

19:44A-3 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 19:44A-3 et al

(Gubernatorial
campaign
contributions &
expenditures--amendments)

LAWS OF: 1989

CHAPTER: 4

Bill No: A1705/2250

Sponsor(s): Martin

Date Introduced: Pre-filed

Committee: Assembly: State Government, Federal & Interstate Relations &
Veterans Affairs

Senate: State Government

Amended during passage: December 15, 1988

Date of Passage: Assembly: January 10, 1989

Senate: January 21, 1989

Date of Approval:

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: Yes

Veto Message: No

Message on signing: Yes

Following were printed:

Reports: Yes

Hearings: Yes

(over)

See newspaper clipping file, "New Jersey-Campaign funds-1988" in New Jersey Reference Department:

- 974.90
E38
1988a New Jersey. Election Law Enforcement Com
 Gubernatorial cost analysis
 report...June, 1988. Trenton, 1988.
- 974.90
E38
1988b New Jersey. Election Law Enforcement
 ELEC white paper "contribution limits
 and prohibited contributions." October, 1988
 Trenton, 1988.
- 974.90
E38
1988c New Jersey. Legislature. State Government Committee
 Public hearing on A-1413, A-2529, A-2581,
 held 10-17-88 and 10-20-88.
 Trenton, 1988.

[SECOND REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1705 and 2250
STATE OF NEW JERSEY

ADOPTED DECEMBER 12, 1988

Sponsored by Assemblymen MARTIN, CIMINO and BAER

1 **AN ACT** concerning campaigns for nomination for election and
for election to the office of Governor, amending and
3 supplementing P.L.1973, c.83 and amending P.L.1974, c.26 and
P.L.1980, c.74.

5

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

1. Section 3 of P.L.1973, c.83 (C.19:44A-3) is amended to read
9 as follows:

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

a. The term "allied candidates" means candidates in any
13 election who are (1) seeking nomination or election (A) to an
office or offices in the same county or municipal government or
15 school district or (B) to the Legislature representing in whole or
part the same constituency, and who are (2) either (A) nominees
17 of the same political party or (B) publicly declared in any manner,
including the seeking or obtaining of any ballot position or
19 common ballot slogan, to be aligned or mutually supportive.

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

c. The term "candidate" means an individual seeking or having
27 sought election to a public office of the State or of a county,
municipality or school district at an election; except that the
29 term shall not include an individual seeking party office.

d. The terms "contributions" and "expenditures" include all
31 loans and transfers of money or other thing of value to or by any

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ASG committee amendments adopted December 19, 1988.

² Assembly floor amendments adopted January 10, 1989.

1 candidate, political committee or continuing political committee,
and all pledges or other commitments or assumptions of
3 commitments or assumptions of liability to make any such
transfer; and for purposes of reports required under the provisions
5 of this act shall be deemed to have been made upon the date
when such commitment is made or liability assumed.

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

9 f. The term "paid personal services" means personal, clerical,
administrative or professional services of every kind and nature
11 including, without limitation, public relations, research, legal,
canvassing, telephone, speech writing or other such services,
13 performed other than on a voluntary basis, the salary, cost or
consideration for which is paid, borne or provided by someone
15 other than the committee, candidate or organization for whom
such services are rendered. In determining the value, for the
17 purpose of reports required under this act, of contributions made
in the form of paid personal services, the person contributing
19 such services shall furnish to the treasurer through whom such
contribution is made a statement setting forth the actual amount
21 of compensation paid by said contributor to the individuals
actually performing said services for the performance thereof.
23 But if any individual or individuals actually performing such
services also performed for the contributor other services during
25 the same period, and the manner of payment was such that
payment for the services contributed cannot readily be
27 segregated from contemporary payment for the other services,
the contributor shall in his statement to the treasurer so state
29 and shall either (1) set forth his best estimate of the dollar
amount of payment to each such individual which is attributable
31 to the contribution of his paid personal services, and shall certify
the substantial accuracy of the same, or (2) if unable to
33 determine such amount with sufficient accuracy, set forth the
total compensation paid by him to each such individual for the
35 period of time during which the services contributed by him were
performed. If any candidate is a holder of public office to whom
37 there is attached or assigned, by virtue of said office, any aide or
aides whose services are of a personal or confidential nature in
39 assisting him to carry out the duties of said office, and whose

1 salary or other compensation is paid in whole or part out of public
2 funds, the services of such aide or aides which are paid for out of
3 public funds shall be for public purposes only; but they may
4 contribute their personal services, on a voluntary basis, to such
5 candidate for election campaign purposes.

g. (Deleted by amendment, P.L. 1983, c. 579.)

7 h. The term "political information" means any statement
8 including, but not limited to, press releases, pamphlets,
9 newsletters, advertisements, flyers, form letters, or radio or
10 television programs or advertisements which reflects the opinion
11 of the members of the organization on any candidate or
12 candidates for public office, on any public question, or which
13 contains facts on any such candidate, or public question whether
14 or not such facts are within the personal knowledge of members
15 of the organization.

16 i. The term "political committee" means any two or more
17 persons acting jointly, or any corporation, partnership, or any
18 other incorporated or unincorporated association which is
19 organized to, or does, aid or promote the nomination, election or
20 defeat of any candidate or candidates for public office, or which
21 is organized to, or does, aid or promote the passage or defeat of a
22 public question in any election, if the persons, corporation,
23 partnership or incorporated or unincorporated association raises
24 or expends \$1,000.00 or more to so aid or promote the
25 nomination, election or defeat of a candidate or candidates or the
26 passage or defeat of a public question; provided that for the
27 purposes of this act, the term "political committee" shall not
28 include a "continuing political committee," as defined by
29 subsection n. of this section.

30 j. The term "public solicitation" means any activity by or on
31 behalf of any candidate, political committee or continuing
32 political committee whereby either (1) members of the general
33 public are personally solicited for cash contributions not
34 exceeding \$20.00 from each person so solicited and contributed
35 on the spot by the person so solicited to a person soliciting or
36 through a receptacle provided for the purpose of depositing
37 contributions, or (2) members of the general public are
38 personally solicited for the purchase of items having some
39 tangible value as merchandise, at a price not exceeding \$20.00

1 per item, which price is paid on the spot in cash by the person so
solicited to the person so soliciting, when the net proceeds of
3 such solicitation are to be used by or on behalf of such candidate,
political committee or continuing political committee.

5 k. The term "testimonial affair" means an affair of any kind
or nature including, without limitation, cocktail parties,
7 breakfasts, luncheons, dinners, dances, picnics or similar affairs
directly or indirectly intended to raise campaign funds in behalf
9 of a person who holds, or who is or was a candidate for
nomination or election to a public office in this State, or directly
11 or indirectly intended to raise funds in behalf of any State,
county or municipal committee of a political party or in behalf of
13 a political committee.

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

17 m. The term "qualified candidate" means:

(1) Any candidate for election to the office of Governor whose
19 name appears on the general election ballot ¹[and];¹ who has
deposited and expended [\$50,000.00] \$150,000.00 pursuant to
21 section 7 of P.L.1974, c.26 (C.19:44A-32); ¹and who, not later
than September 1 preceding a general election in which the office
23 of Governor is to be filled, (a) notifies the Election Law
Enforcement Commission in writing that the candidate intends
25 that application will be made on the candidate's behalf for
monies for general election campaign expenses under subsection
27 b. of section 8 of P.L.1974, c.26 (C.19:44A-33), and (b) signs a
statement of agreement, in a form to be prescribed by the
29 commission, to participate in two interactive gubernatorial
election debates under the provisions of sections 9 through 11 of
31 this 1988 amendatory and supplementary act;¹ or

(2) Any candidate for election to the office of Governor whose
33 name does not appear on the general election ballot ¹[but];¹ who
has deposited and expended [\$50,000.00] \$150,000.00 pursuant to
35 section 7 of P.L.1974, c.26 (C.19:44A-32); ¹and who, not later
than September 1 preceding a general election in which the office
37 of Governor is to be filled, (a) notifies the Election Law
Enforcement Commission in writing that the candidate intends
39 that application will be made on the candidate's behalf for

1 monies for general election campaign expenses under subsection
2 b. of section 8 of P.L.1974, c.26 (C.19:44A-33), and (b) signs a
3 statement of agreement, in a form to be prescribed by the
4 commission, to participate in two interactive gubernatorial
5 election debates under the provisions of sections 9 through 11 of
6 this 1988 amendatory and supplementary act;¹ or

7 (3) Any candidate for nomination for election to the office of
8 Governor whose name appears on the primary election ballot
9 ¹[and];¹ who has deposited and expended [\$50,000.00] \$150,000.00
10 pursuant to section 7 of P.L.1974, c.26 (C.19:44A-32); ¹and who,
11 not later than the last day for filing petitions to nominate
12 candidates to be voted upon in a primary election for a general
13 election in which the office of Governor is to be filled, (a)
14 notifies the Election Law Enforcement Commission in writing
15 that the candidate intends that application will be made on the
16 candidate's behalf for monies for primary election campaign
17 expenses under subsection a. of section 8 of P.L.1974, c.26
18 (C.19:44A-33), and (b) signs a statement of agreement, in a form
19 to be prescribed by the commission, to participate in two
20 interactive gubernatorial primary debates under the provisions of
21 sections 9 through 11 of this 1988 amendatory and supplementary
22 act;¹ or

23 (4) Any candidate for nomination for election to the office of
24 Governor whose name does not appear on the primary election
25 ballot ¹[but];¹ who has deposited and expended [\$50,000.00]
26 \$150,000.00 pursuant to section 7 of P.L.1974, c.26 (C.19:44A-32)
27 ¹; and who, not later than the last day for filing petitions to
28 nominate candidates to be voted upon in a primary election for a
29 general election in which the office of Governor is to be filled,
30 (a) notifies the Election Law Enforcement Commission in writing
31 that the candidate intends that application will be made on the
32 candidate's behalf for monies for primary election campaign
33 expenses under subsection a. of section 8 of P.L.1974, c.26
34 (C.19:44A-33), and (b) signs a statement of agreement, in a form
35 to be prescribed by the commission, to participate in two
36 interactive gubernatorial primary debates under the provisions of
37 sections 9 through 11 of this 1988 amendatory and supplementary
38 act¹.

39 n. The term "continuing political committee" means:

1 (1) the State committee, or any county or municipal
committee, of a political party; or

3 (2) any group of two or more persons acting jointly, or any
corporation, partnership, or any other incorporated or
5 unincorporated association, including a political club, political
action committee, civic association or other organization, which
7 in any calendar year contributes or expects to contribute at least
\$2,500.00 to the aid or promotion of the candidacy of an
9 individual, or of the candidacies of individuals, for elective public
office, or the passage or defeat of a public question or public
11 questions, and which may be expected to make contributions
toward such aid or promotion or passage or defeat during a
13 subsequent election, provided that the group, corporation,
partnership, association or other organization has been
15 determined to be a continuing political committee under
subsection b. of section 8 of P.L.1973, c.83 (C.19:44A-8).

17 1o. The term "statement of agreement" means a written
declaration, by a candidate for nomination for election or for
election to the office of Governor who intends that application
will be made on that candidate's behalf to receive monies for
primary election or general election campaign expenses under
subsection a. or subsection b., respectively, of section 8 of
P.L.1974, c.26 (C.19:44A-33), that the candidate undertakes to
abide by the terms of any rules established by any private
organization sponsoring a gubernatorial primary or general
election debate, as appropriate, to be held under the provisions of
sections 9 through 12 of this 1988 amendatory and supplementary
act and in which the candidate is to participate. The statement
of agreement shall include an acknowledgment of notice to the
candidate who signs it that failure on that candidate's part to
participate in any of the gubernatorial debates may be cause for
the termination of the payment of such monies on the
candidate's behalf and for the imposition of liability for the
return to the commission of such monies as may previously have
been so paid.¹

(cf: P.L.1983, c.579, s.7)

37 2. Section 7 of P.L.1973, c.83 (C.19:44A-7) is amended to read
as follows:

39 7. The amount which may be spent in aid of the candidacy of

1 any qualified candidate for Governor at any election shall not
2 exceed in a primary election [\$0.35] ¹[\$1,750,000] ²[\$2,300,000¹
3 \$2,200,000², and in a general election [\$0.70, for each voter who
4 voted in the last preceding general election in a presidential year
5 in New Jersey] \$5,000,000; but such sums shall not include the
6 traveling expenses of the candidate or of any person other than
7 the candidate if such traveling expenses are voluntarily paid by
8 such person without any understanding or agreement with the
9 candidate that they shall be, directly or indirectly, repaid to him
10 by the candidate.

11 (cf: P.L.1980, c.74, s.2)

12 ¹3. Section 19 of P.L.1980, c.74 (C.19:44A-7.1) is amended to
13 read as follows:

14 19. a. For the purpose of [determining] ensuring the
15 continuing adequacy of the limits set by law upon contributions
16 [and], expenditures [in aid of the candidacy or in behalf of any
17 candidate] and certain other amounts relating to campaigns for
18 nomination or election to the office of Governor, the Election
19 Law Enforcement Commission [shall monitor] is authorized and
20 directed to adjust the limits on those amounts as provided
21 herein. The limitation amounts thus adjusted shall apply to the
22 primary and general elections for the office of Governor to be
23 held in the year following the year in which that adjustment is
24 required hereunder to be made.

25 b. The commission shall establish an index reflecting the
26 changes occurring in the general level of prices[, with particular
27 reference to those] of particular goods and services, including but
28 not limited to goods and services within such categories of
29 expenditure as mass media and other forms of public
30 communication, personnel, rent, office supplies and equipment,
31 data processing, utilities, travel and entertainment, and legal and
32 accounting services, directly affecting the overall costs of
33 election campaigning in this State. [In the] The index shall be
34 weighted in accordance with the impact in the preceding general
35 election for the office of Governor of the respective prices of
36 each of those several goods and services upon those overall
37 costs. Not later than December 1 of each year [next] preceding
38 any year in which a [primary election and] general election [for]
39 is to be held to fill the office of Governor [are to be held, and not

1 later than 12 months before the date of the primary election] for
2 a four-year term, the commission shall determine the percentage
3 of change in this index which shall have occurred during the
4 four-year period ending with the year of the gubernatorial
5 election, and shall adjust the amounts, as set forth in subsection
6 c. of this section, which shall be applicable under P.L.1973, c.83
7 (C.19:44A-1 et seq.) to the primary and general elections for the
8 office of Governor to be held in the following year by multiplying
9 that percentage of change, plus 100%, times the amounts
10 applicable thereunder to the primary and general election for
11 that office held in the third year preceding the year in which that
12 December 1 occurs; provided that any amount so adjusted shall be
13 rounded as follows: if the adjusted amount is less than \$20,000
14 and is not an exact multiple of \$100, to the next higher exact
15 multiple of \$100; if the adjusted amount is more than \$20,000 but
16 less than \$200,000 and is not an exact multiple of \$1,000, to the
17 next higher exact multiple of \$1,000; if the adjusted amount is
18 more than \$200,000 but less than \$2,000,000 and is not an exact
19 multiple of \$10,000, to the next higher exact multiple of \$10,000;
20 and if the adjusted amount is more than \$2,000,000 but less than
21 \$20,000,000 and is not an exact multiple of \$100,000, to the next
22 higher exact multiple of \$100,000.

23 c. The amounts subject to adjustment as provided under this
24 section shall be:

25 (1) The maximum amount of contributions permitted to be
26 made to any candidate for nomination for election or for election
27 to the office of Governor pursuant to section 4 of P.L.1974, c.26
28 (C.19:44A-29) and the amount of contributions with respect to
29 which a qualified candidate for nomination for election or for
30 election to that office shall be eligible to receive moneys from
31 the fund for election campaign expenses pursuant to section 8 of
32 P.L.1974, c.26 (C.19:44A-33);

33 (2) The amount of deposits or expenditures required to have
34 been made by a candidate for nomination for election or for
35 election to the office of Governor in order for that candidate to
36 be a qualified candidate under subsection m. of section 3 of
37 P.L.1973, c.83 (C.19:44A-3) and the amount of such deposits into
38 such a candidate's bank account for which no payment of public
39 funds is to be made pursuant to section 8 of P.L.1974, c.26
40 (C.19:44A-33);

1 (3) The maximum amount which may be spent in aid of the
2 candidacy of a qualified candidate for the office of Governor in a
3 primary or a general election pursuant to section 7 of P.L.1973,
4 c.83 (C.19:44A-7); and

5 (4) The maximum amount which any qualified candidate for
6 nomination for election in a primary election or for election to
7 the office of Governor in a general election may receive from the
8 fund for election campaign expenses pursuant to section 8 of
9 P.L.1974, c.26 (C.19:44A-33).

10 d. Not later than December 15 of each year preceding any
11 year in which a general election is to be held to fill the office of
12 Governor for a four-year term, the commission shall report to
13 the Legislature its [recommendations, if any, for altering those]
14 adjustment of limits in accordance with [its findings pursuant to]
15 the provisions of this section. Whenever, following the
16 transmittal of that report, the commission shall have had notice
17 that a person has declared as a candidate for nomination for
18 election or for election to the office of Governor in the
19 forthcoming primary or general election, it shall promptly notify
20 that candidate of the amounts of those adjusted limits.¹

21 (cf: P.L.1980, c.74, s.19)

22 ¹[3.] 4.¹ Section 17 of P.L.1980, c.74 (C.19:44A-18.1) is
23 amended to read as follows:

24 17. a. No person, candidate or political committee, otherwise
25 eligible to make political contributions, shall make any
26 contribution or contributions for the purpose of any gubernatorial
27 inaugural fund-raising event or events in the aggregate in excess
28 of [~~\$250.00~~] \$500.

29 b. For the purposes of the limitation in subsection a. of this
30 section the term "gubernatorial inaugural fund-raising event"
31 means any event or events held between the date of the general
32 election for the office of Governor and a date 15 days after the
33 date of the inauguration of the Governor, whether the event is
34 sponsored by the inaugural committee, the State political party
35 committee representing the party of the Governor-elect, or any
36 other person or persons, and at which the Governor-elect is a
37 prominent participant or for which solicitations of contributions
38 include the name of the Governor-elect in prominent display;
39 except that this definition shall not apply to an event sponsored

1 by a religious, charitable, benevolent, scientific, artistic or
2 educational non-profit, institution as long as any proceeds from
3 the event will not be controlled by the Governor-elect or any
4 political committee or political party committee, and the
5 proceeds will not be contributed to the Governor-elect, the
6 candidacy of the Governor-elect, a political committee or
7 political party committee.

8 c. The person or committee sponsoring the event shall make a
9 full report of all contributions and expenditures with respect to
10 the event within 45 days following the event in accordance with
11 the provisions of this act.

(cf: P.L.1981, c.521, s.1)

12 ¹[4.] 5.¹ Section 4 of P.L.1974, c.26 (C.19:44A-29) is amended
13 to read as follows:

14 4. a. Except in the case of a candidate, as provided in
15 subsection g. of this section, no person [or], political committee
16 or continuing political committee, otherwise eligible to make
17 political contributions, shall make any contribution or
18 contributions to a candidate, his campaign treasurer or deputy
19 campaign treasurer, a State committee, county committee or
20 municipal committee of any political party, or to any other
21 person or committee, in aid of the candidacy of or in behalf of a
22 candidate for nomination for election or for election to the office
23 of Governor in any primary or general election in the aggregate
24 in excess of \$1,500.00 ¹[, if the candidate has applied for or has
25 indicated his intent to and, upon becoming a qualified candidate,
26 actually does apply for payments from the fund for election
27 campaign expenses, and \$800.00 otherwise]¹. No candidate for
28 nomination for election or for election to the office of Governor
29 in any primary or general election and no campaign treasurer or
30 deputy campaign treasurer of such candidate shall knowingly
31 accept from any person, candidate [or], political committee or
32 continuing political committee any contribution or contributions
33 in aid of the candidacy of or in behalf of such candidate in the
34 aggregate in excess of \$1,500.00 ¹[, if the candidate has applied
35 for or has indicated his intent to and, upon becoming a qualified
36 candidate, actually does apply for payments from the fund for
37 election campaign expenses, and \$800.00 otherwise,]¹ in any
38 primary or general election. No provision of this act shall be
39

1 construed to prohibit a contribution or contributions in the
2 aggregate in aid of the candidacy of or in behalf of any candidate
3 for nomination for election to the office of Governor in a primary
4 election not in excess of \$1,500.00 ¹[, if the candidate has applied
5 for or has indicated his intent to and, upon becoming a qualified
6 candidate, actually does apply for payments from the fund for
7 election campaign expenses, and \$800.00]¹ [in aid of the
8 candidacy of or in behalf of any candidate for nomination for
9 election to the office of Governor in a primary election]
10 ¹[otherwise,]¹ and another contribution or contributions in the
11 aggregate in the aid of the candidacy of or in behalf of any
12 candidate for election to the office of Governor in a general
13 election not in excess of \$1,500.00 ¹[or \$800.00]¹ [in the aid of
14 the candidacy of or in behalf of any candidate for election to the
15 office of Governor in a general election] ¹[, as appropriate]¹.

b. (Deleted by amendment. (P.L.1980, c.74).)

17 c. The spouse of any contributor may make a contribution or
18 contributions in the aggregate in aid of the candidacy of or in
19 behalf of a candidate for nomination for election or for election
20 to the office of Governor of up to \$1,500.00 ¹[, if the candidate
21 has applied for or has indicated his intent to and, upon becoming
22 a qualified candidate, actually does apply for payments from the
23 fund for election campaign expenses, and \$800.00]¹ [in the
24 aggregate in aid of the candidacy of or in behalf of a candidate
25 for election to the office of Governor in a general election]
26 ¹[otherwise]¹.

27 d. No State committee of any political party shall knowingly
28 accept from any person [or], political committee or continuing
29 political committee, any contribution or contributions in the
30 aggregate in aid of the candidacy of or in behalf of a candidate
31 for election to the office of Governor in a general election in
32 excess of \$1,500.00 ¹[, if the candidate has applied for or has
33 indicated his intent to and, upon becoming a qualified candidate,
34 actually does apply for payments from the fund for election
35 campaign expenses, and \$800.00]¹ [in aid of the candidacy of or in
36 behalf of a candidate for election to the office of Governor in a
37 general election] ¹[otherwise]¹. A State committee may allocate
38 a contribution of up to \$1,500.00 ¹[or \$800.00, as appropriate,]¹
39 and up to \$1,500.00 ¹[or \$800.00 as appropriate,]¹ of a

1 contribution in excess of [\$800.00] ¹[those respective amounts,
2 \$1,500.00¹ in aid of the candidacy of or in behalf of such
3 candidate. A State committee shall create an account in a
4 National or State bank in behalf of any candidate the committee
5 intends to or does assist for election to the office of Governor in
6 a general election, shall deposit in such account and report to the
7 Election Law Enforcement Commission the name of the
8 contributor of all moneys accepted or allocated in aid of the
9 candidacy of or in behalf of such candidate, and may make a
10 contribution or contributions from such account in any amount in
11 aid of the candidacy of or in behalf of such candidate. No State
12 committee may make any contribution or contributions in aid of
13 the candidacy of or in behalf of such candidate of moneys not
14 deposited in a bank account pursuant to this subsection, and no
15 State committee may make a contribution or contributions in aid
16 of the candidacy of or in behalf of such candidate of moneys or
17 other thing of value pledged or received in a calendar year in
18 which no gubernatorial election was held.

19 e. The county [~~committees~~] committee of a political party in a
20 county and the municipal committees of [any] that political party
21 in the same county may make an expenditure or expenditures in
22 the aggregate of [\$100,000.00] \$10,000.00 in aid of the candidacy
23 of or in behalf of any candidate for election to the office of
24 Governor in a general election [; except the county committee
25 and municipal committees in the same county may not make an
26 expenditure or expenditures in the aggregate in excess of
27 \$10,000.00 in aid of the candidacy or in behalf of any such
28 candidate]. No county committee or municipal committee may
29 transfer or contribute any funds to any such candidate or to such
30 candidate's campaign treasurer or deputy campaign treasurer, or
31 to any political committee supporting such candidate. A
32 candidate or his campaign treasurer or deputy campaign treasurer
33 shall determine the exact amount that individual county
34 committees or municipal committees may contribute in aid of the
35 candidacy of or in behalf of such candidate, and shall file a report
36 of such determination with the Election Law Enforcement
37 Commission no later than the seventh day prior to the general
38 election being funded.

39 f. Communications on any subject by a corporation to its

1 stockholders and their families, or by a labor organization to its
2 members and their families, and nonpartisan registration and
3 get-out-the-vote campaigns by a corporation aimed at its
4 stockholders and their families, or by a labor organization aimed
5 at its members and their families, shall not be construed to be in
6 aid of the candidacy of or in behalf of a candidate for election to
7 the office of Governor in any primary or general election.

8 g. No candidate receiving public funds may make expenditures
9 from his own funds, including any contributions from his own
10 funds, in aid of his candidacy for nomination or election to the
11 office of Governor in excess of \$25,000.00 for the primary
12 election and \$25,000.00 for the general election.

13 As used in this subsection "own funds" means funds to which
14 the candidate is legally and beneficially entitled, but shall not
15 include funds as to which he is a trustee, or funds given or
16 otherwise transferred to the candidate by any person other than
17 the spouse of the candidate for use in aid of his candidacy.

(cf: P.L.1980, c.74, s.5)

18 ¹[5.] 6.¹ Section 8 of P.L.1974, c.26 (C.19:44A-33) is amended
19 to read as follows:

20 8. a. The campaign treasurer or deputy campaign treasurer of
21 any qualified candidate for nomination for election to the office
22 of Governor in a primary election upon application to the
23 commission shall promptly receive in behalf of the qualified
24 candidate from the fund for election campaign expenses, but not
25 prior to January 1 of the year of the election, moneys in an
26 amount equal to [twice] ¹[one and one-half times] twice¹ the
27 amount of no more than [~~\$800.00~~] \$1,500.00 of each contribution
28 deposited in the qualified candidate's primary election bank
29 account described in section 7 of P.L.1974, c.26 (C.19:44A-32),
30 except that no payment shall be made from the fund to any
31 candidate for the first \$50,000.00 deposited in the qualified
32 candidate's bank account. The maximum amount which any
33 qualified candidate for nomination for election to the office of
34 Governor in a primary election may receive from the fund for
35 election campaign expenses shall not exceed [\$0.20 for each voter
36 who voted in New Jersey in the last preceding general election in
37 a presidential year] ¹[\$1,020,000] ²[\$1,450,000¹] \$1,350,000².
38 Applications for payments and payments under this subsection
39

1 following the date on which a candidate is determined to be a
2 qualified candidate shall be made only on the basis of no less than
3 \$12,500.00 of such contributions.

4 b. The campaign treasurer or deputy campaign treasurer of
5 any qualified candidate for election to the office of Governor in a
6 general election upon application to the commission shall
7 promptly receive in behalf of such qualified candidate from the
8 fund for election campaign expenses, but not prior to the primary
9 election, moneys in an amount equal to twice the amount of no
10 more than [~~\$800.00~~] \$1,500.00 of each contribution deposited in
11 such qualified candidate's bank account described in section 7 of
12 P.L.1974, c.26 (C.19:44A-32), except that no payment shall be
13 made from the fund to any candidate for the first \$50,000.00
14 deposited in such qualified candidate's bank account.

15 The maximum amount which any qualified candidate for
16 election to the office of Governor in a general election may
17 receive from the fund for election campaign expenses shall not
18 exceed [~~\$0.40 for each voter who voted in New Jersey in the last~~
19 ~~preceding general election in a presidential year~~] \$3,300,000.
20 Applications for payments and payments under this subsection
21 following the date on which a candidate is determined to be a
22 qualified candidate shall be made only on the basis of no less than
23 \$12,500.00 of such contributions.

(cf: P.L.1980, c.74, s.8)

24 ¹[6.] 7.¹ Section 19 of P.L.1974, c.26 (C.19:44A-44) is amended
25 to read as follows:

26 19. Notwithstanding any provision of this act any candidate in
27 a primary election for the office of Governor, or his campaign
28 treasurer or deputy campaign treasurer, or any candidate in a
29 general election for the office of Governor, or his campaign
30 treasurer or deputy treasurer may borrow funds from any
31 National or State bank. No person or political committee, other
32 than the candidate himself or the State committee of any
33 political party in a general election, may in any way endorse or
34 guarantee such loan in an amount in the aggregate in excess of
35 \$1500.00 ¹[, if the candidate has applied for or has indicated his
36 intent to and, upon becoming a qualified candidate, actually does
37 apply for payments from the fund for election campaign
38 expenses, and \$800.00 otherwise]¹. The endorsement shall
39

1 constitute a contribution for so long as the loan is outstanding.
The amount borrowed by any such candidate or his campaign
3 treasurer or deputy campaign treasurer shall in the aggregate not
exceed \$50,000.00 and must be repaid in full by such candidate or
5 his campaign treasurer or deputy campaign treasurer from
moneys accepted or allocated pursuant to section 4 of P.L.1974,
7 c.26 (C.19:44A-29) 20 days prior to the date of the primary or
general election for which the loan was made, and certification
9 of such repayment shall be made by the borrower to the Election
Law Enforcement Commission in accordance with commission
11 regulations.

Upon the failure of the borrower to repay the full amount
13 borrowed on or before the twentieth day prior to the date of the
primary or general election for the office of Governor, or to
15 certify such repayment to the Election Law Enforcement
Commission as required herein, all payments of moneys to such
17 candidate from the fund for election campaign expenses pursuant
to section 8 of P.L.1974, c.26 (C.19:44A-33) shall promptly cease;
19 and the Election Law Enforcement Commission shall forthwith
seek and may obtain in a summary action in the Superior Court an
21 injunction prohibiting the expenditure by any such candidate of
any moneys received by him at any time from the fund for
23 election campaign expenses pursuant to said section 8 of
P.L.1974, c.26 (C.19:44A-33), and any other moneys received by
25 him in aid of or in behalf of his candidacy in said election.

(cf: P.L.1980, c.74, s.15)

27 ¹[7.] 8.1 (New section) a. Funds or other benefits received and
payments made solely for the purpose of determining whether an
29 individual should become a candidate are not contributions or
expenditures. Activities contemplated under this exemption
31 include, but are not limited to, conducting a poll, telephone calls
and travel to determine whether an individual should become a
33 candidate.

The individual shall keep records of all such funds received and
35 payments made.

b. If the individual subsequently becomes a candidate, the
37 funds received and payments made are contributions and
expenditures subject to the limitations, prohibitions and
39 requirements of P.L.1973, c.83 (C.19:44A-1 et seq.). Such

1 contributions and expenditures shall be reported with the first
report filed by the candidate or the campaign committee of the
3 candidate, regardless of the date the funds were received or the
payments made.

5 c. This exemption does not apply to funds received or
payments made for general public political advertising; nor does
7 this exemption apply to funds received or payments made for
activities designed to amass campaign funds that would be spent
9 after the individual becomes a candidate.

11 d. In no instance shall permissible activities conducted solely
for the purpose of determining whether an individual will become
a candidate be confined or limited on the basis of total funds
13 received or payments made for such purpose.

15 ¹[8.] 9.1 (New section) a. In any year in which a primary
election is to be held to nominate candidates for the office of
Governor, there shall be held among the several candidates for
17 each such nomination a series of interactive gubernatorial
primary debates, in which all "qualified candidates," as defined
19 by paragraph (3) or paragraph (4) of subsection m. of section 3 of
P.L.1973, c.83 (C.19:44A-3), for that nomination who have
21 applied or who intend to apply to receive money for election
campaign expenses under subsection a. of section 8 of P.L.1974,
23 c.26 (C.19:44A-33) shall participate, and in which any ¹[such
qualified] other¹ candidate ¹for that nomination¹ who has ¹[not
25 so applied and has not filed notice of an intent to so apply]
deposited and expended the amount necessary, under paragraph
27 (3) or paragraph (4) of subsection m. of section 3 of P.L.1973,
c.83 (C.19:44A-3), to be deemed a "qualified candidate"¹ may
29 elect to participate ¹, provided that other candidate notifies the
Election Law Enforcement Commission of the candidate's intent
31 to so participate within the time allowed under those paragraphs
for such notification to be made by candidates wishing to become
33 qualified candidates¹; except that in any year in which no
¹[qualified] such¹ candidate or only one ¹[qualified] such¹
35 candidate for that nomination is required or elects to participate,
no gubernatorial primary debate shall be required to be held
37 under this subsection. ¹[A candidate for nomination for election
to the office of Governor shall notify the Election Law
39 Enforcement Commission of his intent to participate in the

1 interactive gubernatorial primary debates not later than the last
2 date upon which petitions may be filed to nominate candidates
3 for that office to be voted upon at the primary election, and any
4 candidate who fails to make a timely filing of that notice shall be
5 ineligible to participate in the debates or to receive money for
6 election campaign expenses under subsection a. of section 8 of
7 P.L.1974, c.26 (C.19:44A-33). The Election Law Enforcement
8 Commission shall sponsor and shall have plenary responsibility for
9 conducting interactive gubernatorial primary debates under this
10 subsection, except that the commission may designate any
11 suitable private organization, which shall not be affiliated with
12 any political party or with any holder of or candidate for public
13 office and shall not have endorsed any candidate for such office,
14 to assume such sponsorship and responsibility.]¹

15 b. In any year in which a general election is to be held for the
16 office of Governor, there shall be held a series of interactive
17 gubernatorial election debates, in which all "qualified
18 candidates," as defined by paragraph (1) or paragraph (2) of
19 subsection m. of section 3 of P.L.1973, c.83 (C.19:44A-3), for
20 election to that office who have applied or who intend to apply to
21 receive money for election campaign expenses under subsection
22 b. of section 8 of P.L.1974, c.26 (C.19:44A-33) shall participate,
23 and in which any ¹[such qualified] other¹ candidate for election
24 to the office who has ¹[not so applied and has not filed notice of
25 an intent to so apply] deposited and expended the amount
26 necessary, under paragraph (1) or paragraph (2) of subsection m.
27 of section 3 of P.L.1973, c.83 (C.19:44A-3), to be deemed a
28 "qualified candidate"¹ may elect to participate ¹, provided that
29 other candidate notifies the Election Law Enforcement
30 Commission of the candidate's intent to so participate within the
31 time allowed under those paragraphs for such notification to be
32 made by candidates wishing to become qualified candidates¹;
33 except that in any gubernatorial election year in which no
34 ¹[qualified] such¹ candidate or only one ¹[qualified] such¹
35 candidate for election to the office is required or elects to
36 participate, no gubernatorial election debate shall be required to
37 be held under this subsection. ¹[A candidate for election to the
38 office of Governor shall notify the Election Law Enforcement
39 Commission of his intent to participate in the interactive

1 gubernatorial election debates not later than the last date upon
3 which petitions may be filed to nominate candidates for that
5 office to be voted upon at the general election, and any candidate
7 who fails to make a timely filing of that notice shall be ineligible
9 to participate in the debates or to receive money for election
11 campaign expenses under subsection b. of section 8 of P.L.1974,
13 c.26 (C.19:44A-33). The commission shall sponsor and shall have
15 plenary responsibility for conducting interactive gubernatorial
17 election debates under this subsection, except that the
19 commission may designate any suitable private organization,
21 which shall not be affiliated with any political party or with any
23 holder of or candidate for public office and shall not have
25 endorsed any candidate for such office, to assume such
27 sponsorship and responsibility.]¹

15 ¹[9.] 10.¹ (New section) a. The series of gubernatorial primary
17 debates under subsection a. of section ¹[8] 9¹ of this 1988
19 amendatory and supplementary act shall consist of two debates.
21 Each of the debates shall be of at least one hour's duration. The
23 first debate in the series shall occur not earlier than the date on
25 which the ballot for the primary election in which candidates are
27 to be nominated for election to the office of Governor is finally
29 certified by the Secretary of State to the clerks of the several
31 counties, and the second debate in the series shall occur not later
33 than the 11th day prior to the primary election to select
35 candidates for that office unless an emergency, as determined by
the vote of a majority of the participating candidates, requires
the postponement thereof, but the second gubernatorial primary
debate shall in no event be held later than the second day
preceding that primary election. ¹[Subject to the provisions of
this act, all particulars regarding the time, place, manner of
conduct and subject matter of the gubernatorial primary debates
shall be determined by regulation of the Election Law
Enforcement Commission or by any private organization which
the commission shall have designated to serve as the sponsor of
those debates.]¹

37 b. The series of gubernatorial election debates under
39 subsection b. of section ¹[8] 9¹ of this 1988 amendatory and
supplementary act shall consist of two debates. Each of the
gubernatorial election debates shall be of at least one hour's

1 duration. The first debate in the series shall occur not earlier
2 than the third Tuesday following the first Monday in September
3 of the year in which a general election is to be held for the office
4 of Governor, and the second debate in the series shall occur not
5 later than the 11th day prior to the general election for that
6 office unless an emergency, as determined by the vote of a
7 majority of the participating candidates, requires the
8 postponement thereof, but the final gubernatorial election debate
9 shall in no event be held later than the second day preceding that
10 general election. ¹[Subject to the provisions of this act, all
11 particulars regarding the time, place, manner of conduct and
12 subject matter of the gubernatorial election debates shall be
13 determined by regulation of the Election Law Enforcement
14 Commission or by any private organization which the commission
15 shall have designated to serve as the sponsor of those debates.]

16 c. Private organizations which are not affiliated with any
17 political party or with any holder of or candidate for public
18 office, which have not endorsed any candidate in the pending
19 primary or general election for the office of Governor, and which
20 have previously sponsored one or more televised debates for
21 Statewide office in the State since 1976, shall be eligible to
22 sponsor one or more interactive gubernatorial primary debates or
23 interactive gubernatorial election debates under subsection a. or
24 subsection b., respectively, of this section.

25 The Election Law Enforcement Commission shall accept
26 applications from eligible private organizations to sponsor one or
27 more of those interactive gubernatorial debates. Applications to
28 sponsor debates under subsection a. shall be submitted to the
29 commission no later than March 15 of any year in which a
30 primary election is to be held to nominate candidates for the
31 office of Governor, and applications to sponsor debates under
32 subsection b. shall be submitted to the commission no later than
33 July 1 of any year in which a general election is to be held to fill
34 the office of Governor.

35 Where the number of eligible applicants to sponsor
36 gubernatorial primary debates or gubernatorial election debates
37 exceeds the number prescribed under subsection a. and subsection
38 b. of this section, respectively, the Election Law Enforcement
39 Commission shall select the private organizations from among

1 the applicates within 30 days of the last day for submitting those
2 applications, as provided by this subsection. To the maximum
3 extent practible and feasible, the commission shall select a
4 different private organization to sponsor each of the interactive
5 gubernatorial debates, but shall not be precluded from selecting
6 the same private organization to sponsor more than one debate.

7 The private organizations selected by the commission shall be
8 responsible for selecting the date, time and location of the
9 debates, subject to the limitations set forth in this section. The
10 rules for conducting each debate shall be solely the responsibility
11 of the private organizations so selected, but shall not be made
12 final without consultation with both the chairman of the New
13 Jersey Republican State Committee and the chairman of the New
14 Jersey Democratic Committee in the case of gubernatorial
15 primary debates, and with a representative designated by each of
16 the participating candidates in the case of gubernatorial election
17 debates.¹

18 ¹[10. (New section) a. In each year in which a primary election
19 is to be held to nominate candidates for the office of Governor,
20 the first application which the campaign treasurer or deputy
21 campaign treasurer of a candidate for nomination for election to
22 the office makes to the Election Law Enforcement Commission
23 under subsection a. of section 8 of P.L.1974, c.26 (C.19:44A-33)
24 for moneys for use by the candidate to pay election campaign
25 expenses shall include a statement, in a form to be prescribed by
26 the commission and signed by the candidate, of the candidate's
27 agreement to participate in a series of interactive gubernatorial
28 debates, to be held as provided by subsection a. of section 8 of
29 this 1988 amendatory and supplementary act. The statement
30 shall include a declaration that the candidate undertakes to abide
31 by the terms of any rules established by the Election Law
32 Enforcement Commission, or by any private organization which
33 the commission shall have designated to serve as the sponsor of
34 those debates, under subsection a. of section 9 of this 1988
35 amendatory and supplementary act. The statement shall also
36 include an acknowledgment of notice to the candidate that his
37 failure to participate in any of the gubernatorial primary debates
38 may be cause for the termination of payments in behalf of the
39 candidate under subsection a. of section 8 of P.L.1974, c.26

1 (C.19:44A-33), and for the imposition of liability for the return to
the commission of payments previously made by the commission
3 under that subsection for use by the candidate to pay election
campaign expenses. No candidate shall receive any moneys for
5 election campaign expenses under subsection a. of section 8 of
P.L.1974, c.26 (C.19:44A-33) until he has complied with the
7 provisions of this subsection.

b. In each year in which a general election is to be held for the
9 office of Governor, the first application which the campaign
treasurer or deputy campaign treasurer of a candidate for
11 election to the office of Governor makes to the Election Law
Enforcement Commission under subsection b. of section 8 of
13 P.L.1974, c.26 (C.19:44A-33) for moneys for use by the candidate
to pay election campaign expenses shall include a statement, in a
15 form to be prescribed by the commission and signed by the
candidate, of the candidate's agreement to participate in a series
17 of interactive gubernatorial debates, to be held as provided by
subsection b. of section 8 of this 1988 amendatory act. The
19 statement shall include a declaration that the candidate
undertakes to abide by the terms of any rules established by the
21 Election Law Enforcement Commission, or by any private
organization which the commission shall have designated to serve
23 as the sponsor of those debates, under subsection b. of section 9
of this 1988 amendatory and supplementary act. The statement
25 shall also include an acknowledgment of notice to the candidate
that his failure to participate in any of the gubernatorial election
27 debates may be cause for the termination of payments in behalf
of the candidate under subsection b. of section 8 of P.L.1974,
29 c.26 (C.19:44A-33), and for the imposition of liability for the
return to the commission of payments previously made by the
31 commission under that subsection for use by the candidate to pay
election campaign expenses. No candidate shall receive any
33 moneys for election campaign expenses under subsection b. of
section 8 of P.L.1974, c.26 (C.19:44A-33) until he has complied
35 with the provisions of this section.]¹

11. (New section) The Election Law Enforcement Commission
37 shall have the power and duty, upon receipt of a complaint ¹[by]
against¹ a candidate for nomination for election or for election
39 for the office of Governor¹[], to hold a hearing to determine

1 whether a candidate]¹ who is ¹[a]¹ required to participate in ¹[a]¹
gubernatorial primary ¹[debate] debates¹ or gubernatorial
3 election ¹[debate] debates¹, respectively, ¹to hold a hearing to
determine whether that candidate¹ has failed to participate in
5 such ¹[a debate] debates¹. If, at the conclusion of a hearing
under this section, the commission determines by majority vote
7 that a candidate required to participate under section ¹[9] 10¹ of
this 1988 amendatory and supplementary act has failed to do so,
9 the chairman shall immediately inform the candidate in writing
of that determination, identifying in that writing the date and
11 circumstances of the failure. If, after having found that a
candidate required to participate in a gubernatorial primary or
13 gubernatorial election debate has failed to do so, the commission
further finds that the failure occurred under circumstances which
15 were beyond the control of the candidate and of such a nature
that a reasonable person, taking into account the purposes of this
17 act and the relevant facts of the case, would find the failure
justifiable or excusable, then the candidate shall not be subject to
19 any penalty or liability for his failure to participate. The
candidate charged with the failure to participate shall have the
21 burden of showing justification or excuse.

The campaign of any candidate or former candidate who shall
23 have been required to participate in a gubernatorial primary
debate or gubernatorial election debate under this 1988
25 amendatory and supplementary act, but who shall have been
found to have failed to do so without reasonable justification or
27 excuse, shall be liable for return of moneys previously received
for use by the candidate to pay primary election campaign
29 expenses or general election campaign expenses, respectively.
The commission shall determine the total amount of moneys for
31 election campaign expenses in that year by the commission to the
candidate under subsection a. or subsection b. of section 8 of
33 P.L.1974, c.26 (C.19:44A-33), as appropriate, and shall notify the
campaign treasurer or the deputy campaign treasurer of the
35 candidate of the liability of the campaign of the candidate, as of
the date of the notice, for the repayment of those moneys plus
37 interest on the unpaid amount of that liability from that date at
the rate of 1% for each month or fractional part of a month
39 during which that amount remains unpaid.

1 ¹12. (New section) a. The Election Law Enforcement
3 Commission is hereby empowered and directed to adopt
5 summarily and to publish any rule, and to take any administrative
7 action whatsoever, necessary to effectuate the purposes of this
9 1988 amendatory and supplementary act in a timely manner. This
11 adoption and publication of rules shall, to the extent feasible, be
13 subject to the provisions of the "Administrative Procedure Act,"
15 P.L.1968, c.410 (C.52:14B-1 et seq.), provided that the
17 commission shall be excused from strict compliance with any
19 requirement under that act if and to the extent that it
21 determines, in the reasonable exercise of its discretion, that the
23 public interest in the timely implementation of the provisions of
25 this 1988 amendatory and supplementary act so requires. For the
27 purposes of this section, "administrative action" shall include,
29 but shall not be limited to, any action or omission to act, which
31 action or omission has as its purpose and result the effectuation
33 of the provision of section 14 of this 1988 amendatory and
35 supplementary act regarding retroactivity.

19 b. (1) If, on or after January 1, 1989 and prior to the effective
21 date of this 1988 amendatory and supplementary act, moneys are
23 paid from the fund for election campaign expenses pursuant to
25 subsection a. of section 8 of P.L.1974, c.26 (C.19:44A-33) in
27 behalf of a qualified candidate under the provisions of paragraphs
29 (3) or (4) of subsection m. of section 3 of P.L.1973, c.83
31 (C.19:44A-3), and that candidate ceases on that effective date to
33 meet the requirements of a "qualified candidate" under the
35 amendatory provisions of section 1 of this 1988 amendatory and
37 supplementary act, the Election Law Enforcement Commission is
39 hereby authorized and directed to place into escrow any sums
paid in behalf of the candidate from the fund for election
campaign expenses, and not expended, until the candidate again
becomes a qualified candidate under those amendatory
provisions. On and after the 15th day following that effective
date the commission may, and not later than the 45th day
following that effective date the commission shall, recover the
funds so escrowed if the candidate has not by the date on which
such suit is commenced again become a qualified candidate.

39 (2) If, on or after June 6, 1989 and prior to the effective date
of this 1988 amendatory and supplementary act, moneys are paid

1 from the fund for election campaign expenses pursuant to
2 subsection b. of section 8 of P.L.1974, c.26 (C.19:44A-33) in
3 behalf of a qualified candidate under the provisions of paragraphs
4 (1) or (2) of subsection m. of section 3 of P.L.1973, c.83
5 (C.19:44A-3), and that candidate ceases on that effective date to
6 meet the requirements of a "qualified candidate" under the
7 amendatory provisions of section 1 of this 1988 amendatory and
8 supplementary act, the Election Law Enforcement Commission is
9 hereby authorized and directed to place into escrow any sums
10 paid in behalf of the candidate from the fund for election
11 campaign expenses, and not expended, until the candidate again
12 becomes a qualified candidate under those amendatory
13 provisions. On and after the 15th day following that effective
14 date the commission may, and not later than the 45th day
15 following that effective date the commission shall, recover the
16 funds so escrowed if the candidate has not by the date on which
17 such suit is commenced again become a qualified candidate.

18 c. Subject to the provisions of subsection b. of this section, in
19 the case of any qualified candidate for nomination for election or
20 for election to the office of Governor in 1989 in whose behalf
21 application is made prior to the effective date of this 1988
22 amendatory and supplementary act to receive moneys from the
23 fund for election campaign expenses, if the application so made
24 would have entitled the candidate to receive a larger amount of
25 such moneys if that application had been made on or after that
26 effective date, the candidate shall be entitled to receive in full
27 that larger amount with respect to that application, provided the
28 candidate continues to be or again becomes a qualified candidate
29 under the appropriate amendatory provisions of section 1 of this
30 1988 amendatory and supplementary act.¹

31 ¹[12.] 13.¹ (New section) If any section, subsection, paragraph,
32 sentence or other part of this 1988 amendatory and
33 supplementary act is adjudged unconstitutional or invalid, such
34 judgment shall not affect, impair or invalidate the remainder
35 hereof, but shall be confined in its effect to the section,
36 subsection, paragraph, sentence or other part hereof directly
37 involved in the controversy in which said judgment shall have
38 been rendered.

39 ¹[13.] 14.¹ This act shall take effect immediately ¹and shall

1 be retroactive to January 1, 1989, but section 3 shall be
2 applicable only to the primary and general elections for the
3 office of Governor to be held in 1993 and thereafter¹.

5

ELECTIONS

7

Governor

9 Makes certain changes in the law governing gubernatorial
campaign contributions and expenditures.

ASSEMBLY, No. 2250
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblyman BAER

1 AN ACT to encourage, through the New Jersey gubernatorial
campaign financing program, the holding of debates between
3 certain candidates for election to the office of Governor and
supplementing Title 19 of the Revised Statutes.

5

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

1. This act shall be known and may be cited as the "Open
9 Public Debate Act."

2. The Legislature finds and declares it to be the policy of
11 the State that election campaigns for the State's highest office,
Governor, shall include a series of open public debates among
13 the candidates for that office, and that the right of citizens to
have access to such open public debates shall be upheld to the
15 fullest extent possible. The Legislature further finds: that the
public's effectiveness in fulfilling its role in a democratic
17 society's selection of the highest officer in the State depends
upon the availability to it of the most complete information
19 about the candidates as is practical; that open public debates
give the public more complete information about candidates by
21 testing their views, proposals, knowledge and abilities against
each other, by providing citizens with a unique opportunity to
23 make a clear and extensive comparison between candidates, and
often by drawing out of candidates previously unrevealed
25 intentions, positions, and plans; and that these objectives can be
furthered by offering public funds for the partial financing of
27 their gubernatorial campaigns in a way that will encourage the
candidates to participate in such debates.

29 Accordingly, the Legislature declares it to be the right of all
the people, whose taxes are the source of any public financial
31 support for election campaigns and for whose benefit those
campaigns are conducted, that any candidate for election to the

1 office of Governor seeking public financing be required to agree
to participate in a series of debates, and that a candidate who
3 fails to honor such an agreement shall be denied further
financing and be required to repay to the State funds previously
5 received.

3. As used in this act:

7 a. The term "arbitration board" or "board" means the
gubernatorial debate arbitration board established as a
9 temporary board under the provisions of section 7 of this act.

11 b. The term "gubernatorial debate" or "debate" means any of
the set of four or more debates among candidates for election to
the office of Governor which is held pursuant to the provisions
13 of section 4 of this act.

4. In any year in which a general election is to be held for the
15 office of Governor, there shall be held a series of gubernatorial
debates, in which all "qualified candidates," as defined by
17 paragraph (3) or paragraph (4) of subsection m. of section 3 of
P.L. 1973, c. 83 (C. 19:44A-3), for election to that office who
19 have applied to receive money for election campaign expenses
under subsection b. of section 8 of P.L. 1974, c. 26 (C.
21 19:44A-33) shall participate.

5. The series of gubernatorial debates under section 4 of this
23 act shall include at least four debates, or any greater number
thereof as all of the participating candidates may mutually
25 agree. Each of the debates shall be of at least one hour's
duration. The first debate in the series shall occur not earlier
27 than the third Tuesday following the first Monday in September
of the year in which a general election is to be held for the
29 office of Governor, and the last debate in the series shall occur
not later than the 11th day prior to the general election for that
31 office unless an emergency, as determined by the vote of a
majority of the participating candidates, requires the
33 postponement thereof, but the last debate shall in no event be
held later than the second day preceding that general election.
35 Subject to the provisions of this act, all particulars regarding
the time, place, manner of conduct and subject matter of the
37 gubernatorial debates shall be determined by the participating
candidates by mutual agreement, as that agreement may be
39 modified by any rule adopted by the arbitration board

1 established under section 7 of this act. On or after the fourth
2 Tuesday in July of each year in which an election is to be held
3 for the office of Governor, but not later than the first Tuesday
4 in August of that year, the participating candidates, or a person
5 whom they may designate, shall file with the Election Law
6 Enforcement Commission a written statement, signed by each of
7 the participating candidates, of all rules which those
8 participating candidates have mutually agreed shall govern the
9 time, place, manner of conduct and subject matter of the
10 gubernatorial debates to be held in that year. A participating
11 candidate may at the time of that filing also file with the
12 commission a statement of any rule, not inconsistent with the
13 rules contained in that statement of agreement, which that
14 candidate has suggested but which has not been agreed to by all
15 of those candidates as of the date on which the statement of
16 agreement is filed.

17 6. In each year in which an election is to be held for the
18 office of Governor, the first application which the campaign
19 treasurer or deputy campaign treasurer of a candidate for
20 election to the office of Governor makes to the Election Law
21 Enforcement Commission under subsection b. of section 8 of
22 P.L. 1974, c. 26 (C. 19:44A-33) for moneys for use by the
23 candidate to pay election campaign expenses shall include a
24 statement, in a form to be prescribed by the commission and
25 signed by the candidate, of the candidate's agreement to
26 participate in a series of gubernatorial debates, to be held as
27 provided by this act. The statement shall include a declaration
28 that the candidate undertakes to abide by the terms of any rules
29 contained in a statement of agreement prepared and filed under
30 section 5 of this act, and by any rule adopted by the
31 gubernatorial debate arbitration board under subsection a. of
32 section 8 of this act. The statement shall also include an
33 acknowledgment of notice to the candidate that his failure to
34 participate in any of the debates may be cause for the
35 termination of payments in behalf of the candidate under
36 subsection b. of section 8 of P.L. 1974, c. 26 (C. 19:44A-33), and
37 for the imposition of liability for the return to the commission
38 of payments previously made by the commission under that
39 subsection for use by the candidate to pay election campaign

1 expenses. The filing of a statement of agreement prepared and
filed under section 5 of this act shall satisfy the filing
3 requirements of this subsection if the content of the statement
so prepared and filed otherwise conforms to the provisions of
5 this section. No candidate shall receive any moneys for election
campaign expenses under subsection b. of section 8 of P.L. 1974,
7 c. 26 (C. 19:44A-33) until he has complied with the provisions of
this section.

9 7. In each year in which an election is to be held for the
office of Governor, there shall be constituted a temporary
11 board, which shall be known as the gubernatorial debate
arbitration board, the membership of which shall consist of one
13 representative for each of the participating candidates, each of
those representatives to be designated by the candidate he
15 represents, and one independent member, chosen as hereinafter
provided. No member, officer or employee of the Election Law
17 Enforcement Commission shall be a member of the arbitration
board. On or before the first Tuesday in August of such year,
19 each participating candidate shall notify the commission of the
name of the person who shall represent that candidate on the
21 arbitration board and the name of a person whom the candidate
nominates to be the independent member thereof. If all
23 participating candidates nominate the same person to be the
independent member of the arbitration board, that person shall
25 be the independent member. If two participating candidates
nominate different persons to be the independent member, or if
27 a participating candidate fails to nominate a person to be the
independent member, the commission shall select the
29 independent member, but no person who has been nominated by
one or more, but not all, of the participating candidates shall be
31 chosen to be the independent member except by unanimous vote
of the members of the commission. The commission shall notify
33 each participating candidate of the names of the members of the
arbitration board not later than the Friday following the first
35 Tuesday in August of the year of the election. Vacancies in the
membership of the board shall be filled in the same manner as
37 the original appointments were made, provided that, in the case
of the independent member, if all participating

1 candidates have not nominated to the commission the same
2 person to fill the vacancy on or before the fifth day following
3 the occurrence of the vacancy, the commission shall select the
4 member as hereinabove prescribed. The independent member
5 shall be the chairman and secretary of the arbitration board.
6 The board may employ from time to time any stenographic and
7 clerical assistants, and incur as a body expenses for any
8 miscellaneous expenditures which are not attributable to the
9 individual members thereof, as it may deem necessary in order
10 for it to perform its duties.

11 The members of the arbitration board shall receive no
12 compensation for their service, but each member shall be
13 reimbursed for expenses incurred in the performance of his
14 duties by the campaign treasurer or deputy campaign treasurer
15 of the participating candidate of whom he is the designated
16 representative, and the expenses of the chairman of the board
17 shall be reimbursed to him in equal shares by the campaign
18 treasurers or deputy campaign treasurers of all of the
19 participating candidates in accordance with any rules that the
20 commission may prescribe. Expenses reimbursed to a member
21 of the arbitration board hereunder shall be a legal expense for
22 the purposes of paragraph (6) of subsection a of section 10 of
23 P.L. 1974, c. 26 (C. 19:44A-35). Reasonable expenses incurred
24 by the board for stenographic and clerical staff and for
25 miscellaneous expenditures shall be payable, upon issuance of a
26 voucher therefor, by the commission from moneys appropriated
27 to the commission from the Gubernatorial Elections Fund.
28 Expenses directly incurred by the commission in the
29 performance of any function under the provisions of this act
30 shall likewise be payable from those moneys.

31 A gubernatorial debate arbitration board shall terminate on
32 the sixth day following the date of the general election of the
33 year in which it was constituted.

34 8. a. The gubernatorial debate arbitration board shall have
35 the power and duty to adopt by majority vote of its full
36 membership any rule proposed for such adoption by a member of
37 the arbitration board regarding the time, place, manner of
38 conduct or subject matter of the gubernatorial debates which
39 supplements and is not in conflict with the rules

1 contained in the statement of agreement filed with the Election
Law Enforcement Commission under section 5 of this act and
3 which the board determines is necessary for the full and fair
implementation of the provisions and more effective
5 accomplishment of the purposes of this act. The board shall like
wise have the power and duty to adopt by unanimous vote of its
7 full membership any such rule so proposed which revises or
repeals a rule contained in the statement of agreement filed
9 with the commission under section 5 of this act or a rule
adopted as provided by this subsection. Any rule adopted under
11 this subsection shall indicate the date on which it shall take
effect. A person who is not a member of the arbitration board,
13 or any group of such persons, may propose a rule for adoption by
the board by submitting a copy of the proposed rule to the
15 commission, which shall thereupon send a copy of the proposed
rule to each member of the board for the member's
17 consideration. On or after August 31, but not later than the
first Tuesday in September, in each year in which an election is
19 to be held for the office of Governor, the chairman of the
arbitration board shall file with the commission a full statement
21 of the rules adopted by the board under this subsection as of the
day before the date of that filing. If a rule is adopted under this
23 subsection on or after that date, the chairman of the board shall
file a copy of that rule with the commission not later than the
25 third day following the adoption thereof.

b. The gubernatorial debate arbitration board shall have the
27 power and duty to determine whether a candidate who is a
properly participating candidate has failed to participate in a
29 gubernatorial debate. A participating candidate may request
the chairman of the board to call a meeting of the board for the
31 purpose of holding a hearing on his allegation of such a failure to
participate. The request shall be made in a writing signed by the
33 requesting candidate. The chairman of the arbitration board
shall immediately inform the members of the board, the
35 candidates and the Election Law Enforcement Commission of
the request and of the time, place and subject matter of the
37 meeting, which shall be held not later than 48 hours following
receipt of the request by the chairman of the arbitration board.

1 A participating candidate requesting a hearing hereunder, or
such counsel as he may appoint to represent him in the matter,
3 shall present at that hearing the grounds for the allegation of a
failure by another candidate to participate in a gubernatorial
5 debate. A candidate alleged to have failed to participate in a
gubernatorial debate shall have the right to be represented by
7 counsel at that hearing, at which hearing he shall be given a
reasonable opportunity to rebut the allegation and to question
9 any person who has presented to the board evidence on this
matter.

11 In the course of the hearing, the board may seek independent
verification of the truth of any statement made during the
13 proceedings which bears on any finding it may make or
conclusions it may draw in connection with the hearing.

15 The chairman of the arbitration board shall cause a written
record to be made of the proceedings of any hearing under this
17 subsection and, upon the conclusion of those proceedings, shall
forward a copy of that record, together with a copy of any
19 documents relating thereto, to the Election Law Enforcement
Commission.

21 If, at the conclusion of a hearing under this subsection, the
arbitration board determines by majority vote, including in all
23 cases the vote of the chairman, that a candidate has failed to
participate in a gubernatorial debate, the chairman shall
25 immediately inform the candidate and the commission in writing
of that determination, identifying in that writing the date and
27 circumstances of the failure. A candidate with respect to whom
such a determination has been made shall be entitled to a review
29 of the hearing by the Election Law Enforcement Commission if
he applies to the commission therefor within three days of
31 receiving notice of the determination and a majority of the
members of the commission agree to undertake such a review,
33 which shall be held not later than 48 hours following the
application therefor. If, as the result of this review, the
35 commission determines by majority vote that no such failure to
participate in a gubernatorial debate has occurred, it shall
37 promptly so inform each participating candidate and the
chairman of the arbitration board.

1 c. If, after having found that a properly participating
3 candidate has failed to participate in a gubernatorial debate, the
5 arbitration board further finds that the failure occurred under
7 circumstances which were beyond the control of the candidate
9 and of such a nature that a reasonable person, taking into
11 account the purposes of this act and the relevant facts of the
case, would find the failure justifiable or excusable, then the
candidate shall not be subject to any penalty or liability for his
failure to participate. The candidate charged with the failure to
participate shall have the burden of showing justification or
excuse.

13 d. Notwithstanding any provision to the contrary of section 6
15 of P.L. 1973, c. 83 (C. 19:44A-6), the arbitration board shall
17 upon request therefor by a participating candidate, have sole
19 power to render by majority vote, which shall include the vote
of the chairman, an advisory opinion as to whether a given set of
facts and circumstances would constitute a failure by a
candidate to participate in a gubernatorial debate.

21 9. Subject to the provisions of subsection c. of section 8 of
23 this act, upon receipt from the gubernatorial debate arbitration
25 board of notification of its determination under subsection b. of
27 that section 8 that a qualified candidate has failed to
29 participate in a gubernatorial debate, the Election Law
31 Enforcement Commission shall cease to make any payments to
33 the campaign treasurer or deputy campaign treasurer of that
35 candidate under subsection b. of section 8 of P.L. 1974, c. 26 (C.
37 19:44A-33). If the commission does not receive from the
39 candidate a timely application under subsection b. of section 8
of this act for a review of the hearing of the question of the
failure; or if, having received an application, the commission
declines to undertake the review or, having undertaken the
review, fails to make an affirmative determination that the
candidate has not so failed to participate; then the campaign of
the candidate shall be liable for return of moneys previously
received from the commission. The commission shall determine
the total amount of moneys for election campaign expenses paid
on or after the date of the primary election in that year by the
commission to the candidate under subsection b. of section 8 of
P.L. 1974, c. 26 (C. 19:44A-33) and shall notify the campaign

1 treasurer or the deputy campaign treasurer of the candidate of
the liability of the campaign of the candidate, as of the date of
3 the notice, for the repayment of those moneys plus interest on
the unpaid amount of that liability from that date at the rate of
5 1% for each month or fractional part of a month during which
that amount remains unpaid. If the commission voids such a
7 determination by the arbitration board of failure by the
candidate to participate, it shall forthwith resume making
9 payments to the campaign treasurer or deputy campaign
treasurer of the candidate in accordance with the provisions of
11 subsection b. of section 8 of P.L. 1974, c. 26 (C. 19:44A-33).

10. This act shall take effect immediately.

13

15

STATEMENT

17 This bill provides that any candidate for Governor in a general
election seeking public financing shall be required to participate
19 in a series of four or more debates. A candidate failing to do so
shall be denied further public financing and shall be required to
21 repay any public funds previously paid in support of his general
election candidacy. The debates shall be held between
23 mid-September and the date of the general election and each
would be of at least one hour's duration. Debate particulars,
25 such as time, place and subject matter, are to be determined by
the mutual agreement of the participating candidates. The bill
27 also establishes a "gubernatorial debate arbitration board" to
enforce agreements and review candidate participation. A
29 candidate determined by the board to have failed to participate
in a debate could appeal that determination to the Election Law
31 Enforcement Commission.

33

STATE GOVERNMENT

35

Elections

37 The "Open Public Debate Act," revises gubernatorial campaign
financing program.

ASSEMBLY, No. 1705
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblyman MARTIN

1 **AN ACT** concerning the financing of gubernatorial campaigns,
 amending P.L. 1974, c. 26 and P.L. 1980, c. 74, amending and
3 supplementing P.L. 1973, c. 83, and repealing section 7 of P.L.
 1973, c. 83, sections 9 and 11 of P.L. 1974, c. 26 and section
5 19 of P.L. 1980, c. 74.

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

9 1. Section 3 of P.L. 1973, c. 83 (C. 19:44A-3) is amended to
 read as follows:

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

13 a. The term "allied candidates" means candidates in any
 election who are (1) seeking nomination or election (A) to an
15 office or offices in the same county or municipal government or
 school district or (B) to the Legislature representing in whole or
17 part the same constituency, and who are (2) either (A) nominees
 of the same political party or (B) publicly declared in any
19 manner, including the seeking or obtaining of any ballot position
 or common ballot slogan, to be aligned or mutually supportive.

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

27 c. The term "candidate" means an individual seeking or
 having sought election to a public office of the State or of a
29 county, municipality or school district at an election; except
 that the term shall not include an individual seeking party office.

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

Matter underlined thus is new matter.

1 d. The terms "contributions" and "expenditures" include all
2 loans and transfers (if money or other thing of value to or by any
3 candidate, political committee or continuing political
4 committee, and all pledges or other commitments or
5 assumptions of liability to make any such transfer; and for
6 purposes of reports required under the provisions of this act
7 shall be deemed to have been made upon the date when such
8 commitment is made or liability assumed.

9 e. The term "election" means any election described in
10 section 4 of this act.

11 f. The term "paid personal services" means personal, clerical,
12 administrative or professional services of every kind and nature
13 including without limitation, public relations, research, legal,
14 canvassing, telephone, speech writing or other such services,
15 performed other than on a voluntary basis, the salary, cost or
16 consideration for which is paid, borne or provided by someone
17 other than the committee, candidate or organization for whom
18 such services are rendered. In determining, the value, for the
19 purpose of reports required under this act, of contributions made
20 in the form of paid personal services, the person contributing
21 such services shall furnish to the treasurer through whom such
22 contribution is made a statement setting forth the actual
23 amount of compensation paid by said contributor to the
24 individuals actually performing said services for the
25 performance thereof. But if any individual or individuals
26 actually performing such services also performed for the
27 contributor other services during the same period, and the
28 manner of payment was such that payment for the services
29 contributed cannot readily be segregated from contemporary
30 payment for the other services, the contributor shall in his
31 statement to the treasurer so state and shall either (1) set forth
32 his best estimate of the dollar amount of payment to each such
33 individual which is attributable to the contribution of his paid
34 personal services, and shall certify the substantial accuracy of
35 the same, or (2) if unable to determine such amount with
36 sufficient accuracy, set forth the total compensation paid by
37 him to each such individual for the period of time during which
the services contributed by him were performed. If any

1 candidate is a holder of public office to whom there is attached
or assigned, by virtue of said office, any aide or aides whose
3 services are of a personal or confidential nature in assisting him
to carry out the duties of said office, and whose salary or other
5 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
7 funds shall be for public purposes only; but they may contribute
their personal services, on a voluntary basis, to such candidate
9 for election campaign purposes.

g. (Deleted by amendment, P.L. 1983, c. 579.)

11 h. The term "political information" means any statement
"including but not limited to press releases, pamphlets,
13 newsletters, advertisements, flyers, form letters, or radio or
television programs or advertisements which reflects the opinion
15 of the members of the organization on any candidate or
candidates for public office, on any public question, or which
17 contains facts on any such candidate, or public question whether
or not such facts are within the personal knowledge of members
19 of the organization.

i. The term "political committee" means any two or more
21 persons acting jointly, or any corporation, partnership, or any
other incorporated or unincorporated association which is
23 organized to, or does, aid or promote the nomination, election or
defeat of any candidate or candidates for public office, or which
25 is organized to, or does, and or promote the passage or defeat of
a public question in any election, if the persons, corporation,
27 partnership or incorporated or unincorporated association raises
or expends \$1,000.00 or more to so aid or promote the
29 nomination, election or defeat of a candidate or candidates or
the passage or defeat of a public question; provided that for the
31 purposes of this act, the term "political committee" shall not
include a "continuing political committee," as defined by
33 subsection n. of this section.

j. The term "public solicitation" means any activity by or on
35 behalf of any candidate, political committee or continuing
political committee whereby either (1) members of the general
37 public are personally solicited for cash contributions not
exceeding \$20.00 from each person so solicited and contributed
39 on the spot by the person so solicited to a person soliciting or

1 through a receptacle provided for the purpose of depositing
contributions, or (2) members of the general public are
3 personally solicited for the purchase of items having some
tangible value as merchandise, at a price not exceeding \$20.00
5 per item, which price is paid on the spot in cash by the person so
solicited to the person so soliciting when the net proceeds of
7 such solicitation are to be used by or on behalf of such
candidate, political committee or continuing political
9 committee.

k. The term "testimonial affair" means an affair of any kind
11 or nature including, without limitation, cocktail parties,
breakfasts, luncheons, dinners, dances, picnics or similar affairs
13 directly or indirectly intended to raise campaign funds in behalf
of a person who holds, or who is or was a candidate for
15 nomination or election to a public office in this State, or
directly or indirectly intended to raise funds in behalf of any
17 State, county or municipal committee of a political party or in
behalf of a political committee.

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

23 m. The term "qualified candidate" means:

(1) Any candidate for election to the office of Governor
25 whose name appears on the general election ballot and who has
deposited and expended \$50,000.00 pursuant to section 7 of P.L.
27 1974, c. 26 (C. 19:44A-32); or

(2) Any candidate for election to the office of Governor
29 whose name does not appear on the general election ballot but
who has deposited and expended \$50,000.00 pursuant to section 7
31 of P.L. 1974, c. 26 (C. 19:44A-32); or

(3) Any candidate for nomination for election to the office of
33 Governor whose name appears on the primary election ballot and
who has deposited and expended \$50,000.00 pursuant to section 7
35 of P.L. 1974, c. 26 (C. 19:44A-32); or

(4) Any candidate for nomination for election to the office of
37 Governor whose name does not appear on the primary election
ballot but who has deposited and expended \$50,000.00 pursuant
39 to section 7 of P.L. 1974, c. 26 (C. 19:44A-32).

1 For the purposes of this subsection, only the first \$500.00 of
2 contributions from each contributor who is an individual shall be
3 considered in calculating whether a candidate has deposited and
4 expended \$50,000.00 pursuant to section 7 of P.L. 1974, c. 26 (C.
5 19:44A-32).

6 With respect to the elections to nominate and to elect a
7 candidate for the office of Governor which shall be held, in 1989
8 and every fourth year thereafter, the amount required under this
9 subsection to be deposited and expended pursuant to section 7 of
10 P.L. 1974, c. 26 (C. 19:44A-32) and the amount of contribution
11 from an individual that is considered in calculating whether that
12 amount has been so deposited and expended shall be the adjusted
13 amount.

14 n. The term "continuing political committee" means:

15 (1) the State committee, or any county or municipal
16 committee, of a political party; or

17 (2) any group of two or more persons acting jointly, or any
18 corporation, partnership, or any other incorporated or
19 unincorporated association, including a political club, political
20 action committee, civic association or other organization, which
21 in any calendar year contributes or expects to contribute at
22 least \$2,500.00 to the aid or promotion of the candidacy of an
23 individual, or of the candidacies of individuals, for elective
24 public questions, and which may be expected to make
25 contributions toward such aid or promotion or passage or defeat
26 during a subsequent election, provided that the group,
27 corporation, partnership, association or other organization has
28 been determined to be a continuing political committee under
29 subsection b. of section 8 of P.L. 1973, c. 83 (C. 19:44A-8).

30 o. The term "adjusted amount," as applied in the several
31 provisions of the law concerning campaign contributions
32 expenditures and reporting by and public financing of election
33 campaigns of qualified candidates for nomination for election or
34 for election to the office of Governor, means, for any
35 gubernatorial election year, the preliminary adjusted amount as
36 determined under this subsection by the commission no later
37 than November 30 of the preceding calendar year, revised as
38 provided by this subsection. The preliminary adjusted amounts
39 required for the purposes of those provisions to be determined

1 under this subsection for a gubernatorial election year shall be
2 equal to the amounts severally applicable under those provisions
3 during the preceding gubernatorial election year or, in the case
4 of the adjusted amounts which shall be applicable to the 1989
5 gubernatorial election year, the amounts severally applicable
6 under those provisions as amended by this 1988 amendatory and
7 supplementary act, multiplied by a fraction, the denominator of
8 which shall be equal to the average monthly consumer price
9 index for all urban consumers in the New York City and
10 Philadelphia areas as reported by the United States Department
11 of Labor for the months beginning with October of the second
12 year preceding the previous gubernatorial election year and
13 ending with the following September and the numerator of which
14 shall be the average monthly consumer price index for those
15 consumers for the months beginning with October of the second
16 year preceding the gubernatorial election year to which the
17 adjusted amount will applicable and ending with the following
18 September, except that in no event shall any preliminary
19 adjusted amount be less than the amount applicable to the
20 preceding gubernatorial election. The commission shall, where
21 necessary to obtain an exact multiple under the following
22 schedule, increase the adjusted amounts by rounding upward the
23 preliminary adjusted amounts to the next greater multiple of:
24 \$10.00 where the preliminary adjusted amount as provided
25 herein would be \$2,000.00 or less; to the next greater multiple
26 of \$100.00 where the preliminary adjusted amount would be
27 more than \$2,000.00 but not more than \$20,000.00; to the next
28 greater multiple of \$1,000.00 where the preliminary adjusted
29 amount would be more than \$20,000.00 but not more than
30 \$200,000.00; to the next greater multiple of \$10,000.00 where
31 the preliminary adjusted amount would be more than
32 \$200,000.00 but not more than \$2,000,000.00; and to the next
33 greater multiple of \$100,000.00 where the preliminary adjusted
34 amount would be more than \$2,000,000.00 but not more than
35 \$20,000,000.00. Where the preliminary adjusted amount is less
36 than \$200.00 the amount applicable to the preceding
37 gubernatorial election year shall not be revised. The
38 commission shall notify all candidates for nomination and for
39 election to the office of Governor of the amount of the

1 amounts adjusted under this subsection upon the determination
2 of those amounts or upon the declaration by the candidate of his
3 candidacy, whichever occurs later.

4 2. Section 8 of P.L. 1973, c. 83 (C. 19:44A-8) is amended to
5 read as follows:

6 8. a. (1) Each political committee shall make a full
7 cumulative report, upon a form prescribed by the Election Law
8 Enforcement Commission, of all contributions in the form of
9 moneys, loans, paid personal services, or other things of value
10 made to it and all expenditures made, incurred, or authorized by
11 it in furtherance of the nomination, election or defeat of any
12 candidate, or in aid of the passage or defeat of any public
13 question, or to provide political information on any candidate or
14 public question, during the period ending 48 hours preceding the
15 date of the report and beginning on the date on which the first
16 of those contributions was received or the first of those
17 expenditures was made, whichever occurred first. The
18 cumulative report, except as hereinafter provided, shall contain
19 the name and mailing address of each person or group from
20 whom moneys, loans, paid personal services or other things of
21 value have been contributed since 48 hours preceding the date
22 on which the previous such report was made and the amount
23 contributed by each person or group, and where the contributor
24 is an individual, the report shall indicate the occupation of the
25 individual and the name and mailing address of his employer. In
26 the case of any loan reported pursuant to this section, the report
27 shall contain the name and mailing address of each person who
28 has cosigned such loan since 48 hours preceding the date on
29 which the previous such report was made, and where an
30 individual has cosigned such loans, the report shall indicate the
31 occupation of the individual and the name and mailing address of
32 his employer. The cumulative report shall also contain the name
33 and address of each person, firm or organization to whom
34 expenditures have been paid since 48 hours preceding the date
35 on which the previous such report was made and the amount and
36 purpose of each such expenditure. The cumulative report shall
37 be filed with the Election Law Enforcement Commission on the
dates designated in section 16 hereof.

1 The campaign treasurer of the political committee reporting
shall certify to the correctness of each report.

3 Each campaign treasurer of a political committee shall file
written notice with the commission of a contribution in excess
5 of \$250.00 received during the period between the 13th day prior
to the election and the date of the election. The notice shall be
7 filed in writing or by telegram within 48 hours of the receipt of
the contribution and shall set forth the amount and date of the
9 contribution [and], the name and mailing address of the
contributor, and where the contributor is an individual, his
11 occupation and the name and mailing address of his employer.

13 (2) When a political committee or an individual seeking party
office makes or authorizes an expenditure on behalf of a
candidate, it shall provide immediate written notification to the
15 candidate of the expenditure.

17 b. (1) A group of two or more persons acting jointly, or any
corporation, partnership, or any other incorporated or
unincorporated association including a political club, political
19 action committee, civic association or other organization which
in any calendar year contributes or expects to contribute at
21 least \$2,500.00 to the aid or promotion of the candidacy of an
individual, or of the candidacies of individuals, for elective
23 public office or the passage or defeat of a public question or
public questions and which expects to make contributions toward
25 such aid or promotion, or toward such passage or defeat, during
a subsequent election, shall certify that fact to the commission,
27 and the commission, upon receiving that certification and on the
basis of any information as it may require of the group,
29 corporation, partnership, association or other organization, shall
determine whether the group, corporation, partnership,
31 association or other organization is a continuing political
committee for the purposes of this act. If the commission
33 determines that, the group, corporation partnership, association
or other organization is a continuing political committee, it
35 shall so notify that continuing political committee.

37 (2) A continuing political committee shall file with the
Election Law Enforcement Commission, not later than April 15,
July 15, October 15 and January 15 of each calendar year,

1 a cumulative quarterly report of all moneys, loans, paid personal
services or other things of value contributed to it during the
3 period ending on the 15th day preceding that date and
commencing on January 1 of that calendar year, or, in the case
5 of the cumulative quarterly report to be filed not later than
January 15, of the previous calendar year, and all expenditures
7 made, incurred, or authorized by it during the period, whether or
not such expenditures were made, incurred or authorized in
9 furtherance of the election or defeat of any candidate, or in aid
of the passage or defeat of any public question or to provide
11 information on any candidate or public question.

The cumulative quarterly report shall contain the name and
13 mailing address of each person or group from whom moneys,
loans, paid personal services or other things of value have been
15 contributed and the amount contributed by each person or group,
and where an individual has made such contributions, the report
17 shall indicate the occupation of the individual and the name and
mailing address of his employer. In the case of any loan
19 reported pursuant to this section, the report shall contain the
name and address of each person who cosigns such loan, and
21 where an individual has cosigned such loans, the report shall
indicate the occupation of the individual and the name and
23 mailing address of his employer. The report shall also contain
the name and address of each person, firm or organization to
25 whom expenditures have been paid and the amount and purpose
of each such expenditure. The treasurer of the continuing
27 political committee reporting shall certify to the correctness of
each cumulative quarterly report.

29 Each continuing political committee shall provide immediate
written notification to each candidate of all expenditures made
31 or authorized on behalf of the candidate.

If any continuing political committee submitting cumulative
33 quarterly reports as provided under this subsection receives a
contribution from a single source of more than \$250.00 after the
35 final day of a quarterly reporting period and on or before a
primary, general, municipal, school or special election which
37 occurs after that final day but prior to the final day of the next
reporting period it shall, in writing or by telegram, report

1 that contribution to the commission within 48 hours of the
2 receipt thereof, including in that report the amount and date of
3 the contribution; the name and mailing address of the
4 contributor; and where the contributor is an individual, his
5 occupation and the name and mailing address of his employer.

6 A continuing political committee which at any point expects
7 to cease making contributions toward the aiding or promoting of
8 the candidacy of an individual, or of the candidacies of
9 individuals, for elective public office in this State or the
10 passage or defeat of a public question or public questions in this
11 State shall certify that fact in writing to the commission, and
12 that certification shall be accompanied by a final accounting of
13 any fund relating, to such aiding or promoting, including the
14 final disposition of any balance in such fund at the time of
15 dissolution. Until that certification has been filed, the
16 committee shall continue to file the quarterly reports as
17 provided under this subsection.

18 c. In any report filed pursuant to the provisions of this
19 section the organization committee reporting, may exclude from
20 the report the names and mailing addresses of contributors
21 whose contributions during the period covered by the report did
22 not exceed \$100.00, provided, however, that (1) such exclusion is
23 unlawful if any person responsible for the preparation or filing
24 of the report knew that it was made with respect to any person
25 whose contributions relating to the same election or issue and
26 made to the reporting organizations aggregate, in combination
27 with the contribution in respect of which such exclusion is made,
28 more than \$100.00 and (2) any person who knowingly prepares,
29 assists in preparing, files or acquiesces in the filing of any
30 report from which the identification of a contributor has been
31 excluded contrary to the provisions of this section is subject to
32 the provisions of section 21 of this act, but (3) nothing in this
33 proviso shall be construed as requiring any committee or
34 organization reporting pursuant to this act to report the
35 amounts, dates or other circumstantial data regarding
36 contributions made to any other organization or political
37 committee, committee of a political party or campaign
organization of a candidate.

1 Any report filed pursuant to the provisions of this section
shall include an itemized accounting of all receipts and
3 expenditures relative to any testimonial affairs held since the
date of the most recent report filed, which accounting shall
5 including the name and mailing address of each contributor in
excess of \$100.00 to such testimonial affair and the amount
7 contributed by each[.]; in the case of an individual contributor,
the occupation of the individual and the name and mailing
9 address of his employer; the expenses incurred[.]; and the
disposition of the proceeds of such testimonial affair.

11 A political committee shall be exempt from any requirement
to file reports pursuant to this section of contributions received
13 or expenditures made in behalf of two or more joint candidates
in any election if the committee files with the Election Law
15 Enforcement Commission a sworn statement to the effect that
the total amount to be expended on behalf of their candidacies
17 shall not exceed \$4,000.00; provided, that if a committee which
has filed such a sworn statement receives contributions from
19 any one source aggregating more than \$100.00, it shall forthwith
report that fact, including the [identity] name and mailing
21 address of the source; where the source is an individual, the
mailing address and occupation of the individual and the name
23 and mailing address of his employer; and the aggregate total of
contributions [therefrom] from the source to the commission.
25 Any sworn statement under this subsection may be filed with the
notice of designation by a political committee of a campaign
27 treasurer and campaign depository under section 10 of P.L.
1973, c. 83 (C. 19:44A-10), if that committee knows or has
29 reason to believe, at the time when the notice of designation is
given, that the total amount to be so expended shall not exceed
31 \$4,000.00.

33 3. Section 16 of P.L. 1973, c. 83 (C. 19:44A-16) is amended to
read as follows:

35 16. a. Except as provided by subsection h. of this section,
each campaign treasurer of a candidate shall make a full
cumulative report, upon a form prescribed by the Election Law
37 Enforcement Commission, of all contributions in the form of
moneys, loans, paid personal services or other things of value,

1 made to him or to the deputy campaign treasurers of the
2 candidate, and all expenditures paid out of the campaign fund of
3 the candidate, during the period ending with the second day
4 preceding the date of the cumulative report and beginning on
5 the date of the first of those contributions, the date of the first
6 of those expenditures, or the date of the appointment of the
7 campaign treasurer, whichever occurred first. The report shall
8 also contain the name and mailing address of each person or
9 group from whom moneys, loans, paid personal services or other
10 things of value were contributed after the second day preceding
11 the date of the previous cumulative report and the amount
12 contributed by each person or group, and where an individual has
13 made such contributions, the report shall indicate the
14 occupation of the individual and the name and mailing address of
15 his employer. In the case of any loan reported pursuant to this
16 section, the report shall further contain the name and mailing
17 address of each person who cosigns such loan, the occupation of
18 the person and the name and mailing address of his employer. If
19 no moneys, loans, paid personal services or other things of value
20 were contributed, the report shall so indicate, and if no
21 expenditures were paid or incurred, the report shall likewise to
22 indicate. The campaign treasurer and the candidate shall
23 certify the correctness of the report.

24 b. During the period between the appointment of the
25 campaign treasurer and the election with respect to which
26 contributions are accepted or expenditures made by him, the
27 campaign treasurer shall file his cumulative campaign report (1)
28 on the 29th day preceding the election, and (2) on the 11th day
29 preceding the election; and after the election he shall file his
30 report on the 20th day following such election. Concurrent with
31 the report filed on the 20th day following an election, or at any
32 time thereafter, the campaign treasurer of a candidate or
33 political committee may certify to the Election Law
34 Enforcement Commission that the campaign fund of such
35 candidate or political committee, having been instituted for the
36 purposes of the late election, has wound up its business and been
37 dissolved or, in the case of a political committee which
continues its activities beyond the election that its business

1 regarding the late election has been wound up; and said
certification shall be accompanied by a final accounting of such
3 campaign fund, or of the transactions relating to such election,
including the final disposition of any balance remaining in such
5 fund at the time of dissolution or the arrangements which have
been made for the discharge of any obligations remaining unpaid
7 at the time of dissolution. Until such certification has been
filed, each such treasurer shall continue to file[, at the
9 conclusion of each 60-day interval from the 20th day following
such election,] reports in the form and manner herein
11 prescribed. The reports following the report due on the 20th day
after an election shall be due on January 1, April 1, July 1 and
13 October 1, whichever date sequentially follows that 20th day,
provided at least 60 days have lapsed between the date that the
15 20-day post-election report is due and the date of the first
subsequent report. The reports thereafter shall be due on the
17 quarterly dates until the campaign fund is dissolved.

The Election Law Enforcement Commission shall promulgate
19 regulations providing for the termination of post-election
campaign reporting requirements applicable to political
21 committees and candidates. The requirements to file
post-election reports may be waived by the commission,
23 notwithstanding that the certification has not been filed, if the
commission determines under any regulations so promulgated
25 that the outstanding obligations of the political committee do
not exceed 10% of the expenditures of the campaign fund with
27 respect to the election or [\$1,000.00] \$2,000.00, whichever is
less, or are likely to be discharged or forgiven.

29 c. In the case of an election of a candidate for an office
elected by a municipal or countywide constituency or a school
31 district a duplicate copy of the campaign treasurer's report,
duly certified, shall be filed at the same time with the county
33 clerk of the county; in which the candidate resides and the
county clerk shall retain a written record of that filing for a
35 period of not less than four years following the date of the
election.

37 If a political committee or a continuing political committee,
with the exception of political party committees for primary

1 elections, assumes for the purposes of reporting, the obligations
of a candidate, the campaign treasurer or candidate shall not,
3 upon notice to the commission by such committee of that
assumption of obligation, be required to report further.

5 d. There shall be no obligation to file the reports required by
this section on behalf of a candidate if such candidate files with
7 the Election Law Enforcement Commission a sworn statement
to the effect that the total amount to be expended in behalf of
9 his candidacy by the candidate, by any State, county or
municipal committee of a political party, by any political
11 committee, or by any person shall not in the aggregate exceed
\$2,000.00. The sworn statement may be submitted at the time
13 when the name and address of the campaign treasurer and
depository is filed with the Election Law Enforcement
15 Commission, provided that in [no] any case the sworn statement
is filed no later than the 29th day before an election. If a
17 candidate who has filed such a sworn statement receives
contributions from any one source aggregating more than
19 \$100.00 he shall forthwith make report of the same, including
the [identity] name and mailing address of the source and the
21 aggregate total of contributions therefrom, and where the
source is an individual, the occupation of the individual and the
23 name and mailing address of his employer, to the Election Law
Enforcement Commission.

25 e. There shall be no obligation imposed upon a candidate
seeking election to a public office of a school district to file
27 either the reports required under subsection b. of this section
[16b.] or the sworn statement referred to in subsection d. of this
29 section or to comply with the requirements of [section] sections
9, 11 or 12 of this act, if the total amount expended and to be
31 expended in behalf of his candidacy by the candidate, any
political committee, any continuing political committee or by
33 any person does not in the aggregate exceed \$2,000.00; provided,
that if such candidate receives contributions from any one
35 source aggregating more than \$100.00, he shall forthwith make a
report of the same, including the name and mailing address of
37 the source [and], the aggregate total of contributions therefrom,
and where the source is an individual, the occupation of the

1 individual and the name and mailing address of his employer, to
the commission.

3 f. In any report filed pursuant to the provisions of this
section, the names and addresses of contributors whose
5 contributions during the period covered by the report did not
exceed \$100.00 may be excluded provided, however, that (1)
7 such exclusion is unlawful if any person responsible for the
preparation or filing of the report knew that such exclusion was
9 made with respect to any person whose total contributions
relating to the same election and made to the reporting
11 candidate or to an allied campaign organization or organizations
aggregate, in combination with the total contributions in respect
13 of which such exclusion is made, more than \$100.00, and (2) any
person who knowingly prepares, assists in preparing, files or
15 acquiesces in the filing of any report from which the identity of
any contributor has been excluded contrary to the provisions of
17 this section is subject to the provisions of section 21 of this act,
but (3) nothing in this proviso shall be construed as requiring any
19 candidate reporting pursuant to this act to report the amounts,
dates or other circumstantial data regarding contributions made
21 to any other candidate, political committee or committee of a
political party.

23 g. Any report filed pursuant to the provisions of this section
shall include an itemized accounting of all receipts and
25 expenditures relative to any testimonial affair held since the
date of the most recent report filed, which accounting shall
27 include the name and mailing address of each contributor in
excess of \$100.00 to such testimonial affair and the amount
29 contributed by each[,]; in the case of an individual contributor,
the occupation of the individual and the name and mailing
31 address of his employer; the expenses incurred[,]; and the
disposition of the proceeds of such testimonial affair.

33 h. If all expenditures and all receipts of contributions on
behalf of a candidate which are required to be reported under
35 subsection c. of this section are conducted by and through a
political committee which is required to file financial reports
37 under section 8 of P.L. 1973, c. 83 (C. 19:44A-8), the candidate
may authorize that political committee to be his agent with

1 respect to the reporting of those expenditures and receipts by
filing with the Election Law Enforcement Commission a
3 certificate of that authorization on a form prescribed by the
commission. The certificate shall provide for designation by the
5 candidate of the treasurer of the political committee as the
campaign treasurer of the candidate for the purposes of
7 subsection a. hereof and shall generally identify and be signed by
the candidate and the chairman and the treasurer of the
9 political committee. Upon the filing of such a certificate of
authorization and until the authorization is revoked in writing by
11 the candidate, the political committee shall file the reports
which the campaign treasurer of the candidate would otherwise
13 be required to file under subsection a. of this section.

i. Each campaign treasurer of a candidate shall file written
15 notice with the commission of a contribution in excess of
\$250.00 received during the period between the 13th day prior to
17 the election and the date of the election. The notice shall be
filed in writing or by telegram within 48 hours of the receipt of
19 the contribution and shall set forth the amount and date of the
contribution [and], the name and mailing address of the
21 contributor, and where the contributor is an individual, the
occupation of the individual and the name and mailing address of
23 his employer.

4. Section 17 of P.L. 1980, c. 74 (C. 19:44A-18.1) is amended
25 to read as follows:

17. a. No person, candidate or political committee,
27 otherwise eligible to make political contributions, shall make
any contribution or contributions for the purpose of any
29 gubernatorial inaugural fundraising event or events in the
aggregate in excess of [~~\$250.00~~] \$500.00. With respect to
31 gubernatorial inaugural fundraising events held in connection
with the inauguration of persons elected to the office of
33 Governor in 1989 and every fourth year thereafter, the amount
of the maximum contribution which may made for the purpose
35 of such events shall be the adjusted amount.

b. For the purposes of the limitation in subsection a. of this
37 section the term "gubernatorial inaugural fundraising event"
means any event or events held between the date of the general
39 election for the office of Governor and a date 15 days after the

1 date of the inauguration of the Governor, whether the event is
2 sponsored by the inaugural committee, the State political party
3 committee representing the party of the Governor-elect, or any
4 other person or persons, and at which the Governor-elect is a
5 prominent participant or for which solicitations of contributions
6 include the name of the Governor-elect in prominent display;
7 except that this definition shall not apply to an event sponsored
8 by a religious, charitable, benevolent, scientific, artistic or
9 educational nonprofit institution as long as any proceeds from
10 the event will not be controlled by the Governor-elect or any
11 political committee or political party committee, and the
12 proceeds will not be contributed to the Governor-elect, the
13 candidacy of the Governor-elect, a political committee or
14 political party committee.

15 c. The person or committee sponsoring the event shall make a
16 full report of all contributions and expenditures with respect to
17 the event within 45 days following the event in accordance with
18 the provisions of this act.

19 5. Section 19 of P.L. 1973, c. 83 (C. 19:44A-19) is amended to
20 read as follows:

21 19. a. No person shall conduct any public solicitation as
22 defined in this act except (1) upon written authorization of the
23 campaign or organizational treasurer of the candidate, political
24 committee or continuing political committee on whose behalf
25 such solicitation is conducted, or (2) in accordance with the
26 provisions of subsection c. of this section. A person with such
27 written authorization may employ and accept the services of
28 others as solicitors, and shall be responsible for reporting to the
29 treasurer the information required under subsection b. of this
30 section and for delivery to the treasurer the net proceeds of
31 such solicitation in compliance with sections 11 and 14 of this
32 act. A contribution made through donation or purchase in
33 response to a public solicitation conducted pursuant to written
34 authorization of a treasurer shall be deemed to have been made
35 through such treasurer.

36 b. Whenever a public solicitation has been authorized by a
37 treasurer during a period covered by a report required to be
38 filed under sections 8 and 16 of this act, there shall be filed with
39 such report and, as a part thereof an itemized report on any

1 such solicitation of which the net proceeds exceed \$100.00, in
such form and detail as required by the rules of the Election
3 Law Enforcement Commission, which report shall include:

5 (1) The name and mailing address of the person authorized to
conduct such solicitation, [and] the method of solicitation and,
7 where the person is an individual, the occupation of the
individual and the name and mailing address of his employer;

9 (2) The gross receipts and expenses involved in the
solicitation including, the actual amount paid for any items
11 purchased for resale in connection with the solicitation or, if
such items or any portion of the cost thereof was donated, the
estimated actual value thereof and the actual amount paid
13 therefor and the names and addresses of any such donors. If it is
not practicable for such itemized report to be completed in time
15 to be included with the report due under sections 8 and 16 of
this act for the period during which such solicitation was held,
17 then such itemized report may be omitted from said report and
if so omitted shall be included in the report for the next
19 succeeding period.

21 c. Notwithstanding the provisions of subsection b. of this
section, it shall be lawful for any natural person, not acting in
concert with any other person or group, to make personally a
23 public solicitation the entire proceeds of which, without
deduction for the expenses of solicitation, are to be expended by
25 him personally or under his personal direction to finance any
lawful activity in support of or opposition to any candidate or
27 public question or to provide political information on any
candidate or public question or to seek to influence the content,
29 introduction, passage or defeat of legislation; provided,
however, that any individual making such solicitation who
31 receives gross contributions exceeding \$100.00 in respect to
activities relating to any one election shall be required to make
33 a report stating (1) the amount so collected, (2) the method of
solicitation [and], (3) the purpose or purposes for which the funds
35 so collected were expended and the amount expended for each
such purpose and (4) his name and mailing address, his
37 occupation and the name and mailing address of his employer.
Such report shall be made either:

1 (1) To the treasurer of the candidate, political committee or
continuing political committee on whose behalf such funds were
3 collected and expenditures made, or to his deputy, who shall
cause the same to be included in his report to the Election Law
5 Enforcement Commission subject to the provisions of sections 8
and 16 of this act; or

7 (2) Directly to the Election Law Enforcement Commission at
the same time and in the same manner as a political committee
9 or continuing political committee subject to the provisions of
section 8 of this act.

11 d. Contributions or purchases made in response to a public
solicitation conducted in conformity with the requirements and
13 conditions of this act shall not be deemed anonymous within the
meaning of sections 11, 14 and 20 of this act.

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

19 6. Section 2 of P.L. 1974, c. 26 (C. 19:44A-27) is amended to
read as follows:

21 2. It is hereby declared to be a compelling public interest
and to be the policy of this State that primary and general
23 election campaigns for the office of Governor shall be financed
with public support pursuant to the provisions of this act, and
25 that such public support shall be structured so as to encourage
candidates to solicit and obtain contributions of moderate
27 amounts from a broad range of individuals whose purpose in
making those contributions is limited to the furtherance of good
29 government. It is the intention of this act that such financing
be adequate in amount so that candidates for election to the
31 office of Governor may conduct their campaigns free from
improper influence and so that persons of limited financial
33 means may seek election to the State's highest office.

35 7. Section 4 of P.L. 1974, c. 26 (C. 19:44A-29) is amended to
read as follows:

37 4. a. Except in the case of a candidate, as provided in
subsection g. of this section, no person or political committee,
otherwise eligible to make political contributions, shall make

1 any contribution or contributions to a candidate, his campaign
2 treasurer or deputy campaign treasurer, a State committee,
3 county committee or municipal committee of any political
4 party, or to any other person or committee, in aid of the
5 candidacy of or in behalf of a candidate for nomination for
6 election or for election to the office of Governor in any primary
7 or general election in the aggregate in excess of [~~\$800.00~~
8 \$1,200.00]. No candidate for nomination for election or for
9 election to the office of Governor in any primary or general
10 election and no campaign treasurer or deputy campaign
11 treasurer of such candidate shall knowingly accept from any
12 person, candidate or political committee any contribution or
13 contributions in aid of the candidacy of or in behalf of such
14 candidate in the aggregate in excess of [~~\$800.00~~ \$1,200.00] in
15 any primary or general election. No provision of this act shall
16 be construed to prohibit a contribution or contributions in the
17 aggregate not in excess of [~~\$800.00~~ \$1,200.00] in aid of the
18 candidacy of or in behalf of any candidate for nomination for
19 election to the office of Governor in a primary election and
20 another contribution or contributions in the aggregate not in
21 excess of [~~\$800.00~~ \$1,200.00] in the aid of the candidacy of or in
22 behalf of any candidate for election to the office of Governor in
23 a general election. With respect to gubernatorial elections held
24 in 1989 and every fourth year thereafter, the amount of the
25 maximum aggregate contributions which may be made under this
26 subsection to, or in aid or on behalf of, a candidate for
27 nomination for election or for election to the office of
28 Governor, or which may be accepted by or for such a candidate,
29 shall be the adjusted amount.

b. (Deleted by amendment, P.L. 1980, c. 74.)

31 c. The spouse of any contributor may make a contribution or
32 contributions of up to [~~\$800.00~~ \$1,200.00] in the aggregate in aid
33 of the candidacy of or in behalf of a candidate for election to
34 the office of Governor in a general election. With respect to
35 gubernatorial elections held in 1989 and every fourth year
36 thereafter, the amount of the maximum aggregate contributions
37 by the spouse of a contributor which may be made in aid or on
38 behalf of a candidate for election to the office of Governor shall
39 be the adjusted amount.

1 d. [No State committee of any political party shall knowingly
 3 accept from any person or political committee, any contribution
 5 or contributions in the aggregate in excess of \$800.00 in aid of
 7 the candidacy of or in behalf of a candidate for election to the
 9 office of Governor in a general election. A State committee
 11 may allocate a contribution of up to \$800.00, and up to \$800.00
 13 of a contribution in excess of \$800.00 in aid of the candidacy of
 15 or in behalf of such candidate. A State committee shall create
 17 an account in a National or State bank in behalf of any
 19 candidate the committee intends to or does assist for election to
 21 the office of Governor in a general election, shall deposit in
 23 such account and report to the Election Law Enforcement
 25 Commission the name of the contributor of all moneys accepted
 or allocated in aid of the candidacy of or in behalf of such
 candidate, and may make a contribution or contributions from
 such account in any amount in aid of the candidacy of or in
 behalf of such candidate. No State committee may make any
 contribution or contributions in aid of the candidacy of or in
 behalf of such candidate of moneys not deposited in a bank
 account pursuant to this subsection, and no State committee
 may make a contribution or contributions in aid of the candidacy
 of or in behalf of such candidate of it, moneys or other thing of
 value pledged or received in a calendar year in which no
 gubernatorial election was held.] (Deleted by amendment, P.L. .
. . . , c. . . .)

 e. The county committees and municipal committees of any
 political party may make an expenditure or expenditures in the
 aggregate of \$100,000.00 in aid of the candidacy of or in behalf
 of any candidate for election to the office of Governor in a
 general election; except the county committee and municipal
 committees in the same county may not make an expenditure or
 expenditures in the aggregate in excess of \$10,000.00 in aid of
 the candidacy or in behalf of any such candidate. With respect
to gubernatorial election held in 1989 and every fourth year
thereafter, the amount of the maximum aggregate expenditure
or expenditures in aid or on behalf of a candidate for election to
the office of Governor which a county or municipal committee
of a political party may make under this subsection shall be

1 the adjusted amount. No county committee or municipal
 2 committee may transfer or contribute any funds to any such
 3 candidate or to such candidate's campaign treasurer or deputy
 4 campaign treasurer, or to any political committee supporting
 5 such candidate. A candidate or his campaign treasurer or
 6 deputy campaign treasurer shall determine the exact amount
 7 that individual county committees or municipal committees may
 8 contribute in aid of the candidacy of or in behalf of such
 9 candidate, and shall file a report of such determination with the
 10 Election Law Enforcement Commission no later than the
 11 seventh day prior to the general election being funded.

12 f. [Communications on any subject by a corporation to its
 13 stockholders and their families, and nonpartisan registration and
 14 get-out-the-vote campaigns by a corporation aimed at its
 15 stockholders and their families, or by a labor organization aimed
 16 at its members and their families, shall not be construed to be in
 17 aid of the candidacy of or in behalf of a candidate for election
 18 to the office of Governor in any primary or general election.]

19 The following shall not be construed to be in aid of the
 20 candidacy of or in behalf of a candidate for nomination for
 21 election or for election to the office of Governor in any primary
 22 or general election:

23 (1) Communications on any subject which are: (a) not made
 24 with the cooperation or prior consent of, or in consultation with
 25 or at the request or suggestion of, a candidate or any person or
 26 committee acting on behalf of a candidate; or (b) made by a
 27 corporation to its stockholders and their families, or by a labor
 28 organization or other membership organization to the members
 29 of the organization and their families, which communications
 30 appear in an official written publication or organization
 31 published regularly and not less frequently than once in each
 32 calendar quarter, and which do not occupy more than 25% of the
 33 space available for copy in any edition of that publication in
 34 which such communications appear; and

35 (2) Any nonpartisan registration and get-out-the-vote
 36 campaigns which are: (a) not made with the cooperation or prior
 37 consent of, or in consultation with or at the request or
 38 suggestion of, a candidate or any person or committee acting on

1 behalf of a candidate, and (b) made by a corporation aimed at its
 2 stockholders and their families, or by a labor organization or
 3 other membership organization aimed at the members of the
 4 organization and their families.

5 Any payment or reimbursement of, or any undertaking to pay
 6 or reimburse, the cost of communications under paragraph (a) of
 7 paragraph (1) of this subsection shall be a contribution for the
 8 purpose of those provisions of this act concerning the reporting
 9 of contributions.

10 g. No candidate receiving public funds may make
 11 expenditures from his own funds, including any contributions
 12 from his own funds, in aid of his candidacy for nomination or
 13 election to the office of Governor in excess of \$25,000.00 for
 14 the primary election and \$25,000.00 for the general election.
 15 With respect to gubernatorial elections held in 1989 and every
 16 fourth year thereafter, the amount of the maximum
 17 expenditures under this subsection which a candidate may make
 18 from his own funds in aid of his candidacy for nomination for
 19 election or for election to the office of Governor shall be the
 20 adjusted amount.

21 As used in this subsection "own funds" means funds to which
 22 the candidate is legally and beneficially entitled, but shall not
 23 include funds as to which he is a trustee, or funds given or
 24 otherwise transferred to the candidate by any person other than
 25 the spouse of the candidate for use in aid of his candidacy.

26 8. Section 7 of 1974, c. 26 (C. 19:44A-32) is amended to read
 27 as follows:

28 7. a. Each candidate in the primary election to the office of
 29 Governor, shall, with the approval of the Election Law
 30 Enforcement Commission, create a bank account in a National
 31 or State bank. The candidate, his campaign treasurer or deputy
 32 campaign treasurer shall deposit promptly into the account all
 33 moneys received pursuant to [section] sections 4 and 19 of P.L.
 34 1974, c. 26 (C. 19:44A-29 and 19:44A-44) and sections 11 and 12
 35 of P.L. 1973, c. 83 (C. 19:44A-11 and 19:44A-12).

36 b. Each candidate in the general election to the office of
 37 Governor shall, with the approval of the Election Law
 Enforcement Commission, create an account in a National or

1 State bank. The candidate, his campaign treasurer or deputy
2 campaign treasurer shall deposit promptly into the account all
3 moneys received [for the purpose of the election, provided that
4 the moneys are received] pursuant to [section] sections 4 and 19
5 of P.L. 1974 c. 26 (C. 19:44A-29 and 19:44A-44) and sections 11
6 and 12 of P.L. 1973, c. 83 (C. 19:44A-11 and 19:44A-12).

7 c. Immediately after deposit in the bank account the
8 candidate or his campaign treasurer or deputy campaign
9 treasurer may transfer or expend the moneys, except that no
10 moneys deposited in a candidate's bank account for the primary
11 election may be expended for any candidate's general election
12 expenses, and except that no moneys deposited in a candidate's
13 bank account for the general election may be transferred or
14 expended until the day following the primary election or may be
15 expended for primary election expenses.

16 d. No State or National bank which acts as a depository for
17 election funds as provided in this act shall be held accountable
18 for the proper application of funds withdrawn, transferred or
19 expended from such accounts by the person or persons in whose
20 name or names the accounts are opened or maintained, nor shall
21 the State or National bank be under any duty to determine
22 whether the funds deposited in the account are withdrawn,
23 transferred or expended for the purposes and at the time or
24 times prescribed by law, or are received from sources and in
25 amounts prescribed or limited by law.

26 9. Section 8 of P.L. 1974, c. 26 (C. 19:44A-33) is amended to
27 read as follows:

28 8. a. The campaign treasurer or deputy campaign treasurer
29 of any qualified candidate for nomination for election to the
30 office of Governor in a primary election upon application to the
31 commission shall promptly receive in behalf of the qualified
32 candidate from the fund for election campaign expenses, but not
33 prior to January 1 of the year of the election, moneys in an
34 amount equal to twice the amount of no more than [\$800.00]
35 \$500.00 of each contribution from an individual deposited in the
36 qualified candidate's primary election bank account described in
37 section 7 of P.L. 1974, c. 26 (C. 19:44A-32) and be eligible to be
38 considered under subsection m. of section 3 of P.L. 1973, c. 83
39 (C. 19:44A-3) in calculating whether the candidate was a

1 qualified candidate, except that no payment shall be made from
 2 the fund to any candidate for the first [\$50,000.00] \$25,000.00
 3 deposited in the qualified candidate's bank account.
 4 Applications for payments and payments under this subsection
 5 following the date on which a candidate is determined to be a
 6 qualified candidate shall be made only on the basis of successive
 7 increments of \$12,500.00 of such contributions. The maximum
 8 amount which any qualified candidate for nomination for
 9 election to the office of Governor in a primary election may
 10 receive from the fund for election campaign expenses shall not
 11 exceed [\$0.20 for each voter who voted in New Jersey in the last
 12 preceding general election in a presidential year] \$500,000.00.

13 b. The campaign treasurer or deputy campaign treasurer of
 14 any qualified candidate for election to the office of Governor in
 15 a general election upon application to the commission shall
 16 promptly receive in behalf of such qualified candidate from the
 17 fund for election campaign expenses, but not prior to the
 18 primary election, moneys in an amount equal to twice the
 19 amount of no more than [\$800.00] \$500.00 for each contribution
 20 from an individual deposited in such qualified candidate's bank
 21 account described in section 7 of P.L. 1974, c. 26 (C. 19:44A-32)
 22 and eligible to be considered under subsection m. of section 3 of
 23 P.L. 1973, c. 83 (C. 19:44A-3) in calculating whether the
 24 candidate was a qualified candidate, except that no payment
 25 shall be made from the fund to any candidate for the first
 26 [\$50,000.00] \$25,000.00 deposited in such qualified candidate's
 27 bank account. Applications for payments and payments under
 28 this subsection following the date on which a candidate is
 29 determined to be a qualified candidate shall be made only on the
 30 basis of successive increment of \$12,500.00 of such
 31 contributions.

32 The maximum amount which any qualified candidate for
 33 election to the office of Governor in a general election may
 34 receive from the fund for election campaign expenses shall not
 35 exceed [\$0.40 for each voter who voted in New Jersey in the last
 36 preceding general election in a presidential year] \$1,000,000.00.

37 c. Commencing December 31, 1992 and every fourth year
thereafter, the amount of contributions from an individual for

1 which payments from the fund may be made under this
2 subsection and the maximum amount which a candidate for
3 nomination for election or for election to the office of Governor
4 may receive under this subsection shall be adjusted amounts.

5 10. Section 10 of P.L. 1974, c. 26 (C.19:44A-35) is amended
6 to read as follows:

7 10. a. All expenditures from the fund for election campaign
8 expenses shall be made pursuant to rules and regulations of the
9 Election Law Enforcement Commission and shall be strictly
10 limited to the following purposes:

11 (1) Purchase of time on radio and television stations;

(2) Purchase of rental space on outdoor signs or billboards;

13 (3) Purchase of advertising space in newspapers and regularly
14 published magazines and periodicals;

15 (4) Payment of the cost of producing the material aired or
16 displayed on radio, television, outdoor signs or billboards, and in
17 newspapers, regularly published magazines and periodicals;

(5) Payment of the cost of printing and mailing campaign
19 literature and brochures distributed under the name of any
20 qualified candidate;

21 (6) Payment of the cost of legal and accounting expenses
22 incurred in complying with the public financing regulations of
23 the Election Law Enforcement Commission and with the public
24 financing provisions of P.L. 1974, c. 26 (C. 19:44A-27 et seq.);

25 (7) Payment of the cost of telephone deposits, and
26 installation charges and monthly billings in excess of deposits.
27 Within [6] nine months after the primary and general elections,
28 respectively, a candidate shall return to the fund the amount of
29 any public funds used to pay such telephone deposits which are
30 later returned.

31 b. The limitations in subsection a. of this section upon
32 expenditures from the fund for election campaign expenses shall
33 not apply to expenditures of private contributions, whether or
34 not such private contributions were deposited in a candidate's
35 bank accounts pursuant to section 7 of P.L. 1974, c. 26 (C.
36 19:44A-32).

37 c. Moneys received by a qualified candidate from the fund for
38 election campaign expenses may be retained for a period not
39 exceeding [6] nine months after the election for which such

1 moneys were received in order to liquidate all obligations to pay
2 expenses for the purposes permitted by this section which were
3 incurred during the election campaign. All obligations having
4 been liquidated, all moneys remaining available to any qualified
5 candidate, whether or not received from the fund, shall be paid
6 into the fund, except that no candidate shall paying into the
7 fund moneys in excess of moneys received from the fund.

8 11. Section 19 of P.L. 1974, c. 26 (C. 19:44A-44) is amended
9 to read as follows:

10 19. Notwithstanding any provision of this act any candidate in
11 a primary election for the office of Governor, or his campaign
12 treasurer or deputy campaign treasurer, or any candidate in a
13 general election for the office of Governor, or his campaign
14 treasurer or deputy treasurer may borrow funds from any
15 National or State bank. No person or political committee other
16 than the candidate [himself or the State committee of any
17 political party in a general election], may in any way endorse or
18 guarantee such loan in an amount in the aggregate in excess of
19 ~~[\$800.00]~~ \$1,200.00. The endorsement shall constitute a
20 contribution for so long as the loan is outstanding. The amount
21 borrowed by any such candidate or his campaign treasurer or
22 deputy campaign treasurer shall in the aggregate not exceed
23 \$50,000.00 and must be repaid in full by such candidate or his
24 campaign treasurer or deputy campaign treasurer from moneys
25 accepted or allocated pursuant to section 4 of P.L. 1974, c. 26
26 (C. 19:44A-29) 20 days prior to the date of the primary or
27 general election for which the loan was made, and certification
28 of such repayment shall be made by the borrower to the Election
29 Law Enforcement Commission in accordance with commission
30 regulations. With respect to gubernatorial elections held in 1989
31 and every fourth year thereafter, the maximum aggregate
32 amount of loans which a person or political committee may
33 endorse or guarantee under this subsection and the maximum
34 aggregate amount which a candidate, campaign treasurer or
35 deputy campaign treasurer may borrow hereunder shall be the
36 adjusted amount.

37 Upon the failure of the borrower to repay the full amount
38 borrowed on or before the twentieth day prior to the date of the
39 primary or general election for the office of Governor, or to

1 certify such repayment to the Election Law Enforcement
Commission as required herein, all payments of moneys to such
3 candidate from the fund for election campaign expenses
pursuant to section 8 of P.L. 1974, c. 26 (C. 19:44A-33) shall
5 promptly cease; and the Election Law Enforcement Commission
shall forthwith seek and may obtain in a summary action in the
7 Superior Court an injunction prohibiting the expenditure by any
such candidate of any moneys received by him at any time from
9 the fund for election campaign expenses pursuant to said section
8 of P.L. 1974, c. 26 (C. 19:44A-33), and any other moneys
11 received by him in aid of or in behalf of his candidacy in said
election.

13 12. Section 11 of P.L. 1973, c. 83 (C. 19:44A-11) is amended
to read as follows:

15 11. No contribution of money or other thing of value, nor
obligation therefor, including but not limited to contributions,
17 loans or obligations of a candidate himself or of his family, shall
be made or received, and no expenditure of money or other thing
19 of value, nor obligation therefor, including expenditures, loans
or obligations of a candidate himself or of his family, shall be
21 made or incurred, directly or indirectly, to support or defeat a
candidate in any election, or to aid the passage or defeat of any
23 public question, except through:

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

b. The duly appointed organizational treasurer or deputy
27 organizational treasurers of a political party committee or other
continuing political committee;

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

31 It shall be lawful however, for any person, not acting in
concert with any other person or group and not with the
33 cooperation or prior consent of, or in consultation with or at the
request or suggestion of a candidate or any person or committee
35 acting on his behalf, to expend personally from his own funds a
sum which is not to be repaid to him for any purpose not
37 prohibited by law, or to contribute his own personal services and
personal traveling expenses, to support or defeat a candidate or
39 to aid the passage or defeat of a public question; provided,
however, that any person making such expenditure shall be

1 required to report his name, mailing address and occupation, the
2 name and mailing address of his employer, and all such
3 expenditures and expenses, except personal traveling expenses,
4 if the total of the money so expended, exclusive of such
5 traveling expenses, exceeds \$100.00, either:

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

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

15 No contribution of money shall be made in currency, except
16 contributions in response to a public solicitation, provided that
17 cumulative currency contributions of up to \$100.00 may be made
18 to a candidate, political committee or continuing political
19 committee if the contributor submits with the currency
20 contribution a written statement [of] in a form as prescribed by
21 the commission, indicating his name [and], mailing address and
22 occupation, and the amount of his contribution, [and] including
23 his signature, and the name and mailing address of his employer.

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

28 Any State, county or municipal committee of any political
29 party, after a primary election, but not prior thereto, may
30 receive and expend funds to be spent in furtherance and in aid of
31 the candidacy of all the candidates of such party, or of any one
32 or more of such candidates, in accordance with the provisions of
33 this act.

34 13. Section 12 of P.L. 1973, c. 83 (C. 19:44A-12) is amended
35 to read as follows:

36 12. An organizational or campaign treasurer or deputy
37 organizational or campaign treasurer of a candidate, of a
38 political committee, or of a continuing political committee shall
39 make a written record of all funds which he receives as

1 contributions to the candidate, political committee or
continuing political committee, including in that record the
3 name and mailing address of the contributor, the amount and
date of the contribution, and where the contributor is an
5 individual, the occupation of the individual and the name and
mailing address of his employer. The campaign treasurer shall
7 retain that record for a period of not less than four years. All
funds so received shall be deposited by the campaign or
9 organizational treasurer or deputy campaign or organizational
treasurer in a campaign depository of the candidate, continuing
11 political committee or political committee, in an account
designated "Campaign Fund of (name of candidate or
13 committee)" no later than the 10th calendar day following
receipt of such funds; except that any such treasurer or deputy
15 treasurer may, when authorized by the candidate or committee
of which he is the campaign treasurer or deputy campaign
17 treasurer, transfer any such funds to the duly designated
campaign treasurer or deputy campaign treasurer of another
19 candidate or committee, for inclusion in the campaign fund
thereof, without first so depositing them; provided, however,
21 that a record of all nondeposited funds so transferred shall be
attached to the statement required under this section,
23 identifying them as to source and amount in the same manner as
deposited funds.

25 14. (New section) a. The Department of the Treasury shall
establish and shall maintain on a current basis a cumulative list
27 of all firms, businesses and individuals doing business with the
State, or which during the preceding year have done business
29 with the State pursuant to a waiver of advertising for
competitive bids, or pursuant to any contract involving
31 potential billings of \$25,000.00 or greater and a separate such
list of all firms, businesses and individuals which during the
33 preceding year have bid on contracts for work for the State
involving potential billings of \$25,000.00 or greater or have
35 negotiated any contract involving a waiver of competitive
bidding. The Department shall likewise so establish and
37 maintain separate such lists for each instrumentality and
political subdivision of the State with respect to firms,
39 businesses and individuals doing or having done such business or

1 having bid on or negotiated such contracts with those
instrumentalities and political subdivisions. Any list prepared
3 under this subsection shall identify as an individual doing such
business or having bid on or negotiated such contracts any
5 director or officer of any corporation; any partner of any
partnership; and any individual holding, directly or indirectly, a
7 legal or beneficial interest of 10% or greater in any corporation,
association or other concern, the name of which corporation,
9 partnership, association or concern is included on such list. For
the purposes of each such list, a firm, business or individual shall
11 be considered to be doing business with the State or an
instrumentality or political subdivision thereof for one year
13 following the completion of its work for the State,
instrumentality or political subdivision. The State Treasurer is
15 authorized to promulgate any rules and regulations as may be
necessary for the establishment and maintenance of any list
17 under this subsection.

On or before the 10th day of each month, the State Treasurer
19 shall transmit to the New Jersey Election Law Enforcement
Commission a copy of each cumulative list, current as of the
21 first day of that month, required to be prepared under this
subsection.

23 b. On or before the 20th day of each month, the New Jersey
Election Law Enforcement Commission shall, on the basis of the
25 reports of contributions and expenditures filed with the
commission during that month and the preceding 24 months
27 under "The New Jersey Campaign Contributions and
Expenditures Reporting Act," P.L. 1973, c. 83 (C. 19:44A-1 et
29 seq.) and entered into its data processing system, prepare a
separate report of the name of any person, group or organization
31 appearing on the cumulative list transmitted to the commission
that month under subsection a. of this section who or which has,
33 during the period covered by those contributions and expenditure
reports, made cumulative contributions of \$500.00 or more to
35 any candidate or campaign treasurer of a candidate, or to any
political committee or any continuing political committee in aid
37 or on behalf of a candidate.

15. (New section) Notwithstanding any other law, rule, or

1 regulation to the contrary, any campaign literature,
 2 advertisements, or notices of any kind (1) which are paid for by
 3 a candidate for any office other than the office of the Governor
 4 or by a political committee other than a committee organized
 5 for the promotion of a candidate for nomination for election or
 6 for election to the office of Governor, and (2) which contain
 7 references to, comments on or by, photographs of, or an appeal
 8 or solicitation to vote for, a candidate for nomination for
 9 election or for election to the office of Governor, shall not be
 10 deemed to be in aid of the candidacy of or in behalf of that
 11 gubernatorial candidate whether or not the literature,
 12 advertisements or notices are authorized by or coordinated with
 13 that gubernatorial candidate or a political committee organized
 14 on behalf of that candidate, provided that, in the case of an
 15 appeal or solicitation to vote for a gubernatorial candidate that
 16 appeal or solicitation shall not be the predominant theme of the
 17 literature, advertisements or notices.

18 16. Section 7 of P.L. 1973, c. 83 (C. 19:44A-7), section 9 of
 19 P.L. 1974, c. 26 (C. 19:44A-34), section 11 of P.L. 1974, c. 26
 20 (C. 19:44A-36) and section 19 of P.L. 1980, c. 74 (C. 19:44A-7.1)
 21 are repealed.

22 17. This act shall take effect on the 120th day following the
 23 date of enactment.

25

STATEMENT

27

28 This bill amends existing law concerning the reporting of
 29 political contribution and the program under which gubernatorial
 30 campaigns receive public financing. Among the changes are the
 31 following:

A. RECORD-KEEPING AND REPORTING

32 1. Reports of contributions are to include the occupation of
 33 the contributor and the name and mailing address of the
 34 contributor's employer.

35 2. The State Treasurer is required to maintain lists of
 36 business that do or recently have done business with the State or
 37 any of its subdivisions or instrumentalities under a waiver of
 38 competitive bidding or a contract of \$25,000.00 or more.
 39

1 **B. GUBERNATORIAL CAMPAIGN FINANCING**

2 1. The dollar limit on contributions is increased from \$800.00
3 to \$1,200.00.

4 2. The limit on contributions for gubernatorial inaugural
5 fundraising events is increased from \$250.00 to \$500.00.

6 3. The limitation on spending by gubernatorial candidates is
7 repealed.

8 4. The amount to be counted in determining if a sufficient
9 amount has been raised to qualify for public matching funds is
limited to the first \$500.00 of individual contributions.

10 5. The full amount of contributions from individuals is not
11 eligible for matching funds, just the first \$500.00, \$25,000.00 of
12 the first \$50,000.00 is eligible for matching funds; none of that
13 amount is eligible to be matched under existing law.

14 6. The amounts of aggregate public funds for which
15 candidates may be eligible are placed at \$500,000.00 for
16 primaries and \$1,000,000.00 for general elections.

17 7. The various monetary thresholds and limits are to be
18 adjusted in the future on the basis of inflation.

19 8. The deadline for the return of unused campaign funds is
20 extended from six to nine months following elections.

21 9. Applications for matching funds for contributions in excess
22 of the first \$50,000.00 deposited in a qualified candidate's bank
23 account shall be made only in successive increments of
24 \$12,500.00.

25 10. The requirement that proceeds of loans or contributions
26 by a county or municipal party committee and certain other
27 funds not be deposited in a candidate's bank account is repealed.

28 11. Current provisions protecting corporation-to-shareholder
29 and labor union-to-member communications from being
30 construed as aiding a gubernatorial candidate are narrowed to
31 apply only to a limited volume of communications appearing in
32 regularly issued written publications; new provisions protect all
33 communications made independently of a gubernatorial
34 candidate and of any person or committee acting on his behalf.

37

ELECTIONS

38 **Ethics and Financial Disclosure**

39
40
41 Makes certain changes in the law governing gubernatorial
campaign contributions and expenditures.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 1705 and 2250

STATE OF NEW JERSEY

DATED: DECEMBER 12, 1988

The Assembly State Government Committee reports favorably an Assembly Committee Substitute for Assembly, Nos. 1705 and 2250.

This bill makes various changes in the law governing gubernatorial campaign contributions and expenditures and the public funding of gubernatorial campaigns. The bill:

(1) Increases the dollar limit on contributions and loan guarantees to the primary and general election campaigns of candidates for nomination or for election to the office of Governor who accept public financing from \$800 to \$1,500. The limit on contributions to gubernatorial candidates who do not accept such financing is to remain \$800;

(2) Eliminates the current \$100,000 limit, applicable State-wide, on aggregate expenditures by each political party's county and municipal committees in aid of that party's gubernatorial candidate. The effect of this change will be to leave the existing \$10,000 limit applicable to such expenditures by the local political party committees of each county as the only limit thereon, so that the maximum permissible amount of such spending State-wide would be \$210,000;

(3) Increases the threshold of private-source contributions which a candidate must raise in order to qualify for public funding from the present level of \$50,000, none of which is eligible to be matched with public funds, to \$150,000, of which \$100,000 will be eligible for such matching funds;

(4) Imposes a new requirement that applications for and payments of matching funds are to be made only on the basis of amounts of \$12,500 or more;

(5) Revises the limits on total spending by a gubernatorial candidate (a) in a primary election, from \$.35 per voter in the preceding Presidential election to \$1.75 million, and (b) in a general election, from \$.70 per voter in the preceding Presidential election to \$5 million;

(6) Reduces the matching ratio, i.e., the amount of public funds which each private-source contribution up to the maximum permissible amount will qualify a gubernatorial candidate to receive, in the primary election from \$2.00 for each \$1.00 to \$1.50 for each \$1.00. The ratio applicable in the general election is to remain \$2.00 for each \$1.00;

(7) Revises the statutory limits on the amount of public funds which a candidate could receive in the primary and general elections from \$.20 and \$.40, respectively, for each voter in the last preceding general election in a presidential year to \$1,020,000 and \$3,300,000, respectively; and

(8) Increases from \$250 to \$500 the limit on contributions to any gubernatorial inaugural fund-raising events.

The bill also enacts a new provision, applicable to prospective candidates in any election covered by the provisions of the "New Jersey Campaign Contributions and Expenditures Reporting Act," exempting funds received and payments made solely for the purpose of determining whether an individual should become a candidate from being considered as contributions and expenditures subject to the requirements and limitations of the Act. This exemption for so-called "testing-the-waters activities" would not apply to funds received and payments made for general public political advertising or for activities undertaken for the purpose of amassing campaign funds to be spent after the individual becomes a candidate. If the individual does later become a candidate, any funds and payments theretofore exempted would become contributions and expenditures for all purposes of the Act.

Finally, the bill requires candidates for nomination for election to the office of Governor who accept public funding for their primary election campaigns to participate in two gubernatorial primary debates to be held among candidates for the nomination. Likewise, a candidate for election to that office who accepts public funding for the general election campaign is to be required to participate in two gubernatorial election debates. Candidates in either election who meet the threshold requirements to qualify for public funding of their campaigns, but who nonetheless decline such funding, could elect to participate or not at their option. The debates would be under the sponsorship and management of the Election Law Enforcement Commission, except that the commission could delegate these responsibilities to a suitable private organization which is unconnected with any party or candidate for public office.

SENATE STATE GOVERNMENT, FEDERAL
AND INTERSTATE RELATIONS AND
VETERANS' AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1705 and 2250

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 19, 1988

The Senate State Government, Federal and Interstate Relations and Veterans' Affairs Committee reports favorably and with committee amendments the Assembly Committee Substitute for Assembly, Nos. 1705 and 2250.

This bill makes various changes in the law governing gubernatorial campaign contributions and expenditures and the public funding of gubernatorial campaigns. The bill:

(1) increases the dollar limit on contributions and loan guarantees to the primary and general election campaigns of candidates for nomination or for election to the office of Governor from \$800 to \$1,500;

(2) eliminates the current \$100,000 limit, applicable Statewide, on aggregate expenditures by each political party's county and municipal committees in aid of that party's gubernatorial candidate. The effect of this change will be to leave the existing \$10,000 limit applicable to such expenditures by the local political party committees of each county as the only limit thereon, so that the maximum permissible amount of such spending Statewide would be \$210,000;

(3) increases the threshold of private-source contributions which a candidate must raise in order to qualify for public funding from the present level of \$50,000, none of which is eligible to be matched with public funds, to \$150,000, of which \$100,000 will be eligible for such matching funds;

(4) imposes a new requirement that applications for and payments of matching funds are to be made only on the basis of amounts of \$12,500 or more;

(5) revises the limits on total spending by a gubernatorial candidate (a) in a primary election, from \$.35 per voter in the preceding Presidential election to \$2.3 million, and (b) in a general

election, from \$.70 per voter in the preceding Presidential election to \$5 million;

(6) revises the statutory limits on the amount of public funds which a candidate could receive in the primary and general elections from \$.20 and \$.40, respectively, for each voter in the last preceding general election in a presidential year to \$1,450,000 and \$3,300,000, respectively;

(7) increases from \$250 to \$500 the limit on contributions to a gubernatorial inaugural fund-raising event; and

(8) allows the Election Law Enforcement Commission to adjust the limits on campaign contributions, expenditures, and matching public funds beginning with the 1993 gubernatorial election.

The bill also enacts a new provision, applicable to prospective candidates in any election covered by the provisions of the "New Jersey Campaign Contributions and Expenditures Reporting Act," exempting funds received and payments made solely for the purpose of determining whether an individual should become a candidate from being considered as contributions and expenditures subject to the requirements and limitations of the Act. This exemption for so-called "testing-the-waters activities" would not apply to funds received and payments made for general public political advertising or for activities undertaken for the purpose of amassing campaign funds to be spent after the individual becomes a candidate. If the individual does later become a candidate, any funds and payments theretofore exempted would become contributions and expenditures for all purposes of the Act.

The bill requires candidates for nomination for election to the office of Governor who accept public funding for their primary election campaigns to participate in two gubernatorial primary debates to be held among candidates for the nomination. Likewise, a candidate for election to that office who accepts public funding for the general election campaign is to be required to participate in two gubernatorial election debates. Candidates in either election who meet the threshold requirements to qualify for public funding of their campaigns, but who nonetheless decline such funding, could elect to participate or not at their option. Private organizations not affiliated with any political party or candidate, to be selected by the Election Law Enforcement Commission, shall sponsor the primary and general election debates.

The bill also makes provision for candidates who receive moneys from the fund on or after January 1, 1989 and prior to the effective date of this act.

This act shall take effect immediately and, except for section 3, shall be retroactive to January 1, 1989.

COMMITTEE AMENDMENTS

The committee amended the Assembly Committee Substitute to:

(1) eliminate the \$800 limit on contributions to gubernatorial candidates who do not accept public financing;

(2) increase the limits on total spending by a gubernatorial candidate in a primary election from \$1.75 million to \$2.3 million;

(3) restore the matching ratio in the primary election to \$2.00, instead of \$1.50, for each \$1.00;

(4) increase from \$1,020,000 to \$1,450,000 the amount of public funds which a candidate could receive in a primary election;

(5) allow the Election Law Enforcement Commission to adjust the limits on campaign contributions, expenditures and matching public funds for primary and general elections to the office of Governor according to an index reflecting the overall costs of election campaigning during the four-year period ending with the year of the gubernatorial election;

(6) remove the requirement that the Election Law Enforcement Commission shall sponsor and have responsibility for the gubernatorial primary and general election debates and to allow private organizations not affiliated with any political party or candidate to sponsor the debates;

(7) allow the Election Law Enforcement Commission to adopt rules and to take administrative action to effectuate the purposes of this 1988 amendatory and supplementary act and to excuse the commission from strict compliance with the "Administrative Procedure Act" if necessary for timely implementation; and

(8) make provision for candidates who receive moneys from the fund on or after January 1, 1989 and prior to the effective date of this act.

LEGISLATIVE FISCAL ESTIMATE TO
ASSEMBLY, No. 1705

STATE OF NEW JERSEY

DATED: December 23, 1988

Assembly Bill 1705 of 1988 amends the statutes concerning campaign financing in the following manner:

1. Increases the maximum contribution which can be made to any candidate from \$800.00 to \$1,200.00, but limits the amount which can be counted toward the \$50,000.00 qualification threshold and additional match to the first \$500.00 of each individual contribution.
2. Provides for a maximum match of \$500,000.00 per qualifying primary election candidate, and \$1,000,000.00 per general election candidate.
3. Provides for distribution of matching funds only after continuing incremental expenditure thresholds have been met.
4. Eliminates the candidates' overall expenditure limits.
5. Provides for automatic increases for inflation in the contribution caps and threshold requirements.
6. Requires the Department of Treasury to develop and update monthly a list of vendors doing business with the State or having done business with the State or having done business with the State during the preceding year involving bid waivers or potential billings of \$25,000.00 or greater, and a list of vendors which have bond or negotiated contracts involving bid waivers or potential billings of \$25,000.00 or more during that past year; and to develop similarly a list of such vendors doing or having done business with or bid on or negotiated such contracts with instrumentalities and political subdivisions of the State.
7. Requires the Election Law Enforcement Commission (ELEC) to extract from the Department of Treasury vendor lists a separate list of those vendors which have contributed \$500.00 or more to any candidate, political committee or continuing political committee.

The ELEC and the Office of Management and Budget have failed to provide a fiscal analysis for this bill. However, they did provide an estimate for an identical bill, Assembly Bill No. 2996 of 1986. ELEC estimated that enactment of this bill would require the addition of two temporary positions to conduct the match

determination and contribution verification process at a cost of \$33,000.00. These temporary positions would be required the year before and after the election process, and thus the costs incurred would occur two out of every four years. An additional position costing \$15,000.00 annually would be required for the entry of information about State vendors into ELEC's computer system. ELEC further estimates that a one-time software cost of \$25,000.00 is required to develop a program to match State vendors with political contributors. An ongoing annual cost of \$20,000.00 for program maintenance would then be incurred by ELEC for a total annual cost of \$35,000.00.

The Office of Legislative Services notes that ELEC received a general fund appropriation of \$362,000 in FY 1989 for the Gubernatorial Public Finance Program. This appropriation might be sufficient to defray some of the additional administrative costs imposed by this bill.

The Department of the Treasury, which is charged with the responsibility of providing the vendor list to ELEC on a monthly basis, estimates its first-year cost of complying with the provisions of this bill at \$575,000. This amount includes \$400,000 for hiring 10 to 12 staff, \$125,000 for computer programming and data processing and \$50,000 for collection of required information from local entities.

Counterbalancing the costs of this legislation are the savings which would be accrued to the Gubernatorial Elections Fund. Based on the 1985 gubernatorial election, ELEC estimates that his bill would save approximately \$1,800,000.00 for the Fund.

The Office of Legislative Services notes that the 1985 Gubernatorial election was unusual in that the Republican candidate ran unopposed in the primary election, and therefore the overall cost to the Gubernatorial Elections Fund was lower than normal. If more Republican candidates had run for office during that primary, the cost to the Fund would have been higher. However, due to the reduced funding cap promulgated by this bill the savings generated per candidate would be somewhat greater, by about \$144,000.00 per candidate who qualifies for maximum public funding.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

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OFFICE OF THE GOVERNOR

NEWS RELEASE

Governor Thomas H. Kean
TRENTON, N.J. 08625
Release:

CN-001

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MON., 1/23/89

Legislation making substantial changes in New Jersey's system of public financing for gubernatorial election campaigns was signed into law on Saturday by Governor Thomas H. Kean.

The bill, an Assembly Committee Substitute, was sponsored by Assemblyman Robert Martin, R-Morris; Anthony Cimino, D-Mercer, and Byron Baer, D-Bergen. It was signed by the Governor upon his return from Washington, D.C. on Saturday.

"With these changes, New Jersey now has a public financing law which clearly recognizes the costs of modern day campaigning," Kean said. "It recognizes, further, that adequate spending limits are necessary to keep undue influences and special interests at arms length."

The Governor suggested that the Legislature turn its attention to developing a system of public financing for legislative elections as well.

Kean recommended that course of action in his State of the State address to the Legislature on January 10.

"Concerns over the cost of legislative campaigning and the involvement of special interests in the process have been expressed more and more frequently," Kean said. "It is certainly in the Legislature's best interest, as well the interest of the people of New Jersey, that steps be taken toward a system free of such influences."

- more -

GUBERNATORIAL ELECTION CAMPAIGNS

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January 23, 1989

The bill signed by the Governor Saturday has as its major provisions:

*An increase in the threshold to qualify for public funds to \$150,000 from the original \$50,000.

*A spending limit in the primary election of \$2.2 million.

*A spending limit in the General Election of \$5 million.

*An increase in the maximum allowable contribution to \$1,500 from the original \$800. The limit on contributions applies to individuals, as well as political committee.

*Permits the Election Law Enforcement Commission to adjust the limits on contributions, expenditures, and matching funds to reflect increases in the cost of campaigning, beginning with the 1993 election cycle.

*Requires candidates who accept public funds to debate twice in the primary and twice in the general election campaigns.

Two other bills were signed by Kean today. They are:

A-433, sponsored by Assemblyman Thomas Deverin, D-Middlesex, to appropriate \$25,000 to the Division of Developmental Disabilities for a grant to the Association for the Advancement of Mentally Handicapped.

A-3108, sponsored by Assemblywoman Clare Farragher, R-Monmouth, and Assemblyman William Haines, R-Burlington, to provide the State Health Benefits Commission with greater flexibility in selecting carriers.

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