

19:44A-7.2

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2004 **CHAPTER:** 174

NJSA: 19:44A-7.2 (Campaign contribution limits)

BILL NO: S27 (Substituted for A3434)

SPONSOR(S): Codey and others

DATE INTRODUCED: September 27, 2004

COMMITTEE: **ASSEMBLY:** State Government
SENATE: State Government

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** December 13, 2004

SENATE: October 25, 2004

DATE OF APPROVAL: December 15, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) Original version of bill enacted

S27

[SPONSOR'S STATEMENT:](#) (Begins on page 15 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A3434

[SPONSOR'S STATEMENT:](#) (Begins on page 15 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) [Yes](#)

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Codey signs contribution freeze," 12-16-2004, The Times, p.A5

"Codey enacts law freezing campaign donation limits" 12-16-2004 Star Ledger, p.23

"Codey signs bill limiting donations to political parties," 12-16-2004 Courier Post, p.10A

"Codey inks bill limiting PAC contributions," 12-16-2004 Asbury Park Press, p.A3

P.L. 2004, CHAPTER 174, *approved December 15, 2004*

Senate, No. 27

1 **AN ACT** concerning political contributions, and amending and
2 supplementing P.L.1993, c.65 (C.19:44A-1 et seq.).

3

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

6

7 1. Section 22 of P.L.1993, c.65 (C.19:44A-7.2) is amended to read
8 as follows:

9 22. a. Not later than December 1 of each year preceding any year
10 in which a general election is to be held to fill the office of Governor
11 for a four-year term, the Election Law Enforcement Commission shall
12 adjust the amounts, set forth in subsection b. of this section, which
13 shall be applicable under P.L.1973, c.83 (C.19:44A-1 et al.) to primary
14 and general elections for any public office other than the office of
15 Governor[, to limitations on contributions to and from political
16 committees, continuing political committees, candidate committees,
17 joint candidates committees, political party committees and legislative
18 leadership committees and to other amounts,] at a percentage which
19 shall be the same as the percentage of change that the commission
20 applies to the amounts used for the primary and general elections for
21 the office of Governor held in the third year preceding the year in
22 which that December 1 occurs, pursuant to section 19 of P.L.1980,
23 c.74 (C.19:44A-7.1), and any amount so adjusted shall be rounded in
24 the same manner as provided in that section.

25 b. The amounts subject to adjustment as provided under this
26 section shall be:

27 (1) the minimum amount raised or expended by any two or more
28 persons acting jointly who qualify as a political committee and the
29 minimum amount contributed or expected to be contributed in any
30 calendar year by any group of two or more persons acting jointly who
31 qualify as a continuing political committee as defined in section 3 of
32 P.L.1973, c.83 (C.19:44A-3);

33 (2) (Deleted by amendment, P.L.2004, c.28);

34 (3) the minimum amount of a contribution to a political committee,
35 continuing political committee, legislative leadership committee or a
36 political party committee received during the period between the 13th
37 day prior to the election and the date of the election, the minimum
38 amount of an expenditure by a political committee during that period,
39 and the minimum amount of an expenditure by a continuing political
40 committee during the period beginning after March 31 and ending on

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 the date of the primary election and the period beginning after
2 September 30 and ending on the date of the general election which
3 triggers an obligation to report that contribution to the commission
4 pursuant to section 8 of P.L.1973, c.83 (C.19:44A-8), and the
5 minimum amount of a contribution to a candidate, candidate
6 committee or joint candidates committee received during the period
7 between the 13th day prior to the election and the date of the election
8 which triggers an obligation to report that contribution to the
9 commission pursuant to section 16 of P.L.1973, c.83 (C.19:44A-16);

10 (4) the maximum amount which may be expended by the campaign
11 organizations of two or more candidates forming a joint candidates
12 committee without being required to file contribution reports, pursuant
13 to section 8 of P.L.1973, c.83 (C.19:44A-8);

14 (5) the maximum amount that a person, not acting in concert with
15 any other person or group, may spend to support or defeat a candidate
16 or to aid the passage or defeat of a public question without being
17 required to report all such expenditures and expenses to the
18 commission pursuant to section 11 of P.L.1973, c.83 (C.19:44A-11)
19 and the maximum amount that a person, not acting in concert with any
20 other person or group, may raise through a public solicitation and
21 expend to finance any lawful activity in support of or in opposition to
22 any candidate or public question or to seek to influence the content,
23 introduction, passage or defeat of legislation pursuant to section 19 of
24 P.L.1973, c.83 (C.19:44A-19);

25 (6) the maximum amount that may be expended, in the aggregate,
26 on behalf of a candidate without requiring that candidate to file
27 contribution reports with the commission and the maximum amount
28 that may be expended, in the aggregate, on behalf of a candidate
29 seeking election to a public office of a school district, without
30 requiring that candidate to file contribution reports with the
31 commission pursuant to section 16 of P.L.1973, c.83 (C.19:44A-16);

32 (7) the maximum amount of penalty which may be imposed by the
33 commission on any person who fails to comply with the regulatory
34 provisions of P.L.1973, c.83 (C.19:44A-1 et al.) for a first offense or
35 a second and subsequent offenses, pursuant to section 22 of P.L.1973,
36 c.83 (C.19:44A-22);

37 (8) the maximum amount of penalty which may be imposed by the
38 commission on any corporation or labor organization which provides
39 any of its employees any additional increment of salary for the express
40 purpose of making a contribution to a candidate, candidate committee,
41 joint candidates committee, political party committee, legislative
42 leadership committee, political committee or continuing political
43 committee for a first or a second and subsequent offenses, pursuant to
44 section 15 of P.L.1993, c.65 (C.19:44A-20.1);

45 (9) [the maximum amount of contributions permitted to be made
46 by an individual, a corporation or labor organization to a candidate,

1 candidate committee or joint candidates committee, the maximum
2 amount of contributions permitted to be made by a political committee
3 or a continuing political committee to a candidate, candidate
4 committee or joint candidates committee other than the committee of
5 a candidate for nomination or election to the office of Governor and
6 the maximum amount of contributions permitted to be made by one
7 candidate, candidate committee or joint candidates committee, other
8 than the committee of a candidate for nomination or election to the
9 office of Governor, to another candidate, candidate committee or joint
10 candidates committee other than the committee of a candidate for
11 nomination or election to the office of Governor pursuant to section
12 18 of P.L.1993, c.65 (C.19:44A-11.3)] (Deleted by amendment, P.L.
13 , c. (now pending before the Legislature as this bill));

14 (10) [the maximum amount of contributions permitted to be made
15 by an individual, corporation, labor organization, political committee,
16 continuing political committee, candidate committee or joint
17 candidates committee or any other group to any political party
18 committee or any legislative leadership committee pursuant to section
19 19 of P.L.1993, c.65 (C.19:44A-11.4)] (Deleted by amendment, P.L.
20 , c. (now pending before the Legislature as this bill));

21 (11) [the maximum amount of contributions permitted to be made
22 by a candidate, candidate committee or joint candidates committee to
23 a political committee or a continuing political committee and the
24 maximum amount of contributions permitted to be made by one
25 political committee or continuing political committee to another
26 political committee or continuing political committee pursuant to
27 section 20 of P.L.1993, c.65 (C.19:44A-11.5)] (Deleted by
28 amendment, P.L. , c. (now pending before the Legislature as this
29 bill));

30 (12) the amount of filing fees which may be collected from a
31 candidate committee, a joint candidates committee, a continuing
32 political committee, a political party committee, a legislative leadership
33 committee, or any other person pursuant to section 6 of P.L.1973,
34 c.83 (C.19:44A-6) (as that section shall have been amended by
35 P.L.1983 , c.579).

36 c. Not later than December 15 of each year preceding any year in
37 which a general election is to be held to fill the office of Governor for
38 a four-year term, the commission shall report to the Legislature and
39 make public its adjustment of limits in accordance with the provisions
40 of this section. Whenever, following the transmittal of that report, the
41 commission shall have notice that a person has declared as a candidate
42 for nomination for election or for election to any public office in a
43 forthcoming primary or general election, it shall promptly notify that
44 candidate of the amounts of those adjusted limits.

45 (cf: P.L.2004, c.28, s.2)

1 2. (New section) a. No later than July 1 of each year preceding
2 any year in which a general election is to be held to fill the office of
3 Governor for a four-year term, the commission shall issue a report
4 setting forth its recommendations for the adjustment of the amounts,
5 set forth in subsection b. of this section and applicable to P.L.1973,
6 c.83 (C.19:44A-1 et seq.), to primary and general elections for any
7 public office other than the office of Governor, to limitations on
8 contributions to and from political committees, continuing political
9 committees, candidate committees, joint candidates committees,
10 political party committees and legislative leadership committees and
11 to other amounts, at a percentage which shall be the same as the
12 percentage of change that the commission applies to the amounts used
13 for the primary and general elections for the office of Governor held
14 in the third year preceding the year in which that December 1 occurs,
15 pursuant to section 19 of P.L.1980, c.74 (C.19:44A-7.1). Any amount
16 so recommended for adjustment shall be rounded in the same manner
17 as provided in that section.

18 b. The amounts to be recommended for adjustment as provided
19 under this section shall be:

20 (1) the maximum amount of contributions permitted to be made by
21 an individual, a corporation or labor organization to a candidate,
22 candidate committee or joint candidates committee, the maximum
23 amount of contributions permitted to be made by a political committee
24 or a continuing political committee to a candidate, candidate
25 committee or joint candidates committee other than the committee of
26 a candidate for nomination or election to the office of Governor and
27 the maximum amount of contributions permitted to be made by one
28 candidate, candidate committee or joint candidates committee, other
29 than the committee of a candidate for nomination or election to the
30 office of Governor, to another candidate, candidate committee or joint
31 candidates committee other than the committee of a candidate for
32 nomination or election to the office of Governor pursuant to section
33 18 of P.L.1993, c.65 (C.19:44A-11.3);

34 (2) the maximum amount of contributions permitted to be made by
35 an individual, corporation, labor organization, political committee,
36 continuing political committee, candidate committee or joint
37 candidates committee or any other group to any political party
38 committee or any legislative leadership committee pursuant to section
39 19 of P.L.1993, c.65 (C.19:44A-11.4); and

40 (3) the maximum amount of contributions permitted to be made by
41 a candidate, candidate committee or joint candidates committee to a
42 political committee or a continuing political committee and the
43 maximum amount of contributions permitted to be made by one
44 political committee or continuing political committee to another
45 political committee or continuing political committee pursuant to
46 section 20 of P.L.1993, c.65 (C.19:44A-11.5).

1 c. No later than July 15 of each year preceding any year in which
2 a general election is to be held to fill the office of Governor for a
3 four-year term, the commission shall transmit a copy of its report to
4 each member of the Legislature and make public its recommended
5 adjustment of limits pursuant to this section. The Legislature shall
6 have the option of adopting all or part of the recommended
7 adjustments by the passage of appropriate legislation.

8
9 3. Section 18 of P.L.1993, c.65 (C.19:44A-11.3) is amended to
10 read as follows:

11 18. a. No individual, other than an individual who is a candidate,
12 no corporation of any kind organized and incorporated under the laws
13 of this State or any other state or any country other than the United
14 States, no labor organization of any kind which exists or is constituted
15 for the purpose, in whole or in part, of collective bargaining, or of
16 dealing with employers concerning the grievances, terms or conditions
17 of employment, or of other mutual aid or protection in connection with
18 employment, or any group shall: (1) pay or make any contribution of
19 money or other thing of value to a candidate who has established only
20 a candidate committee, his campaign treasurer, deputy campaign
21 treasurer or candidate committee which in the aggregate exceeds
22 ~~[\$1,500]~~ \$2,600 per election, or (2) pay or make any contribution of
23 money or other thing of value to candidates who have established only
24 a joint candidates committee, their campaign treasurer, deputy
25 campaign treasurer, or joint candidates committee, which in the
26 aggregate exceeds ~~[\$1,500]~~ \$2,600 per election per candidate, or (3)
27 pay or make any contribution of money or other thing of value to a
28 candidate who has established both a candidate committee and a joint
29 candidates committee, the campaign treasurers, deputy campaign
30 treasurers, or candidate committee or joint candidates committee,
31 which in the aggregate exceeds ~~[\$1,500]~~ \$2,600 per election. No
32 candidate who has established only a candidate committee, his
33 campaign treasurer, deputy campaign treasurer or candidate committee
34 shall knowingly accept from an individual, other than an individual
35 who is a candidate, a corporation of any kind organized and
36 incorporated under the laws of this State or any other state or any
37 country other than the United States, a labor organization of any kind
38 which exists or is constituted for the purpose, in whole or in part, of
39 collective bargaining, or of dealing with employers concerning the
40 grievances, terms or conditions of employment, or of other mutual aid
41 or protection in connection with employment, or any group any
42 contribution of money or other thing of value which in the aggregate
43 exceeds ~~[\$1,500]~~ \$2,600 per election, and no candidates who have
44 established only a joint candidates committee, or their campaign
45 treasurer, deputy campaign treasurer, or joint candidates committee,
46 shall knowingly accept from any such source any contribution of

1 money or other thing of value which in the aggregate exceeds
2 ~~[\$1,500]~~ \$2,600 per election per candidate, and no candidate who has
3 established both a candidate committee and a joint candidates
4 committee, the campaign treasurers, deputy campaign treasurers, or
5 candidate committee or joint candidates committee shall knowingly
6 accept from any such source any contribution of money or other thing
7 of value which in the aggregate exceeds ~~[\$1,500]~~ \$2,600 per election.

8 b. (1) No political committee or continuing political committee
9 shall: (a) pay or make any contribution of money or other thing of
10 value to a candidate who has established only a candidate committee,
11 his campaign treasurer, deputy campaign treasurer or candidate
12 committee, other than a candidate for nomination for election or for
13 election for the office of Governor, which in the aggregate exceeds
14 ~~[\$5,000]~~ \$8,200 per election, or (b) pay or make any contribution of
15 money or other thing of value to candidates who have established only
16 a joint candidates committee, their campaign treasurer or deputy
17 campaign treasurer, or the joint candidates committee, which in the
18 aggregate exceeds ~~[\$5,000]~~ \$8,200 per election per candidate, or (c)
19 pay or make any contribution of money or other thing of value to a
20 candidate who has established both a candidate committee and a joint
21 candidates committee, the campaign treasurers, deputy campaign
22 treasurers, or candidate committee or joint candidates committee,
23 which in the aggregate exceeds ~~[\$5,000]~~ \$8,200 per election. No
24 candidate who has established only a candidate committee, his
25 campaign treasurer, deputy campaign treasurer or candidate
26 committee, other than a candidate for nomination for election or for
27 election for the office of Governor, shall knowingly accept from any
28 political committee or continuing political committee any contribution
29 of money or other thing of value which in the aggregate exceeds
30 ~~[\$5,000]~~ \$8,200 per election, and no candidates who have established
31 only a joint candidates committee, their campaign treasurer, deputy
32 campaign treasurer, or joint candidates committee, shall knowingly
33 accept from any such source any contribution of money or other thing
34 of value which in the aggregate exceeds ~~[\$5,000]~~ \$8,200 per election
35 per candidate, and no candidate who has established both a candidate
36 committee and a joint candidates committee, the campaign treasurers,
37 deputy campaign treasurers, or candidate committee or joint
38 candidates committee shall knowingly accept from any such source any
39 contribution of money or other thing of value which in the aggregate
40 exceeds ~~[\$5,000]~~ \$8,200 per election.

41 (2) The limitation upon the knowing acceptance by a candidate,
42 campaign treasurer, deputy campaign treasurer, candidate committee
43 or joint candidates committee of any contribution of money or other
44 thing of value from a political committee or continuing political
45 committee under the provisions of paragraph (1) of this subsection
46 shall also be applicable to the knowing acceptance of any such

1 contribution from the county committee of a political party by a
2 candidate or the campaign treasurer, deputy campaign treasurer,
3 candidate committee or joint candidates committee of a candidate for
4 any elective public office in another county or, in the case of a
5 candidate for nomination for election or for election to the office of
6 member of the Legislature, in a legislative district in which, according
7 to the federal decennial census upon the basis of which legislative
8 districts shall have been established, less than 20% of the population
9 resides within the county of that county committee. In addition, all
10 contributor reporting requirements and other restrictions and
11 regulations applicable to a contribution of money or other thing of
12 value by a political committee or continuing political committee under
13 the provisions of P.L.1973, c.83 (C.19:44A-1 et al.) shall likewise be
14 applicable to the making or payment of such a contribution by such a
15 county committee.

16 The limitation upon the knowing acceptance by a candidate,
17 campaign treasurer, deputy campaign treasurer, candidate committee
18 or joint candidates committee of any contribution of money or other
19 thing of value from a political committee or continuing political
20 committee under the provisions of paragraph (1) of this subsection,
21 except that the amount of any contribution of money or other thing of
22 value shall be in an amount which in the aggregate does not exceed
23 \$25,000, shall also be applicable to the knowing acceptance of any
24 such contribution from the county committee of a political party by a
25 candidate, or the campaign treasurer, deputy campaign treasurer,
26 candidate committee or joint candidates committee of a candidate, for
27 nomination for election or for election to the office of member of the
28 Legislature in a legislative district in which, according to the federal
29 decennial census upon the basis of which legislative districts shall have
30 been established, at least 20% but less than 40% of the population
31 resides within the county of that county committee. In addition, all
32 contributor reporting requirements and other restrictions and
33 regulations applicable to a contribution of money or other thing of
34 value by a political committee or continuing political committee under
35 the provisions of P.L.1973, c.83 (C.19:44A-1 et al.) shall likewise be
36 applicable to the making or payment of such a contribution by such a
37 county committee.

38 With respect to the limitations in this paragraph, the Legislature
39 finds and declares that:

40 (a) Persons making contributions to the county committee of a
41 political party have a right to expect that their money will be used, for
42 the most part, to support candidates for elective office who will most
43 directly represent the interest of that county;

44 (b) The practice of allowing a county committee to use funds
45 raised with this expectation to make unlimited contributions to
46 candidates for the Legislature who may have a limited, or even

1 nonexistent, connection with that county serves to undermine public
2 confidence in the integrity of the electoral process;

3 (c) Furthermore, the risk of actual or perceived corruption is raised
4 by the potential for contributors to circumvent limits on contributions
5 to candidates by funnelling money to candidates through county
6 committees;

7 (d) The State has a compelling interest in preventing the actuality
8 or appearance of corruption and in protecting public confidence in
9 democratic institutions by limiting amounts which a county committee
10 may contribute to legislative candidates whose districts are not located
11 in close proximity to that county; and

12 (e) It is, therefore, reasonable for the State to promote this
13 compelling interest by limiting the amount a county committee may
14 give to a legislative candidate based upon the degree to which the
15 population of the legislative district overlaps with the population of
16 that county.

17 c. (1) No candidate who has established only a candidate
18 committee, his campaign treasurer, deputy treasurer or candidate
19 committee shall (a) pay or make any contribution of money or other
20 thing of value to another candidate who has established only a
21 candidate committee, his campaign treasurer, deputy campaign
22 treasurer or candidate committee, other than a candidate for
23 nomination for election or for election for the office of Governor,
24 which in the aggregate exceeds ~~[\$5,000]~~ \$8,200 per election, or (b)
25 pay or make any contribution of money or other thing of value to
26 candidates who have established only a joint candidates committee,
27 their campaign treasurer, deputy campaign treasurer, or joint
28 candidates committee, which in the aggregate exceeds ~~[\$5,000]~~
29 \$8,200 per election per candidate in the recipient committee, or (c)
30 pay or make any contribution of money or other thing of value to a
31 candidate who has established both a candidate committee and a joint
32 candidates committee, the campaign treasurers, deputy campaign
33 treasurers, or candidate committee or joint candidates committee,
34 which in the aggregate exceeds ~~[\$5,000]~~ \$8,200 per election. No
35 candidate who has established only a candidate committee, his
36 campaign treasurer, deputy campaign treasurer or candidate
37 committee, other than a candidate for nomination for election or for
38 election to the office of the Governor, shall knowingly accept from
39 another candidate who has established only a candidate committee, his
40 campaign treasurer, deputy campaign treasurer or candidate
41 committee, any contribution of money or other thing of value which
42 in the aggregate exceeds ~~[\$5,000]~~ \$8,200 per election, and no
43 candidates who have established only a joint candidates committee,
44 their campaign treasurer, deputy campaign treasurer, or joint
45 candidates committee, shall knowingly accept from any such source
46 any contribution of money or other thing of value which in the

1 aggregate exceeds ~~[\$5,000]~~ \$8,200 per election per candidate in the
2 recipient committee, and no candidate who has established both a
3 candidate committee and a joint candidates committee, the campaign
4 treasurers, deputy campaign treasurers, or candidate committee or
5 joint candidates committee, shall knowingly accept from any such
6 source any contribution of money or other thing of value which in the
7 aggregate exceeds ~~[\$5,000]~~ \$8,200 per election.

8 (2) No candidates who have established only a joint candidates
9 committee, their campaign treasurer, deputy campaign treasurer, or
10 joint candidates committee shall (a) pay or make any contribution of
11 money or other thing of value to another candidate who has
12 established only a candidate committee, his campaign treasurer, deputy
13 campaign treasurer or candidate committee, other than a candidate for
14 nomination for election or for election for the office of Governor,
15 which in the aggregate exceeds, on the basis of each candidate in the
16 contributing joint candidates committee, ~~[\$5,000]~~ \$8,200 per election,
17 or (b) pay or make any contribution of money or other thing of value
18 to candidates who have established only a joint candidates committee,
19 their campaign treasurer, deputy campaign treasurer or joint
20 candidates committee, which in the aggregate exceeds, on the basis of
21 each candidate in the contributing joint candidates committee,
22 ~~[\$5,000]~~ \$8,200 per election per candidate in the recipient joint
23 candidates committee, or (c) pay or make any contribution of money
24 or other thing of value to a candidate who has established both a
25 candidate committee and a joint candidates committee, the campaign
26 treasurers, deputy campaign treasurers or candidate committee or joint
27 candidates committee, which in the aggregate exceeds, on the basis of
28 each candidate in the contributing joint candidates committee,
29 ~~[\$5,000]~~ \$8,200 per election. No candidate who has established only
30 a candidate committee, his campaign treasurer, deputy campaign
31 treasurer, or candidate committee, other than a candidate for
32 nomination for election or for election for the office of Governor, shall
33 knowingly accept from other candidates who have established only a
34 joint candidates committee, their campaign treasurer, deputy campaign
35 treasurer or joint candidates committee, any contribution of money or
36 other thing of value which in the aggregate exceeds, on the basis of
37 each candidate in the contributing committee, ~~[\$5,000]~~ \$8,200 per
38 election, and no candidates who have established only a joint
39 candidates committee, their campaign treasurer, deputy campaign
40 treasurer, or joint candidates committee, shall knowingly accept from
41 any such source any contribution of money or other thing of value
42 which in the aggregate exceeds, on the basis of each candidate in the
43 contributing joint candidates committee, ~~[\$5,000]~~ \$8,200 per election
44 per candidate in the recipient joint candidates committee, and no
45 candidate who has established both a candidate committee and a joint
46 candidates committee, the campaign treasurers, deputy campaign

1 treasurers, or candidate committee or joint candidates committee, shall
2 knowingly accept from any such source any contribution of money or
3 other thing of value which in the aggregate exceeds, on the basis of
4 each candidate in the contributing joint candidates committee,
5 ~~[\$5,000]~~ \$8,200 per election.

6 (3) No candidate who has established both a candidate committee
7 and a joint candidates committee, the campaign treasurers, deputy
8 campaign treasurers, or candidate committee or joint candidates
9 committee shall (a) pay or make any contribution of money or other
10 thing of value to another candidate who has established only a
11 candidate committee, his campaign treasurer, deputy campaign
12 treasurer or candidate committee, other than a candidate for
13 nomination for election or for election for the office of Governor,
14 which in the aggregate exceeds ~~[\$5,000]~~ \$8,200 per election, or (b)
15 pay or make any contribution of money or other thing of value to
16 candidates who have established only a joint candidates committee,
17 their campaign treasurer, deputy campaign treasurer or joint
18 candidates committee, which in the aggregate exceeds ~~[\$5,000]~~
19 \$8,200 per election per candidate in the recipient joint candidates
20 committee, or (c) pay or make any contribution of money or other
21 thing of value to a candidate who has established both a candidate
22 committee and a joint candidates committee, the campaign treasurers,
23 deputy campaign treasurers, or candidate committee or joint
24 candidates committee, which in the aggregate exceeds ~~[\$5,000]~~
25 \$8,200 per election. No candidate who has established only a
26 candidate committee, his campaign treasurer, deputy campaign
27 treasurer, or candidate committee, other than a candidate for
28 nomination for election or for election for the office of Governor, shall
29 knowingly accept from a candidate who has established both a
30 candidate committee and a joint candidates committee, the campaign
31 treasurers, deputy campaign treasurers, or candidate committee or
32 joint candidates committee, any contribution of money or other thing
33 of value which in the aggregate exceeds ~~[\$5,000]~~ \$8,200 per election,
34 and no candidates who have established only a joint candidates
35 committee, their campaign treasurer, deputy campaign treasurer, or
36 joint candidates committee, shall knowingly accept from any such
37 source any contribution of money or other thing of value which in the
38 aggregate exceeds ~~[\$5,000]~~ \$8,200 per election per candidate in the
39 recipient joint candidates committee, and no candidate who has
40 established both a candidate committee and a joint candidates
41 committee, the campaign treasurers, deputy campaign treasurers, or
42 candidate committee or joint candidates committee shall knowingly
43 accept from any such source any contribution of money or other thing
44 of value which in the aggregate exceeds ~~[\$5,000]~~ \$8,200 per election.

45 (4) Expenditures by a candidate for nomination for election or for
46 election to the office of member of the Legislature or to an office of

1 a political subdivision of the State, or by the campaign treasurer,
2 deputy treasurer, candidate committee or joint candidates committee
3 of such a candidate, which are made in furtherance of the nomination
4 or election, respectively, of another candidate for the same office in
5 the same legislative district or the same political subdivision shall not
6 be construed to be subject to any limitation under this subsection; for
7 the purposes of this sentence, the offices of member of the State
8 Senate and member of the General Assembly shall be deemed to be the
9 same office.

10 d. Nothing contained in this section shall be construed to impose
11 any limitation on contributions by a candidate, or by a corporation,
12 100% of the stock in which is owned by a candidate or the candidate's
13 spouse, child, parent or sibling residing in the same household, to that
14 candidate's campaign.

15 e. For the purpose of determining the amount of a contribution to
16 be attributed as given to or by each candidate in a joint candidates
17 committee, the amount of the contribution to or by such a committee
18 shall be divided equally among all the candidates in the committee.
19 (cf: P.L.1993, c.65, s.18)

20

21 4. Section 19 of P.L.1993, c.65 (C.19:44A-11.4) is amended to
22 read as follows:

23 19. a. (1) Except as otherwise provided in paragraph (2) of this
24 subsection, no individual, no corporation of any kind organized and
25 incorporated under the laws of this State or any other state or any
26 country other than the United States, no labor organization of any kind
27 which exists or is constituted for the purpose, in whole or in part, of
28 collective bargaining, or of dealing with employers concerning the
29 grievances, terms or conditions of employment, or of other mutual aid
30 or protection in connection with employment, no political committee,
31 continuing political committee, candidate committee or joint
32 candidates committee or any other group, shall pay or make any
33 contribution of money or other thing of value to the campaign
34 treasurer, deputy treasurer or other representative of the State
35 committee of a political party or the campaign treasurer, deputy
36 campaign treasurer or other representative of any legislative leadership
37 committee, which in the aggregate exceeds \$25,000 per year, or in the
38 case of a joint candidates committee when that is the only committee
39 established by the candidates, \$25,000 per year per candidate in the
40 joint candidates committee, or in the case of a candidate committee
41 and a joint candidates committee when both are established by a
42 candidate, \$25,000 per year from that candidate. No campaign
43 treasurer, deputy campaign treasurer or other representative of the
44 State committee of a political party or campaign treasurer, deputy
45 campaign treasurer or other representative of any legislative leadership
46 committee shall knowingly accept from an individual, a corporation of

1 any kind organized and incorporated under the laws of this State or
2 any other state or any country other than the United States, a labor
3 organization of any kind which exists or is constituted for the purpose,
4 in whole or in part, of collective bargaining, or of dealing with
5 employers concerning the grievances, terms or conditions of
6 employment, or of other mutual aid or protection in connection with
7 employment, a political committee, a continuing political committee,
8 a candidate committee or a joint candidates committee or any other
9 group, any contribution of money or other thing of value which in the
10 aggregate exceeds \$25,000 per year, or in the case of a joint
11 candidates committee when that is the only committee established by
12 the candidates, \$25,000 per year per candidate in the joint candidates
13 committee, or in the case of a candidate committee and a joint
14 candidates committee when both are established by a candidate,
15 \$25,000 per year from that candidate.

16 [Adjustments to the limits established in this paragraph which have
17 been made by the Election Law Enforcement Commission, pursuant to
18 section 22 of P.L.1993, c.65 (C.19:44A-7.2), prior to the effective
19 date of P.L.2001, c.384 are rescinded. The limits established in this
20 paragraph shall remain as stated in this paragraph until subsequently
21 adjusted by the commission in the manner prescribed by section 22 of
22 P.L.1993, c.65 (C.19:44A-7.2).]

23 (2) No national committee of a political party shall pay or make
24 any contribution of money or other thing of value to the campaign
25 treasurer, deputy treasurer or other representative of the State
26 committee of a political party which in the aggregate exceeds
27 ~~[\$50,000]~~ \$72,000 per year, and no campaign treasurer, deputy
28 campaign treasurer or other representative of the State committee of
29 a political party shall knowingly accept from the national committee
30 of a political party any contribution of money or other thing of value
31 which in the aggregate exceeds ~~[\$50,000]~~ \$72,000 per year.

32 b. No individual, no corporation of any kind organized and
33 incorporated under the laws of this State or any other state or any
34 country other than the United States, no labor organization of any kind
35 which exists or is constituted for the purpose, in whole or in part, of
36 collective bargaining, or of dealing with employers concerning the
37 grievances, terms or conditions of employment, or of other mutual aid
38 or protection in connection with employment, no political committee,
39 continuing political committee, candidate committee or joint
40 candidates committee or any other group, shall pay or make any
41 contribution of money or other thing of value to any county committee
42 of a political party, which in the aggregate exceeds ~~[\$25,000]~~ \$37,000
43 per year, or in the case of a joint candidates committee when that is
44 the only committee established by the candidates, ~~[\$25,000]~~ \$37,000
45 per year per candidate in the joint candidates committee, or in the case
46 of a candidate committee and a joint candidates committee when both

1 are established by a candidate, ~~[\$25,000]~~ \$37,000 per year from that
2 candidate. No campaign treasurer, deputy campaign treasurer or other
3 representative of a county committee of a political party shall
4 knowingly accept from an individual, a corporation of any kind
5 organized and incorporated under the laws of this State or any other
6 state or any country other than the United States, a labor organization
7 of any kind which exists or is constituted for the purpose, in whole or
8 in part, of collective bargaining, or of dealing with employers
9 concerning the grievances, terms or conditions of employment, or of
10 other mutual aid or protection in connection with employment, a
11 political committee, a continuing political committee, a candidate
12 committee or a joint candidates committee or any other group, any
13 contribution of money or other thing of value which in the aggregate
14 exceeds ~~[\$25,000]~~ \$37,000 per year, or in the case of a joint
15 candidates committee when that is the only committee established by
16 the candidates, ~~[\$25,000]~~ \$37,000 per year per candidate in the joint
17 candidates committee, or in the case of a candidate committee and a
18 joint candidates committee when both are established by a candidate,
19 ~~[\$25,000]~~ \$37,000 per year from that candidate.

20 c. No individual, no corporation of any kind organized and
21 incorporated under the laws of this State or any other state or any
22 country other than the United States, no labor organization of any kind
23 which exists or is constituted for the purpose, in whole or in part, of
24 collective bargaining, or of dealing with employers concerning the
25 grievances, terms or conditions of employment, or of other mutual aid
26 or protection in connection with employment, no political committee,
27 continuing political committee, candidate committee or joint
28 candidates committee or any other group shall pay or make any
29 contribution of money or other thing of value to any municipal
30 committee of a political party, which in the aggregate exceeds
31 ~~[\$5,000]~~ \$7,200 per year, or in the case of a joint candidates
32 committee when that is the only committee established by the
33 candidates, ~~[\$5,000]~~ \$7,200 per year per candidate in the joint
34 candidates committee, or in the case of a candidate committee and a
35 joint candidates committee when both are established by a candidate,
36 ~~[\$5,000]~~ \$7,200 per year from that candidate. No campaign
37 treasurer, deputy campaign treasurer or other representative of a
38 municipal committee of a political party shall knowingly accept from
39 an individual, a corporation of any kind organized and incorporated
40 under the laws of this State or any other state or any country other
41 than the United States, a labor organization of any kind which exists
42 or is constituted for the purpose, in whole or in part, of collective
43 bargaining, or of dealing with employers concerning the grievances,
44 terms or conditions of employment, or of other mutual aid or
45 protection in connection with employment, a political committee, a
46 continuing political committee, a candidate committee or a joint

1 candidates committee or any other group, any contribution of money
2 or other thing of value which in the aggregate exceeds ~~[\$5,000]~~
3 \$7,200 per year, or in the case of a joint candidates committee when
4 that is the only committee established by the candidates, ~~[\$5,000]~~
5 \$7,200 per year per candidate in the joint candidates committee, or in
6 the case of a candidate committee and a joint candidates committee
7 when both are established by a candidate, ~~[\$5,000]~~ \$7,200 per year
8 from that candidate.

9 No county committee of a political party in any county shall pay or
10 make any contribution of money or other thing of value to a municipal
11 committee of a political party in a municipality not located in that
12 county which in the aggregate exceeds the amount of aggregate
13 contributions which, under this subsection, a continuing political
14 committee is permitted to pay or make to a municipal committee of a
15 political party. No campaign treasurer, deputy campaign treasurer or
16 other representative of a municipal committee of a political party in
17 any municipality shall knowingly accept from any county committee of
18 a political party in any county other than the county in which the
19 municipality is located any contribution of money or other thing of
20 value which in the aggregate exceeds the amount of contributions
21 permitted to be so paid or made under that subsection.

22 d. For the purpose of determining the amount of a contribution to
23 be attributed as given by each candidate in a joint candidates
24 committee, the amount of the contribution by such a committee shall
25 be divided equally among all the candidates in the committee.

26 (cf: P.L.2001, c.384, s.2)

27
28 5. This act shall take effect on the seventh day following the date
29 of enactment.

30 31 32 STATEMENT

33
34 N.J.S.A.19:44A-7.2 provides that by December 1 of each year
35 preceding any year in which a general election is held to fill the office
36 of Governor for a four-year term, the Election Law Enforcement
37 Commission (ELEC) must adjust the limits on 12 campaign finance
38 contributions and expenditure thresholds and penalty amounts,
39 including those on contributions to candidates for public offices, other
40 than Governor, received from political committees, continuing political
41 committees, candidates committees, political party committees and
42 legislative leadership committees. The adjustment of these thresholds
43 is based on a formula in current law that measures the increase in the
44 cost of campaigning over the preceding four years.

45 This bill ends such adjustment on the amount of money or other
46 thing of value that committees can contribute and receive. The

1 quadrennial adjustment of other limits and thresholds would not be
2 effected by the bill. Limits on contributions that may be received by
3 a candidate committee, joint candidates committee, or both, would be
4 established by the bill, but that limit would be the amount as adjusted
5 by ELEC, pursuant to N.J.S.A.19:44A-7.2, and no further adjustments
6 would be made.

7 Specifically, the bill:

8 1) limits to \$2,600 per election the amount of money or other thing
9 of value that may be contributed to a candidate committee, joint
10 candidates committee, or both, by an individual, corporation, union,
11 association or group; and

12 2) limits to \$8,200 per election the amount of money or other thing
13 of value that may be contributed to a candidate committee, joint
14 candidates committee, or both, by a political committee, a continuing
15 political committee or another candidate committee, joint candidates
16 committee or both.

17 The bill also establishes in statute the current limits on contributions
18 to other committees, as adjusted by ELEC in 2000. These include:

19 1) \$72,000 per year as the limit on contributions to the State party
20 of a political party by the national committee of a political party;

21 2) \$37,000 per year as the limit contributions to a county
22 committee of a political party by an individual, corporation, union,
23 association or group, political committee, continuing political
24 committee, candidate committee or joint candidates committee; and

25 3) \$7,200 per year as the limit on contributions to the municipal
26 committee of a political party by an individual, corporation, union,
27 association or group, political committee, continuing political
28 committee, candidate committee or joint candidates committee.

29 Under the bill, ELEC must issue a report setting forth its
30 recommendations for adjustment of these contribution limits no later
31 than July 1 of each year preceding the year in which a general election
32 is held to fill the office of Governor for a four-year term and must
33 transmit the report to each member of the Legislature. The
34 recommendations would be based on the same formula currently used
35 by ELEC, pursuant to N.J.S.A.19:44A-7.1. The Legislature could
36 adopt all or part of the recommended adjustments by the passage of
37 appropriate legislation.

38

39

40

41

42 _____
43 Ends automatic adjustment of campaign contribution limits for
committees; adjusts limits for candidate committees.

SENATE, No. 27

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED SEPTEMBER 27, 2004

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator ELLEN KARCHER

District 12 (Mercer and Monmouth)

Assemblyman ALFRED E. STEELE

District 35 (Bergen and Passaic)

Assemblyman MIMS HACKETT, JR.

District 27 (Essex)

Co-Sponsored by:

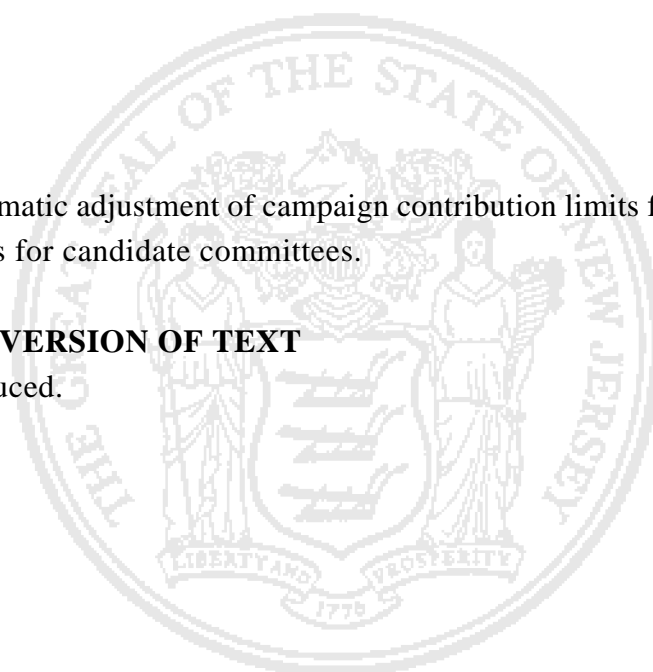
Senators Coniglio, Kenny, Martin, Turner, Lance, Scutari, Rice, Baer, Sarlo, Palaia, Bucco, Singer, Doria, Inverso, Buono, Madden, Adler, B.Smith, Girgenti, Sweeney, Allen, Gill, Vitale, T.Kean and Assemblywoman Greenstein

SYNOPSIS

Ends automatic adjustment of campaign contribution limits for committees; adjusts limits for candidate committees.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/14/2004)

1 AN ACT concerning political contributions, and amending and
2 supplementing P.L.1993, c.65 (C.19:44A-1 et seq.).

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 22 of P.L.1993, c.65 (C.19:44A-7.2) is amended to read
8 as follows:

9 22. a. Not later than December 1 of each year preceding any year
10 in which a general election is to be held to fill the office of Governor
11 for a four-year term, the Election Law Enforcement Commission shall
12 adjust the amounts, set forth in subsection b. of this section, which
13 shall be applicable under P.L.1973, c.83 (C.19:44A-1 et al.) to primary
14 and general elections for any public office other than the office of
15 Governor[, to limitations on contributions to and from political
16 committees, continuing political committees, candidate committees,
17 joint candidates committees, political party committees and legislative
18 leadership committees and to other amounts,] at a percentage which
19 shall be the same as the percentage of change that the commission
20 applies to the amounts used for the primary and general elections for
21 the office of Governor held in the third year preceding the year in
22 which that December 1 occurs, pursuant to section 19 of P.L.1980,
23 c.74 (C.19:44A-7.1), and any amount so adjusted shall be rounded in
24 the same manner as provided in that section.

25 b. The amounts subject to adjustment as provided under this
26 section shall be:

27 (1) the minimum amount raised or expended by any two or more
28 persons acting jointly who qualify as a political committee and the
29 minimum amount contributed or expected to be contributed in any
30 calendar year by any group of two or more persons acting jointly who
31 qualify as a continuing political committee as defined in section 3 of
32 P.L.1973, c.83 (C.19:44A-3);

33 (2) (Deleted by amendment, P.L.2004, c.28);

34 (3) the minimum amount of a contribution to a political committee,
35 continuing political committee, legislative leadership committee or a
36 political party committee received during the period between the 13th
37 day prior to the election and the date of the election, the minimum
38 amount of an expenditure by a political committee during that period,
39 and the minimum amount of an expenditure by a continuing political
40 committee during the period beginning after March 31 and ending on
41 the date of the primary election and the period beginning after
42 September 30 and ending on the date of the general election which
43 triggers an obligation to report that contribution to the commission

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 pursuant to section 8 of P.L.1973, c.83 (C.19:44A-8), and the
2 minimum amount of a contribution to a candidate, candidate
3 committee or joint candidates committee received during the period
4 between the 13th day prior to the election and the date of the election
5 which triggers an obligation to report that contribution to the
6 commission pursuant to section 16 of P.L.1973, c.83 (C.19:44A-16);

7 (4) the maximum amount which may be expended by the campaign
8 organizations of two or more candidates forming a joint candidates
9 committee without being required to file contribution reports, pursuant
10 to section 8 of P.L.1973, c.83 (C.19:44A-8);

11 (5) the maximum amount that a person, not acting in concert with
12 any other person or group, may spend to support or defeat a candidate
13 or to aid the passage or defeat of a public question without being
14 required to report all such expenditures and expenses to the
15 commission pursuant to section 11 of P.L.1973, c.83 (C.19:44A-11)
16 and the maximum amount that a person, not acting in concert with any
17 other person or group, may raise through a public solicitation and
18 expend to finance any lawful activity in support of or in opposition to
19 any candidate or public question or to seek to influence the content,
20 introduction, passage or defeat of legislation pursuant to section 19 of
21 P.L.1973, c.83 (C.19:44A-19);

22 (6) the maximum amount that may be expended, in the aggregate,
23 on behalf of a candidate without requiring that candidate to file
24 contribution reports with the commission and the maximum amount
25 that may be expended, in the aggregate, on behalf of a candidate
26 seeking election to a public office of a school district, without
27 requiring that candidate to file contribution reports with the
28 commission pursuant to section 16 of P.L.1973, c.83 (C.19:44A-16);

29 (7) the maximum amount of penalty which may be imposed by the
30 commission on any person who fails to comply with the regulatory
31 provisions of P.L.1973, c.83 (C.19:44A-1 et al.) for a first offense or
32 a second and subsequent offenses, pursuant to section 22 of P.L.1973,
33 c.83 (C.19:44A-22);

34 (8) the maximum amount of penalty which may be imposed by the
35 commission on any corporation or labor organization which provides
36 any of its employees any additional increment of salary for the express
37 purpose of making a contribution to a candidate, candidate committee,
38 joint candidates committee, political party committee, legislative
39 leadership committee, political committee or continuing political
40 committee for a first or a second and subsequent offenses, pursuant to
41 section 15 of P.L.1993, c.65 (C.19:44A-20.1);

42 (9) [the maximum amount of contributions permitted to be made
43 by an individual, a corporation or labor organization to a candidate,
44 candidate committee or joint candidates committee, the maximum
45 amount of contributions permitted to be made by a political committee
46 or a continuing political committee to a candidate, candidate

1 committee or joint candidates committee other than the committee of
2 a candidate for nomination or election to the office of Governor and
3 the maximum amount of contributions permitted to be made by one
4 candidate, candidate committee or joint candidates committee, other
5 than the committee of a candidate for nomination or election to the
6 office of Governor, to another candidate, candidate committee or joint
7 candidates committee other than the committee of a candidate for
8 nomination or election to the office of Governor pursuant to section
9 18 of P.L.1993, c.65 (C.19:44A-11.3)] (Deleted by amendment, P.L.
10 , c. (now pending before the Legislature as this bill));

11 (10) [the maximum amount of contributions permitted to be made
12 by an individual, corporation, labor organization, political committee,
13 continuing political committee, candidate committee or joint
14 candidates committee or any other group to any political party
15 committee or any legislative leadership committee pursuant to section
16 19 of P.L.1993, c.65 (C.19:44A-11.4)] (Deleted by amendment, P.L.
17 , c. (now pending before the Legislature as this bill));

18 (11) [the maximum amount of contributions permitted to be made
19 by a candidate, candidate committee or joint candidates committee to
20 a political committee or a continuing political committee and the
21 maximum amount of contributions permitted to be made by one
22 political committee or continuing political committee to another
23 political committee or continuing political committee pursuant to
24 section 20 of P.L.1993, c.65 (C.19:44A-11.5)] (Deleted by
25 amendment, P.L. , c. (now pending before the Legislature as this
26 bill));

27 (12) the amount of filing fees which may be collected from a
28 candidate committee, a joint candidates committee, a continuing
29 political committee, a political party committee, a legislative leadership
30 committee, or any other person pursuant to section 6 of P.L.1973,
31 c.83 (C.19:44A-6) (as that section shall have been amended by
32 P.L.1983 , c.579).

33 c. Not later than December 15 of each year preceding any year in
34 which a general election is to be held to fill the office of Governor for
35 a four-year term, the commission shall report to the Legislature and
36 make public its adjustment of limits in accordance with the provisions
37 of this section. Whenever, following the transmittal of that report, the
38 commission shall have notice that a person has declared as a candidate
39 for nomination for election or for election to any public office in a
40 forthcoming primary or general election, it shall promptly notify that
41 candidate of the amounts of those adjusted limits.

42 (cf: P.L.2004, c.28, s.2)

43

44 2. (New section) a. No later than July 1 of each year preceding
45 any year in which a general election is to be held to fill the office of
46 Governor for a four-year term, the commission shall issue a report

1 setting forth its recommendations for the adjustment of the amounts,
2 set forth in subsection b. of this section and applicable to P.L.1973,
3 c.83 (C.19:44A-1 et seq.), to primary and general elections for any
4 public office other than the office of Governor, to limitations on
5 contributions to and from political committees, continuing political
6 committees, candidate committees, joint candidates committees,
7 political party committees and legislative leadership committees and
8 to other amounts, at a percentage which shall be the same as the
9 percentage of change that the commission applies to the amounts used
10 for the primary and general elections for the office of Governor held
11 in the third year preceding the year in which that December 1 occurs,
12 pursuant to section 19 of P.L.1980, c.74 (C.19:44A-7.1). Any amount
13 so recommended for adjustment shall be rounded in the same manner
14 as provided in that section.

15 b. The amounts to be recommended for adjustment as provided
16 under this section shall be:

17 (1) the maximum amount of contributions permitted to be made by
18 an individual, a corporation or labor organization to a candidate,
19 candidate committee or joint candidates committee, the maximum
20 amount of contributions permitted to be made by a political committee
21 or a continuing political committee to a candidate, candidate
22 committee or joint candidates committee other than the committee of
23 a candidate for nomination or election to the office of Governor and
24 the maximum amount of contributions permitted to be made by one
25 candidate, candidate committee or joint candidates committee, other
26 than the committee of a candidate for nomination or election to the
27 office of Governor, to another candidate, candidate committee or joint
28 candidates committee other than the committee of a candidate for
29 nomination or election to the office of Governor pursuant to section
30 18 of P.L.1993, c.65 (C.19:44A-11.3);

31 (2) the maximum amount of contributions permitted to be made by
32 an individual, corporation, labor organization, political committee,
33 continuing political committee, candidate committee or joint
34 candidates committee or any other group to any political party
35 committee or any legislative leadership committee pursuant to section
36 19 of P.L.1993, c.65 (C.19:44A-11.4); and

37 (3) the maximum amount of contributions permitted to be made by
38 a candidate, candidate committee or joint candidates committee to a
39 political committee or a continuing political committee and the
40 maximum amount of contributions permitted to be made by one
41 political committee or continuing political committee to another
42 political committee or continuing political committee pursuant to
43 section 20 of P.L.1993, c.65 (C.19:44A-11.5).

44 c. No later than July 15 of each year preceding any year in which
45 a general election is to be held to fill the office of Governor for a
46 four-year term, the commission shall transmit a copy of its report to

1 each member of the Legislature and make public its recommended
2 adjustment of limits pursuant to this section. The Legislature shall
3 have the option of adopting all or part of the recommended
4 adjustments by the passage of appropriate legislation.

5
6 3. Section 18 of P.L.1993, c.65 (C.19:44A-11.3) is amended to
7 read as follows:

8 18. a. No individual, other than an individual who is a candidate,
9 no corporation of any kind organized and incorporated under the laws
10 of this State or any other state or any country other than the United
11 States, no labor organization of any kind which exists or is constituted
12 for the purpose, in whole or in part, of collective bargaining, or of
13 dealing with employers concerning the grievances, terms or conditions
14 of employment, or of other mutual aid or protection in connection with
15 employment, or any group shall: (1) pay or make any contribution of
16 money or other thing of value to a candidate who has established only
17 a candidate committee, his campaign treasurer, deputy campaign
18 treasurer or candidate committee which in the aggregate exceeds
19 ~~[\$1,500]~~ \$2,600 per election, or (2) pay or make any contribution of
20 money or other thing of value to candidates who have established only
21 a joint candidates committee, their campaign treasurer, deputy
22 campaign treasurer, or joint candidates committee, which in the
23 aggregate exceeds ~~[\$1,500]~~ \$2,600 per election per candidate, or (3)
24 pay or make any contribution of money or other thing of value to a
25 candidate who has established both a candidate committee and a joint
26 candidates committee, the campaign treasurers, deputy campaign
27 treasurers, or candidate committee or joint candidates committee,
28 which in the aggregate exceeds ~~[\$1,500]~~ \$2,600 per election. No
29 candidate who has established only a candidate committee, his
30 campaign treasurer, deputy campaign treasurer or candidate committee
31 shall knowingly accept from an individual, other than an individual
32 who is a candidate, a corporation of any kind organized and
33 incorporated under the laws of this State or any other state or any
34 country other than the United States, a labor organization of any kind
35 which exists or is constituted for the purpose, in whole or in part, of
36 collective bargaining, or of dealing with employers concerning the
37 grievances, terms or conditions of employment, or of other mutual aid
38 or protection in connection with employment, or any group any
39 contribution of money or other thing of value which in the aggregate
40 exceeds ~~[\$1,500]~~ \$2,600 per election, and no candidates who have
41 established only a joint candidates committee, or their campaign
42 treasurer, deputy campaign treasurer, or joint candidates committee,
43 shall knowingly accept from any such source any contribution of
44 money or other thing of value which in the aggregate exceeds
45 ~~[\$1,500]~~ \$2,600 per election per candidate, and no candidate who has
46 established both a candidate committee and a joint candidates

1 committee, the campaign treasurers, deputy campaign treasurers, or
2 candidate committee or joint candidates committee shall knowingly
3 accept from any such source any contribution of money or other thing
4 of value which in the aggregate exceeds ~~[\$1,500]~~ \$2,600 per election.

5 b. (1) No political committee or continuing political committee
6 shall: (a) pay or make any contribution of money or other thing of
7 value to a candidate who has established only a candidate committee,
8 his campaign treasurer, deputy campaign treasurer or candidate
9 committee, other than a candidate for nomination for election or for
10 election for the office of Governor, which in the aggregate exceeds
11 ~~[\$5,000]~~ \$8,200 per election, or (b) pay or make any contribution of
12 money or other thing of value to candidates who have established only
13 a joint candidates committee, their campaign treasurer or deputy
14 campaign treasurer, or the joint candidates committee, which in the
15 aggregate exceeds ~~[\$5,000]~~ \$8,200 per election per candidate, or (c)
16 pay or make any contribution of money or other thing of value to a
17 candidate who has established both a candidate committee and a joint
18 candidates committee, the campaign treasurers, deputy campaign
19 treasurers, or candidate committee or joint candidates committee,
20 which in the aggregate exceeds ~~[\$5,000]~~ \$8,200 per election. No
21 candidate who has established only a candidate committee, his
22 campaign treasurer, deputy campaign treasurer or candidate
23 committee, other than a candidate for nomination for election or for
24 election for the office of Governor, shall knowingly accept from any
25 political committee or continuing political committee any contribution
26 of money or other thing of value which in the aggregate exceeds
27 ~~[\$5,000]~~ \$8,200 per election, and no candidates who have established
28 only a joint candidates committee, their campaign treasurer, deputy
29 campaign treasurer, or joint candidates committee, shall knowingly
30 accept from any such source any contribution of money or other thing
31 of value which in the aggregate exceeds ~~[\$5,000]~~ \$8,200 per election
32 per candidate, and no candidate who has established both a candidate
33 committee and a joint candidates committee, the campaign treasurers,
34 deputy campaign treasurers, or candidate committee or joint
35 candidates committee shall knowingly accept from any such source any
36 contribution of money or other thing of value which in the aggregate
37 exceeds ~~[\$5,000]~~ \$8,200 per election.

38 (2) The limitation upon the knowing acceptance by a candidate,
39 campaign treasurer, deputy campaign treasurer, candidate committee
40 or joint candidates committee of any contribution of money or other
41 thing of value from a political committee or continuing political
42 committee under the provisions of paragraph (1) of this subsection
43 shall also be applicable to the knowing acceptance of any such
44 contribution from the county committee of a political party by a
45 candidate or the campaign treasurer, deputy campaign treasurer,
46 candidate committee or joint candidates committee of a candidate for

1 any elective public office in another county or, in the case of a
2 candidate for nomination for election or for election to the office of
3 member of the Legislature, in a legislative district in which, according
4 to the federal decennial census upon the basis of which legislative
5 districts shall have been established, less than 20% of the population
6 resides within the county of that county committee. In addition, all
7 contributor reporting requirements and other restrictions and
8 regulations applicable to a contribution of money or other thing of
9 value by a political committee or continuing political committee under
10 the provisions of P.L.1973, c.83 (C.19:44A-1 et al.) shall likewise be
11 applicable to the making or payment of such a contribution by such a
12 county committee.

13 The limitation upon the knowing acceptance by a candidate,
14 campaign treasurer, deputy campaign treasurer, candidate committee
15 or joint candidates committee of any contribution of money or other
16 thing of value from a political committee or continuing political
17 committee under the provisions of paragraph (1) of this subsection,
18 except that the amount of any contribution of money or other thing of
19 value shall be in an amount which in the aggregate does not exceed
20 \$25,000, shall also be applicable to the knowing acceptance of any
21 such contribution from the county committee of a political party by a
22 candidate, or the campaign treasurer, deputy campaign treasurer,
23 candidate committee or joint candidates committee of a candidate, for
24 nomination for election or for election to the office of member of the
25 Legislature in a legislative district in which, according to the federal
26 decennial census upon the basis of which legislative districts shall have
27 been established, at least 20% but less than 40% of the population
28 resides within the county of that county committee. In addition, all
29 contributor reporting requirements and other restrictions and
30 regulations applicable to a contribution of money or other thing of
31 value by a political committee or continuing political committee under
32 the provisions of P.L.1973, c.83 (C.19:44A-1 et al.) shall likewise be
33 applicable to the making or payment of such a contribution by such a
34 county committee.

35 With respect to the limitations in this paragraph, the Legislature
36 finds and declares that:

37 (a) Persons making contributions to the county committee of a
38 political party have a right to expect that their money will be used, for
39 the most part, to support candidates for elective office who will most
40 directly represent the interest of that county;

41 (b) The practice of allowing a county committee to use funds
42 raised with this expectation to make unlimited contributions to
43 candidates for the Legislature who may have a limited, or even
44 nonexistent, connection with that county serves to undermine public
45 confidence in the integrity of the electoral process;

46 (c) Furthermore, the risk of actual or perceived corruption is raised

1 by the potential for contributors to circumvent limits on contributions
2 to candidates by funnelling money to candidates through county
3 committees;

4 (d) The State has a compelling interest in preventing the actuality
5 or appearance of corruption and in protecting public confidence in
6 democratic institutions by limiting amounts which a county committee
7 may contribute to legislative candidates whose districts are not located
8 in close proximity to that county; and

9 (e) It is, therefore, reasonable for the State to promote this
10 compelling interest by limiting the amount a county committee may
11 give to a legislative candidate based upon the degree to which the
12 population of the legislative district overlaps with the population of
13 that county.

14 c. (1) No candidate who has established only a candidate
15 committee, his campaign treasurer, deputy treasurer or candidate
16 committee shall (a) pay or make any contribution of money or other
17 thing of value to another candidate who has established only a
18 candidate committee, his campaign treasurer, deputy campaign
19 treasurer or candidate committee, other than a candidate for
20 nomination for election or for election for the office of Governor,
21 which in the aggregate exceeds [~~\$5,000~~] \$8,200 per election, or (b)
22 pay or make any contribution of money or other thing of value to
23 candidates who have established only a joint candidates committee,
24 their campaign treasurer, deputy campaign treasurer, or joint
25 candidates committee, which in the aggregate exceeds [~~\$5,000~~]
26 \$8,200 per election per candidate in the recipient committee, or (c)
27 pay or make any contribution of money or other thing of value to a
28 candidate who has established both a candidate committee and a joint
29 candidates committee, the campaign treasurers, deputy campaign
30 treasurers, or candidate committee or joint candidates committee,
31 which in the aggregate exceeds [~~\$5,000~~] \$8,200 per election. No
32 candidate who has established only a candidate committee, his
33 campaign treasurer, deputy campaign treasurer or candidate
34 committee, other than a candidate for nomination for election or for
35 election to the office of the Governor, shall knowingly accept from
36 another candidate who has established only a candidate committee, his
37 campaign treasurer, deputy campaign treasurer or candidate
38 committee, any contribution of money or other thing of value which
39 in the aggregate exceeds [~~\$5,000~~] \$8,200 per election, and no
40 candidates who have established only a joint candidates committee,
41 their campaign treasurer, deputy campaign treasurer, or joint
42 candidates committee, shall knowingly accept from any such source
43 any contribution of money or other thing of value which in the
44 aggregate exceeds [~~\$5,000~~] \$8,200 per election per candidate in the
45 recipient committee, and no candidate who has established both a
46 candidate committee and a joint candidates committee, the campaign

1 treasurers, deputy campaign treasurers, or candidate committee or
2 joint candidates committee, shall knowingly accept from any such
3 source any contribution of money or other thing of value which in the
4 aggregate exceeds ~~[\$5,000]~~ \$8,200 per election.

5 (2) No candidates who have established only a joint candidates
6 committee, their campaign treasurer, deputy campaign treasurer, or
7 joint candidates committee shall (a) pay or make any contribution of
8 money or other thing of value to another candidate who has
9 established only a candidate committee, his campaign treasurer, deputy
10 campaign treasurer or candidate committee, other than a candidate for
11 nomination for election or for election for the office of Governor,
12 which in the aggregate exceeds, on the basis of each candidate in the
13 contributing joint candidates committee, ~~[\$5,000]~~ \$8,200 per election,
14 or (b) pay or make any contribution of money or other thing of value
15 to candidates who have established only a joint candidates committee,
16 their campaign treasurer, deputy campaign treasurer or joint
17 candidates committee, which in the aggregate exceeds, on the basis of
18 each candidate in the contributing joint candidates committee,
19 ~~[\$5,000]~~ \$8,200 per election per candidate in the recipient joint
20 candidates committee, or (c) pay or make any contribution of money
21 or other thing of value to a candidate who has established both a
22 candidate committee and a joint candidates committee, the campaign
23 treasurers, deputy campaign treasurers or candidate committee or joint
24 candidates committee, which in the aggregate exceeds, on the basis of
25 each candidate in the contributing joint candidates committee,
26 ~~[\$5,000]~~ \$8,200 per election. No candidate who has established only
27 a candidate committee, his campaign treasurer, deputy campaign
28 treasurer, or candidate committee, other than a candidate for
29 nomination for election or for election for the office of Governor, shall
30 knowingly accept from other candidates who have established only a
31 joint candidates committee, their campaign treasurer, deputy campaign
32 treasurer or joint candidates committee, any contribution of money or
33 other thing of value which in the aggregate exceeds, on the basis of
34 each candidate in the contributing committee, ~~[\$5,000]~~ \$8,200 per
35 election, and no candidates who have established only a joint
36 candidates committee, their campaign treasurer, deputy campaign
37 treasurer, or joint candidates committee, shall knowingly accept from
38 any such source any contribution of money or other thing of value
39 which in the aggregate exceeds, on the basis of each candidate in the
40 contributing joint candidates committee, ~~[\$5,000]~~ \$8,200 per election
41 per candidate in the recipient joint candidates committee, and no
42 candidate who has established both a candidate committee and a joint
43 candidates committee, the campaign treasurers, deputy campaign
44 treasurers, or candidate committee or joint candidates committee, shall
45 knowingly accept from any such source any contribution of money or
46 other thing of value which in the aggregate exceeds, on the basis of

1 each candidate in the contributing joint candidates committee,
2 ~~[\$5,000]~~ \$8,200 per election.

3 (3) No candidate who has established both a candidate committee
4 and a joint candidates committee, the campaign treasurers, deputy
5 campaign treasurers, or candidate committee or joint candidates
6 committee shall (a) pay or make any contribution of money or other
7 thing of value to another candidate who has established only a
8 candidate committee, his campaign treasurer, deputy campaign
9 treasurer or candidate committee, other than a candidate for
10 nomination for election or for election for the office of Governor,
11 which in the aggregate exceeds ~~[\$5,000]~~ \$8,200 per election, or (b)
12 pay or make any contribution of money or other thing of value to
13 candidates who have established only a joint candidates committee,
14 their campaign treasurer, deputy campaign treasurer or joint
15 candidates committee, which in the aggregate exceeds ~~[\$5,000]~~
16 \$8,200 per election per candidate in the recipient joint candidates
17 committee, or (c) pay or make any contribution of money or other
18 thing of value to a candidate who has established both a candidate
19 committee and a joint candidates committee, the campaign treasurers,
20 deputy campaign treasurers, or candidate committee or joint
21 candidates committee, which in the aggregate exceeds ~~[\$5,000]~~
22 \$8,200 per election. No candidate who has established only a
23 candidate committee, his campaign treasurer, deputy campaign
24 treasurer, or candidate committee, other than a candidate for
25 nomination for election or for election for the office of Governor, shall
26 knowingly accept from a candidate who has established both a
27 candidate committee and a joint candidates committee, the campaign
28 treasurers, deputy campaign treasurers, or candidate committee or
29 joint candidates committee, any contribution of money or other thing
30 of value which in the aggregate exceeds ~~[\$5,000]~~ \$8,200 per election,
31 and no candidates who have established only a joint candidates
32 committee, their campaign treasurer, deputy campaign treasurer, or
33 joint candidates committee, shall knowingly accept from any such
34 source any contribution of money or other thing of value which in the
35 aggregate exceeds ~~[\$5,000]~~ \$8,200 per election per candidate in the
36 recipient joint candidates committee, and no candidate who has
37 established both a candidate committee and a joint candidates
38 committee, the campaign treasurers, deputy campaign treasurers, or
39 candidate committee or joint candidates committee shall knowingly
40 accept from any such source any contribution of money or other thing
41 of value which in the aggregate exceeds ~~[\$5,000]~~ \$8,200 per election.

42 (4) Expenditures by a candidate for nomination for election or for
43 election to the office of member of the Legislature or to an office of
44 a political subdivision of the State, or by the campaign treasurer,
45 deputy treasurer, candidate committee or joint candidates committee
46 of such a candidate, which are made in furtherance of the nomination

1 or election, respectively, of another candidate for the same office in
2 the same legislative district or the same political subdivision shall not
3 be construed to be subject to any limitation under this subsection; for
4 the purposes of this sentence, the offices of member of the State
5 Senate and member of the General Assembly shall be deemed to be the
6 same office.

7 d. Nothing contained in this section shall be construed to impose
8 any limitation on contributions by a candidate, or by a corporation,
9 100% of the stock in which is owned by a candidate or the candidate's
10 spouse, child, parent or sibling residing in the same household, to that
11 candidate's campaign.

12 e. For the purpose of determining the amount of a contribution to
13 be attributed as given to or by each candidate in a joint candidates
14 committee, the amount of the contribution to or by such a committee
15 shall be divided equally among all the candidates in the committee.
16 (cf: P.L.1993, c.65, s.18)

17
18 4. Section 19 of P.L.1993, c.65 (C.19:44A-11.4) is amended to
19 read as follows:

20 19. a. (1) Except as otherwise provided in paragraph (2) of this
21 subsection, no individual, no corporation of any kind organized and
22 incorporated under the laws of this State or any other state or any
23 country other than the United States, no labor organization of any kind
24 which exists or is constituted for the purpose, in whole or in part, of
25 collective bargaining, or of dealing with employers concerning the
26 grievances, terms or conditions of employment, or of other mutual aid
27 or protection in connection with employment, no political committee,
28 continuing political committee, candidate committee or joint
29 candidates committee or any other group, shall pay or make any
30 contribution of money or other thing of value to the campaign
31 treasurer, deputy treasurer or other representative of the State
32 committee of a political party or the campaign treasurer, deputy
33 campaign treasurer or other representative of any legislative leadership
34 committee, which in the aggregate exceeds \$25,000 per year, or in the
35 case of a joint candidates committee when that is the only committee
36 established by the candidates, \$25,000 per year per candidate in the
37 joint candidates committee, or in the case of a candidate committee
38 and a joint candidates committee when both are established by a
39 candidate, \$25,000 per year from that candidate. No campaign
40 treasurer, deputy campaign treasurer or other representative of the
41 State committee of a political party or campaign treasurer, deputy
42 campaign treasurer or other representative of any legislative leadership
43 committee shall knowingly accept from an individual, a corporation of
44 any kind organized and incorporated under the laws of this State or
45 any other state or any country other than the United States, a labor
46 organization of any kind which exists or is constituted for the purpose,

1 in whole or in part, of collective bargaining, or of dealing with
2 employers concerning the grievances, terms or conditions of
3 employment, or of other mutual aid or protection in connection with
4 employment, a political committee, a continuing political committee,
5 a candidate committee or a joint candidates committee or any other
6 group, any contribution of money or other thing of value which in the
7 aggregate exceeds \$25,000 per year, or in the case of a joint
8 candidates committee when that is the only committee established by
9 the candidates, \$25,000 per year per candidate in the joint candidates
10 committee, or in the case of a candidate committee and a joint
11 candidates committee when both are established by a candidate,
12 \$25,000 per year from that candidate.

13 [Adjustments to the limits established in this paragraph which have
14 been made by the Election Law Enforcement Commission, pursuant to
15 section 22 of P.L.1993, c.65 (C.19:44A-7.2), prior to the effective
16 date of P.L.2001, c.384 are rescinded. The limits established in this
17 paragraph shall remain as stated in this paragraph until subsequently
18 adjusted by the commission in the manner prescribed by section 22 of
19 P.L.1993, c.65 (C.19:44A-7.2).]

20 (2) No national committee of a political party shall pay or make
21 any contribution of money or other thing of value to the campaign
22 treasurer, deputy treasurer or other representative of the State
23 committee of a political party which in the aggregate exceeds
24 ~~[\$50,000]~~ \$72,000 per year, and no campaign treasurer, deputy
25 campaign treasurer or other representative of the State committee of
26 a political party shall knowingly accept from the national committee
27 of a political party any contribution of money or other thing of value
28 which in the aggregate exceeds ~~[\$50,000]~~ \$72,000 per year.

29 b. No individual, no corporation of any kind organized and
30 incorporated under the laws of this State or any other state or any
31 country other than the United States, no labor organization of any kind
32 which exists or is constituted for the purpose, in whole or in part, of
33 collective bargaining, or of dealing with employers concerning the
34 grievances, terms or conditions of employment, or of other mutual aid
35 or protection in connection with employment, no political committee,
36 continuing political committee, candidate committee or joint
37 candidates committee or any other group, shall pay or make any
38 contribution of money or other thing of value to any county committee
39 of a political party, which in the aggregate exceeds ~~[\$25,000]~~ \$37,000
40 per year, or in the case of a joint candidates committee when that is
41 the only committee established by the candidates, ~~[\$25,000]~~ \$37,000
42 per year per candidate in the joint candidates committee, or in the case
43 of a candidate committee and a joint candidates committee when both
44 are established by a candidate, ~~[\$25,000]~~ \$37,000 per year from that
45 candidate. No campaign treasurer, deputy campaign treasurer or other
46 representative of a county committee of a political party shall

1 knowingly accept from an individual, a corporation of any kind
2 organized and incorporated under the laws of this State or any other
3 state or any country other than the United States, a labor organization
4 of any kind which exists or is constituted for the purpose, in whole or
5 in part, of collective bargaining, or of dealing with employers
6 concerning the grievances, terms or conditions of employment, or of
7 other mutual aid or protection in connection with employment, a
8 political committee, a continuing political committee, a candidate
9 committee or a joint candidates committee or any other group, any
10 contribution of money or other thing of value which in the aggregate
11 exceeds ~~[\$25,000]~~ \$37,000 per year, or in the case of a joint
12 candidates committee when that is the only committee established by
13 the candidates, ~~[\$25,000]~~ \$37,000 per year per candidate in the joint
14 candidates committee, or in the case of a candidate committee and a
15 joint candidates committee when both are established by a candidate,
16 ~~[\$25,000]~~ \$37,000 per year from that candidate.

17 c. No individual, no corporation of any kind organized and
18 incorporated under the laws of this State or any other state or any
19 country other than the United States, no labor organization of any kind
20 which exists or is constituted for the purpose, in whole or in part, of
21 collective bargaining, or of dealing with employers concerning the
22 grievances, terms or conditions of employment, or of other mutual aid
23 or protection in connection with employment, no political committee,
24 continuing political committee, candidate committee or joint
25 candidates committee or any other group shall pay or make any
26 contribution of money or other thing of value to any municipal
27 committee of a political party, which in the aggregate exceeds
28 ~~[\$5,000]~~ \$7,200 per year, or in the case of a joint candidates
29 committee when that is the only committee established by the
30 candidates, ~~[\$5,000]~~ \$7,200 per year per candidate in the joint
31 candidates committee, or in the case of a candidate committee and a
32 joint candidates committee when both are established by a candidate,
33 ~~[\$5,000]~~ \$7,200 per year from that candidate. No campaign
34 treasurer, deputy campaign treasurer or other representative of a
35 municipal committee of a political party shall knowingly accept from
36 an individual, a corporation of any kind organized and incorporated
37 under the laws of this State or any other state or any country other
38 than the United States, a labor organization of any kind which exists
39 or is constituted for the purpose, in whole or in part, of collective
40 bargaining, or of dealing with employers concerning the grievances,
41 terms or conditions of employment, or of other mutual aid or
42 protection in connection with employment, a political committee, a
43 continuing political committee, a candidate committee or a joint
44 candidates committee or any other group, any contribution of money
45 or other thing of value which in the aggregate exceeds ~~[\$5,000]~~
46 \$7,200 per year, or in the case of a joint candidates committee when

1 that is the only committee established by the candidates, [~~\$5,000~~]
2 \$7,200 per year per candidate in the joint candidates committee, or in
3 the case of a candidate committee and a joint candidates committee
4 when both are established by a candidate, [~~\$5,000~~] \$7,200 per year
5 from that candidate.

6 No county committee of a political party in any county shall pay or
7 make any contribution of money or other thing of value to a municipal
8 committee of a political party in a municipality not located in that
9 county which in the aggregate exceeds the amount of aggregate
10 contributions which, under this subsection, a continuing political
11 committee is permitted to pay or make to a municipal committee of a
12 political party. No campaign treasurer, deputy campaign treasurer or
13 other representative of a municipal committee of a political party in
14 any municipality shall knowingly accept from any county committee of
15 a political party in any county other than the county in which the
16 municipality is located any contribution of money or other thing of
17 value which in the aggregate exceeds the amount of contributions
18 permitted to be so paid or made under that subsection.

19 d. For the purpose of determining the amount of a contribution to
20 be attributed as given by each candidate in a joint candidates
21 committee, the amount of the contribution by such a committee shall
22 be divided equally among all the candidates in the committee.

23 (cf: P.L.2001, c.384, s.2)

24
25 5. This act shall take effect on the seventh day following the date
26 of enactment.

27
28
29 STATEMENT

30
31 N.J.S.A.19:44A-7.2 provides that by December 1 of each year
32 preceding any year in which a general election is held to fill the office
33 of Governor for a four-year term, the Election Law Enforcement
34 Commission (ELEC) must adjust the limits on 12 campaign finance
35 contributions and expenditure thresholds and penalty amounts,
36 including those on contributions to candidates for public offices, other
37 than Governor, received from political committees, continuing political
38 committees, candidates committees, political party committees and
39 legislative leadership committees. The adjustment of these thresholds
40 is based on a formula in current law that measures the increase in the
41 cost of campaigning over the preceding four years.

42 This bill ends such adjustment on the amount of money or other
43 thing of value that committees can contribute and receive. The
44 quadrennial adjustment of other limits and thresholds would not be
45 effected by the bill. Limits on contributions that may be received by
46 a candidate committee, joint candidates committee, or both, would be

1 established by the bill, but that limit would be the amount as adjusted
2 by ELEC, pursuant to N.J.S.A.19:44A-7.2, and no further adjustments
3 would be made.

4 Specifically, the bill:

5 1) limits to \$2,600 per election the amount of money or other thing
6 of value that may be contributed to a candidate committee, joint
7 candidates committee, or both, by an individual, corporation, union,
8 association or group; and

9 2) limits to \$8,200 per election the amount of money or other thing
10 of value that may be contributed to a candidate committee, joint
11 candidates committee, or both, by a political committee, a continuing
12 political committee or another candidate committee, joint candidates
13 committee or both.

14 The bill also establishes in statute the current limits on contributions
15 to other committees, as adjusted by ELEC in 2000. These include:

16 1) \$72,000 per year as the limit on contributions to the State party
17 of a political party by the national committee of a political party;

18 2) \$37,000 per year as the limit contributions to a county
19 committee of a political party by an individual, corporation, union,
20 association or group, political committee, continuing political
21 committee, candidate committee or joint candidates committee; and

22 3) \$7,200 per year as the limit on contributions to the municipal
23 committee of a political party by an individual, corporation, union,
24 association or group, political committee, continuing political
25 committee, candidate committee or joint candidates committee.

26 Under the bill, ELEC must issue a report setting forth its
27 recommendations for adjustment of these contribution limits no later
28 than July 1 of each year preceding the year in which a general election
29 is held to fill the office of Governor for a four-year term and must
30 transmit the report to each member of the Legislature. The
31 recommendations would be based on the same formula currently used
32 by ELEC, pursuant to N.J.S.A.19:44A-7.1. The Legislature could
33 adopt all or part of the recommended adjustments by the passage of
34 appropriate legislation.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 27

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2004

The Assembly State Government Committee reports favorably Senate, No. 27.

N.J.S.A. 19:44A-7.2 provides that by December 1 of each year before any year in which a general election is held to fill the office of Governor for a four-year term, the Election Law Enforcement Commission (ELEC) must adjust the restrictions on 12 campaign finance contributions and expenditure limits, thresholds and penalty amounts, including those on contributions to candidates for public offices, other than Governor, received from political committees, continuing political committees, candidates committees, political party committees and legislative leadership committees. The adjustment of these amounts is based on a formula in current law that measures the increase in the cost of campaigning over the preceding four years.

This bill ends such automatic adjustment on the amount of money or other thing of value that candidates and committees can contribute and receive. The quadrennial adjustment of other thresholds and penalties would not be affected by the bill. The bill increases the limits on contributions that may be received by a candidate committee, joint candidates committee, or both, to the amounts required by ELEC's adjustment this year, pursuant to N.J.S.A.19:44A-7.2, but ends further automatic adjustments of those amounts.

Specifically, the bill:

1) limits to \$2,600 per election the amount of money or other thing of value that may be contributed to a candidate committee, joint candidates committee, or both, by an individual, corporation, union, association or group; and

2) limits to \$8,200 per election the amount of money or other thing of value that may be contributed to a candidate committee, joint candidates committee, or both, by a political committee, a continuing political committee or another candidate committee, joint candidates committee or both.

The bill also updates statutory law to reflect the current limits on contributions to other committees, pursuant to adjustment by ELEC in 2000. These include:

1) \$72,000 per year as the limit on contributions to the State party of a political party by the national committee of a political party;

2) \$37,000 per year as the limit on contributions to a county

committee of a political party by an individual, corporation, union, association or group, political committee, continuing political committee, candidate committee or joint candidates committee; and

3) \$7,200 per year as the limit on contributions to the municipal committee of a political party by an individual, corporation, union, association or group, political committee, continuing political committee, candidate committee or joint candidates committee.

Under the bill, the automatic quadrennial adjustment of these limits by ELEC would also end.

The bill provides that ELEC must issue a report setting forth its recommendations for adjustment of these contribution limits no later than July 1 of each year before the year in which a general election is held to fill the office of Governor for a four-year term and must transmit the report to each member of the Legislature. The recommendations would be based on the same adjustment formula used currently by ELEC, pursuant to N.J.S.A.19:44A-7.1. The Legislature could adopt all or part of the recommended adjustments by the passage of appropriate legislation.

This bill is the same as Assembly, No. 3434 of 2004.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 27

STATE OF NEW JERSEY

DATED: OCTOBER 4, 2004

The Senate State Government Committee reports favorably Senate Bill No. 27.

N.J.S.A.19:44A-7.2 provides that by December 1 of each year before any year in which a general election is held to fill the office of Governor for a four-year term, the Election Law Enforcement Commission (ELEC) must adjust the restrictions on 12 campaign finance contributions and expenditure limits, thresholds and penalty amounts, including those on contributions to candidates for public offices, other than Governor, received from political committees, continuing political committees, candidates committees, political party committees and legislative leadership committees. The adjustment of these amounts is based on a formula in current law that measures the increase in the cost of campaigning over the preceding four years.

This bill ends such automatic adjustment on the amount of money or other thing of value that candidates and committees can contribute and receive. The quadrennial adjustment of other thresholds and penalties would not be affected by the bill. The bill increases the limits on contributions that may be received by a candidate committee, joint candidates committee, or both, to the amounts required by ELEC's adjustment this year, pursuant to N.J.S.A.19:44A-7.2, but ends further automatic adjustments of those amounts.

Specifically, the bill:

1) limits to \$2,600 per election the amount of money or other thing of value that may be contributed to a candidate committee, joint candidates committee, or both, by an individual, corporation, union, association or group; and

2) limits to \$8,200 per election the amount of money or other thing of value that may be contributed to a candidate committee, joint candidates committee, or both, by a political committee, a continuing political committee or another candidate committee, joint candidates committee or both.

The bill also updates statutory law to reflect the current limits on contributions to other committees, pursuant to adjustment by ELEC in 2000. These include:

1) \$72,000 per year as the limit on contributions to the State party of a political party by the national committee of a political party;

2) \$37,000 per year as the limit on contributions to a county

committee of a political party by an individual, corporation, union, association or group, political committee, continuing political committee, candidate committee or joint candidates committee; and

3) \$7,200 per year as the limit on contributions to the municipal committee of a political party by an individual, corporation, union, association or group, political committee, continuing political committee, candidate committee or joint candidates committee.

Under the bill, the automatic quadrennial adjustment of these limits by ELEC would also end.

The bill provides that ELEC must issue a report setting forth its recommendations for adjustment of these contribution limits no later than July 1 of each year before the year in which a general election is held to fill the office of Governor for a four-year term and must transmit the report to each member of the Legislature. The recommendations would be based on the same adjustment formula used currently by ELEC, pursuant to N.J.S.A.19:44A-7.1. The Legislature could adopt all or part of the recommended adjustments by the passage of appropriate legislation.

ASSEMBLY, No. 3434

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED OCTOBER 21, 2004

Sponsored by:

Assemblyman ALFRED E. STEELE

District 35 (Bergen and Passaic)

Assemblyman MIMS HACKETT, JR.

District 27 (Essex)

Co-Sponsored by:

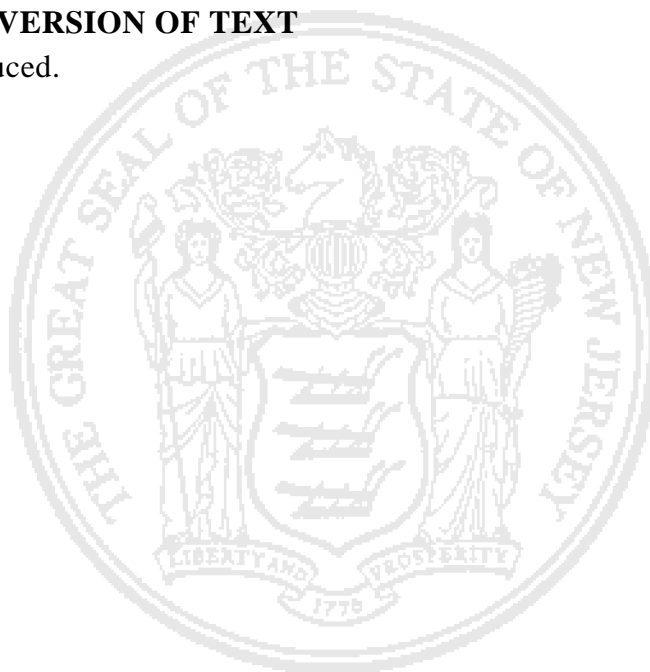
Assemblywoman Greenstein

SYNOPSIS

Ends automatic adjustment of campaign contribution limits for committees;
adjusts limits for candidate committees.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/14/2004)

A3434 STEELE, HACKETT

2

1 AN ACT concerning political contributions, and amending and
2 supplementing P.L.1993, c.65 (C.19:44A-1 et seq.).

3

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

6

7 1. Section 22 of P.L.1993, c.65 (C.19:44A-7.2) is amended to read
8 as follows:

9 22. a. Not later than December 1 of each year preceding any year
10 in which a general election is to be held to fill the office of Governor
11 for a four-year term, the Election Law Enforcement Commission shall
12 adjust the amounts, set forth in subsection b. of this section, which
13 shall be applicable under P.L.1973, c.83 (C.19:44A-1 et al.) to primary
14 and general elections for any public office other than the office of
15 Governor[, to limitations on contributions to and from political
16 committees, continuing political committees, candidate committees,
17 joint candidates committees, political party committees and legislative
18 leadership committees and to other amounts,] at a percentage which
19 shall be the same as the percentage of change that the commission
20 applies to the amounts used for the primary and general elections for
21 the office of Governor held in the third year preceding the year in
22 which that December 1 occurs, pursuant to section 19 of P.L.1980,
23 c.74 (C.19:44A-7.1), and any amount so adjusted shall be rounded in
24 the same manner as provided in that section.

25 b. The amounts subject to adjustment as provided under this
26 section shall be:

27 (1) the minimum amount raised or expended by any two or more
28 persons acting jointly who qualify as a political committee and the
29 minimum amount contributed or expected to be contributed in any
30 calendar year by any group of two or more persons acting jointly who
31 qualify as a continuing political committee as defined in section 3 of
32 P.L.1973, c.83 (C.19:44A-3);

33 (2) (Deleted by amendment, P.L.2004, c.28);

34 (3) the minimum amount of a contribution to a political committee,
35 continuing political committee, legislative leadership committee or a
36 political party committee received during the period between the 13th
37 day prior to the election and the date of the election, the minimum
38 amount of an expenditure by a political committee during that period,
39 and the minimum amount of an expenditure by a continuing political
40 committee during the period beginning after March 31 and ending on
41 the date of the primary election and the period beginning after
42 September 30 and ending on the date of the general election which
43 triggers an obligation to report that contribution to the commission

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

Matter underlined thus is new matter.

1 pursuant to section 8 of P.L.1973, c.83 (C.19:44A-8), and the
2 minimum amount of a contribution to a candidate, candidate
3 committee or joint candidates committee received during the period
4 between the 13th day prior to the election and the date of the election
5 which triggers an obligation to report that contribution to the
6 commission pursuant to section 16 of P.L.1973, c.83 (C.19:44A-16);

7 (4) the maximum amount which may be expended by the campaign
8 organizations of two or more candidates forming a joint candidates
9 committee without being required to file contribution reports, pursuant
10 to section 8 of P.L.1973, c.83 (C.19:44A-8);

11 (5) the maximum amount that a person, not acting in concert with
12 any other person or group, may spend to support or defeat a candidate
13 or to aid the passage or defeat of a public question without being
14 required to report all such expenditures and expenses to the
15 commission pursuant to section 11 of P.L.1973, c.83 (C.19:44A-11)
16 and the maximum amount that a person, not acting in concert with any
17 other person or group, may raise through a public solicitation and
18 expend to finance any lawful activity in support of or in opposition to
19 any candidate or public question or to seek to influence the content,
20 introduction, passage or defeat of legislation pursuant to section 19 of
21 P.L.1973, c.83 (C.19:44A-19);

22 (6) the maximum amount that may be expended, in the aggregate,
23 on behalf of a candidate without requiring that candidate to file
24 contribution reports with the commission and the maximum amount
25 that may be expended, in the aggregate, on behalf of a candidate
26 seeking election to a public office of a school district, without
27 requiring that candidate to file contribution reports with the
28 commission pursuant to section 16 of P.L.1973, c.83 (C.19:44A-16);

29 (7) the maximum amount of penalty which may be imposed by the
30 commission on any person who fails to comply with the regulatory
31 provisions of P.L.1973, c.83 (C.19:44A-1 et al.) for a first offense or
32 a second and subsequent offenses, pursuant to section 22 of P.L.1973,
33 c.83 (C.19:44A-22);

34 (8) the maximum amount of penalty which may be imposed by the
35 commission on any corporation or labor organization which provides
36 any of its employees any additional increment of salary for the express
37 purpose of making a contribution to a candidate, candidate committee,
38 joint candidates committee, political party committee, legislative
39 leadership committee, political committee or continuing political
40 committee for a first or a second and subsequent offenses, pursuant to
41 section 15 of P.L.1993, c.65 (C.19:44A-20.1);

42 (9) [the maximum amount of contributions permitted to be made
43 by an individual, a corporation or labor organization to a candidate,
44 candidate committee or joint candidates committee, the maximum
45 amount of contributions permitted to be made by a political committee
46 or a continuing political committee to a candidate, candidate

1 committee or joint candidates committee other than the committee of
2 a candidate for nomination or election to the office of Governor and
3 the maximum amount of contributions permitted to be made by one
4 candidate, candidate committee or joint candidates committee, other
5 than the committee of a candidate for nomination or election to the
6 office of Governor, to another candidate, candidate committee or joint
7 candidates committee other than the committee of a candidate for
8 nomination or election to the office of Governor pursuant to section
9 18 of P.L.1993, c.65 (C.19:44A-11.3)] (Deleted by amendment, P.L.
10 , c. (now pending before the Legislature as this bill));

11 (10) [the maximum amount of contributions permitted to be made
12 by an individual, corporation, labor organization, political committee,
13 continuing political committee, candidate committee or joint
14 candidates committee or any other group to any political party
15 committee or any legislative leadership committee pursuant to section
16 19 of P.L.1993, c.65 (C.19:44A-11.4)] (Deleted by amendment, P.L.
17 , c. (now pending before the Legislature as this bill));

18 (11) [the maximum amount of contributions permitted to be made
19 by a candidate, candidate committee or joint candidates committee to
20 a political committee or a continuing political committee and the
21 maximum amount of contributions permitted to be made by one
22 political committee or continuing political committee to another
23 political committee or continuing political committee pursuant to
24 section 20 of P.L.1993, c.65 (C.19:44A-11.5)] (Deleted by
25 amendment, P.L. , c. (now pending before the Legislature as this
26 bill));

27 (12) the amount of filing fees which may be collected from a
28 candidate committee, a joint candidates committee, a continuing
29 political committee, a political party committee, a legislative leadership
30 committee, or any other person pursuant to section 6 of P.L.1973,
31 c.83 (C.19:44A-6) (as that section shall have been amended by
32 P.L.1983 , c.579).

33 c. Not later than December 15 of each year preceding any year in
34 which a general election is to be held to fill the office of Governor for
35 a four-year term, the commission shall report to the Legislature and
36 make public its adjustment of limits in accordance with the provisions
37 of this section. Whenever, following the transmittal of that report, the
38 commission shall have notice that a person has declared as a candidate
39 for nomination for election or for election to any public office in a
40 forthcoming primary or general election, it shall promptly notify that
41 candidate of the amounts of those adjusted limits.

42 (cf: P.L.2004, c.28, s.2)

43

44 2. (New section) a. No later than July 1 of each year preceding
45 any year in which a general election is to be held to fill the office of
46 Governor for a four-year term, the commission shall issue a report

1 setting forth its recommendations for the adjustment of the amounts,
2 set forth in subsection b. of this section and applicable to P.L.1973,
3 c.83 (C.19:44A-1 et seq.), to primary and general elections for any
4 public office other than the office of Governor, to limitations on
5 contributions to and from political committees, continuing political
6 committees, candidate committees, joint candidates committees,
7 political party committees and legislative leadership committees and
8 to other amounts, at a percentage which shall be the same as the
9 percentage of change that the commission applies to the amounts used
10 for the primary and general elections for the office of Governor held
11 in the third year preceding the year in which that December 1 occurs,
12 pursuant to section 19 of P.L.1980, c.74 (C.19:44A-7.1). Any amount
13 so recommended for adjustment shall be rounded in the same manner
14 as provided in that section.

15 b. The amounts to be recommended for adjustment as provided
16 under this section shall be:

17 (1) the maximum amount of contributions permitted to be made by
18 an individual, a corporation or labor organization to a candidate,
19 candidate committee or joint candidates committee, the maximum
20 amount of contributions permitted to be made by a political committee
21 or a continuing political committee to a candidate, candidate
22 committee or joint candidates committee other than the committee of
23 a candidate for nomination or election to the office of Governor and
24 the maximum amount of contributions permitted to be made by one
25 candidate, candidate committee or joint candidates committee, other
26 than the committee of a candidate for nomination or election to the
27 office of Governor, to another candidate, candidate committee or joint
28 candidates committee other than the committee of a candidate for
29 nomination or election to the office of Governor pursuant to section
30 18 of P.L.1993, c.65 (C.19:44A-11.3);

31 (2) the maximum amount of contributions permitted to be made by
32 an individual, corporation, labor organization, political committee,
33 continuing political committee, candidate committee or joint
34 candidates committee or any other group to any political party
35 committee or any legislative leadership committee pursuant to section
36 19 of P.L.1993, c.65 (C.19:44A-11.4); and

37 (3) the maximum amount of contributions permitted to be made by
38 a candidate, candidate committee or joint candidates committee to a
39 political committee or a continuing political committee and the
40 maximum amount of contributions permitted to be made by one
41 political committee or continuing political committee to another
42 political committee or continuing political committee pursuant to
43 section 20 of P.L.1993, c.65 (C.19:44A-11.5).

44 c. No later than July 15 of each year preceding any year in which
45 a general election is to be held to fill the office of Governor for a
46 four-year term, the commission shall transmit a copy of its report to

1 each member of the Legislature and make public its recommended
2 adjustment of limits pursuant to this section. The Legislature shall
3 have the option of adopting all or part of the recommended
4 adjustments by the passage of appropriate legislation.

5
6 3. Section 18 of P.L.1993, c.65 (C.19:44A-11.3) is amended to
7 read as follows:

8 18. a. No individual, other than an individual who is a candidate,
9 no corporation of any kind organized and incorporated under the laws
10 of this State or any other state or any country other than the United
11 States, no labor organization of any kind which exists or is constituted
12 for the purpose, in whole or in part, of collective bargaining, or of
13 dealing with employers concerning the grievances, terms or conditions
14 of employment, or of other mutual aid or protection in connection with
15 employment, or any group shall: (1) pay or make any contribution of
16 money or other thing of value to a candidate who has established only
17 a candidate committee, his campaign treasurer, deputy campaign
18 treasurer or candidate committee which in the aggregate exceeds
19 ~~[\$1,500]~~ \$2,600 per election, or (2) pay or make any contribution of
20 money or other thing of value to candidates who have established only
21 a joint candidates committee, their campaign treasurer, deputy
22 campaign treasurer, or joint candidates committee, which in the
23 aggregate exceeds ~~[\$1,500]~~ \$2,600 per election per candidate, or (3)
24 pay or make any contribution of money or other thing of value to a
25 candidate who has established both a candidate committee and a joint
26 candidates committee, the campaign treasurers, deputy campaign
27 treasurers, or candidate committee or joint candidates committee,
28 which in the aggregate exceeds ~~[\$1,500]~~ \$2,600 per election. No
29 candidate who has established only a candidate committee, his
30 campaign treasurer, deputy campaign treasurer or candidate committee
31 shall knowingly accept from an individual, other than an individual
32 who is a candidate, a corporation of any kind organized and
33 incorporated under the laws of this State or any other state or any
34 country other than the United States, a labor organization of any kind
35 which exists or is constituted for the purpose, in whole or in part, of
36 collective bargaining, or of dealing with employers concerning the
37 grievances, terms or conditions of employment, or of other mutual aid
38 or protection in connection with employment, or any group any
39 contribution of money or other thing of value which in the aggregate
40 exceeds ~~[\$1,500]~~ \$2,600 per election, and no candidates who have
41 established only a joint candidates committee, or their campaign
42 treasurer, deputy campaign treasurer, or joint candidates committee,
43 shall knowingly accept from any such source any contribution of
44 money or other thing of value which in the aggregate exceeds
45 ~~[\$1,500]~~ \$2,600 per election per candidate, and no candidate who has
46 established both a candidate committee and a joint candidates

1 committee, the campaign treasurers, deputy campaign treasurers, or
2 candidate committee or joint candidates committee shall knowingly
3 accept from any such source any contribution of money or other thing
4 of value which in the aggregate exceeds ~~[\$1,500]~~ \$2,600 per election.

5 b. (1) No political committee or continuing political committee
6 shall: (a) pay or make any contribution of money or other thing of
7 value to a candidate who has established only a candidate committee,
8 his campaign treasurer, deputy campaign treasurer or candidate
9 committee, other than a candidate for nomination for election or for
10 election for the office of Governor, which in the aggregate exceeds
11 ~~[\$5,000]~~ \$8,200 per election, or (b) pay or make any contribution of
12 money or other thing of value to candidates who have established only
13 a joint candidates committee, their campaign treasurer or deputy
14 campaign treasurer, or the joint candidates committee, which in the
15 aggregate exceeds ~~[\$5,000]~~ \$8,200 per election per candidate, or (c)
16 pay or make any contribution of money or other thing of value to a
17 candidate who has established both a candidate committee and a joint
18 candidates committee, the campaign treasurers, deputy campaign
19 treasurers, or candidate committee or joint candidates committee,
20 which in the aggregate exceeds ~~[\$5,000]~~ \$8,200 per election. No
21 candidate who has established only a candidate committee, his
22 campaign treasurer, deputy campaign treasurer or candidate
23 committee, other than a candidate for nomination for election or for
24 election for the office of Governor, shall knowingly accept from any
25 political committee or continuing political committee any contribution
26 of money or other thing of value which in the aggregate exceeds
27 ~~[\$5,000]~~ \$8,200 per election, and no candidates who have established
28 only a joint candidates committee, their campaign treasurer, deputy
29 campaign treasurer, or joint candidates committee, shall knowingly
30 accept from any such source any contribution of money or other thing
31 of value which in the aggregate exceeds ~~[\$5,000]~~ \$8,200 per election
32 per candidate, and no candidate who has established both a candidate
33 committee and a joint candidates committee, the campaign treasurers,
34 deputy campaign treasurers, or candidate committee or joint
35 candidates committee shall knowingly accept from any such source any
36 contribution of money or other thing of value which in the aggregate
37 exceeds ~~[\$5,000]~~ \$8,200 per election.

38 (2) The limitation upon the knowing acceptance by a candidate,
39 campaign treasurer, deputy campaign treasurer, candidate committee
40 or joint candidates committee of any contribution of money or other
41 thing of value from a political committee or continuing political
42 committee under the provisions of paragraph (1) of this subsection
43 shall also be applicable to the knowing acceptance of any such
44 contribution from the county committee of a political party by a
45 candidate or the campaign treasurer, deputy campaign treasurer,
46 candidate committee or joint candidates committee of a candidate for

1 any elective public office in another county or, in the case of a
2 candidate for nomination for election or for election to the office of
3 member of the Legislature, in a legislative district in which, according
4 to the federal decennial census upon the basis of which legislative
5 districts shall have been established, less than 20% of the population
6 resides within the county of that county committee. In addition, all
7 contributor reporting requirements and other restrictions and
8 regulations applicable to a contribution of money or other thing of
9 value by a political committee or continuing political committee under
10 the provisions of P.L.1973, c.83 (C.19:44A-1 et al.) shall likewise be
11 applicable to the making or payment of such a contribution by such a
12 county committee.

13 The limitation upon the knowing acceptance by a candidate,
14 campaign treasurer, deputy campaign treasurer, candidate committee
15 or joint candidates committee of any contribution of money or other
16 thing of value from a political committee or continuing political
17 committee under the provisions of paragraph (1) of this subsection,
18 except that the amount of any contribution of money or other thing of
19 value shall be in an amount which in the aggregate does not exceed
20 \$25,000, shall also be applicable to the knowing acceptance of any
21 such contribution from the county committee of a political party by a
22 candidate, or the campaign treasurer, deputy campaign treasurer,
23 candidate committee or joint candidates committee of a candidate, for
24 nomination for election or for election to the office of member of the
25 Legislature in a legislative district in which, according to the federal
26 decennial census upon the basis of which legislative districts shall have
27 been established, at least 20% but less than 40% of the population
28 resides within the county of that county committee. In addition, all
29 contributor reporting requirements and other restrictions and
30 regulations applicable to a contribution of money or other thing of
31 value by a political committee or continuing political committee under
32 the provisions of P.L.1973, c.83 (C.19:44A-1 et al.) shall likewise be
33 applicable to the making or payment of such a contribution by such a
34 county committee.

35 With respect to the limitations in this paragraph, the Legislature
36 finds and declares that:

37 (a) Persons making contributions to the county committee of a
38 political party have a right to expect that their money will be used, for
39 the most part, to support candidates for elective office who will most
40 directly represent the interest of that county;

41 (b) The practice of allowing a county committee to use funds
42 raised with this expectation to make unlimited contributions to
43 candidates for the Legislature who may have a limited, or even
44 nonexistent, connection with that county serves to undermine public
45 confidence in the integrity of the electoral process;

46 (c) Furthermore, the risk of actual or perceived corruption is raised

1 by the potential for contributors to circumvent limits on contributions
2 to candidates by funnelling money to candidates through county
3 committees;

4 (d) The State has a compelling interest in preventing the actuality
5 or appearance of corruption and in protecting public confidence in
6 democratic institutions by limiting amounts which a county committee
7 may contribute to legislative candidates whose districts are not located
8 in close proximity to that county; and

9 (e) It is, therefore, reasonable for the State to promote this
10 compelling interest by limiting the amount a county committee may
11 give to a legislative candidate based upon the degree to which the
12 population of the legislative district overlaps with the population of
13 that county.

14 c. (1) No candidate who has established only a candidate
15 committee, his campaign treasurer, deputy treasurer or candidate
16 committee shall (a) pay or make any contribution of money or other
17 thing of value to another candidate who has established only a
18 candidate committee, his campaign treasurer, deputy campaign
19 treasurer or candidate committee, other than a candidate for
20 nomination for election or for election for the office of Governor,
21 which in the aggregate exceeds [~~\$5,000~~] \$8,200 per election, or (b)
22 pay or make any contribution of money or other thing of value to
23 candidates who have established only a joint candidates committee,
24 their campaign treasurer, deputy campaign treasurer, or joint
25 candidates committee, which in the aggregate exceeds [~~\$5,000~~]
26 \$8,200 per election per candidate in the recipient committee, or (c)
27 pay or make any contribution of money or other thing of value to a
28 candidate who has established both a candidate committee and a joint
29 candidates committee, the campaign treasurers, deputy campaign
30 treasurers, or candidate committee or joint candidates committee,
31 which in the aggregate exceeds [~~\$5,000~~] \$8,200 per election. No
32 candidate who has established only a candidate committee, his
33 campaign treasurer, deputy campaign treasurer or candidate
34 committee, other than a candidate for nomination for election or for
35 election to the office of the Governor, shall knowingly accept from
36 another candidate who has established only a candidate committee, his
37 campaign treasurer, deputy campaign treasurer or candidate
38 committee, any contribution of money or other thing of value which
39 in the aggregate exceeds [~~\$5,000~~] \$8,200 per election, and no
40 candidates who have established only a joint candidates committee,
41 their campaign treasurer, deputy campaign treasurer, or joint
42 candidates committee, shall knowingly accept from any such source
43 any contribution of money or other thing of value which in the
44 aggregate exceeds [~~\$5,000~~] \$8,200 per election per candidate in the
45 recipient committee, and no candidate who has established both a
46 candidate committee and a joint candidates committee, the campaign

1 treasurers, deputy campaign treasurers, or candidate committee or
2 joint candidates committee, shall knowingly accept from any such
3 source any contribution of money or other thing of value which in the
4 aggregate exceeds ~~[\$5,000]~~ \$8,200 per election.

5 (2) No candidates who have established only a joint candidates
6 committee, their campaign treasurer, deputy campaign treasurer, or
7 joint candidates committee shall (a) pay or make any contribution of
8 money or other thing of value to another candidate who has
9 established only a candidate committee, his campaign treasurer, deputy
10 campaign treasurer or candidate committee, other than a candidate for
11 nomination for election or for election for the office of Governor,
12 which in the aggregate exceeds, on the basis of each candidate in the
13 contributing joint candidates committee, ~~[\$5,000]~~ \$8,200 per election,
14 or (b) pay or make any contribution of money or other thing of value
15 to candidates who have established only a joint candidates committee,
16 their campaign treasurer, deputy campaign treasurer or joint
17 candidates committee, which in the aggregate exceeds, on the basis of
18 each candidate in the contributing joint candidates committee,
19 ~~[\$5,000]~~ \$8,200 per election per candidate in the recipient joint
20 candidates committee, or (c) pay or make any contribution of money
21 or other thing of value to a candidate who has established both a
22 candidate committee and a joint candidates committee, the campaign
23 treasurers, deputy campaign treasurers or candidate committee or joint
24 candidates committee, which in the aggregate exceeds, on the basis of
25 each candidate in the contributing joint candidates committee,
26 ~~[\$5,000]~~ \$8,200 per election. No candidate who has established only
27 a candidate committee, his campaign treasurer, deputy campaign
28 treasurer, or candidate committee, other than a candidate for
29 nomination for election or for election for the office of Governor, shall
30 knowingly accept from other candidates who have established only a
31 joint candidates committee, their campaign treasurer, deputy campaign
32 treasurer or joint candidates committee, any contribution of money or
33 other thing of value which in the aggregate exceeds, on the basis of
34 each candidate in the contributing committee, ~~[\$5,000]~~ \$8,200 per
35 election, and no candidates who have established only a joint
36 candidates committee, their campaign treasurer, deputy campaign
37 treasurer, or joint candidates committee, shall knowingly accept from
38 any such source any contribution of money or other thing of value
39 which in the aggregate exceeds, on the basis of each candidate in the
40 contributing joint candidates committee, ~~[\$5,000]~~ \$8,200 per election
41 per candidate in the recipient joint candidates committee, and no
42 candidate who has established both a candidate committee and a joint
43 candidates committee, the campaign treasurers, deputy campaign
44 treasurers, or candidate committee or joint candidates committee, shall
45 knowingly accept from any such source any contribution of money or
46 other thing of value which in the aggregate exceeds, on the basis of

1 each candidate in the contributing joint candidates committee,
2 ~~[\$5,000]~~ \$8,200 per election.

3 (3) No candidate who has established both a candidate committee
4 and a joint candidates committee, the campaign treasurers, deputy
5 campaign treasurers, or candidate committee or joint candidates
6 committee shall (a) pay or make any contribution of money or other
7 thing of value to another candidate who has established only a
8 candidate committee, his campaign treasurer, deputy campaign
9 treasurer or candidate committee, other than a candidate for
10 nomination for election or for election for the office of Governor,
11 which in the aggregate exceeds ~~[\$5,000]~~ \$8,200 per election, or (b)
12 pay or make any contribution of money or other thing of value to
13 candidates who have established only a joint candidates committee,
14 their campaign treasurer, deputy campaign treasurer or joint
15 candidates committee, which in the aggregate exceeds ~~[\$5,000]~~
16 \$8,200 per election per candidate in the recipient joint candidates
17 committee, or (c) pay or make any contribution of money or other
18 thing of value to a candidate who has established both a candidate
19 committee and a joint candidates committee, the campaign treasurers,
20 deputy campaign treasurers, or candidate committee or joint
21 candidates committee, which in the aggregate exceeds ~~[\$5,000]~~
22 \$8,200 per election. No candidate who has established only a
23 candidate committee, his campaign treasurer, deputy campaign
24 treasurer, or candidate committee, other than a candidate for
25 nomination for election or for election for the office of Governor, shall
26 knowingly accept from a candidate who has established both a
27 candidate committee and a joint candidates committee, the campaign
28 treasurers, deputy campaign treasurers, or candidate committee or
29 joint candidates committee, any contribution of money or other thing
30 of value which in the aggregate exceeds ~~[\$5,000]~~ \$8,200 per election,
31 and no candidates who have established only a joint candidates
32 committee, their campaign treasurer, deputy campaign treasurer, or
33 joint candidates committee, shall knowingly accept from any such
34 source any contribution of money or other thing of value which in the
35 aggregate exceeds ~~[\$5,000]~~ \$8,200 per election per candidate in the
36 recipient joint candidates committee, and no candidate who has
37 established both a candidate committee and a joint candidates
38 committee, the campaign treasurers, deputy campaign treasurers, or
39 candidate committee or joint candidates committee shall knowingly
40 accept from any such source any contribution of money or other thing
41 of value which in the aggregate exceeds ~~[\$5,000]~~ \$8,200 per election.

42 (4) Expenditures by a candidate for nomination for election or for
43 election to the office of member of the Legislature or to an office of
44 a political subdivision of the State, or by the campaign treasurer,
45 deputy treasurer, candidate committee or joint candidates committee
46 of such a candidate, which are made in furtherance of the nomination

1 or election, respectively, of another candidate for the same office in
2 the same legislative district or the same political subdivision shall not
3 be construed to be subject to any limitation under this subsection; for
4 the purposes of this sentence, the offices of member of the State
5 Senate and member of the General Assembly shall be deemed to be the
6 same office.

7 d. Nothing contained in this section shall be construed to impose
8 any limitation on contributions by a candidate, or by a corporation,
9 100% of the stock in which is owned by a candidate or the candidate's
10 spouse, child, parent or sibling residing in the same household, to that
11 candidate's campaign.

12 e. For the purpose of determining the amount of a contribution to
13 be attributed as given to or by each candidate in a joint candidates
14 committee, the amount of the contribution to or by such a committee
15 shall be divided equally among all the candidates in the committee.
16 (cf: P.L.1993, c.65, s.18)

17

18 4. Section 19 of P.L.1993, c.65 (C.19:44A-11.4) is amended to
19 read as follows:

20 19. a. (1) Except as otherwise provided in paragraph (2) of this
21 subsection, no individual, no corporation of any kind organized and
22 incorporated under the laws of this State or any other state or any
23 country other than the United States, no labor organization of any kind
24 which exists or is constituted for the purpose, in whole or in part, of
25 collective bargaining, or of dealing with employers concerning the
26 grievances, terms or conditions of employment, or of other mutual aid
27 or protection in connection with employment, no political committee,
28 continuing political committee, candidate committee or joint
29 candidates committee or any other group, shall pay or make any
30 contribution of money or other thing of value to the campaign
31 treasurer, deputy treasurer or other representative of the State
32 committee of a political party or the campaign treasurer, deputy
33 campaign treasurer or other representative of any legislative leadership
34 committee, which in the aggregate exceeds \$25,000 per year, or in the
35 case of a joint candidates committee when that is the only committee
36 established by the candidates, \$25,000 per year per candidate in the
37 joint candidates committee, or in the case of a candidate committee
38 and a joint candidates committee when both are established by a
39 candidate, \$25,000 per year from that candidate. No campaign
40 treasurer, deputy campaign treasurer or other representative of the
41 State committee of a political party or campaign treasurer, deputy
42 campaign treasurer or other representative of any legislative leadership
43 committee shall knowingly accept from an individual, a corporation of
44 any kind organized and incorporated under the laws of this State or
45 any other state or any country other than the United States, a labor
46 organization of any kind which exists or is constituted for the purpose,

1 in whole or in part, of collective bargaining, or of dealing with
2 employers concerning the grievances, terms or conditions of
3 employment, or of other mutual aid or protection in connection with
4 employment, a political committee, a continuing political committee,
5 a candidate committee or a joint candidates committee or any other
6 group, any contribution of money or other thing of value which in the
7 aggregate exceeds \$25,000 per year, or in the case of a joint
8 candidates committee when that is the only committee established by
9 the candidates, \$25,000 per year per candidate in the joint candidates
10 committee, or in the case of a candidate committee and a joint
11 candidates committee when both are established by a candidate,
12 \$25,000 per year from that candidate.

13 [Adjustments to the limits established in this paragraph which have
14 been made by the Election Law Enforcement Commission, pursuant to
15 section 22 of P.L.1993, c.65 (C.19:44A-7.2), prior to the effective
16 date of P.L.2001, c.384 are rescinded. The limits established in this
17 paragraph shall remain as stated in this paragraph until subsequently
18 adjusted by the commission in the manner prescribed by section 22 of
19 P.L.1993, c.65 (C.19:44A-7.2).]

20 (2) No national committee of a political party shall pay or make
21 any contribution of money or other thing of value to the campaign
22 treasurer, deputy treasurer or other representative of the State
23 committee of a political party which in the aggregate exceeds
24 ~~[\$50,000]~~ \$72,000 per year, and no campaign treasurer, deputy
25 campaign treasurer or other representative of the State committee of
26 a political party shall knowingly accept from the national committee
27 of a political party any contribution of money or other thing of value
28 which in the aggregate exceeds ~~[\$50,000]~~ \$72,000 per year.

29 b. No individual, no corporation of any kind organized and
30 incorporated under the laws of this State or any other state or any
31 country other than the United States, no labor organization of any kind
32 which exists or is constituted for the purpose, in whole or in part, of
33 collective bargaining, or of dealing with employers concerning the
34 grievances, terms or conditions of employment, or of other mutual aid
35 or protection in connection with employment, no political committee,
36 continuing political committee, candidate committee or joint
37 candidates committee or any other group, shall pay or make any
38 contribution of money or other thing of value to any county committee
39 of a political party, which in the aggregate exceeds ~~[\$25,000]~~ \$37,000
40 per year, or in the case of a joint candidates committee when that is
41 the only committee established by the candidates, ~~[\$25,000]~~ \$37,000
42 per year per candidate in the joint candidates committee, or in the case
43 of a candidate committee and a joint candidates committee when both
44 are established by a candidate, ~~[\$25,000]~~ \$37,000 per year from that
45 candidate. No campaign treasurer, deputy campaign treasurer or other
46 representative of a county committee of a political party shall

1 knowingly accept from an individual, a corporation of any kind
2 organized and incorporated under the laws of this State or any other
3 state or any country other than the United States, a labor organization
4 of any kind which exists or is constituted for the purpose, in whole or
5 in part, of collective bargaining, or of dealing with employers
6 concerning the grievances, terms or conditions of employment, or of
7 other mutual aid or protection in connection with employment, a
8 political committee, a continuing political committee, a candidate
9 committee or a joint candidates committee or any other group, any
10 contribution of money or other thing of value which in the aggregate
11 exceeds ~~[\$25,000]~~ \$37,000 per year, or in the case of a joint
12 candidates committee when that is the only committee established by
13 the candidates, ~~[\$25,000]~~ \$37,000 per year per candidate in the joint
14 candidates committee, or in the case of a candidate committee and a
15 joint candidates committee when both are established by a candidate,
16 ~~[\$25,000]~~ \$37,000 per year from that candidate.

17 c. No individual, no corporation of any kind organized and
18 incorporated under the laws of this State or any other state or any
19 country other than the United States, no labor organization of any kind
20 which exists or is constituted for the purpose, in whole or in part, of
21 collective bargaining, or of dealing with employers concerning the
22 grievances, terms or conditions of employment, or of other mutual aid
23 or protection in connection with employment, no political committee,
24 continuing political committee, candidate committee or joint
25 candidates committee or any other group shall pay or make any
26 contribution of money or other thing of value to any municipal
27 committee of a political party, which in the aggregate exceeds
28 ~~[\$5,000]~~ \$7,200 per year, or in the case of a joint candidates
29 committee when that is the only committee established by the
30 candidates, ~~[\$5,000]~~ \$7,200 per year per candidate in the joint
31 candidates committee, or in the case of a candidate committee and a
32 joint candidates committee when both are established by a candidate,
33 ~~[\$5,000]~~ \$7,200 per year from that candidate. No campaign
34 treasurer, deputy campaign treasurer or other representative of a
35 municipal committee of a political party shall knowingly accept from
36 an individual, a corporation of any kind organized and incorporated
37 under the laws of this State or any other state or any country other
38 than the United States, a labor organization of any kind which exists
39 or is constituted for the purpose, in whole or in part, of collective
40 bargaining, or of dealing with employers concerning the grievances,
41 terms or conditions of employment, or of other mutual aid or
42 protection in connection with employment, a political committee, a
43 continuing political committee, a candidate committee or a joint
44 candidates committee or any other group, any contribution of money
45 or other thing of value which in the aggregate exceeds ~~[\$5,000]~~
46 \$7,200 per year, or in the case of a joint candidates committee when

1 that is the only committee established by the candidates, [~~\$5,000~~]
2 \$7,200 per year per candidate in the joint candidates committee, or in
3 the case of a candidate committee and a joint candidates committee
4 when both are established by a candidate, [~~\$5,000~~] \$7,200 per year
5 from that candidate.

6 No county committee of a political party in any county shall pay or
7 make any contribution of money or other thing of value to a municipal
8 committee of a political party in a municipality not located in that
9 county which in the aggregate exceeds the amount of aggregate
10 contributions which, under this subsection, a continuing political
11 committee is permitted to pay or make to a municipal committee of a
12 political party. No campaign treasurer, deputy campaign treasurer or
13 other representative of a municipal committee of a political party in
14 any municipality shall knowingly accept from any county committee of
15 a political party in any county other than the county in which the
16 municipality is located any contribution of money or other thing of
17 value which in the aggregate exceeds the amount of contributions
18 permitted to be so paid or made under that subsection.

19 d. For the purpose of determining the amount of a contribution to
20 be attributed as given by each candidate in a joint candidates
21 committee, the amount of the contribution by such a committee shall
22 be divided equally among all the candidates in the committee.

23 (cf: P.L.2001, c.384, s.2)

24
25 5. This act shall take effect on the seventh day following the date
26 of enactment.

27 28 29 STATEMENT

30
31 N.J.S.A.19:44A-7.2 provides that by December 1 of each year
32 preceding any year in which a general election is held to fill the office
33 of Governor for a four-year term, the Election Law Enforcement
34 Commission (ELEC) must adjust the limits on 12 campaign finance
35 contributions and expenditure thresholds and penalty amounts,
36 including those on contributions to candidates for public offices, other
37 than Governor, received from political committees, continuing political
38 committees, candidates committees, political party committees and
39 legislative leadership committees. The adjustment of these thresholds
40 is based on a formula in current law that measures the increase in the
41 cost of campaigning over the preceding four years.

42 This bill ends such adjustment on the amount of money or other
43 thing of value that committees can contribute and receive. The
44 quadrennial adjustment of other limits and thresholds would not be
45 effected by the bill. Limits on contributions that may be received by
46 a candidate committee, joint candidates committee, or both, would be

1 established by the bill, but that limit would be the amount as adjusted
2 by ELEC, pursuant to N.J.S.A.19:44A-7.2, and no further adjustments
3 would be made.

4 Specifically, the bill:

5 1) limits to \$2,600 per election the amount of money or other thing
6 of value that may be contributed to a candidate committee, joint
7 candidates committee, or both, by an individual, corporation, union,
8 association or group; and

9 2) limits to \$8,200 per election the amount of money or other thing
10 of value that may be contributed to a candidate committee, joint
11 candidates committee, or both, by a political committee, a continuing
12 political committee or another candidate committee, joint candidates
13 committee or both.

14 The bill also establishes in statute the current limits on contributions
15 to other committees, as adjusted by ELEC in 2000. These include:

16 1) \$72,000 per year as the limit on contributions to the State party
17 of a political party by the national committee of a political party;

18 2) \$37,000 per year as the limit contributions to a county
19 committee of a political party by an individual, corporation, union,
20 association or group, political committee, continuing political
21 committee, candidate committee or joint candidates committee; and

22 3) \$7,200 per year as the limit on contributions to the municipal
23 committee of a political party by an individual, corporation, union,
24 association or group, political committee, continuing political
25 committee, candidate committee or joint candidates committee.

26 Under the bill, ELEC must issue a report setting forth its
27 recommendations for adjustment of these contribution limits no later
28 than July 1 of each year preceding the year in which a general election
29 is held to fill the office of Governor for a four-year term and must
30 transmit the report to each member of the Legislature. The
31 recommendations would be based on the same formula currently used
32 by ELEC, pursuant to N.J.S.A.19:44A-7.1. The Legislature could
33 adopt all or part of the recommended adjustments by the passage of
34 appropriate legislation.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3434

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2004

The Assembly State Government Committee reports favorably Assembly, No. 3434.

N.J.S.A. 19:44A-7.2 provides that by December 1 of each year preceding any year in which a general election is held to fill the office of Governor for a four-year term, the Election Law Enforcement Commission (ELEC) must adjust the limits on 12 campaign finance contributions and expenditure thresholds and penalty amounts, including those on contributions to candidates for public offices, other than Governor, received from political committees, continuing political committees, candidates committees, political party committees and legislative leadership committees. The adjustment of these thresholds is based on a formula in current law that measures the increase in the cost of campaigning over the preceding four years.

This bill ends such adjustment on the amount of money or other thing of value that committees can contribute and receive. The quadrennial adjustment of other limits and thresholds would not be effected by the bill. Limits on contributions that may be received by a candidate committee, joint candidates committee, or both, would be established by the bill, but that limit would be the amount as adjusted by ELEC, pursuant to N.J.S.A.19:44A-7.2, and no further adjustments would be made.

Specifically, the bill:

1) limits to \$2,600 per election the amount of money or other thing of value that may be contributed to a candidate committee, joint candidates committee, or both, by an individual, corporation, union, association or group; and

2) limits to \$8,200 per election the amount of money or other thing of value that may be contributed to a candidate committee, joint candidates committee, or both, by a political committee, a continuing political committee or another candidate committee, joint candidates committee or both.

The bill also establishes in statute the current limits on contributions to other committees, as adjusted by ELEC in 2000. These include:

1) \$72,000 per year as the limit on contributions to the State party of a political party by the national committee of a political party;

2) \$37,000 per year as the limit contributions to a county

committee of a political party by an individual, corporation, union, association or group, political committee, continuing political committee, candidate committee or joint candidates committee; and

3) \$7,200 per year as the limit on contributions to the municipal committee of a political party by an individual, corporation, union, association or group, political committee, continuing political committee, candidate committee or joint candidates committee.

Under the bill, ELEC must issue a report setting forth its recommendations for adjustment of these contribution limits no later than July 1 of each year preceding the year in which a general election is held to fill the office of Governor for a four-year term and must transmit the report to each member of the Legislature. The recommendations would be based on the same formula currently used by ELEC, pursuant to N.J.S.A.19:44A-7.1. The Legislature could adopt all or part of the recommended adjustments by the passage of appropriate legislation.

The bill is the same as Senate, No. 27 of 2004.

OFFICE OF THE ACTING GOVERNOR

PO BOX 004
TRENTON, NJ 08625

Contact: Kelley Heck
609-777-2600

RELEASE: December 15, 2004

Codey Signs Bill Freezing Campaign Contribution Limits for County and State Political Organizations

(TRENTON) – Acting Governor Richard J. Codey today signed S-27, a bill that will freeze campaign contribution limits to State and county political organizations and to leadership political action committees at their current levels.

The new law – which was co-sponsored by Codey as Senate President and by Senator Ellen Karcher, and in the Assembly by Assemblyman Alfred E. Steele and Assemblyman Mims Hackett Jr. – is another step in Acting Governor Codey’s effort to restore the public’s trust in government and eliminate the influence of money on State officials.

“We cannot talk about government reform if we’re not doing everything possible to eliminate the influence of money,” Acting Governor Codey said. “There is already too much money in politics.”

“We actually have a law that requires contribution limits to go up every four years. It’s absurd. Social Security checks should get a cost of living adjustment, not campaign contributions,” the Acting Governor continued.

Prior to enactment of the new law, existing law required the Election Law Enforcement Commission to adjust campaign contribution limits by December 1 on years that precede a gubernatorial election. The adjustments were based on a formula that measured the increase in the cost of campaigning over the previous four years.

The new law ends the automatic four-year adjustment by ELEC, and freezes contribution limits at their current levels. The new law requires ELEC to issue a report to the Legislature every four years, with recommendations for contribution limit adjustments. The Legislature could then adopt part or all of the recommended adjustments through legislation.

“Jerry Fitzgerald English, the Chair of ELEC, has thanked me for this proposal. Even the people at ELEC don’t want to be forced, every four years, to order us to raise contribution limits,” Acting Governor Codey said.

The new law excludes a freeze on campaign contribution limits to individual candidate committees, because such contributions help create a larger field of candidates, and boost candidates’ independence.

Today’s action is part of Acting Governor Codey’s broader effort to rebuild public trust in government.

In addition to today’s bill signing, Acting Governor Codey:

- On December 6 signed an Executive Order banning the State, including its departments, agencies and independent authorities, from hiring bond underwriting firms that pay contingency fees to consultants. That Executive Order broadens an existing law – sponsored by Codey as Senate President – that bans contingency fees for lobbyists. The Executive Order and law help prevent the influence of money on government officials.
- On November 29 made New Jersey only the ninth State with a statewide office of *Inspector General* – a position with a broad, powerful mandate to *seek out waste, mismanagement and fraud in Government spending*. The Inspector General will review procurements and public contracts; receive complaints and perform investigations; and recommend ways the State can save money.
- Created on November 17, his second day as Acting Governor, *Special Counsel for Ethics Reform*. The Special Counsel will conduct a *thorough audit of all ethics*

rules that apply to Executive Branch and authorities employees; and will develop a *mandatory ethics training program* for employees.

- Is co-sponsoring a bill to let municipalities, counties and school boards enact stronger pay-to-play bans.
- Is working to codify into law former Governor McGreevey's Executive Order banning contributions from vendors that do business with State agencies.
- Announced he will go further than State law requires, by banning contributions from State vendors to his Senate leadership PAC and individual campaign committee while he serves as Acting Governor.