

19:44A-2 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA 19:44A-2 et al. (Campaign contribution's reporting law-- delete certain reporting requirements)

LAWS 1981 CHAPTER 151

Bill No. S1397

Sponsor(s) Bedell

Date Introduced June 26, 1980

Committee: Assembly -----

Senate State Govt., Federal & Interstate Relations and Veterans Affairs

Amended during passage Yes ~~No~~ Amendments denoted by asterisks

according to Governor's recommendations:

Date of Passage: Assembly Feb. 9, 1981

Re-enacted 5-14-81

Senate Jan. 29, 1981

Re-enacted 5-4-81

Date of approval May 22, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes ~~No~~

Veto Message Yes ~~No~~

Message on signing Yes ~~No~~

Following were printed:

Reports Yes ~~No~~

Hearings Yes ~~No~~

974.90 New Jersey. Legislature. Senate. State Government,
L796 Federal & Interstate Relations and Veterans Affairs.
1980 Public hearing, held 10-23-80. Trenton, NJ, 1980.

(over)

N.J. Supreme Court Case (2-6-80) re: Campaign Contribution Act (cited
on p.2 of public hearing):

New Jersey State Chamber of Commerce vs. New Jersey Election Law Enforcement
Commission 82 NJ 57 (2-6-80)

[OFFICIAL COPY REPRINT]

SENATE, No. 1397**STATE OF NEW JERSEY**

INTRODUCED JUNE 26, 1980

By Senator BEDELL

Referred to Committee on State Government, Federal and
Interstate Relations and Veteran Affairs

AN ACT to amend "An act concerning the reporting of campaign contributions and expenditures, limiting election campaign expenditures, establishing an Election Law Enforcement Commission and prescribing its powers and duties, making an appropriation therefor, amending R. S. 19:5-5 and repealing R. S. 19:3-8, 19:34-36 and 19:34-37, chapters 40, 41, 42, 43 and 44 of the Title 19 of the Revised Statutes and chapter 152 of the laws of 1946," approved April 24, 1973 (P. L. 1973, c. 83).

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

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

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

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

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

5 a. The term "allied candidates" means candidates in any election
6 who are (1) seeking nomination or election (A) to an office or offices
7 in the same county or municipal government or school district

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

8 or (B) to the Legislature representing in whole or part the same
9 constituency (C) as members of the State committee of the same
10 political party from the same county or (D) as delegates or
11 alternates to the national convention of the same political party;
12 and who are (2) either (A) nominees of the same political party
13 or (B) publicly declared in any manner, including the seeking or
14 obtaining of any ballot position or common ballot slogan, to be
15 aligned or mutually supportive.

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

22 c. The term "candidate" means an individual seeking or having
23 sought election to a public office of the State or of a county,
24 municipality or school district at a primary, general, municipal,
25 school or special election; except that the term shall not include
26 the office of county committeeman or committeewoman.

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

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

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

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

72 g. The term "political information organization" means any
73 two or more persons acting jointly, or any corporation, partner-
74 ship, or any other incorporated or unincorporated association,
75 whether or not it is required to be registered pursuant to the
76 "Legislative Activities Disclosure Act of 1971" (P. L. 1971, c. 183),
77 which is organized for the purpose of, or which provides political
78 information concerning any candidate or candidates for public
79 office or with respect to any public question[, or which seeks to
80 influence the content, introduction, passage or defeat of legislation].

81 The term shall not apply to any bona fide newspaper, magazine,
82 radio or television station or other bona fide news medium dis-
83 seminating political information, advertising and comment in the
84 normal course of its business; nor to any recognized school or in-
85 stitution of higher education, public or private, in conducting,
86 sponsoring or subsidizing any classes, seminars, forums, discus-
87 sions or other events in which political information or discussion
88 thereof or comment thereon is an integral part.

89 h. The term "political information" means any statement in-
90 cluding but not limited to, press releases, pamphlets, newsletters,
91 advertisements, flyers, form letters, or radio or television programs

92 or advertisements which reflect the opinion of the members of the
93 organization on any candidate or candidates for public office, on
94 any public question, [or on any legislation,] or which contains facts
95 on any such candidate, or public question [or legislation] whether
96 or not such facts are within the personal knowledge of members of
97 the organization.

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

105-106 j. The term "public solicitation" means any activity by or on
107 behalf of any candidate, State, county or municipal party com-
108 mittee, political committee or political information organization
109 whereby either (1) members of the general public are personally
110 solicited for cash contributions not exceeding \$10.00 from each per-
111 son so solicited and contributed on the spot by the person so solici-
112 ited to a person so soliciting or through a receptacle provided for
113 the purpose of depositing contributions, or (2) members of the
114 general public are personally solicited for the purpose of items
115 having some tangible value as merchandise, at a price not exceeding
116 \$10.00 per item, which price is paid on the spot in cash by the
117 person so solicited to the person so soliciting, when the net proceeds
118 of such solicitation are to be used by or on behalf of such candidate,
119 party committee, or political committee or political information
120 organization.

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

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

134 m. The term "qualified candidate" means:

135 (1) Any candidate for election to the office of Governor whose
 136 name appears on the general election ballot and who has deposited
 137 and expended \$40,000.00 pursuant to section 7 of this amendatory
 138 and supplementary act; or

139 (2) Any candidate for election to the office of Governor whose
 140 name does not appear on the general election ballot but who has
 141 deposited and expended \$40,000.00 pursuant to section 7 of this
 142 amendatory and supplementary act.

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

3 4. The provisions of this act shall apply:

4 a. ~~Whenever an attempt is made to influence the content, intro-~~
 5 ~~duction, passage or defeat of legislation;~~ *(Deleted by amendment)*

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

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

10 d. In any primary, general, special, school or municipal election
 11 for any public office of the State or any political subdivision thereof;
 12 provided, however, that this act shall not apply to elections for
 13 county committeeman or committeewoman.

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

3 8. Each State, county and municipal committee of a political
 4 party, each political committee and each political information or-
 5 ganization shall make a full report, upon a form prescribed by
 6 the Election Law Enforcement Commission of all moneys, loans,
 7 paid personal services, or other things of value contributed to it
 8 and all expenditures made, incurred, or authorized by it in further-
 9 ance of the nomination, election or defeat of any candidate, or in
 10 aid of the passage or defeat of any public question, or to provide
 11 political information on any candidate or public question ~~for~~
 12 ~~to seek to influence the content, introduction, passage or defeat of~~
 13 ~~any legislation~~, during the period ending with the day preceding
 14 the date of the report and beginning on the date of the most recent
 15 such report filed. The report, except as hereinafter provided,
 16 shall contain the name and address of each person or group from
 17 whom moneys, loans, paid personal services or other things of value
 18 have been contributed and the amount contributed by each person
 19 or group. The report shall also contain the name and address of
 20 each person, firm or organization to whom expenditures have been
 21 paid and the amount and purpose of each such expenditure. The

22 report shall be filed with the Election Law Enforcement Commis-
23 sion on the dates designated in section 16 hereof [; provided, how-
24 ever, that any political information organization which solely seeks
25 to influence the content, introduction, passage or defeat of legisla-
26 tion shall report only on the date designated in this section]. The
27 campaign treasurer of the committee or political committee report-
28 ing or the treasurer of the political information organization re-
29 porting shall certify to the correctness of each report.

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

49 In any report filed pursuant to the provisions of this section the
50 organization or committee reporting may exclude from the report
51 the names and addresses of contributors whose contributions dur-
52 ing the period covered by the report did not exceed \$100.00; pro-
53 vided, however, that (1) such exclusion is unlawful if any person
54 responsible for the preparation or filing of the report knew that
55 it was made with respect to any person whose contributions
56 relating to the same election or issue and made to the reporting
57 organization or committee or to an allied campaign organization
58 or organizations aggregate, in combination with the contribution in
59 respect of which such exclusion is made, more than \$100.00 and
60 (2) Any person who knowingly prepares, assists in preparing,
61 files or acquiesces in the filing of any report from which the identifi-
62 cation of a contributor has been excluded contrary to the provisions
63 of this section is subject to the provisions of section 21 of this act,

64 but (3) nothing in this proviso shall be construed as requiring any
65 committee or organization reporting pursuant to this act to report
66 the amounts, dates or other circumstantial data regarding contri-
67 butions made to any other organization or political committee,
68 committee of a political party or campaign organization of a candi-
69 date.

70 Any report filed pursuant to the provisions of this section shall
71 include an itemized accounting of all receipts and expenditures
72 relative to any testimonial affairs held since the date of the most
73 recent report filed, which accounting shall include the names and
74 addresses of each contributor in excess of \$100.00 to such testi-
75 monial affair and the amount contributed by each, the expenses
76 incurred, and the disposition of the proceeds of such testimonial
77 affair.

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

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

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

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

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

1 6. Section 14 of P. L. 1973, c. 83 (C. 19:44A-14) is amended to
2 read as follows:

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

12 It shall be lawful, however, for any person, not acting in concert
13 with any other person or group, to expend personally from his
14 own funds a sum which is not to be repaid to him for any purpose
15 not prohibited by law, or to contribute his own personal services
16 and personal traveling expenses, to provide political information
17 on any candidate or public question [or to seek to influence the
18 content, introduction, passage or defeat of legislation]; provided,
19 however, that the person making such expenditure shall be required
20 to report all such expenditures and expenses except personal
21 traveling expenses if the total of the money so expended, exclusive
22 of such travel expenses, exceeds \$100.00, either:

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

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

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

1 7. This act shall take effect ***[immediately]*** *when Senate Bill*
2 *No. 1396 of 1980 is enacted into law*.*

STATEMENT

This bill would return the responsibility for overseeing lobbying activities to the Office of the Attorney General by removing references to such activities from the purview of the Election Law Enforcement Commission.

The law creating the commission deals primarily with reporting campaign contributions and limiting election campaign expenditures. Its current oversight powers over lobbying activities are inconsistent with election law oversight and are more appropriate for the Attorney General. A companion bill, Assembly No. 1611 of 1980, would provide the Attorney General with these powers.

51397 (1981)

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

STATEMENT TO
SENATE, No. 1397

STATE OF NEW JERSEY

DATED: NOVEMBER 10, 1980

This bill amends Title 19 to remove the responsibility for the oversight of lobbying activities from the Election Law Enforcement Commission. A companion measure, Senate Bill No. 1396, assigns that responsibility specifically to the Office of the Attorney General.

STATE OF NEW JERSEY

EXECUTIVE DEPARTMENT

April 27, 1981

Senate Bill No. 1397

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 1397 with my objection, for reconsideration.

This bill would amend Title 19 to remove the responsibility for the oversight of lobbying activities from the Election Law Enforcement Commission by deleting all references therein to lobbying activities.

I have heretofore conditionally vetoed a companion measure, Senate Bill No. 1396, which assigns that responsibility specifically to the Office of the Attorney General suggesting a revised statutory format for reporting of legislative lobbyist activities. Enactment of this legislation without the companion legislation would eliminate all requirements for financial reports of legislative lobbyists.

Accordingly, I am returning Senate Bill No. 1397 with recommendation that it be amended to coordinate its passage with that of Senate Bill No. 1396. My recommendation is as follows:

Page 8, Section 7, Line 1: delete "immediately" and insert "when Senate Bill No. 1396 is enacted into law".

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]

Attest:

/s/ Harold L. Hodes

CHIEF OF STAFF, SECRETARY