public representation;
- that enforcement and disciplinary powers be transferred from the Boards to the Attorney General; and
- that licensees be required to requalify at regular intervals.

These recommendations, in my judgment, chart a course of action which will assure the qualifications of practitioners, and will protect the public from vested interests. In all, the Commission recommends that only 11 of the 21 licensing boards, regulating 17 professions and occupations with a total of about 127,000 practitioners, be continued.

I strongly support these recommendations, and urge that the Legislature give them the most careful consideration.

Gov. Cahill 2d Message, 1972

Accordingly, I will submit to you a bill creating a commission comprised of nine members to report as soon as possible with recommendations for legislation establishing by State law a uniform code of ethics for elected and appointed county and municipal officials.

It is also essential to restore public confidence in the electoral system by which the voters select their governmental officials. The Election Law Revision Commission has made two recommendations for reform which I wholeheartedly support and urge that this Legislature make priority matters early in this session.

One recommendation is for legislation that would make voting machines mandatory in those six counties which persist in the use of paper ballots and would provide a financial method to help the counties purchase the necessary equipment. The bill which passed the Assembly in the last session of the Legislature to make the conversion to voting machines optional is woefully inadequate.

The second recommendation is for legislation to require strict disclosure of campaign contributions and expenditures by all candidates for public office. It would help lift what the commission described as the "veil of secrecy" which shrouds the area of campaign finance.

I urge your early bi-partisan support in this all important area of government.

CONSUMER PROTECTION

The past year has indeed been one of great accomplishment in safeguarding the rights of consumers in New Jersey. Enactment of the "Consumer Affairs Act" fulfills my promise of a complete reorganization of the former office of Consumer Protection. We will now be able to focus more direct attention on consumer matters with centralized supervision.

Landmark legislation was also enacted to combat consumer frauds. The Attorney General is empowered to provide swift relief against unconscionable consumer practices. More stringent penalties have been provided for offenders.

Gov. Cahill 3d Message, 1973

A full-time corps of independent hearing officers would expedite the decision-making process, reduce due process challenges and be available at all times to serve the State and its citizens.

These programs I have outlined are "people oriented" and are the heart of a government of the people, by the people, and for the people.

PUBLIC OFFICE — PUBLIC TRUST

If we are to provide the effective and responsive kind of government the people of New Jersey deserve, it is imperative that the public have complete confidence in those who govern and serve in elective and appointive offices at all levels. This means that we must strive always to eliminate both the potential and appearance of conflict of interest.

We have, in New Jersey, made notable strides toward that vital goal. I am pleased to report today that two priority recommendations I made to this Legislature last January in the area of "Public Trust" are well on their way to reality.

The Senate has approved legislation to require strict disclosure of campaign contributions and expenditures by all candidates for public office. I urge the Assembly to act quickly in this area so that the legislation can be enacted into law in time to protect the public interest during the important elections this year.

The Conflict of Interest Study Commission for Local Government, which I recommended one year ago, is now hard at work conducting public hearings and gathering information. We hope to have the Commission's recommendations for establishment of a uniform code of ethics for elected and appointed county and municipal officials at an early date. New Jersey already has enacted one of the strongest conflict of interest laws in the nation for legislators and State officials and employees. I look forward to the day when we can apply these same strong standards to those who serve in local government — thus making New Jersey a leader in the country in protecting the public interest at all levels of government.

Today, I again seek the cooperation of the Legislature in passing new laws designed to improve further the quality of government representation and to bolster public confidence in their governmental institutions.