

LEGISLATIVE HISTORY CHECKLIST

(Election Law Enforcement Commission--  
financial reports--require identification  
of co-signers for loans)

NJSA 19:44A-8; 19:44A-16

LAWS 1981

CHAPTER 337

Bill No. A292

Sponsor(s) Remington and others

Date Introduced Pre-filed

Committee: Assembly State Govt., Federal & Interstate Relations & Veterans Affairs  
Senate

Amended during passage Yes ~~No~~ Amendments denoted by asterisks  
according to Governor's recommendations:  
Date of Passage: Assembly Nov. 24, 1980 Re-enacted 12-7-81  
Senate June 8, 1981 Re-enacted 12-14-81

Date of approval Dec. 16, 1981

Following statements are attached if available:

Sponsor statement	<u>Yes</u>	<del>No</del> (Below)
Committee Statement: Assembly	<u>Yes</u>	<del>No</del>
Senate	<u>Yes</u>	No
Fiscal Note	<u>Yes</u>	No
Veto Message	<u>Yes</u>	<del>No</del>
Message on signing	<u>Yes</u>	<del>No</del>

Following were printed:

Reports	<u>Yes</u>	No
Hearings	<u>Yes</u>	No

Sponsors' statement:

The purpose of this bill is to include in the financial reports filed with the Election Law Enforcement Commission the names and addresses of the co-signers of reported loans obtained by candidates, committees and organizations.

[OFFICIAL COPY REPRINT]  
ASSEMBLY, No. 292

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Assemblyman REMINGTON, Assemblywoman BURGIO,  
Assemblymen ORECHIO, GORMLEY, KERN and EDWARDS

AN ACT to amend "The New Jersey Campaign Contributions and  
Expenditures Reporting Act," 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 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  
5 organization 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 \***[**or to  
12 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. *In the case of any loan reported pursuant to this section,*  
20 *the report shall contain the name and address of each person who*  
21 *co-signs such loan.* The report shall also contain the name and  
22 address of each person, firm or organization to whom expenditures  
23 have been paid and the amount and purpose of each such expendi-  
24 ture. The report shall be filed with the Election Law Enforcement

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

25 Commission on the dates designated in section 16 hereof\***¶**; pro-  
26 vided, however, that any political information organization which  
27 solely seeks to influence the content, introduction, passage or defeat  
28 of legislation shall report only on the date designated in this sec-  
29 tion**¶**\*. The campaign treasurer of the committee or political com-  
30 mittee reporting or the treasurer of the political information organ-  
31 ization reporting shall certify to the correctness of each report.

32 Each State, county and municipal committee of a political party  
33 and each political information organization shall also file with the  
34 Election Law Enforcement Commission, not later than March 1  
35 of each year, an annual report of all moneys, loans, paid personal  
36 services or other things of value contributed to it during the pre-  
37 vious calendar year and all expenditures made, incurred, or autho-  
38 rized by it, whether or not such expenditures were made, incurred  
39 or authorized in furtherance of the election or defeat of any  
40 candidate, or in aid of the passage or defeat of any public question  
41 or to provide information on any candidate or public question \***¶**or  
42 to seek to influence the content, introduction, passage or defeat of  
43 any legislation**¶**\*. The report shall contain the name and address of  
44 each person or group from whom moneys, loans, paid personal  
45 services or other things of value have been contributed and the  
46 amount contributed by each person or group. *In the case of any*  
47 *loan reported pursuant to this section, the report shall contain the*  
48 *name and address of each person who co-signs such loan.* The report  
49 shall also contain the name and address of each person, firm or  
50 organization to whom expenditures have been paid and the amount  
51 and purpose of each such expenditure. The treasurer of the com-  
52 mittee or organization reporting shall certify to the correctness of  
53 each report.

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

67 identification of a contributor has been excluded contrary to the  
 68 provisions of this section is subject to the provisions of section 21 of  
 69 this act, but (3) nothing in this proviso shall be construed as requir-  
 70 ing any committee or organization reporting pursuant to this act to  
 71 report the amounts, dates or other circumstantial data regarding  
 72 contributions made to any other organization or political commit-  
 73 tee, committee of a political party or campaign organization of a  
 74 candidate.

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

83 No State, county or municipal committee of a political party nor  
 84 any political committee nor any political information organization  
 85 shall be required to file reports pursuant to this section of contribu-  
 86 tions received or expenditures made in behalf of any candidate  
 87 who is not required to file reports pursuant to section 16 of this act.

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

3 16. a. Each campaign treasurer of a candidate shall make a full  
 4 report, upon a form prescribed by the Election Law Enforcement  
 5 Commission, of all moneys, loans, paid personal services or other  
 6 things of value, contributed to him or to the deputy campaign  
 7 treasurers of the candidate, and all expenditures paid out of the  
 8 campaign fund of the candidate, during the period ending with the  
 9 day preceding the date of the report and beginning on the date the  
 10 most recent such report was filed, or, in the case of the first such  
 11 report filed after the appointment of the campaign treasurer, be-  
 12 ginning on the date of the appointment of the campaign treasurer.  
 13 The report shall also contain the name and address of each person  
 14 or group from whom moneys, loans, paid personal services or other  
 15 things of value have been contributed and the amount contributed  
 16 by each person or group. *In the case of any loan reported pursuant*  
 17 *to this section, the report shall further contain the name and*  
 18 *address of each person who co-signs such loan.* The campaign  
 19 treasurer and the candidate shall certify the correctness of the  
 20 report.

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

49 c. In the case of a primary, general, municipal, school, or special  
50 election of a candidate for an office elected by a municipal or county-  
51 wide constituency or a school district a duplicate copy of the  
52 campaign treasurer's report, duly certified, shall be filed at the  
53 same time with the county clerk of the county in which the candidate  
54 resides.

55 d. There shall be no obligation to file the reports required by this  
56 section on behalf of a candidate if such candidate files with the  
57 Election Law Enforcement Commission a sworn statement to the  
58 effect that the total amount to be expended in behalf of his candi-  
59 dacy by the candidate, by any State, county or municipal committee  
60 of a political party, by any political committee, or by any person  
61 shall not in the aggregate exceed \$1,000.00; provided, that if a  
62 candidate who has filed such a sworn statement receives contribu-  
63 tions from any one source aggregating more than \$100.00 he shall

64 forthwith make report of the same, including the identity of the  
65 source and the aggregate total of contributions therefrom, to the  
66 Election Law Enforcement Commission.

67 e. There shall be no obligation imposed upon a candidate seeking  
68 election to a public office of a school district to file either the reports  
69 required under section 16 (b) or the sworn statement referred to  
70 in subsection d. of this section or to comply with the requirements  
71 of sections 9, 11 or 12 of this act, if the total amount expended and  
72 to be expended in behalf of his candidacy by the candidate, any  
73 political committee, any political party committee or by any person,  
74 does not in the aggregate exceed \$1,000.00; provided, that if such  
75 candidate receives contributions from any one source aggregating  
76 more than \$100.00 he shall forthwith make a report of the same,  
77 including the identity of the source and the aggregate total of con-  
78 tributions therefrom, to the commission.

79 f. In any report filed pursuant to the provisions of this section,  
80 the names and addresses of contributors whose contributions dur-  
81 ing the period covered by the report did not exceed \$100.00 may be  
82 excluded; provided, however, that (1) such exclusion is unlawful  
83 if any person responsible for the preparation or filing of the report  
84 knew that such exclusion was made with respect to any person  
85 whose contributions relating to the same election and made to the  
86 reporting candidate or to an allied campaign organization or  
87 organizations aggregate, in combination with the contribution in  
88 respect of which such exclusion is made, more than \$100.00, and  
89 (2) any person who knowingly prepares, assists in preparing,  
90 files or acquiesces in the filing of any report from which the  
91 identity of any contributor has been excluded contrary to the  
92 provisions of this section is subject to the provisions of section 21  
93 of this act, but (3) nothing in this proviso shall be construed as  
94 requiring any candidate reporting pursuant to this act to report  
95 the amounts, dates or other circumstantial data regarding con-  
96 tributions made to any other candidate, political committee or com-  
97 mittee of a political party.

98 g. Any report filed pursuant to the provisions of this section shall  
99 include an itemized accounting of all receipts and expenditures  
100 relative to any testimonial affair held since the date of the most  
101 recent report filed, which accounting shall include the names and  
102 addresses of each contributor in excess of \$100.00 to such testi-  
103 monial affair and the amount contributed by each, the expenses  
104 incurred, and the disposition of the proceeds of such testimonial  
105 affair.

1 3. This act shall take effect January 1 next following enactment.

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

STATEMENT TO  
ASSEMBLY, No. 292

STATE OF NEW JERSEY

DATED: OCTOBER 30, 1980

The purpose of this bill is to include in the financial reports filed with the Election Law Enforcement Commission the names and addresses of the co-signers of reported loans obtained by candidates, committees, and organizations. Presently, such information is required from the primary signer of a reported loan.

The Election Law Enforcement Commission supports this bill.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

November 30, 1981

ASSEMBLY BILL NO. 292

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 292 with my objections.

This bill would require that the names and addresses of co-signers of loans obtained by candidates, committees and organizations be included in the final reports filed with the Election Law Enforcement Commission. Currently, such information is only required from the primary signer of a loan.

This proposed requirement would add little burden to those filing election reports; yet, it would close a loophole. Under current law a wealthy individual can persuade a number of individuals to take loans which he co-signs but alone repays, thus allowing him to contribute to his candidate far more than appears on the disclosure form.

The bill, therefore, has merit but it contains textual inconsistencies with other recent amendments to the Campaign Contribution and Expenditures Reporting Act, P.L. 1980, c. 74 and P.L. 1981, c. 151.

Accordingly, I am returning Assembly Bill No. 292 and recommend the following amendments:

Page 1, Section 1, Line 11: Delete "or to"

Page 1, Section 1, Line 12: Delete in its entirety

Page 1, Section 1, Line 13: Delete "any legislation"

Page 2, Section 1, Line 25: Delete "; provided,"

Page 2, Section 1, Lines 26 through 28: Delete in their entirety;  
insert "."

Page 2, Section 1, Line 41: After "question" delete "or to"

Page 2, Section 1, Line 42: Delete in its entirety

Page 2, Section 1, Line 43: Delete "legislation"

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]

Attest:

/s/ Harold L. Hodes

CHIEF OF STAFF, SECRETARY



FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION:

DECEMBER 16, 1981

DAVID DE MAIO

Governor Brendan Byrne today signed the following bills into law:

A-1709, sponsored by Assemblyman Martin A. Herman (D-Salem), mandating that the court costs of a plaintiff who successfully sues for access to an official public record be returned to the plaintiff.

The bill also requires the court to reimburse a successful plaintiff for his attorney's fees. Successful defendants in civil actions are entitled to receive reimbursement for their costs.

Governor Byrne conditionally vetoed this legislation on November 16, 1981, suggesting that the Legislature place a \$500 ceiling on reimbursements for attorney's fees. The Legislature adopted his recommendations.

A-2029, sponsored by Assemblyman Daniel J. Dalton (D-Gloucester), increasing from \$2,500 to \$5,000 the ceiling on court reimbursements for attorney's and witness fees in civil actions filed under the "Environmental Rights Act." The Act gives all private citizens the right to sue for violations of environmental laws.

Governor Byrne conditionally vetoed the original bill, which eliminated the ceiling altogether, and suggested the \$5,000 cap later adopted by the Legislature.

A-292, sponsored by Assemblyman Frederic Remington (R-Essex), requiring that names and addresses of co-signers of loans obtained by candidates, political committees or organizations be included in financial reports filed with the Election Law Enforcement Commission (ELEC). Such information is currently required only of the primary signer of a loan.

The bill is intended to close a loophole in present election laws whereby a wealthy individual can arrange for a number of individuals to take loans out for a candidate which he would co-sign and alone repay, thus allowing him to contribute to his candidate far more than appears on financial disclosure papers.

- more -

Governor Byrne conditionally vetoed the original legislation suggesting amendments to keep this bill consistent with other recently enacted election laws.

A-3613, sponsored by Assemblywoman Jane Burgio (R-Essex), which validates certain actions taken by the Lincoln Park School Board during a bond issuance proceeding in November.

There is evidence that the Board technically did not meet statutory requirements concerning the publication of bond proceedings. Notices appeared in the local paper a few days later than required and, although the notices appeared in a timely fashion in the Herald News — published outside of Lincoln Park — the board was in technical violation.

This bill validates their action.

S-3119, sponsored by Senator John F. Russo (D-Ocean), validating a bond proceeding for the Toms River School District. Polls during the election were closed in Toms River at 8:00 p.m., in violation of bonding statutes which require the polls to be open until 9:00 p.m.

Toms River officials, however, had provided adequate public notice that all polling places would be closed at 8:00 p.m. This bill validates their action.

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