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"Running mates to enter picture," The Press, 6-27-09, p. A9

"Gov. candidates have 1 month to pick running mate," Home News Tribune, 6-27-09

"Candidates have month to choose running mates," Asbury Park Press, 6-27-09, p. A12

"Candidates have month to pick running mate," Courier-Post, 6-27-09, p. 5B

"Candidates have 1 month to pick running mates," Courier News, 6-27-09

"More time for lieutenant governor pick," The Star-Ledger, 6-27-09, p. 026

"Corzine, Christie get running mate extension," The Record, 6-27-09, p. A04

LAW/RWH

[Second Reprint]

ASSEMBLY, No. 3902

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED MAY 7, 2009

Sponsored by:

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

Assemblyman JOSEPH CRYAN

District 20 (Union)

Co-Sponsored by:

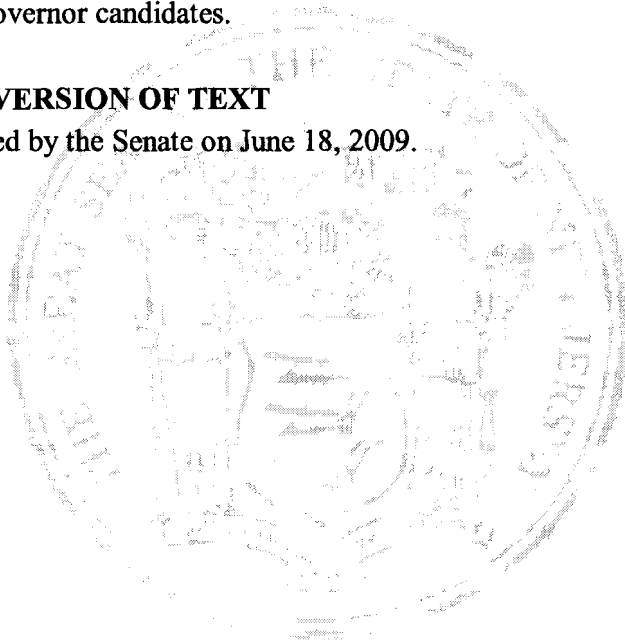
**Assemblymen Schaer, Chivukula, Conners, Assemblywoman Greenstein
and Senator Scutari**

SYNOPSIS

Establishes certain electoral and campaign finance requirements for
Lieutenant Governor candidates.

CURRENT VERSION OF TEXT

As amended by the Senate on June 18, 2009.



(Sponsorship Updated As Of: 6/26/2009)

1 AN ACT concerning candidates for the office of Lieutenant
2 Governor, and amending and supplementing various parts of the
3 statutory law.

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

7
8 1. (New section) a. Pursuant to Article V, Section I, paragraph
9 4 of the Constitution of the State of New Jersey, a candidate for
10 election to the office of Lieutenant Governor shall be elected
11 conjointly with the candidate for election to the office of Governor
12 of the same political party. The candidate of each political party for
13 election to the office of Lieutenant Governor shall be selected by
14 the candidate of that party nominated for election to the office of
15 Governor within 30 days following the ¹**[nomination] certification**¹
16 of the candidate for election to the office of Governor ¹, pursuant to
17 subsection b. of R.S.19:13-22. In the event the 30th day occurs on
18 a Saturday or Sunday, the selection shall be made as of the next
19 succeeding business day¹. A candidate for the office of Lieutenant
20 Governor shall be selected by a candidate who is seeking election to
21 the office of Governor through direct nomination by petition ¹**[not**
22 **later than the day on which the candidate files his or her petition]**¹
23 within 30 days following the certification of the candidate for the
24 office of Governor, pursuant to subsection b. of R.S.19:13-22¹.

25 b. Each candidate for election to the office of ¹**[Lieutenant]**¹
26 Governor shall ¹**[, within three business days of]** immediately
27 upon¹ selection ¹**[by] of**¹ the candidate for election to the office of
28 ¹**[Lieutenant]** Governor, file with the Secretary of State a statement¹,
29 in a form required by the secretary,¹ signed by the candidate ¹**and**
30 certifying the name and address of the person the gubernatorial
31 candidate selects as the candidate for the office of Lieutenant
32 Governor.

33 The candidate for the office of Lieutenant Governor shall
34 provide such information along with that statement as may be
35 required by the secretary and shall also certify¹ that he or she:

36 (1) has not been convicted of any offense graded by Title 2C of
37 the New Jersey Statutes as a crime of the first, second, third or
38 fourth degree, or any offense in any other jurisdiction which, if
39 committed in this State, would constitute such a crime; or

40 (2) has been so convicted, in which case, the candidate shall
41 disclose on the statement the crime for which convicted, the date
42 and place of the conviction and the penalties imposed for the
43 conviction. Such a candidate may, as an alternative, submit with

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ASG committee amendments adopted May 11, 2009.

²Senate floor amendments adopted June 18, 2009.

1 the statement a copy of an official document that provides such
2 information. If the candidate has been convicted of more than one
3 criminal offense, such information about each conviction shall be
4 provided. Records expunged pursuant to chapter 52 of Title 2C of
5 the New Jersey Statutes shall not be subject to disclosure.

6 c. In the event that the individual selected to be a candidate for
7 the office of Lieutenant Governor by a candidate for the office of
8 Governor resigns from, or otherwise vacates such candidacy, the
9 replacement candidate for the office of Lieutenant Governor shall
10 be selected by the candidate for election to the office of Governor,
11 pursuant to Article V, Section I, paragraph 4 of the Constitution of
12 the State of New Jersey.

13 d. Except as provided by a provision of Title 19 of the Revised
14 States or by any other provision of the statutory law, any
15 requirement concerning a candidate seeking election to the office of
16 Governor contained in Title 19 shall apply equally to a candidate
17 seeking election to the office of Lieutenant Governor.

18
19 2. R.S.19:12-1 is amended to read as follows:

20 19:12-1. The **[Attorney General]** Secretary of State shall within
21 thirty days after the completion of the canvass by the board of State
22 canvassers, certify to each county clerk and county board the fact
23 that at the next preceding general election held for the election of
24 all of the members of the General Assembly ten per centum (10%)
25 of the total vote cast in the State for members of the General
26 Assembly had been cast for candidates having the same designation,
27 thereby creating, within the meaning of this Title, a political party,
28 to be known and recognized as such under the same designation as
29 used by the candidates for whom the required number of votes were
30 cast.

31 **[He]** The Secretary of State shall also not later than the sixtieth
32 day preceding the presidential primary election in each presidential
33 year in which electors of President and Vice-President of the United
34 States are to be selected, and not later than the sixtieth day
35 preceding the primary election for the general election in which a
36 representative of the United States Senate, members of the House of
37 Representatives, a Governor, a Lieutenant Governor, or Senator, or
38 member or members of the General Assembly for any county, or
39 any of them, are to be elected or any public question is to be
40 submitted to the voters of the entire State, direct and cause to be
41 delivered to the clerk of the county and the county board wherein
42 any such election is to be held, a notice stating that such officer or
43 officers are to be elected and that such public question is to be
44 submitted to the voters of the entire State at the ensuing general
45 election.

46 (cf: P.L.2005, c.136, s.15)

47
48 3. R.S.19:14-10 is amended to read as follows:

1 19:14-10. In the column or columns designated as nominations
2 by petition, within the space between the two-point hair line rules,
3 there shall be printed the title of each office for which nominations
4 by petition have been made.

5 Such titles of office shall be arranged in the following order:
6 electors of President and Vice-President of the United States;
7 member of the United States Senate; Governor and Lieutenant
8 Governor; member of the House of Representatives; member of the
9 State Senate; members of the General Assembly; county executive,
10 in counties that have adopted the county executive plan of the
11 "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et
12 seq.); sheriff; county clerk; surrogate; register of deeds and
13 mortgages; county supervisor; members of the board of chosen
14 freeholders; coroners; mayor and members of municipal governing
15 bodies, and any other titles of office.

16 Above each of the titles of office, except the one on the top, shall
17 be printed a two-point diagram rule in place of the two-point hair
18 line rule. Below the titles of each of the offices shall be printed the
19 names of each of the candidates for each of such offices followed
20 by the designation or designations mentioned in the petitions filed.

21 Immediately to the left of the name of each candidate, at the
22 extreme left of the column, shall be printed a square, one-quarter of
23 an inch in size formed by two-point diagram rules.

24 The names of candidates for any office for which more than one
25 are to be elected shall be arranged in groups as presented in the
26 several certificates of nominations or petitions, which groups shall
27 be separated from other groups and candidates by two two-point
28 hair line rules.

29 To the right of the title of each office shall be printed the words
30 "Vote for " inserting in words the number of candidates to be
31 elected to such office.

32 (cf. P.L.1995, c.191, s.2)

33

34 4. R.S.19:21-1 is amended to read as follows:

35 19:21-1. a. The Board of State Canvassers shall meet at Trenton
36 as soon as practicable but no later than the 28th day after the day of
37 election, for the purpose of canvassing and estimating the votes
38 cast for each person for whom any vote or votes shall have been
39 cast for one or more members of the United States senate or of the
40 house of representatives, or for electors of president and vice
41 president, or for governor and lieutenant governor, or for members
42 of the Legislature, and upon each public question voted upon by the
43 voters of the entire state or political division thereof greater than a
44 county and of determining and declaring the person or persons who
45 shall, by the greatest number of votes, have been duly elected to
46 such office or offices, and the result of the vote cast upon any
47 public question setting forth that it was approved or rejected.

48 b. For the purpose of canvassing and estimating the votes cast

1 for each person for whom any vote or votes shall have been cast in
2 any special election, the board shall meet in Trenton as soon as
3 practicable but no later than the 28th day after the day of the special
4 election.

5 (cf: P.L.1987, c.338, s.2)

6

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

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

11 a. (Deleted by amendment, P.L.1993, c.65.)

12 b. (Deleted by amendment, P.L.1993, c.65.)

13 c. The term "candidate" means: (1) an individual seeking
14 election to a public office of the State or of a county, municipality
15 or school district at an election; except that the term shall not
16 include an individual seeking party office; (2) an individual who
17 shall have been elected or failed of election to an office, other than
18 a party office, for which he sought election and who receives
19 contributions and makes expenditures for any of the purposes
20 authorized by section 17 of P.L.1993, c.65 (C.19:44A-11.2) during
21 the period of his service in that office; and (3) an individual who
22 has received funds or other benefits or has made payments solely
23 for the purpose of determining whether the individual should
24 become a candidate as defined in paragraphs (1) and (2) of this
25 subsection.

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

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

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

1 said contributor to the individuals actually performing said services
2 for the performance thereof. But if any individual or individuals
3 actually performing such services also performed for the contributor
4 other services during the same period, and the manner of payment
5 was such that payment for the services contributed cannot readily
6 be segregated from contemporary payment for the other services,
7 the contributor shall in his statement to the treasurer so state and
8 shall either (1) set forth his best estimate of the dollar amount of
9 payment to each such individual which is attributable to the
10 contribution of his paid personal services, and shall certify the
11 substantial accuracy of the same, or (2) if unable to determine such
12 amount with sufficient accuracy, set forth the total compensation
13 paid by him to each such individual for the period of time during
14 which the services contributed by him were performed. If any
15 candidate is a holder of public office to whom there is attached or
16 assigned, by virtue of said office, any aide or aides whose services
17 are of a personal or confidential nature in assisting him to carry out
18 the duties of said office, and whose salary or other compensation is
19 paid in whole or part out of public funds, the services of such aide
20 or aides which are paid for out of public funds shall be for public
21 purposes only; but they may contribute their personal services, on a
22 voluntary basis, to such candidate for election campaign purposes.

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

24 h. The term "political information" means any statement
25 including, but not limited to, press releases, pamphlets, newsletters,
26 advertisements, flyers, form letters, or radio or television programs
27 or advertisements which reflects the opinion of the members of the
28 organization on any candidate or candidates for public office, on
29 any public question, or which contains facts on any such candidate,
30 or public question whether or not such facts are within the personal
31 knowledge of members of the organization.

32 i. The term "political committee" means any two or more
33 persons acting jointly, or any corporation, partnership, or any other
34 incorporated or unincorporated association which is organized to, or
35 does, aid or promote the nomination, election or defeat of any
36 candidate or candidates for public office, or which is organized to,
37 or does, aid or promote the passage or defeat of a public question in
38 any election, if the persons, corporation, partnership or incorporated
39 or unincorporated association raises or expends \$1,000.00 or more
40 to so aid or promote the nomination, election or defeat of a
41 candidate or candidates or the passage or defeat of a public
42 question; provided that for the purposes of this act, the term
43 "political committee" shall not include a "continuing political
44 committee," as defined by subsection n. of this section, a "political
45 party committee," as defined by subsection p. of this section, a
46 "candidate committee," as defined by subsection q. of this section, a
47 "joint candidates committee," as defined by subsection r. of this
48 section or a "legislative leadership committee," as defined by

1 subsection s. of this section.

2 j. The term "public solicitation" means any activity by or on
3 behalf of any candidate, political committee, continuing political
4 committee, candidate committee, joint candidates committee,
5 legislative leadership committee or political party committee
6 whereby either (1) members of the general public are personally
7 solicited for cash contributions not exceeding \$20.00 from each
8 person so solicited and contributed on the spot by the person so
9 solicited to a person soliciting or through a receptacle provided for
10 the purpose of depositing contributions, or (2) members of the
11 general public are personally solicited for the purchase of items
12 having some tangible value as merchandise, at a price not exceeding
13 \$20.00 per item, which price is paid on the spot in cash by the
14 person so solicited to the person so soliciting, when the net
15 proceeds of such solicitation are to be used by or on behalf of such
16 candidate, political committee, continuing political committee,
17 candidate committee, joint candidates committee, legislative
18 leadership committee or political party committee.

19 k. The term "testimonial affair" means an affair of any kind or
20 nature including, without limitation, cocktail parties, breakfasts,
21 luncheons, dinners, dances, picnics or similar affairs directly or
22 indirectly intended to raise campaign funds in behalf of a person
23 who holds, or who is or was a candidate for nomination or election
24 to a public office in this State, or directly or indirectly intended to
25 raise funds in behalf of any political party committee or in behalf of
26 a political committee, continuing political committee, candidate
27 committee, joint candidates committee or legislative leadership
28 committee.

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

32 m. The term "qualified candidate" means:

33 (1) **[Any candidate]** Joint candidates for election to the
34 **[office]** offices of Governor and Lieutenant Governor whose
35 **[name appears]** names appear on the general election ballot; who
36 **[has]** have deposited and expended \$150,000.00 pursuant to section
37 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than
38 September 1 preceding a general election in which the **[office]**
39 offices of Governor **[is]** and Lieutenant Governor are to be filled,
40 (a) **[notifies]** notify the Election Law Enforcement Commission in
41 writing that the **[candidate intends]** candidates intend that
42 application will be made on the **[candidate's]** candidates' behalf for
43 monies for general election campaign expenses under subsection b.
44 of section 8 of P.L.1974, c.26 (C.19:44A-33), and (b) **[signs]** sign a
45 statement of agreement, in a form to be prescribed by the
46 commission, to participate in **[two]** interactive gubernatorial
47 election debates under the provisions of sections 9 through 11 of

- 1 P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47); or
- 2 (2) **[Any candidate]** Joint candidates for election to the **[office]**
3 offices of Governor and Lieutenant Governor whose **[name does]**
4 names do not appear on the general election ballot; who **[has]** have
5 deposited and expended \$150,000.00 pursuant to section 7 of
6 P.L.1974, c.26 (C.19:44A-32); and who, not later than September 1
7 preceding a general election in which the **[office]** offices of
8 Governor **[is]** and Lieutenant Governor are to be filled, (a)
9 **[notifies]** notify the Election Law Enforcement Commission in
10 writing that the **[candidate intends]** candidates intend that
11 application will be made on the **[candidate's]** candidates' behalf for
12 monies for general election campaign expenses under subsection b.
13 of section 8 of P.L.1974, c.26 (C.19:44A-33), and (b) **[signs]** sign a
14 statement of agreement, in a form to be prescribed by the
15 commission, to participate in **[two]** interactive gubernatorial
16 election debates under the provisions of sections 9 through 11 of
17 P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47); or
- 18 (3) Any candidate for nomination for election to the office of
19 Governor whose name appears on the primary election ballot; who
20 has deposited and expended \$150,000.00 pursuant to section 7 of
21 P.L.1974, c.26 (C.19:44A-32); and who, not later than the last day
22 for filing petitions to nominate candidates to be voted upon in a
23 primary election for a general election in which the office of
24 Governor is to be filled, (a) notifies the Election Law Enforcement
25 Commission in writing that the candidate intends that application
26 will be made on the candidate's behalf for monies for primary
27 election campaign expenses under subsection a. of section 8 of
28 P.L.1974, c.26 (C.19:44A-33), and (b) signs a statement of
29 agreement, in a form to be prescribed by the commission, to
30 participate in two interactive gubernatorial primary debates under
31 the provisions of sections 9 through 11 of P.L.1989, c.4 (C.19:44A-
32 45 through C.19:44A-47); or
- 33 (4) Any candidate for nomination for election to the office of
34 Governor whose name does not appear on the primary election
35 ballot; who has deposited and expended \$150,000.00 pursuant to
36 section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than
37 the last day for filing petitions to nominate candidates to be voted
38 upon in a primary election for a general election in which the office
39 of Governor is to be filled, (a) notifies the Election Law
40 Enforcement Commission in writing that the candidate intends that
41 application will be made on the candidate's behalf for monies for
42 primary election campaign expenses under subsection a. of section
43 8 of P.L.1974, c.26 (C.19:44A-33), and (b) signs a statement of
44 agreement, in a form to be prescribed by the commission, to
45 participate in two interactive gubernatorial primary debates under
46 the provisions of sections 9 through 11 of P.L.1989, c.4 (C.19:44A-
47 45 through C.19:44A-47).

1 n. The term "continuing political committee" means any group
2 of two or more persons acting jointly, or any corporation,
3 partnership, or any other incorporated or unincorporated
4 association, including a political club, political action committee,
5 civic association or other organization, which in any calendar year
6 contributes or expects to contribute at least \$2,500.00 to the aid or
7 promotion of the candidacy of an individual, or of the candidacies
8 of individuals, for elective public office, or the passage or defeat of
9 a public question or public questions, and which may be expected to
10 make contributions toward such aid or promotion or passage or
11 defeat during a subsequent election, provided that the group,
12 corporation, partnership, association or other organization has been
13 determined to be a continuing political committee under subsection
14 b. of section 8 of P.L.1973, c.83 (C.19:44A-8); provided that for the
15 purposes of this act, the term "continuing political committee" shall
16 not include a "political party committee," as defined by subsection
17 p. of this section, or a "legislative leadership committee," as defined
18 by subsection s. of this section.

19 o. The term "statement of agreement" means a written
20 declaration, by a candidate for nomination for election to the office
21 of Governor, or by joint candidates for election to the [office]
22 offices of Governor and Lieutenant Governor who [intends] intend
23 that application will be made on [that candidate's] behalf of the
24 candidate for the office of Governor to receive monies for the
25 primary election or on behalf of the candidates for the office of
26 Governor and the office of Lieutenant Governor for general election
27 campaign expenses under subsection a. or subsection b.,
28 respectively, of section 8 of P.L.1974, c.26 (C.19:44A-33), that the
29 [candidate undertakes] candidates undertake to abide by the terms
30 of any rules established by any private organization sponsoring a
31 gubernatorial primary or general election debate, as appropriate, to
32 be held under the provisions of sections 9 through 11 of P.L.1989,
33 c.4 (C.19:44A-45 through C.19:44A-47) and in which the
34 [candidate is] candidates are to participate. The statement of
35 agreement shall include an acknowledgment of notice to the
36 [candidate] candidates who [signs] sign it that failure on [that
37 candidate's] the candidates' part to participate in any of the
38 gubernatorial debates may be cause for the termination of the
39 payment of such monies on the [candidate's] candidates' behalf and
40 for the imposition of liability for the return to the commission of
41 such monies as may previously have been so paid.

42 p. The term "political party committee" means the State
43 committee of a political party, as organized pursuant to R.S.19:5-4,
44 any county committee of a political party, as organized pursuant to
45 R.S.19:5-3, or any municipal committee of a political party, as
46 organized pursuant to R.S.19:5-2.

47 q. The term "candidate committee" means a committee

1 established pursuant to subsection a. of section 9 of P.L.1973, c.83
2 (C.19:44A-9) for the purpose of receiving contributions and making
3 expenditures.

4 r. The term "joint candidates committee" means a committee
5 established pursuant to subsection a. of section 9 of P.L.1973, c.83
6 (C.19:44A-9) by at least two candidates for the same elective public
7 offices in the same election in a legislative district, county,
8 municipality or school district, but not more candidates than the
9 total number of the same elective public offices to be filled in that
10 election, for the purpose of receiving contributions and making
11 expenditures. For the purpose of this subsection: the offices of
12 member of the Senate and members of the General Assembly shall
13 be deemed to be the same elective public offices in a legislative
14 district; the offices of member of the board of chosen freeholders
15 and county executive shall be deemed to be the same elective public
16 offices in a county; and the offices of mayor and member of the
17 municipal governing body shall be deemed to be the same elective
18 public offices in a municipality.

19 s. The term "legislative leadership committee" means a
20 committee established, authorized to be established, or designated
21 by the President of the Senate, the Minority Leader of the Senate,
22 the Speaker of the General Assembly or the Minority Leader of the
23 General Assembly pursuant to section 16 of P.L.1993, c.65
24 (C.19:44A-10.1) for the purpose of receiving contributions and
25 making expenditures.

26 (cf: P.L.1999, c.57, s.2)

27

28 6. (New section) For the purpose of contribution and
29 expenditure limits established pursuant to P.L.1973, c.83
30 (C.19:44A-1 et seq.), limits on contributions to and expenditures of
31 the joint candidates for election to the offices of Governor and
32 Lieutenant Governor shall be considered and treated as
33 contributions to and expenditures of one candidate and those two
34 candidates shall establish only one candidate committee.

35

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

38 7. The amount which may be spent in aid of the candidacy of
39 any qualified candidate for Governor [at any election] in a primary
40 election shall not exceed [in a primary election] \$2,200,000[, and].
41 The amount which may be spent in aid of the candidacy of any
42 qualified joint candidates for Governor and Lieutenant Governor in
43 a general election shall not exceed \$5,000,000; but such sums shall
44 not include the traveling expenses of the candidate or candidates or
45 of any person other than the candidate or candidates if such
46 traveling expenses are voluntarily paid by such person without any
47 understanding or agreement with the candidate or candidates that
48 they shall be, directly or indirectly, repaid to him by the candidate

1 or candidates.

2 (cf: P.L.1989, c.4, s.2)

3

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

6 19. a. For the purpose of ensuring the continuing adequacy of
7 the limits set by law upon contributions, expenditures and certain
8 other amounts relating to campaigns for nomination to the office of
9 Governor and election to the **[office]** offices of Governor and
10 Lieutenant Governor, the Election Law Enforcement Commission is
11 authorized and directed to adjust the limits on those amounts as
12 provided herein. The limitation amounts thus adjusted shall apply
13 to the primary election for the office of Governor and the general
14 **[elections]** election for the **[office]** offices of Governor and
15 Lieutenant Governor to be held in the year following the year in
16 which that adjustment is required hereunder to be made.

17 b. The commission shall establish an index reflecting the
18 changes occurring in the general level of prices of particular goods
19 and services, including but not limited to goods and services within
20 such categories of expenditure as mass media and other forms of
21 public communication, personnel, rent, office supplies and
22 equipment, data processing, utilities, travel and entertainment, and
23 legal and accounting services, directly affecting the overall costs of
24 election campaigning in this State. The index shall be weighted in
25 accordance with the impact in the preceding general election for the
26 **[office]** offices of Governor and Lieutenant Governor of the
27 respective prices of each of those several goods and services upon
28 those overall costs. Not later than December 1 of each year
29 preceding any year in which a general election is to be held to fill
30 the **[office]** offices of Governor and Lieutenant Governor for a
31 four-year term, the commission shall determine the percentage of
32 change in this index which shall have occurred during the four-year
33 period ending with the year of the gubernatorial election, and shall
34 adjust the amounts, as set forth in subsection c. of this section,
35 which shall be applicable under P.L.1973, c.83 (C.19:44A-1 et seq.)
36 to the primary election for the office of Governor and the general
37 **[elections]** election for the **[office]** offices of Governor and
38 Lieutenant Governor to be held in the following year by multiplying
39 that percentage of change, plus 100%, times the amounts applicable
40 thereunder to the primary and general elections for that office held
41 in the third year preceding the year in which that December 1
42 occurs; provided that any amount so adjusted shall be rounded as
43 follows: if the adjusted amount is less than \$20,000 and is not an
44 exact multiple of \$100, to the next higher exact multiple of \$100; if
45 the adjusted amount is more than \$20,000 but less than \$200,000
46 and is not an exact multiple of \$1,000, to the next higher exact
47 multiple of \$1,000; if the adjusted amount is more than \$200,000
48 but less than \$2,000,000 and is not an exact multiple of \$10,000, to

1 the next higher exact multiple of \$10,000; and if the adjusted
2 amount is more than \$2,000,000 but less than \$20,000,000 and is
3 not an exact multiple of \$100,000, to the next higher exact multiple
4 of \$100,000.

5 c. The amounts subject to adjustment as provided under this
6 section shall be:

7 (1) The maximum amount of contributions permitted to be made
8 to any candidate for nomination for election to the office of
9 Governor or for election to the [office] offices of Governor and
10 Lieutenant Governor pursuant to section 4 of P.L.1974, c.26
11 (C.19:44A-29) and the amount of contributions with respect to
12 which a qualified candidate for nomination for election or for
13 election to [that office] those offices shall be eligible to receive
14 moneys from the fund for election campaign expenses pursuant to
15 section 8 of P.L.1974, c.26 (C. 9:44A-33);

16 (2) The amount of deposits or expenditures required to have
17 been made by a candidate for nomination for election to the office
18 of Governor or for election to the [office] offices of Governor and
19 Lieutenant Governor in order for [that candidate] those candidates
20 to be [a qualified candidate] qualified candidates under subsection
21 m. of section 3 of P.L.1973, c.83 (C.19:44A-3) and the amount of
22 such deposits into such [a candidate's] candidates' bank account for
23 which no payment of public funds is to be made pursuant to section
24 8 of P.L.1974, c.26 (C.19:44A-33);

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

30 (4) The maximum amount which any qualified candidate for
31 nomination for election for the office of Governor in a primary
32 election or for election to the [office] offices of Governor and
33 Lieutenant Governor in a general election may receive from the
34 fund for election campaign expenses pursuant to section 8 of P.L.
35 1974, c. 26 (C. 19:44A-33).

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

47 (cf: P.L.1989, c.4, s.3)

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

3 22. a. Not later than December 1 of each year preceding any
4 year in which a general election is to be held to fill the [office]
5 offices of Governor and Lieutenant Governor for a four-year term,
6 the Election Law Enforcement Commission shall adjust the
7 amounts, set forth in subsection b. of this section, which shall be
8 applicable under P.L.1973, c.83 (C.19:44A-1 et al.) to primary and
9 general elections for any public office other than the [office]
10 offices of Governor and Lieutenant Governor at a percentage which
11 shall be the same as the percentage of change that the commission
12 applies to the amounts used for the primary election for the office of
13 Governor and the general [elections] election for the [office]
14 offices of Governor and Lieutenant Governor held in the third year
15 preceding the year in which that December 1 occurs, pursuant to
16 section 19 of P.L.1980, c.74 (C.19:44A-7.1), and any amount so
17 adjusted shall be rounded in the same manner as provided in that
18 section.

19 b. The amounts subject to adjustment as provided under this
20 section shall be:

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

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

28 (3) the minimum amount of a contribution to a political
29 committee, continuing political committee, legislative leadership
30 committee or a political party committee received during the period
31 between the 13th day prior to the election and the date of the
32 election, the minimum amount of an expenditure by a political
33 committee during that period, and the minimum amount of an
34 expenditure by a continuing political committee during the period
35 beginning after March 31 and ending on the date of the primary
36 election and the period beginning after September 30 and ending on
37 the date of the general election which triggers an obligation to
38 report that contribution to the commission pursuant to section 8 of
39 P.L.1973, c.83 (C.19:44A-8), and the minimum amount of a
40 contribution to a candidate, candidate committee or joint candidates
41 committee received during the period between the 13th day prior to
42 the election and the date of the election which triggers an obligation
43 to report that contribution to the commission pursuant to section 16
44 of P.L.1973, c.83 (C.19:44A-16);

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

1 (5) the maximum amount that a person, not acting in concert
2 with any other person or group, may spend to support or defeat a
3 candidate or to aid the passage or defeat of a public question
4 without being required to report all such expenditures and expenses
5 to the commission pursuant to section 11 of P.L.1973, c.83
6 (C.19:44A-11) and the maximum amount that a person, not acting
7 in concert with any other person or group, may raise through a
8 public solicitation and expend to finance any lawful activity in
9 support of or in opposition to any candidate or public question or to
10 seek to influence the content, introduction, passage or defeat of
11 legislation pursuant to section 19 of P.L.1973, c.83 (C.19:44A-19);

12 (6) the maximum amount that may be expended, in the
13 aggregate, on behalf of a candidate without requiring that candidate
14 to file contribution reports with the commission and the maximum
15 amount that may be expended, in the aggregate, on behalf of a
16 candidate seeking election to a public office of a school district,
17 without requiring that candidate to file contribution reports with the
18 commission pursuant to section 16 of P.L.1973, c.83 (C.19:44A-
19 16);

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

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

34 (9) (Deleted by amendment, P.L.2004, c.174);

35 (10) (Deleted by amendment, P.L.2004, c.174);

36 (11) (Deleted by amendment, P.L.2004, c.174);

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

43 c. Not later than December 15 of each year preceding any year
44 in which a general election is to be held to fill the **[office]** offices
45 of Governor and Lieutenant Governor for a four-year term, the
46 commission shall report to the Legislature and make public its
47 adjustment of limits in accordance with the provisions of this
48 section. Whenever, following the transmittal of that report, the

1 commission shall have notice that a person has declared as a
2 candidate for nomination for election or for election to any public
3 office in a forthcoming primary or general election, it shall
4 promptly notify that candidate of the amounts of those adjusted
5 limits.

6 (cf: P.L.2004, c.174, s.1)

7
8 10. Section 2 of P.L.2004, c.174 (C.19:44A-7.3) is amended to
9 read as follows:

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

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

32 (1) the maximum amount of contributions permitted to be made
33 by an individual, a corporation or labor organization to a candidate,
34 candidate committee or joint candidates committee, the maximum
35 amount of contributions permitted to be made by a political
36 committee or a continuing political committee to a candidate,
37 candidate committee or joint candidates committee other than the
38 committee of a candidate for nomination for the office of Governor
39 or the committee of candidates for election to the [office] offices of
40 Governor and Lieutenant Governor and the maximum amount of
41 contributions permitted to be made by one candidate, candidate
42 committee or joint candidates committee, other than the committee
43 of a candidate for nomination for the office of Governor or the
44 committee for election to the [office] offices of Governor and
45 Lieutenant Governor, to another candidate, candidate committee or
46 joint candidates committee other than the committee of a candidate
47 for nomination for the office of Governor or the committee for

1 election to the **[office] offices** of Governor **and Lieutenant**
2 **Governor** pursuant to section 18 of P.L.1993, c.65 (C.19:44A-11.3);

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

9 (3) the maximum amount of contributions permitted to be made
10 by a candidate, candidate committee or joint candidates committee
11 to a political committee or a continuing political committee and the
12 maximum amount of contributions permitted to be made by one
13 political committee or continuing political committee to another
14 political committee or continuing political committee pursuant to
15 section 20 of P.L.1993, c.65 (C.19:44A-11.5).

16 c. No later than July 15 of each year preceding any year in
17 which a general election is to be held to fill the **[office] offices** of
18 **Governor and Lieutenant Governor** for a four-year term, the
19 commission shall transmit a copy of its report to each member of
20 the Legislature and make public its recommended adjustment of
21 limits pursuant to this section. The Legislature shall have the
22 option of adopting all or part of the recommended adjustments by
23 the passage of appropriate legislation.

24 (cf. P.L.2004, c.174, s.2)

25

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

28 9. a. Unless already established, each candidate, as defined in
29 paragraph (1) of subsection c. of section 3 of P.L.1973, c.83
30 (C.19:44A-3), shall, no later than the date on which that candidate
31 first receives any contribution or makes or incurs any expenditures
32 in connection with an election, establish (1) a candidate committee,
33 (2) a joint candidates committee, or (3) both, for the purpose of
34 receiving contributions and making expenditures. No person
35 serving as the chairman of a political party committee or a
36 legislative leadership committee shall be eligible to be appointed or
37 to serve as the chairman of a candidate committee or joint
38 candidates committee, other than a candidate committee or joint
39 candidates committee established to further the nomination for
40 election or the election of that person as a candidate for public
41 office. Subsequent to an election, a candidate, whether or not
42 successful in that election, shall maintain a candidate committee or
43 a joint candidates committee so long as contributions are received
44 or expenditures made by that former candidate. An elected
45 officeholder who receives contributions and who has not maintained
46 a candidate committee or a joint candidates committee shall
47 establish a candidate committee, a joint candidates committee, or

1 both, in a timely manner for the purpose of receiving contributions
2 and making expenditures.

3 b. (1) The candidate or candidates, as the case may be, shall
4 file with the Election Law Enforcement Commission a certificate of
5 organization on a form prescribed by the commission. The
6 certificate shall identify the name of the committee, which shall be
7 the sole name under which the committee receives contributions,
8 makes expenditures and otherwise does business and which shall
9 include the surname or surnames, as appropriate, of the candidate or
10 candidates, except that in the case of a joint candidates committee,
11 the name of the committee need not include such surnames if it
12 identifies the legislative district, county, municipality or other
13 jurisdiction in which the candidates jointly seek nomination for
14 election or election and, in any case in which they seek nomination
15 for election or election as the candidates of a political party, the
16 name of that party, provided that no joint candidates committee so
17 named shall take the same name as that of any committee of a
18 political party or another joint candidates committee. In the case of
19 a candidate committee, the name of the committee shall identify the
20 office sought by the candidate. The certificate shall provide for the
21 initial appointment by the candidate, or candidates, of a campaign
22 treasurer and for the designation by the candidate, or candidates, of
23 that treasurer of the candidate committee, or joint candidates
24 committee, as the campaign treasurer of the candidate, or
25 candidates, for the purposes of subsection a. of section 8 of
26 P.L.1973, c.83 (C.19:44A-8) and shall generally identify and be
27 signed by the candidate, or candidates, and the chairman and the
28 treasurer of the candidate committee or joint candidates committee,
29 as the case may be. No person serving as the chairman of a
30 political party committee or a legislative leadership committee shall
31 be eligible to be appointed or to serve as the treasurer of a candidate
32 committee or joint candidates committee, other than a candidate
33 committee or joint candidates committee established to further the
34 nomination for election or the election of that person as a candidate
35 for public office. The certificate shall be filed prior to or
36 simultaneously with the filing of a notification of the designation of
37 a campaign depository as provided under subsection c. of this
38 section. Upon the filing of such a certificate of organization and
39 until the termination of the committee, the candidate committee or
40 joint candidates committee shall file the reports which the campaign
41 treasurer or treasurers of the candidate or candidates would
42 otherwise be required to file under subsection a. of section 16 of
43 P.L.1973, c.83 (C.19:44A-16).

44 (2) Each campaign treasurer of a candidate committee or a joint
45 candidates committee for a candidate, or candidates, for the Senate,
46 the General Assembly or the office of Governor or Lieutenant
47 Governor shall be a trained treasurer, pursuant to subsection g. of
48 section 6 of P.L.1973, c.83 (C.19:44A-6), or shall acquire such

1 training within 90 days of designation as a campaign treasurer.
2 Any other campaign treasurer of a candidate committee or a joint
3 candidates committee may be a trained treasurer.

4 c. Each candidate, or the candidates comprising a joint
5 candidates committee, shall designate a campaign depository. Any
6 bank authorized by law to transact business in the State may be
7 designated as the campaign depository. Notification of the
8 designation of the campaign depository shall be made by the
9 candidate's, candidates' or committee's filing the name and address
10 of such depository with the Election Law Enforcement Commission
11 no later than the tenth day after receipt by the candidate or the
12 committee of any contribution on behalf of the candidate or
13 candidates or after the making or incurring by the candidate or
14 candidates of any expenditure on behalf of that candidacy,
15 whichever comes first.

16 d. Each candidate and campaign treasurer shall certify the
17 correctness of each report filed by the candidate committee or joint
18 candidates committee with the commission and that each report
19 conforms with the limitations on contributions and expenditures
20 provided for in sections 18, 19 and 20 of P.L.1993, c.65 (C.19:44A-
21 11.3, C.19:44A-11.4 and C.19:44A-11.5).

22 e. A campaign treasurer of a candidate or candidates may
23 appoint deputy campaign treasurers as required and may designate
24 additional campaign depositories in each county in which the
25 campaign is conducted. The candidate or candidates shall file the
26 names and addresses of deputy campaign treasurers and additional
27 campaign depositories with the Election Law Enforcement
28 Commission.

29 f. A candidate or candidates may remove a campaign treasurer
30 or deputy campaign treasurer. In the case of the death, resignation
31 or removal of a campaign treasurer, the candidate or candidates
32 shall appoint a successor as soon as practicable and shall file the
33 name and address of that person with the Election Law Enforcement
34 Commission within three days. A candidate may serve as his or her
35 own campaign treasurer. One of the candidates in a joint candidates
36 committee may serve as the campaign treasurer of the entire
37 committee.

38 g. An individual who is a candidate for two or more public
39 offices in an election or in separate elections shall establish separate
40 candidate committees or separate joint candidates committees or
41 both for each office contested.

42 h. (1) On and after the 366th day following the effective date of
43 P.L.1993, c.65, no candidate shall establish, authorize the
44 establishment of, maintain, or participate directly or indirectly in
45 the management or control of, any political committee or any
46 continuing political committee. Within one year after the
47 enactment of this act, every candidate who maintains, or who
48 participates either directly or indirectly in the management or

1 control of, one or more political committees or one or more
2 continuing political committees, or both, shall wind up or cause to
3 be wound up the affairs of those committees in accordance with the
4 provisions of section 8 of P.L.1973, c.83 (C.19:44A-8) and transfer
5 all of the funds therein into a candidate committee or a joint
6 candidates committee. All funds thus transferred shall be subject to
7 the provisions of section 17 of P.L.1993, c.65 (C.19:44A-11.2).

8 (2) The person or persons having control over a legislative
9 leadership committee shall not be required to wind up the affairs of
10 that committee but shall be required to conform to the requirements
11 of paragraph (1) of this subsection with regard to any other political
12 committees or continuing political committees under the control of
13 the person or persons and used by that person for the purpose of
14 receiving contributions and making expenditures.

15 (cf. P.L.2004, c.22, s.2)

16
17 12. Section 18 of P.L.1993, c.65 (C.19:44A-11.3) is amended to
18 read as follows:

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

1 terms or conditions of employment, or of other mutual aid or
2 protection in connection with employment, or any group any
3 contribution of money or other thing of value which in the
4 aggregate exceeds \$2,600 per election, and no candidates who have
5 established only a joint candidates committee, or their campaign
6 treasurer, deputy campaign treasurer, or joint candidates committee,
7 shall knowingly accept from any such source any contribution of
8 money or other thing of value which in the aggregate exceeds
9 \$2,600 per election per candidate, and no candidate who has
10 established both a candidate committee and a joint candidates
11 committee, the campaign treasurers, deputy campaign treasurers, or
12 candidate committee or joint candidates committee shall knowingly
13 accept from any such source any contribution of money or other
14 thing of value which in the aggregate exceeds \$2,600 per election.

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

1 contribution of money or other thing of value which in the
2 aggregate exceeds \$8,200 per election.

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

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

1 With respect to the limitations in this paragraph, the Legislature
2 finds and declares that:

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

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

12 (c) Furthermore, the risk of actual or perceived corruption is
13 raised by the potential for contributors to circumvent limits on
14 contributions to candidates by funnelling money to candidates
15 through county committees;

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

21 (e) It is, therefore, reasonable for the State to promote this
22 compelling interest by limiting the amount a county committee may
23 give to a legislative candidate based upon the degree to which the
24 population of the legislative district overlaps with the population of
25 that county.

26 c. (1) No candidate who has established only a candidate
27 committee, his campaign treasurer, deputy treasurer or candidate
28 committee shall (a) pay or make any contribution of money or other
29 thing of value to another candidate who has established only a
30 candidate committee, his campaign treasurer, deputy campaign
31 treasurer or candidate committee, other than a candidate for
32 nomination for election for the office of Governor or candidates for
33 election for the [office] offices of Governor and Lieutenant
34 Governor, which in the aggregate exceeds \$8,200 per election, or
35 (b) pay or make any contribution of money or other thing of value
36 to candidates who have established only a joint candidates
37 committee, their campaign treasurer, deputy campaign treasurer, or
38 joint candidates committee, which in the aggregate exceeds \$8,200
39 per election per candidate in the recipient committee, or (c) pay or
40 make any contribution of money or other thing of value to a
41 candidate who has established both a candidate committee and a
42 joint candidates committee, the campaign treasurers, deputy
43 campaign treasurers, or candidate committee or joint candidates
44 committee, which in the aggregate exceeds \$8,200 per election. No
45 candidate who has established only a candidate committee, his
46 campaign treasurer, deputy campaign treasurer or candidate
47 committee, other than a candidate for nomination for election for
48 the office of Governor or candidates for election to the [office]

1 offices of the Governor and Lieutenant Governor, shall knowingly
2 accept from another candidate who has established only a candidate
3 committee, his campaign treasurer, deputy campaign treasurer or
4 candidate committee, any contribution of money or other thing of
5 value which in the aggregate exceeds \$8,200 per election, and no
6 candidates who have established only a joint candidates committee,
7 their campaign treasurer, deputy campaign treasurer, or joint
8 candidates committee, shall knowingly accept from any such source
9 any contribution of money or other thing of value which in the
10 aggregate exceeds \$8,200 per election per candidate in the recipient
11 committee, and no candidate who has established both a candidate
12 committee and a joint candidates committee, the campaign
13 treasurers, deputy campaign treasurers, or candidate committee or
14 joint candidates committee, shall knowingly accept from any such
15 source any contribution of money or other thing of value which in
16 the aggregate exceeds \$8,200 per election.

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

1 the basis of each candidate in the contributing committee, \$8,200
2 per election, and no candidates who have established only a joint
3 candidates committee, their campaign treasurer, deputy campaign
4 treasurer, or joint candidates committee, shall knowingly accept
5 from any such source any contribution of money or other thing of
6 value which in the aggregate exceeds, on the basis of each
7 candidate in the contributing joint candidates committee, \$8,200 per
8 election per candidate in the recipient joint candidates committee,
9 and no candidate who has established both a candidate committee
10 and a joint candidates committee, the campaign treasurers, deputy
11 campaign treasurers, or candidate committee or joint candidates
12 committee, shall knowingly accept from any such source any
13 contribution of money or other thing of value which in the
14 aggregate exceeds, on the basis of each candidate in the
15 contributing joint candidates committee, \$8,200 per election.

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

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

10 (4) Expenditures by a candidate for nomination for election or
11 for election to the office of member of the Legislature or to an
12 office of a political subdivision of the State, or by the campaign
13 treasurer, deputy treasurer, candidate committee or joint candidates
14 committee of such a candidate, which are made in furtherance of the
15 nomination or election, respectively, of another candidate for the
16 same office in the same legislative district or the same political
17 subdivision shall not be construed to be subject to any limitation
18 under this subsection; for the purposes of this sentence, the offices
19 of member of the State Senate and member of the General
20 Assembly shall be deemed to be the same office.

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

26 e. For the purpose of determining the amount of a contribution
27 to be attributed as given to or by each candidate in a joint
28 candidates committee, the amount of the contribution to or by such
29 a committee shall be divided equally among all the candidates in the
30 committee.

31 (cf: P.L.2004, c.174, s.3)

32
33 13. Section 17 of P.L.1980, c.74 (C.19:44A-18.1) is amended to
34 read as follows:

35 17. a. No person, candidate or political committee, otherwise
36 eligible to make political contributions, shall make any contribution
37 or contributions for the purpose of any gubernatorial inaugural
38 fund-raising event or events in the aggregate in excess of \$500.

39 b. For the purposes of the limitation in subsection a. of this
40 section the term "gubernatorial inaugural fund-raising event" means
41 any event or events held between the date of the general election for
42 the [office] offices of Governor and Lieutenant Governor and a
43 date 15 days after the date of the inauguration of the Governor and
44 Lieutenant Governor, whether the event is sponsored by the
45 inaugural committee, the State political party committee
46 representing the party of the Governor-elect and Lieutenant
47 Governor-elect, or any other person or persons, and at which the
48 Governor-elect or the Lieutenant Governor-elect is a prominent

1 participant or for which solicitations of contributions include the
2 **[name]** names of the Governor-elect or Lieutenant Governor-elect
3 in prominent display; except that this definition shall not apply to
4 an event sponsored by a religious, charitable, benevolent, scientific,
5 artistic or educational nonprofit institution as long as any proceeds
6 from the event will not be controlled by the Governor-elect or
7 Lieutenant Governor-elect or any political committee or political
8 party committee, and the proceeds will not be contributed to the
9 Governor-elect or Lieutenant Governor-elect, the candidacy of the
10 Governor-elect or Lieutenant Governor-elect, a political committee
11 or political party committee.

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

16 (cf: P.L.1989, c.4, s.4)

17

18 14. Section 1 of P.L.2004, c.21 (C.19:44A-19.1) is amended to
19 read as follows:

20 1. a. For the purposes of this section, the terms "contribution",
21 "candidate", "candidate committee", and "joint candidates
22 committee", shall have the meanings prescribed for those terms by
23 section 3 of P.L.1973, c.83 (C.19:44A-3); and the term "property"
24 means buildings used for the discharge of official government
25 functions, business, duties, or purposes.

26 b. (1) No candidate for the office of Governor, the office of
27 Lieutenant Governor or the office of member of the Legislature, or
28 any holder of that elective public office, or their agent or
29 representative, while located on any property exclusively owned or
30 leased by the State, or any agency of the State, shall, directly or
31 indirectly, solicit any contribution to or on behalf of any candidate
32 for the office of Governor, the office of Lieutenant Governor or any
33 candidate for the office of member of the Senate or General
34 Assembly, or any candidate for another elective public office held
35 or sought by a candidate for or holder of the office of member of
36 the Legislature, or the candidate committee or joint candidates
37 committee of any such candidate.

38 The provisions of this subsection shall not apply to any casual or
39 inadvertent communication otherwise made in connection with, but
40 without intent to solicit, such a contribution.

41 (2) No person, while located on any property exclusively owned
42 or leased by the State, or any agency of the State, shall, directly or
43 indirectly, make any contribution to or on behalf of any candidate
44 for the office of Governor, the office of Lieutenant Governor or any
45 candidate for the office of member of the Senate or General
46 Assembly, or any candidate for another elective public office held
47 or sought by a candidate for or holder of the office of member of

1 the Legislature, or the candidate committee or joint candidates
2 committee of any such candidate.

3 c. Any candidate for the office of Governor, the office of
4 Lieutenant Governor or the office of member of the Legislature or
5 any holder of that elective public office, or their agent or
6 representative, or any person, who is determined by the Election
7 Law Enforcement Commission to have violated this act shall be
8 liable to a penalty of not less than \$5,000 for each violation. Any
9 penalty imposed pursuant to this section may be recovered by a
10 summary proceeding pursuant to the "Penalty Enforcement Law of
11 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

12 d. In the event property exclusively owned or leased by the
13 State, or any agency of the State, or part thereof, is made available,
14 through rent, reservation or otherwise, for the exclusive use of any
15 group for a non-governmental purpose as a meeting location, the
16 prohibition in subsection b. of this section shall not apply and the
17 solicitation or making of contributions or funds of any nature from
18 any or among or by the members of the group during the time the
19 group is using the property made available as a meeting location is
20 permitted.

21 (cf: P.L.2004, c.21, s.1)

22

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

25 2. It is hereby declared to be a compelling public interest and to
26 be the policy of this State that primary election campaigns for the
27 office of Governor and general election campaigns for the **[office]**
28 offices of Governor and Lieutenant Governor shall be financed with
29 public support pursuant to the provisions of this act. It is the
30 intention of this act that such financing be adequate in amount so
31 that candidates for election to the **[office]** offices of Governor and
32 Lieutenant Governor may conduct their campaigns free from
33 improper influence and so that persons of limited financial means
34 may seek election to the State's highest office.

35 (cf: P.L.1980, c.74, s.3)

36

37 16. Section 1 of P.L.2001, c.20 (C.19:44A-27.1) is amended to
38 read as follows:

39 1. Whenever an individual who formed, assisted in the
40 formation of, or was involved in any way in the management of:

41 an issue advocacy organization organized under section 527 of
42 the federal Internal Revenue Code (26U.S.C. s.527);

43 an organization organized under paragraph (4) of subsection c. of
44 section 501 of the federal Internal Revenue Code (26U.S.C. s.501);

45 or

46 an organization organized under any other current or future
47 section of the federal Internal Revenue Code which the Election
48 Law Enforcement Commission determines is similar to any of the

1 organizations described above;
2 becomes a candidate for the office of Governor or Lieutenant
3 Governor, [that candidate] those candidates shall be ineligible to
4 receive public financing for the candidate's campaign, pursuant to
5 P.L.1974, c.26 (C.19:44A-27 et seq.), unless the organization agrees
6 to disclose the name of each of its contributors and the amount of
7 each contribution and expenditure from the date occurring four
8 years prior to the date the individual becomes a candidate for the
9 office of Governor or Lieutenant Governor through the date that the
10 candidate ceases to be a candidate.
11 (cf: P.L.2001, c.20, s.1)

12
13 17. Section 3 of P.L.1974, c.26 (C.19:44A-28) is amended to
14 read as follows:

15 3. The provisions of this act shall apply to the general election
16 campaign for the office of Governor to be held in November, 1977
17 and to all subsequent primary election campaigns for the office of
18 Governor and general election campaigns for election to the
19 **[office]** offices of Governor and Lieutenant Governor, except that
20 the provisions of this act shall not apply to any primary election
21 campaign for the office of Governor or general election campaign
22 for the **[office]** offices of Governor and Lieutenant Governor for
23 which the Legislature fails to make an appropriation.
24 (cf: P.L.1980, c.74, s.4)

25
26 18. Section 4 of P.L.1974, c.26 (C.19:44A-29) is amended to
27 read as follows:

28 4. a. Except in the case of a candidate, as provided in
29 subsection g. of this section, no person, candidate committee or
30 joint candidates committee, political committee, continuing political
31 committee or legislative leadership committee, otherwise eligible to
32 make contributions, shall make any contribution or contributions to
33 a candidate, his campaign treasurer or deputy campaign treasurer,
34 candidate committee, a political party committee, or to any other
35 person or committee, in aid of the candidacy of or in behalf of a
36 candidate for nomination for election for the office of Governor in a
37 primary election or candidates for election to the **[office]** offices of
38 Governor and Lieutenant Governor in any **[primary or]** general
39 election in the aggregate in excess of \$1,500.00, or in the case of a
40 joint candidates committee when that is the only committee
41 established by the candidates, in excess of \$1,500.00 per candidate
42 in the joint candidates committee, or in the case of a candidate
43 committee and a joint candidates committee when both are
44 established by a candidate, \$1,500.00 from that candidate. No
45 candidate for nomination for election for the office of Governor in a
46 primary election or candidates for election to the **[office]** offices of
47 Governor and Lieutenant Governor in any **[primary or]** general

1 election and no campaign treasurer deputy campaign or treasurer of
2 such candidate or candidates shall knowingly accept from any
3 person, candidate, candidate committee, joint candidates committee,
4 political committee, continuing political committee or legislative
5 leadership committee any contribution or contributions in aid of the
6 candidacy of or in behalf of such candidate or candidates in the
7 aggregate in excess of \$1,500.00, or in the case of a joint candidates
8 committee when that is the only committee established by the
9 candidates, in excess of \$1,500.00 per candidate in the joint
10 candidates committee, or in the case of a candidate committee and a
11 joint candidates committee when both are established by a
12 candidate, \$1,500.00 from that candidate, in any primary or general
13 election. No provision of this act shall be construed to prohibit a
14 contribution or contributions in the aggregate in aid of the
15 candidacy of or in behalf of any candidate for nomination for
16 election to the office of Governor in a primary election not in
17 excess of \$1,500.00, or in the case of a contribution or contributions
18 by a joint candidates committee when that is the only committee
19 established by the candidates, in excess of \$1,500.00 per candidate
20 in the joint candidates committee, or in the case of a candidate
21 committee and a joint candidates committee when both are
22 established by a candidate, \$1,500.00 from that candidate, and
23 another contribution or contributions in the aggregate in the aid of
24 the candidacy of or in behalf of any **[candidate]** candidates for
25 election to the **[office]** offices of Governor and Lieutenant
26 Governor in a general election not in excess of \$1,500.00, or in the
27 case of a contribution or contributions by a joint candidates
28 committee when that is the only committee established by the
29 candidates, in excess of \$1,500.00 per candidate in the joint
30 candidates committee, or in the case of a candidate committee and a
31 joint candidates committee when both are established by a
32 candidate, \$1,500.00 from that candidate. For the purpose of
33 determining the amount of a contribution to be attributed as given
34 by each candidate in a joint candidates committee, the amount of
35 the contribution by such a committee shall be divided equally
36 among all the candidates in the committee.

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

38 c. The spouse of any contributor may make a contribution or
39 contributions in the aggregate in aid of the candidacy of or in behalf
40 of a candidate for nomination for election for the office of Governor
41 or candidates for election to the **[office]** offices of Governor and
42 Lieutenant Governor of up to \$1,500.00.

43 d. No State committee of any political party shall knowingly
44 accept from any person, candidate committee, joint candidates
45 committee, political committee, continuing political committee or
46 legislative leadership committee, any contribution or contributions
47 in the aggregate in aid of the candidacy of or in behalf of **[a**
48 **candidate]** candidates for election to the **[office]** offices of

1 Governor and Lieutenant Governor in a general election in excess
2 of \$1,500.00, or in the case of a contribution or contributions by a
3 joint candidates committee when that is the only committee
4 established by the candidates, in excess of \$1,500.00 per candidate
5 in the joint candidates committee, or in the case of a candidate
6 committee and a joint candidates committee when both are
7 established by a candidate, \$1,500.00 from that candidate. A State
8 committee may allocate a contribution of up to \$1,500.00, and up to
9 \$1,500.00 of a contribution in excess of \$1,500.00 in aid of the
10 candidacy of or in behalf of such [candidate] candidates, except
11 that in the case of a contribution from a joint candidates committee
12 when that is the only committee established by the candidates, the
13 amounts which may be so allocated shall be \$1,500.00 per
14 candidate in the joint candidates committee, and in the case of a
15 candidate committee and a joint candidates committee when both
16 are established by a candidate, the amount which may be so
17 allocated shall be \$1,500.00 from that candidate. For the purpose of
18 determining the amount of a contribution to be attributed as given
19 by each candidate in a joint candidates committee, the amount of
20 the contribution by such a committee shall be divided equally
21 among all the candidates in the committee. A State committee shall
22 create an account in a national or State bank in behalf of any
23 [candidate] candidates the committee intends to or does assist for
24 election to the [office] offices of Governor and Lieutenant
25 Governor in a general election, shall deposit in such account and
26 report to the Election Law Enforcement Commission the name of
27 the contributor of all moneys accepted or allocated in aid of the
28 candidacy of or in behalf of such [candidate] candidates, and may
29 make a contribution or contributions from such account in any
30 amount in aid of the candidacy of or in behalf of such [candidate]
31 candidates. No State committee may make any contribution or
32 contributions in aid of the candidacy of or in behalf of such
33 [candidate] candidates of moneys not deposited in a bank account
34 pursuant to this subsection, and no State committee may make a
35 contribution or contributions in aid of the candidacy of or in behalf
36 of such [candidate] candidates of moneys or other thing of value
37 pledged or received in a calendar year in which no gubernatorial
38 election was held.

39 e. The county committee of a political party in a county and the
40 municipal committees of that political party in the same county may
41 make an expenditure or expenditures in the aggregate of \$10,000.00
42 in aid of the candidacy of or in behalf of any [candidate]
43 candidates for election to the [office] offices of Governor and
44 Lieutenant Governor in a general election. No county committee or
45 municipal committee may transfer or contribute any funds to any
46 such candidate or to such [candidate's] candidates' campaign
47 treasurer or deputy campaign treasurer, or to any political

1 committee supporting such [candidate] candidates. [A candidate
2 or his] Candidates or their campaign treasurer or deputy campaign
3 treasurer shall determine the exact amount that individual county
4 committees or municipal committees may contribute in aid of the
5 candidacy of or in behalf of such [candidate] candidates, and shall
6 file a report of such determination with the Election Law
7 Enforcement Commission no later than the seventh day prior to the
8 general election being funded.

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

18 g. No candidate receiving public funds may make expenditures
19 from his own funds, including any contributions from his own
20 funds, in aid of his candidacy for nomination [or] for election to
21 the office of Governor in excess of \$25,000.00 for the primary
22 election and in aid of the candidacy of candidates for election to the
23 offices of Governor and Lieutenant Governor in excess of
24 \$25,000.00 each for the general election.

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

30 (cf: P.L.1993, c.65, s.14)

31
32 19. Section 5 of P.L.1974, c.26 (C.19:44A-30) is amended to
33 read as follows:

34 5. The Legislature shall appropriate to the New Jersey Election
35 Law Enforcement Commission out of the Gubernatorial Elections
36 Fund established pursuant to N.J.S.54A:9-25.1 and available for
37 appropriation from the fund, and, if necessary, out of the General
38 Treasury of the State such sums as are necessary to carry out the
39 purposes of this act, which sums shall constitute a fund for
40 campaign expenses for the primary election to the office of
41 Governor and the general election to the [office] offices of
42 Governor and Lieutenant Governor, in such amounts or proportions
43 as the Legislature shall direct the appropriation to be distributed
44 between each of the two elections, to be regulated and distributed
45 by the commission pursuant to this act. Upon notice by the
46 commission, the Legislature shall appropriate to the commission
47 out of the General Treasury such additional sums as may be
48 required to carry out the purposes of this act if the sums first

1 appropriated become inadequate.

2 (cf: P.L.1980, c.74, s.6)

3

4 20. Section 7 of P.L.1974, c.26 (C.19:44A-32) is amended to
5 read as follows:

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

13 b. ~~Each candidate~~ Candidates in the general election to the
14 ~~office~~ offices of Governor ~~and Lieutenant Governor~~ shall, with
15 the approval of the Election Law Enforcement Commission, create
16 an account in a National or State bank. The ~~candidate, his~~
17 candidates, their campaign treasurer or deputy campaign treasurer
18 shall deposit promptly into the account all moneys received for the
19 purpose of the election, provided that the moneys are received
20 pursuant to section 4 of P.L.1974, c.26 (C.19:44A-29) and sections
21 11 and 12 of P.L.1973, c.83 (C.19:44A-11 and 19:44A-12).

22 c. Immediately after deposit in the bank account the ~~candidate~~
23 ~~or his~~ candidates or their campaign treasurer or deputy campaign
24 treasurer may transfer or expend the moneys, except that no moneys
25 deposited in a gubernatorial candidate's bank account for the
26 primary election may be expended for any ~~candidate's~~ general
27 election expenses for candidates for the offices of Governor and
28 Lieutenant Governor, and except that no moneys deposited in ~~a~~
29 ~~candidate's~~ the candidates' bank account for the general election
30 may be transferred or expended until the day following the primary
31 election or may be expended for primary election expenses.

32 d. No State or National bank which acts as a depository for
33 election funds as provided in this act shall be held accountable for
34 the proper application of funds withdrawn, transferred or expended
35 from such accounts by the person or persons in whose name or
36 names the accounts are opened or maintained, nor shall the State or
37 National bank be under any duty to determine whether the funds
38 deposited in the account are withdrawn, transferred or expended for
39 the purposes and at the time or times prescribed by law, or are
40 received from sources and in amounts prescribed or limited by law.

41 (cf: P.L.1980, c.74, s.7)

42

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

45 8. a. The campaign treasurer or deputy campaign treasurer of
46 any qualified candidate for nomination for election to the office of
47 Governor in a primary election upon application to the commission

1 shall promptly receive in behalf of the qualified candidate from the
2 fund for election campaign expenses, but not prior to January 1 of
3 the year of the election, moneys in an amount equal to twice the
4 amount of no more than \$1,500.00 of each contribution deposited in
5 the qualified candidate's primary election bank account described in
6 section 7 of P.L.1974, c.26 (C.19:44A-32), except that no payment
7 shall be made from the fund to any candidate for the first
8 \$50,000.00 deposited in the qualified candidate's bank account. The
9 maximum amount which any qualified candidate for nomination for
10 election to the office of Governor in a primary election may receive
11 from the fund for election campaign expenses shall not exceed
12 \$1,350,000. Applications for payments and payments under this
13 subsection following the date on which a candidate is determined to
14 be a qualified candidate shall be made only on the basis of no less
15 than \$12,500.00 of such contributions.

16 b. The campaign treasurer or deputy campaign treasurer of any
17 qualified [candidate] candidates for election to the [office] offices
18 of Governor and Lieutenant Governor in a general election upon
19 application to the commission shall promptly receive in behalf of
20 such qualified [candidate] candidates from the fund for election
21 campaign expenses, but not prior to the primary election, moneys in
22 an amount equal to twice the amount of no more than \$1,500.00 of
23 each contribution deposited in such qualified [candidate's]
24 candidates' bank account described in section 7 of P.L.1974, c.26
25 (C.19:44A-32), except that no payment shall be made from the fund
26 to any [candidate] candidates for the first \$50,000.00 deposited in
27 such qualified [candidate's] candidates' bank account.

28 The maximum amount which any qualified [candidate]
29 candidates for election to the [office] offices of Governor and
30 Lieutenant Governor in a general election may receive from the
31 fund for election campaign expenses shall not exceed \$3,300,000.
32 Applications for payments and payments under this subsection
33 following the date on which [a candidate is] joint candidates are
34 determined to be [a] qualified [candidate] candidates shall be
35 made only on the basis of no less than \$12,500.00 of such
36 contributions.

37 (cf: P.L.1989, c.4, s.6)

38
39 22. Section 11 of P.L.1974, c.26 (C.19:44A-36) is amended to
40 read as follows:

41 11. Moneys received by any qualified candidate or candidates
42 from the fund for election campaign expenses are to be considered
43 "spent in aid of the candidacy of any candidate or candidates" for
44 election to the [office] offices of Governor and Lieutenant
45 Governor for the purpose of section 7 of P.L.1973, c.83 (C.19:44A-
46 7). The Election Law Enforcement Commission shall not withdraw
47 from the fund for election campaign expenses any sum, which

1 results in a candidate's exceeding the limitations of that section.
2 (cf: P.L.1980, c.74, s.11)

3

4 23. Section 14 of P.L.1974, c.26 (C.19:44A-39) is amended to
5 read as follows:

6 14. The New Jersey Public Broadcasting Authority established
7 under P.L.1968, c.405 (C.48:23-1 et seq.) shall promote full
8 discussions of public issues by the candidates for nomination for
9 election to the office of Governor or election to the [office] offices
10 of Governor and Lieutenant Governor on the ballot in [any primary
11 or general] an election, in accordance with Federal law and free of
12 charge to the candidate. The authority may promulgate such rules
13 and regulations as may be necessary to effectuate the purpose of
14 this section.

15 (cf: P.L.1981, c.107, s.1)

16

17 24. Section 19 of P.L.1974, c.26 (C.19:44A-44) is amended to
18 read as follows:

19 19. Notwithstanding any provision of this act, any candidate in a
20 primary election for the office of Governor, or his campaign
21 treasurer or deputy campaign treasurer, or any candidate in a
22 general election for the [office] offices of Governor and Lieutenant
23 Governor, or [his] the campaign treasurer or deputy treasurer
24 thereof may borrow funds from any national or State bank. No
25 person or political committee, other than the [candidate himself]
26 candidates or the State committee of any political party in a general
27 election, may in any way endorse or guarantee such loan in an
28 amount in the aggregate in excess of \$1,500.00. The endorsement
29 shall constitute a contribution for so long as the loan is outstanding.
30 The amount borrowed by any such [candidate] candidates or [his]
31 their campaign treasurer or deputy campaign treasurer shall in the
32 aggregate not exceed \$50,000.00 and must be repaid in full by such
33 candidate or [his] the campaign treasurer or deputy campaign
34 treasurer from moneys accepted or allocated pursuant to section 4
35 of P.L.1974, c.26 (C.19:44A-29) 20 days prior to the date of the
36 primary or general election for which the loan was made, and
37 certification of such repayment shall be made by the borrower to the
38 Election Law Enforcement Commission in accordance with
39 commission regulations.

40 Upon the failure of the borrower to repay the full amount
41 borrowed on or before the 20th day prior to the date of the primary
42 election for the office of Governor or general election for the
43 [office] offices of Governor and Lieutenant Governor, or to certify
44 such repayment to the Election Law Enforcement Commission as
45 required herein, all payments of moneys to such [candidate]
46 candidates from the fund for election campaign expenses pursuant
47 to section 8 of P.L.1974, c.26 (C.19:44A-33) shall promptly cease;

1 and the Election Law Enforcement Commission shall forthwith seek
2 and may obtain in a summary action in the Superior Court an
3 injunction prohibiting the expenditure by any such candidate or
4 candidates of any moneys received [by him] at any time from the
5 fund for election campaign expenses pursuant to said section 8 of
6 P.L.1974, c.26 (C.19:44A-33), and any other moneys received [by
7 him] in aid of or in behalf of [his candidacy] the candidates in said
8 election.

9 (cf: P.L.1989, c.4, s.7)

10
11 25. Section 9 of P.L.1989, c.4 (C.19:44A-45) is amended to read
12 as follows:

13 9. a. In any year in which a primary election is to be held to
14 nominate candidates for the office of Governor, there shall be held
15 among the several candidates for each such nomination a series of
16 interactive gubernatorial primary debates, in which all "qualified
17 candidates," as defined by paragraph (3) or paragraph (4) of
18 subsection m. of section 3 of P.L.1973, c.83 (C.19:44A-3), for that
19 nomination who have applied or who intend to apply to receive
20 money for election campaign expenses under subsection a. of
21 section 8 of P.L.1974, c.26 (C.19:44A-33) shall participate, and in
22 which any other candidate for that nomination who has deposited
23 and expended the amount necessary, under paragraph (3) or
24 paragraph (4) of subsection m. of section 3 of P.L.1973, c.83
25 (C.19:44A-3), to be deemed a "qualified candidate" may elect to
26 participate, provided that other candidate notifies the Election Law
27 Enforcement Commission of the candidate's intent to so participate
28 within the time allowed under those paragraphs for such notification
29 to be made by candidates wishing to become qualified candidates;
30 except that in any year in which no such candidate or only one such
31 candidate for that nomination is required or elects to participate, no
32 gubernatorial primary debate shall be required to be held under this
33 subsection.

34 b. In any year in which a general election is to be held for the
35 [office] offices of Governor and Lieutenant Governor, there shall
36 be held a series of interactive gubernatorial election debates, in
37 which all "qualified candidates," as defined by paragraph (1) or
38 paragraph (2) of subsection m. of section 3 of P.L.1973, c.83
39 (C.19:44A-3), for election to [that office] those offices who have
40 applied or who intend to apply to receive money for election
41 campaign expenses under subsection b. of section 8 of P.L.1974,
42 c.26 (C.19:44A-33) shall participate, and in which any other
43 [candidate] candidates for election to [the office] those offices
44 who [has] have deposited and expended the amount necessary,
45 under paragraph (1) or paragraph (2) of subsection m. of section 3
46 of P.L.1973, c.83 (C.19:44A-3), to be deemed a "qualified
47 candidate" may elect to participate, provided [that] those other

1 ~~candidate notifies~~ candidates notify the Election Law
2 Enforcement Commission of the ~~candidate's~~ candidates' intent to
3 so participate within the time allowed under those paragraphs for
4 such notification to be made by candidates wishing to become
5 qualified candidates; except that in any gubernatorial election year
6 in which ~~no such candidate or only one such candidate~~ only one
7 pair of candidates, or no candidates for election to the ~~office are~~
8 offices of Governor and Lieutenant Governor are required or
9 ~~elects~~ elect to participate, no gubernatorial election debate shall
10 be required to be held under this subsection.
11 (cf: P.L.1989, c.4, s.9)

12

13 26. Section 10 of P.L.1989, c.4 (C.19:44A-46) is amended to
14 read as follows:

15 10. a. The series of gubernatorial primary debates under
16 subsection a. of section 9 of P.L.1989, c.4 (C.19:44A-45) shall
17 consist of two debates. Each of the debates shall be of at least one
18 hour's duration. The first debate in the series shall occur not earlier
19 than the date on which the ballot for the primary election in which
20 candidates are to be nominated for election to the office of
21 Governor is finally certified by the Secretary of State to the clerks
22 of the several counties, and the second debate in the series shall
23 occur not later than the 11th day prior to the primary election to
24 select candidates for that office unless an emergency, as determined
25 by the vote of a majority of the participating candidates, requires
26 the postponement thereof, but the second gubernatorial primary
27 debate shall in no event be held later than the second day preceding
28 that primary election.

29 b. The series of gubernatorial election debates under subsection
30 b. of section 9 of P.L.1989, c.4 (C.19:44A-45) shall consist of
31 ~~two~~ three debates, two for candidates seeking the office of
32 Governor and one for candidates seeking the office of Lieutenant
33 Governor. The debate for candidates seeking the office of
34 Lieutenant Governor shall be the second of the three debates. Each
35 of the gubernatorial election debates shall be of at least one hour's
36 duration. The first debate in the series shall occur not earlier than
37 the third Tuesday following the first Monday in September of the
38 year in which a general election is to be held for the ~~office~~ offices
39 of Governor and Lieutenant Governor, and the ~~second~~ third
40 debate in the series shall occur not later than the 11th day prior to
41 the general election for that office unless an emergency, as
42 determined by the vote of a majority of the participating candidates,
43 requires the postponement thereof, but the final gubernatorial
44 election debate shall in no event be held later than the second day
45 preceding that general election.

46 c. Organizations which are not affiliated with any political
47 party or with any holder of or candidate for public office, which

1 have not endorsed any candidate in the pending primary or general
2 election for the office offices of Governor and Lieutenant
3 Governor, [and which have previously sponsored one or more
4 televised debates among candidates for Statewide office in the State
5 since 1976,] shall be eligible to sponsor one or more interactive
6 gubernatorial primary debates or interactive gubernatorial election
7 debates under subsection a. or subsection b., respectively, of this
8 section. In addition, any association of two or more separately
9 owned news publications or broadcasting outlets, including
10 newspapers, radio stations or networks, and television stations or
11 networks, having between or among them a substantial readership
12 or audience in this State, and any association of print or broadcast
13 news or press service correspondents having among them a
14 substantial readership or audience in this State, shall be eligible to
15 sponsor any such gubernatorial primary or gubernatorial election
16 debate, without regard to whether that association or any of its
17 members shall previously have sponsored any debate among
18 candidates for Statewide office.

19 The Election Law Enforcement Commission shall accept
20 applications from eligible organizations and eligible associations of
21 news publications and broadcasting outlets or news or press service
22 correspondents to sponsor one or more of those interactive
23 gubernatorial debates. Applications to sponsor debates under
24 subsection a. shall be submitted to the commission no later than
25 March 15 of any year in which a primary election is to be held to
26 nominate candidates for the office of Governor, and applications to
27 sponsor debates under subsection b. shall be submitted to the
28 commission no later than July 1 of any year in which a general
29 election is to be held to fill the office offices of Governor and
30 Lieutenant Governor.

31 Where the number of eligible applicants to sponsor gubernatorial
32 primary debates or gubernatorial election debates exceeds the
33 number prescribed under subsection a. and subsection b. of this
34 section, respectively, the Election Law Enforcement Commission
35 shall select the sponsors from among the applicants within 30 days
36 of the last day for submitting those applications, as provided by this
37 subsection. To the maximum extent practicable and feasible, the
38 commission shall select a different sponsor for each of the
39 interactive gubernatorial debates, but shall not be precluded from
40 selecting the same sponsor for more than one debate.

41 The sponsors selected by the commission shall be responsible for
42 selecting the date, time and location of the debates, subject to the
43 limitations set forth in this section. The rules for conducting each
44 debate shall be solely the responsibility of the sponsors so selected,
45 but shall not be made final without consultation with both the
46 chairman of the New Jersey Republican State Committee and the
47 chairman of the New Jersey Democratic State Committee in the
48 case of gubernatorial primary debates, and with a representative

1 designated by each of the participating candidates in the case of
2 gubernatorial election debates.

3 (cf: P.L.1991, c.317, s.1)

4

5 27. Section 11 of P.L.1989, c.4 (C.19:44A-47) is amended to
6 read as follows:

7 11. The Election Law Enforcement Commission shall have the
8 power and duty, upon receipt of a complaint against a candidate for
9 nomination for election for the office of Governor or for election
10 for the ~~office~~ offices of Governor and Lieutenant Governor who
11 is required to participate in gubernatorial primary debates or
12 gubernatorial election debates, respectively, to hold a hearing to
13 determine whether that candidate has failed to participate in such
14 debates. If, at the conclusion of a hearing under this section, the
15 commission determines by majority vote that a candidate required
16 to participate under section 10 of this 1989 amendatory and
17 supplementary act has failed to do so, the chairman shall
18 immediately inform the candidate in writing of that determination,
19 identifying in that writing the date and circumstances of the failure.
20 If, after having found that a candidate required to participate in a
21 gubernatorial primary or gubernatorial election debate has failed to
22 do so, the commission further finds that the failure occurred under
23 circumstances which were beyond the control of the candidate and
24 of such a nature that a reasonable person, taking into account the
25 purposes of this act and the relevant facts of the case, would find
26 the failure justifiable or excusable, then the candidate shall not be
27 subject to any penalty or liability for his failure to participate. The
28 candidate charged with the failure to participate shall have the
29 burden of showing justification or excuse.

30 The campaign of any candidate or former candidate who shall
31 have been required to participate in a gubernatorial primary debate
32 or gubernatorial election debate under this 1989 amendatory and
33 supplementary act, but who shall have been found to have failed to
34 do so without reasonable justification or excuse, shall be liable for
35 return of moneys previously received for use by the candidate to
36 pay primary election campaign expenses or general election
37 campaign expenses, respectively. In the case of a candidate for
38 election to the office of Lieutenant Governor who is found to have
39 failed to participate in a gubernatorial election debate, the candidate
40 for election to the office of Governor shall jointly be liable for
41 return of one half of the moneys previously received for use by the
42 joint candidates to pay general election expenses. The commission
43 shall determine the total amount of moneys for election campaign
44 expenses in that year by the commission to the candidate or
45 candidates under subsection a. or subsection b. of section 8 of
46 P.L.1974, c.26 (C.19:44A-33), as appropriate, and shall notify the
47 campaign treasurer or the deputy campaign treasurer of the
48 candidate or candidates of the liability of the campaign of the

1 candidate or candidates, as of the date of the notice, for the
2 repayment of those moneys plus interest on the unpaid amount of
3 that liability from that date at the rate of 1% for each month or
4 fractional part of a month during which that amount remains
5 unpaid.

6 (cf: P.L.1989, c.4, s.11)

7

8 28. Section 1 of P.L.1981, c.129 (C.19:44B-1) is amended to
9 read as follows:

10 1. a. "Gift" means any money or thing of value received other
11 than as income, and for which a consideration of equal or greater
12 value is not received, but does not include any political contribution
13 reported as otherwise required by law, any loan made in the
14 ordinary course of business, or any devise, bequest, intestate estate
15 distribution or principal distribution of a trust or gift received from
16 a member of a person's household or from a relative within the third
17 degree of consanguinity of the person or his spouse, or from the
18 spouse of that relative;

19 b. "Income" means any money or thing of value received, or to
20 be received, as a claim on future services, whether in the form of a
21 fee, expense, allowance, forbearance, forgiveness, interest,
22 dividend, royalty, rent, capital gain, or any other form of
23 recompense, or any combination thereof;

24 c. "Member of household" means the spouse of a candidate for
25 the office of Governor or Lieutenant Governor or of a candidate for
26 the Senate or General Assembly residing in the same domicile and
27 any dependent children.

28 (cf: P.L.1981, c.129, s.1)

29

30 29. Section 2 of P.L.1981, c.129 (C.19:44B-2) is amended to
31 read as follows:

32 2. a. Every candidate for the office of Governor and every
33 candidate for the Senate or General Assembly shall file and certify
34 the correctness of a financial disclosure statement on or before the
35 tenth day following the last day for filing a petition to appear on the
36 ballot, and the financial disclosure statement shall be filed with the
37 Election Law Enforcement Commission in the Department of Law
38 and Public Safety.

39 b. Every candidate for the office of Lieutenant Governor shall
40 file and certify the correctness of a financial disclosure statement on
41 or before the 30th day following the day such candidate is selected
42 by the candidate for the office of Governor of the same political
43 party, and the financial disclosure statement shall be filed with the
44 commission.

45 (cf: P.L.1981, c.129, s.2)

46

47 30. Section 3 of P.L.1981, c.129 (C.19:44B-3) is amended to
48 read as follows:

1 3. The commission shall prepare and transmit to each candidate
2 for the office of Governor and the office of Lieutenant Governor
3 and to each candidate for the Senate or General Assembly forms for
4 the filing of financial disclosure statements required by this act.

5 (cf: P.L.1981, c.129, s.3)

6
7 31. Section 5 of P.L.1981, c.129 (C.19:44B-5) is amended to
8 read as follows:

9 5. Upon receipt from any person of a declaration of candidacy
10 or a petition to appear on the ballot for election as Governor or as
11 Lieutenant Governor, or as a member of the Legislature, the
12 Secretary of State shall, within 2 days of the receipt, notify the
13 commission of the name and address of the candidate and the date
14 of the receipt.

15 (cf: P.L.1981, c.129, s.5)

16
17 32. (New section) The Election Law Enforcement Commission
18 shall have the authority to issue such advisory opinions that relate
19 to candidates for the office of Lieutenant Governor and regulations,
20 including temporary regulations that may be adopted on an
21 emergency basis, as the commission deems necessary to effectuate
22 the provisions of P.L. , c. (C.)(pending before the
23 Legislature as this bill) that apply to the commission or are within
24 the purview of the commission.

25
26 ¹33. R.S.19:13-22 is amended to read as follows:

27 R.S.19:13-22. a. The Secretary of State, not later than eighty-six
28 days before any election whereat any candidates nominated in any
29 direct petition or primary certificate of nomination or State
30 convention certificate filed with him are to be voted for, shall make
31 and certify, under his hand and seal of office, and forward to the
32 clerks of the several counties of the State a statement of all such
33 candidates for whom the voters within such county may be by law
34 entitled to vote at such election. This statement, in addition to the
35 names of the candidates for President and Vice-President of the
36 United States, if any such have been included in any such certificate
37 or petition filed with him, shall contain the names and residences of
38 all other candidates, the offices for which they are respectively
39 nominated, and the names of the parties by which or the political
40 appellation under which they are respectively nominated.
41 Candidates nominated directly by petition, without distinctive
42 political appellation, shall be certified as independent candidates.
43 Similar statements shall be made, certified and forwarded, when
44 vacancies are filled subsequently, according to law.

45 b. The Secretary of State shall certify and forward the
46 statement required by subsection a. of this section no later than the
47 fourth Friday in June following a primary election for the
48 candidates for the office of Governor for whom the voters may be

1 by law entitled to vote at the next subsequent general election. The
2 statement shall include the information required by subsection a. of
3 this section. Candidates nominated directly by petition for the
4 office of Governor, without distinctive political appellation, shall be
5 certified as independent candidates at the same time as candidates
6 nominated for the office of Governor at a primary election are
7 certified by the Secretary of State. Similar statements shall be
8 made, certified and forwarded, when vacancies are filled
9 subsequently, according to law.¹

10 (cf: P.L.1977, c.431, s.2)

11
12 ²34. Section 2 of P.L.2005, c.51 (C.19:44A-20.14) is amended to
13 read as follows:

14 2. The State or any of its purchasing agents or agencies or
15 those of its independent authorities, as the case may be, shall not
16 enter into an agreement or otherwise contract to procure from any
17 business entity services or any material, supplies or equipment, or
18 to acquire, sell, or lease any land or building, where the value of the
19 transaction exceeds \$17,500, if that business entity has solicited or
20 made any contribution of money, or pledge of contribution,
21 including in-kind contributions to a candidate committee or election
22 fund of any candidate or holder of the public office of Governor or
23 of Lieutenant Governor, or to any State or county political party
24 committee: (i) within the eighteen months immediately preceding
25 the commencement of negotiations for the contract or agreement;
26 (ii) during the term of office of a Governor and a Lieutenant
27 Governor, in the case of contributions to a candidate committee or
28 election fund of the holder of **[that office]** one of those offices, or
29 to any State or county political party committee of a political party
30 nominating such Governor and Lieutenant Governor in the last
31 gubernatorial election preceding the commencement of such term;
32 or (iii) within the eighteen months immediately preceding the last
33 day of the term of office of Governor and Lieutenant Governor, in
34 which case such prohibition shall continue through the end of the
35 next immediately following term of the office of Governor and
36 Lieutenant Governor, in the case of contributions to a candidate
37 committee or election fund of the holder of **[that office]** one of
38 those offices, or to any State or county political party committee of
39 a political party nominating such Governor **[or]** and Lieutenant
40 Governor in the last gubernatorial election preceding the
41 commencement of the latter term.²

42 (cf: P.L.2005, c.51, s.2)

43
44 ²35. Section 3 of P.L.2005, c.51 (C.19:44A-20.15) is amended to
45 read as follows:

46 3. No business entity which agrees to any contract or
47 agreement with the State or any department or agency thereof or its

1 independent authorities either for the rendition of services or
2 furnishing of any material, supplies or equipment or for the
3 acquisition, sale, or lease of any land or building, if the value of the
4 transaction exceeds \$17,500, shall knowingly solicit or make any
5 contribution of money, or pledge of a contribution, including in-
6 kind contributions, to a candidate committee or election fund of any
7 candidate or holder of the public office of Governor or Lieutenant
8 Governor or to any State or county political party committee prior
9 to the completion of the contract or agreement.²

10 (cf: P.L.2005, c.51, s.3)

11
12 ²36. Section 9 of P.L.2005, c.51 (C.19:44A-20.21) is amended to
13 read as follows:

14 9. It shall be a breach of the terms of the government contract
15 for a business entity to: (i) make or solicit a contribution in
16 violation of this act; (ii) knowingly conceal or misrepresent a
17 contribution given or received; (iii) make or solicit contributions
18 through intermediaries for the purpose of concealing or
19 misrepresenting the source of the contribution; (iv) make or solicit
20 any contribution on the condition or with the agreement that it will
21 be contributed to a campaign committee of any candidate or holder
22 of the public office of Governor or Lieutenant Governor, or to any
23 State or county party committee; (v) engage or employ a lobbyist or
24 consultant with the intent or understanding that such lobbyist or
25 consultant would make or solicit any contribution, which if made or
26 solicited by the business entity itself, would subject that entity to
27 the restrictions of this act; (vi) fund contributions made by third
28 parties, including consultants, attorneys, family members, and
29 employees; (vii) engage in any exchange or contributions to
30 circumvent the intent of this act, or (viii) directly or indirectly,
31 through or by any other person or means, do any act which would
32 subject that entity to the restrictions of this act.²

33 (cf: P.L.2005, c.51, s.9)

34
35 ²37. Section 3 of P.L.1971, c.183 (C.52:13C-20) is amended to
36 read as follows:

37 3. For the purposes of this act, as amended and supplemented,
38 unless the context clearly requires a different meaning:

39 a. The term "person" includes an individual, partnership,
40 committee, association, corporation, and any other organization or
41 group of persons.

42 b. The term "legislation" includes all bills, resolutions,
43 amendments, nominations and appointments pending or proposed in
44 either House of the Legislature, and all bills and resolutions which,
45 having passed both Houses, are pending approval by the Governor.

46 c. The term "Legislature" includes the Senate and General
47 Assembly of the State of New Jersey and all committees and

1 commissions established by the Legislature or by either House
2 thereof.

3 d. The term "lobbyist" means any person, partnership,
4 committee, association, corporation, labor union or any other
5 organization that employs, engages or otherwise uses the services of
6 any governmental affairs agent to influence legislation, regulation
7 or governmental processes.

8 e. (1) The term "Governor" includes the Governor or the
9 Acting Governor; and

10 (2) the term "Lieutenant Governor" means the person elected to
11 that office, or appointed to fill a vacancy therein, pursuant to Article
12 V, Section I of the New Jersey Constitution.

13 f. The term "communication with a member of the
14 Legislature", "with legislative staff," "with the Governor," "with the
15 Lieutenant Governor," "with the Governor's staff," or "with an
16 officer or staff member of the Executive Branch" means any
17 communication, oral or in writing or any other medium, addressed,
18 delivered, distributed or disseminated, respectively, to a member of
19 the Legislature, to legislative staff, to the Governor, to the
20 Lieutenant Governor, to the Governor's staff, or to an officer or
21 staff member of the Executive Branch, as distinguished from
22 communication to the general public including but not limited to a
23 member of the Legislature, legislative staff, the Governor, the
24 Lieutenant Governor, the Governor's staff, or an officer or staff
25 member of the Executive Branch. If any person shall obtain,
26 reproduce or excerpt any communication or part thereof which in its
27 original form was not a communication under this subsection and
28 shall cause such excerpt or reproduction to be addressed, delivered,
29 distributed or disseminated to a member of the Legislature, to
30 legislative staff, to the Governor, to the Lieutenant Governor, to the
31 Governor's staff, or to an officer or staff member of the Executive
32 Branch, such communication, reproduction or excerpt shall be
33 deemed a communication with the member of the Legislature, with
34 legislative staff, with the Governor, with the Lieutenant Governor,
35 with the Governor's staff, or with an officer or staff member of the
36 Executive Branch by such person.

37 g. The term "governmental affairs agent" means any person
38 who receives or agrees to receive, directly or indirectly,
39 compensation, in money or anything of value including
40 reimbursement of his expenses where such reimbursement exceeds
41 \$100.00 in any three-month period, to influence legislation, to
42 influence regulation or to influence governmental processes, or all
43 of the above, by direct or indirect communication with, or by
44 making or authorizing, or causing to be made or authorized, any
45 expenditures providing a benefit to, a member of the Legislature,
46 legislative staff, the Governor, the Lieutenant Governor, the
47 Governor's staff, or any officer or staff member of the Executive
48 Branch, or who holds himself out as engaging in the business of

1 influencing legislation, regulation or governmental processes, by
2 such means, or who incident to his regular employment engages in
3 influencing legislation, regulation or governmental processes, by
4 such means; provided, however, that a person shall not be deemed a
5 governmental affairs agent who, in relation to the duties or interests
6 of his employment or at the request or suggestion of his employer,
7 communicates with a member of the Legislature, with legislative
8 staff, with the Governor, with the Lieutenant Governor, with the
9 Governor's staff, or with an officer or staff member of the Executive
10 Branch concerning any legislation, regulation or governmental
11 process, if such communication is an isolated, exceptional or
12 infrequent activity in relation to the usual duties of his employment.

13 h. The term "influence legislation" means to make any attempt,
14 whether successful or not, to secure or prevent the initiation of any
15 legislation, or to secure or prevent the passage, defeat, amendment
16 or modification thereof by the Legislature, or the approval,
17 amendment or disapproval thereof by the Governor in accordance
18 with his constitutional authority.

19 i. The term "statement" includes a notice of representation or a
20 report required by this act, as amended and supplemented.

21 j. (Deleted by amendment, P.L.1991, c.243).

22 k. The term "member of the Legislature" includes any member
23 or member-elect of, or any person who shall have been selected to
24 fill a vacancy in, the Senate or General Assembly, and any other
25 person who is a member or member-designate of any committee or
26 commission established by the Legislature or by either House
27 thereof.

28 l. The term "legislative staff" includes all staff, assistants and
29 employees of the Legislature or any of its members in the member's
30 official capacity, whether or not they receive compensation from
31 the State of New Jersey.

32 m. The term "Governor's staff" includes the members of the
33 Governor's Cabinet, the Secretary to the Governor, the Counsel to
34 the Governor and all professional employees in the office of the
35 Counsel to the Governor, and all other employees of the Office of
36 the Governor, including employees of that office who may be
37 assigned by the Governor to assist the Lieutenant Governor.

38 n. The term "officer or staff member of the Executive Branch"
39 means any assistant or deputy head of a principal department in the
40 Executive Branch of State Government, including all assistant and
41 deputy commissioners; the members and chief executive officer of
42 any authority, board, commission or other agency or instrumentality
43 in or of such a principal department; and any officer of the
44 Executive Branch of State Government other than the Governor
45 who is not included among the foregoing or among the Governor's
46 staff, but including the Lieutenant Governor when the Lieutenant
47 Governor has been appointed by the Governor to serve in any of the
48 foregoing positions, but who is empowered by law to issue,

1 promulgate or adopt administrative rules and regulations or to
2 administer governmental processes, and any person employed in the
3 office of such an officer who is involved with the development,
4 issuance, promulgation or adoption of such rules and regulations or
5 administration of governmental processes in the regular course of
6 employment.

7 o. The term "regulation" includes any administrative rule or
8 regulation affecting the rights, privileges, benefits, duties,
9 obligations, or liabilities of any one or more persons subject by law
10 to regulation as a class, but does not include an administrative
11 action (1) to issue, renew or deny, or, in an adjudicative action, to
12 suspend or revoke, a license, order, permit or waiver under any law
13 or administrative rule or regulation, (2) to impose a penalty, or (3)
14 to effectuate an administrative reorganization within a single
15 principal department of the Executive Branch of State Government.

16 p. The term "influence regulation" means to make any attempt,
17 whether successful or not, to secure or prevent the proposal of any
18 regulation or to secure or prevent the consideration, amendment,
19 issuance, promulgation, adoption or rejection thereof by an officer
20 or any authority, board, commission or other agency or
21 instrumentality in or of a principal department of the Executive
22 Branch of State Government empowered by law to issue,
23 promulgate or adopt administrative rules and regulations.

24 q. The term "expenditures providing a benefit" or
25 "expenditures providing benefits" means any expenditures for
26 entertainment, food and beverage, travel and lodging, honoraria,
27 loans, gifts or any other thing of value, except for (1) any money or
28 thing of value paid for past, present, or future services in regular
29 employment, whether in the form of a fee, expense, allowance,
30 forbearance, forgiveness, interest, dividend, royalty, rent, capital
31 gain, or any other form of recompense, or any combination thereof,
32 or (2) any dividends or other income paid on investments, trusts,
33 and estates.

34 r. The term "commission" means the Election Law
35 Enforcement Commission established pursuant to section 5 of
36 P.L.1973, c.83 (C.19:44A-5).

37 s. The term "communication with the general public" means
38 any communication:

39 (1) disseminated to the general public through direct mail or in
40 the form of a paid advertisement in a newspaper, magazine, or other
41 printed publication of general circulation or aired on radio,
42 television, or other broadcast medium, and

43 (2) which explicitly supports or opposes a particular item or
44 items of legislation or regulation, or the content of which can
45 reasonably be understood, irrespective of whether the
46 communication is addressed to the general public or to persons in
47 public office or employment, as intended to influence legislation or
48 to influence regulation.

1 t. The terms "influence governmental processes", "influencing
2 governmental processes" or "influence governmental process"
3 means to make any attempt, whether successful or not, to assist a
4 represented entity or group to engage in communication with, or to
5 secure information from, an officer or staff member of the
6 Executive Branch, or any authority, board, commission or other
7 agency or instrumentality in or of a principal department of the
8 Executive Branch of State Government, empowered by law to
9 administer a governmental process or perform other functions that
10 relate to such processes.

11 u. The term "governmental process" means:
12 promulgation of executive orders;
13 rate setting;
14 development, negotiation, award, modification or cancellation of
15 public contracts;
16 issuance, denial, modification, renewal, revocation or suspension
17 of permits, licenses or waivers;
18 procedures for bidding;
19 imposition or modification of fines and penalties;
20 procedures for purchasing;
21 rendition of administrative determinations; and
22 award, denial, modification, renewal or termination of financial
23 assistance, grants and loans.

24 v. The term "public contract" means a contract the cost or price
25 of which is to be paid with or out of State funds or the funds of an
26 independent authority created by the State or by the Legislature.²
27 (cf. P.L.2004, c.27, s.3)

28
29 ²38. Section 4 of P.L.1971, c.183 (C.52:13C-21) is amended to
30 read as follows:

31 4. a. Any person who, on or after the effective date of
32 P.L.1991, c.243 or on or after the effective date of P.L.2004, c.27
33 for the purpose of influencing governmental processes, is employed,
34 retained or engages himself as a governmental affairs agent shall,
35 prior to any communication with, or the making of any expenditures
36 providing a benefit to, a member of the Legislature, legislative staff,
37 the Governor, the Lieutenant Governor, the Governor's staff, or an
38 officer or staff member of the Executive Branch, and in any event
39 within 30 days of the appropriate effective date or of such
40 employment, retainer or engagement, whichever occurs later, file a
41 signed notice of representation with the Election Law Enforcement
42 Commission in such detail as the commission may prescribe,
43 identifying himself and persons by whom he is employed or
44 retained, and the persons in whose interests he is working, and the
45 general nature of his proposed services as a governmental affairs
46 agent for such persons, which notice shall contain the following
47 information:

48 (1) his name, business address and regular occupation;

1 (2) the name, business address and occupation or principal
2 business of the person from whom he receives compensation for
3 acting as a governmental affairs agent;

4 (3) (a) the name, business address and occupation or principal
5 business of any person in whose interest he acts as a governmental
6 affairs agent in consideration of the aforesaid compensation, if such
7 person is other than the person from whom said compensation is
8 received; and

9 (b) if a person, identified under paragraph (2) of this subsection
10 as one from whom the governmental affairs agent receives
11 compensation, is a membership organization or corporation whose
12 name or occupation so identified does not, either explicitly or by
13 virtue of the nature of the principal business in which the
14 organization or its members, or the corporation or its shareholders,
15 is commonly known to be engaged, clearly reveal the primary
16 specific economic, social, political, or other interest which the
17 organization or corporation may reasonably be understood to seek
18 to advance or protect through its employment, retainer, or
19 engagement of the governmental affairs agent, a description of that
20 primary economic, social, political, or other interest and a list of the
21 persons having organizational or financial control of the
22 organization or corporation, including the names, mailing addresses
23 and occupations, respectively, of those persons. The commission
24 shall promulgate rules and regulations to govern the content of any
25 information required to be disclosed under this subparagraph and
26 shall take such steps as are reasonably necessary to ensure that all
27 such information is, in accordance with those rules and regulations,
28 both accurate and complete.

29 Any list of governmental affairs agents and their principals
30 required to be published quarterly under subsection h. of section 6
31 of P.L.1971, c.183 (C.52:13C-23) shall include, for each such
32 principal for whom it is not otherwise apparent, the primary specific
33 interest which the principal may reasonably be understood to seek
34 to advance or protect through its engagement of the governmental
35 affairs agent and the category of persons required to file additional
36 information, as that interest and such category shall have been
37 determined under subparagraph (b) of this paragraph;

38 (4) whether the person from whom he receives said
39 compensation employs him solely as a governmental affairs agent,
40 or whether he is a regular employee performing services for his
41 employer which include but are not limited to the influencing of
42 legislation, regulation or governmental processes;

43 (5) the length of time for which he will be receiving
44 compensation from the person aforesaid for acting as a
45 governmental affairs agent, if said length of time can be ascertained
46 at the time of filing;

47 (6) the type of legislation, regulation or governmental process or
48 the particular legislation, regulation or governmental process in

1 relation to which he is to act as governmental affairs agent in
2 consideration of the aforesaid compensation, and any particular
3 legislation, regulation or governmental process or type of
4 legislation, regulation or governmental process which he is to
5 promote or oppose;

6 (7) (Deleted by amendment, P.L.2004, c.38).

7 b. Any governmental affairs agent who receives compensation
8 from more than one person for his services as a governmental
9 affairs agent shall file a separate notice of representation with
10 respect to each such person; except that a governmental affairs
11 agent whose fee for acting as such in respect to the same legislation,
12 regulation or governmental processor type of legislation, regulation
13 or governmental process is paid or contributed to by more than one
14 person may file a single statement, in which he shall detail the
15 name, business address and occupation or principal business of each
16 person so paying or contributing.²

17 (cf: P.L.2004, c.38, s.1)

18
19 ²39. Section 1 of P.L.2004, c.34 (C.52:13C-21.4) is amended to
20 read as follows:

21 1. a. As used in this section, "person" means any member of
22 the Legislature, the Governor, the Lieutenant Governor or the head
23 of a principal department of the Executive Branch.

24 b. No person, within one year next subsequent to the
25 termination of the office or employment of such person, shall
26 register as a "governmental affairs agent" as defined in section 3 of
27 P.L.1971, c.183 (C.52:13C-20).

28 c. Any person who knowingly and willfully violates the
29 provisions of subsection b. of this section shall be subject to a
30 penalty of not more than \$10,000 and shall be barred from activities
31 prohibited under subsection b. for up to an additional five years.

32 d. Upon receiving evidence of any violation of this section, the
33 Election Law Enforcement Commission shall have the power to
34 hold, or to cause to be held, hearings about the violation and, upon
35 finding any person to have committed a violation, to assess such
36 penalty, within the limits prescribed herein, as it deems proper
37 under the circumstances, which penalty may be collected in a
38 summary proceeding pursuant to the "Penalty Enforcement Law of
39 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).²

40 (cf: P.L.2004, c.34, s.1)

41
42 ²40. Section 2 of P.L.1981, c.150 (C.52:13C-22.1) is amended
43 to read as follows:

44 2. Each governmental affairs agent or lobbyist shall make and
45 certify the correctness of a full annual report to the Election Law
46 Enforcement Commission, of those moneys, loans, paid personal
47 services or other things of value contributed to it and those
48 expenditures made, incurred or authorized by it for the purpose of

1 communication with or providing benefits to any member of the
2 Legislature, legislative staff, the Governor, the Lieutenant
3 Governor, the Governor's staff, or an officer or staff member of the
4 Executive Branch, or a communication with the general public,
5 during the previous year. The report shall include, but not be
6 limited to, the following expenditures which relate to
7 communication with, or providing benefits to, any member of the
8 Legislature, legislative staff, the Governor, the Lieutenant
9 Governor, the Governor's staff, or an officer or staff member of the
10 Executive Branch, or communication with the general public:
11 media, including advertising; entertainment; food and beverage;
12 travel and lodging; honoraria; loans; gifts; and salary, fees,
13 allowances or other compensation paid to an agent. The
14 expenditures shall be reported whether made to the intended
15 recipient of the communication or benefit, to a governmental affairs
16 agent or a lobbyist, or in the case of a communication to the general
17 public, to the publisher of that communication. The expenditures
18 shall be reported in the aggregate by category, except that if the
19 aggregate expenditures on behalf of a member of the Legislature,
20 legislative staff, the Governor, the Lieutenant Governor, the
21 Governor's staff, or an officer or staff member of the Executive
22 Branch exceed \$25.00 per day, they shall be detailed separately as
23 to the name of the member of the Legislature, member of legislative
24 staff, the Governor, the Lieutenant Governor, member of the
25 Governor's staff, or officer or staff member of the Executive
26 Branch, date and type of expenditure, amount of expenditure and to
27 whom paid. Where the aggregate expenditures for the purpose of
28 communication with or providing benefits to any one member of the
29 Legislature, member of legislative staff, the Governor, the
30 Lieutenant Governor, the Governor's staff, or officer or staff
31 member of the Executive Branch exceed \$200.00 per year, the
32 expenditures, together with the name of the intended recipient of
33 the communication or benefits, shall be stated in detail including
34 the type of each expenditure, amount of expenditure and to whom
35 paid. Where those expenditures in the aggregate, or where the
36 aggregate expenditures for the purpose of communication with the
37 general public, with respect to any specific occasion are in excess of
38 \$100.00, the report shall include the date and type of expenditure,
39 amount of expenditure and to whom paid. The Election Law
40 Enforcement Commission may, in its discretion, permit joint reports
41 by governmental affairs agents. No governmental affairs agent
42 shall be required to file a report unless all moneys, loans, paid
43 personal services or other things of value contributed to it for the
44 purpose of communication with or making expenditures providing a
45 benefit to a member of the Legislature, legislative staff, the
46 Governor, the Lieutenant Governor, the Governor's staff, or officer
47 or staff member of the Executive Branch or for the purpose of
48 communication with the general public exceed \$2,500.00 in any

1 year or unless all expenditures made, incurred or authorized by it
2 for the purpose of communication with or providing benefits to a
3 member of the Legislature, legislative staff, the Governor, the
4 Lieutenant Governor, the Governor's staff, or officer or staff
5 member of the Executive Branch or for the purpose of
6 communication with the general public exceed \$2,500.00 in any
7 year.

8 Any lobbyist who receives contributions or makes expenditures
9 to influence legislation or regulation shall be required to file and
10 certify the correctness of a report of such contributions or
11 expenditures if the contributions or expenditures made, incurred or
12 authorized by it for the purpose of communication with or providing
13 benefits to a member of the Legislature, legislative staff, the
14 Governor, the Lieutenant Governor, the Governor's staff, or an
15 officer or staff member of the Executive Branch exceed, in the
16 aggregate, \$2,500.00 in any year. Any lobbyist required to file a
17 report pursuant to this section may designate a governmental affairs
18 agent in its employ or otherwise engaged or used by it to file a
19 report on its behalf; provided such designation is made in writing
20 by the lobbyist, is acknowledged in writing by the designated
21 governmental affairs agent and is filed with the Election Law
22 Enforcement Commission on or before the date on which the report
23 of the lobbyist is due for filing, and further provided that any
24 violation of this act shall subject both the lobbyist and the
25 designated governmental affairs agent to the penalties provided in
26 this act.

27 Any person other than a governmental affairs agent or lobbyist
28 who receives contributions or makes expenditures for the purpose
29 of communication with the general public shall be required to file
30 and certify the correctness of a report of such contributions or
31 expenditures in the same manner as governmental affairs agents
32 under the provisions of this section if the contributions or
33 expenditures made, incurred or authorized by the person for the
34 purpose of communication with the general public exceed in the
35 aggregate \$2,500 in any year.

36 This section shall not be construed to authorize any person to
37 make or authorize, or to cause to be made or authorized, any
38 expenditure providing a benefit, or to provide a benefit, the
39 provision or receipt of which is prohibited under the "New Jersey
40 Conflicts of Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.) or
41 any code of ethics promulgated thereunder, or under any other law
42 or any executive order, rule or regulation.²

43 (cf. P.L.2004, c.27, s.11)

44

45 ²41. Section 1 of P.L.1996, c.144 (C.52:13C-22.4) is amended
46 to read as follows:

47 1. a. Each governmental affairs agent and lobbyist shall
48 provide to each member of the Legislature, legislative staff, the

1 Governor, the Lieutenant Governor, the Governor's staff, or an
2 officer or staff member of the Executive Branch who receives a
3 benefit that is required to be reported to the commission pursuant to
4 section 2 of P.L.1981, c.150 (C.52:13C-22.1), a full written and
5 certified report describing the benefit, including a description of the
6 benefit, the amount of the benefit, the date it was provided and to
7 whom it was paid.

8 b. The reports shall be transmitted to the member of the
9 Legislature, legislative staff, the Governor, the Lieutenant
10 Governor, the Governor's staff, or an officer or staff member of the
11 Executive Branch by each governmental affairs agent or lobbyist no
12 later than February 1 of each year and shall cover benefits provided
13 in the immediately preceding calendar year. In the event that a
14 governmental affairs agent or lobbyist provides more than one
15 benefit to a member of the Legislature, legislative staff, the
16 Governor, the Lieutenant Governor, the Governor's staff, or an
17 officer or staff member of the Executive Branch during a calendar
18 year, the reports describing those benefits required pursuant to
19 subsection a. of this section may be combined into one report or
20 filed as separate reports.²

21 (cf: P.L.2004, c.27, s.13)

22
23 ²42. Section 10 of P.L.1971, c.183 (C.52:13C-27) is amended to
24 read as follows:

25 10. This act shall not apply to the following activities:

26 a. the publication or dissemination, in the ordinary course of
27 business, of news items, advertising which does not constitute
28 communication with the general public, editorials or other
29 comments by a newspaper, book publisher, regularly published
30 periodical, or radio or television station, including an owner, editor
31 or employee thereof;

32 b. acts of an officer or employee of the Government of this
33 State or any of its political subdivisions, or of the Government of
34 the United States or of any State or territory thereof or any of their
35 political subdivisions, in carrying out the duties of their public
36 office or employment;

37 c. acts of bona fide religious groups acting solely for the
38 purpose of protecting the public right to practice the doctrines of
39 such religious groups;

40 d. acts of a duly organized national, State or local committee of
41 a political party;

42 e. acts of a person in testifying before a legislative committee
43 or commission, at a public hearing duly called by the Governor on
44 legislative proposals or on legislation passed and pending his
45 approval, or before any officer or body empowered by law to issue,
46 promulgate or adopt administrative rules and regulations in behalf
47 of a nonprofit organization incorporated as such in this State who
48 receives no compensation therefor beyond the reimbursement of

1 necessary and actual expenses, and who makes no other
2 communication with a member of the Legislature, legislative staff,
3 the Governor, the Lieutenant Governor, the Governor's staff, or an
4 officer or staff member of the Executive Branch in connection with
5 the subject of his testimony;

6 f. acts of a person in communicating with or providing benefits
7 to a member of the Legislature, legislative staff, the Governor, the
8 Lieutenant Governor, the Governor's staff, or an officer or staff
9 member of the Executive Branch if such communication or
10 provision of benefits is undertaken by him as a personal expression
11 and not incident to his employment, even if it is upon a matter
12 relevant to the interests of a person by whom or which he is
13 employed, and if he receives no additional compensation or reward,
14 in money or otherwise, for or as a result of such communication or
15 provision of benefits;

16 g. with regard to influencing governmental processes as
17 defined in subsections t. and u. of section 3 of P.L.1971, c.183
18 (C.52:13C-20) any communications, matters or acts of an attorney
19 falling within the attorney-client privilege while engaging in the
20 practice of law to the extent that confidentiality is required in order
21 for the attorney to exercise his ethical duties as a lawyer; and

22 h. with regard to influencing governmental processes as
23 defined in subsections t. and u. of section 3 of P.L.1971, c.183
24 (C.52:13C-20) any communications, matters or acts involving
25 collective negotiations, or the interpretation or violation of
26 collective negotiation agreements, of a labor organization of any
27 kind which exists or is constituted for the purpose, in whole or in
28 part, of collective bargaining, or of dealing with employers
29 concerning the grievances, terms or conditions of employment, or
30 of other mutual aid or protection in connection with employment.²
31 (cf: P.L.2004, c.27, s.18)

32

33 ¹[33.] ²[34.1] 43.² This act shall take effect immediately.

1 32. (New section) The Election Law Enforcement Commission
2 shall have the authority to issue such advisory opinions that relate
3 to candidates for the office of Lieutenant Governor and regulations,
4 including temporary regulations that may be adopted on an
5 emergency basis, as the commission deems necessary to effectuate
6 the provisions of P.L. , c. (C.)(pending before the
7 Legislature as this bill) that apply to the commission or are within
8 the purview of the commission.

9
10 33. This act shall take effect immediately.

11
12 SPONSOR'S STATEMENT
13

14
15 This bill establishes certain electoral and campaign finance
16 requirements for candidates for the office of Lieutenant Governor.
17 The office was established by the voter approval of a constitutional
18 amendment at the general election in 2005.

19 As provided by the constitution, a candidate for the office of
20 Lieutenant Governor will be selected by the candidate for the office
21 of Governor who is nominated at the primary election. The
22 candidate of each political party for election to the office of
23 Lieutenant Governor will be selected by the candidate of that party
24 nominated for election to the office of Governor within 30 days
25 following the nomination of the candidate for election to the office
26 of Governor. Similarly, a candidate for the office of Lieutenant
27 Governor will be selected by a candidate who is seeking election to
28 the office of Governor through direct nomination by petition not
29 later than the day on which the candidate files his or her petition.

30 The constitution provides that the Governor will appoint the
31 Lieutenant Governor, without the advice and consent of the Senate,
32 as the head of a principal department, or other executive or
33 administrative agency of State government, or delegate to the
34 Lieutenant Governor duties of the office of Governor, or both,
35 except that the Governor cannot appoint the Lieutenant Governor to
36 serve as the Attorney General.

37 Under the bill, candidates for Lieutenant Governor and
38 Governor, who under the constitution are to seek election
39 conjointly, would be treated as one candidate for the purposes of
40 campaign contribution and expenditure limits and public financing.
41 The bill also requires that, when a gubernatorial candidate is
42 accepting public financing and is required, therefore, to participate
43 in two debates, the candidates for Lieutenant Governor will be
44 required to participate in one debate.

45 Under the bill, a candidate for the office of Lieutenant Governor
46 must meet the same campaign financial disclosure requirements as a
47 candidate for Governor, except that the disclosure statement would
48 be required to be filed on or before the 30th day following the day

1 the candidate for Lieutenant Governor is selected by the
2 gubernatorial candidate of the same political party. This different
3 deadline recognizes that the Lieutenant Governor candidate may not
4 be selected on the same day that the gubernatorial candidate is
5 nominated.

6 The bill also requires a candidate for Lieutenant Governor to
7 disclose involvement with an issue advocacy committee, as
8 gubernatorial candidates are required to do.

9 Finally, the bill gives the Election Law Enforcement
10 Commission the authority to issue such advisory opinions that relate
11 to candidates for the office of Lieutenant Governor and regulations,
12 including temporary regulations that may be adopted on an
13 emergency basis, as the commission deems necessary to effectuate
14 those provisions of this bill that apply to the commission or are
15 within the purview of the commission.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3902

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 11, 2009

The Assembly State Government Committee reports favorably and with committee amendments Assembly Bill No. 3902.

As amended, this bill establishes certain electoral and campaign finance requirements for candidates for the office of Lieutenant Governor. The office was established by the voter approval of a constitutional amendment at the general election in 2005.

As provided by the constitution, a candidate for the office of Lieutenant Governor will be selected by the candidate for the office of Governor who is nominated at the primary election. The candidate of each political party for election to the office of Lieutenant Governor will be selected by the candidate of that party nominated for election to the office of Governor within 30 days following the nomination of the candidate for election to the office of Governor. Similarly, a candidate for the office of Lieutenant Governor will be selected by a candidate who is seeking election to the office of Governor through direct nomination by petition not later than the day on which the candidate files his or her petition.

The constitution provides that the Governor will appoint the Lieutenant Governor, without the advice and consent of the Senate, as the head of a principal department, or other executive or administrative agency of State government, or delegate to the Lieutenant Governor duties of the office of Governor, or both, except that the Governor cannot appoint the Lieutenant Governor to serve as the Attorney General.

Under the bill, candidates for Lieutenant Governor and Governor, who under the constitution are to seek election conjointly, would be treated as one candidate for the purposes of campaign contribution and expenditure limits and public financing. The bill also requires that, when a gubernatorial candidate is accepting public financing and is required, therefore, to participate in two debates, the candidates for Lieutenant Governor will be required to participate in one debate.

The bill provides that a candidate for the office of Lieutenant Governor must meet the same financial disclosure requirements as a candidate for Governor, except that the disclosure statement would be required to be filed on or before the 30th day following the day the

candidate for Lieutenant Governor is selected by the gubernatorial candidate of the same political party. This different deadline recognizes that the Lieutenant Governor candidate may not be selected on the same day that the gubernatorial candidate is nominated.

The bill also requires a candidate for Lieutenant Governor to disclose involvement with an issue advocacy committee, as gubernatorial candidates are required to do.

Finally, the bill gives the Election Law Enforcement Commission the authority to issue such advisory opinions that relate to candidates for the office of Lieutenant Governor and regulations, including temporary regulations that may be adopted on an emergency basis, as the commission deems necessary to effectuate those provisions of this bill that apply to the commission or are within the purview of the commission.

COMMITTEE AMENDMENTS

The committee amended the bill to (1) require the Secretary of State to certify the names and addresses of all candidates for the office of Governor, including those nominated by direct petition, no later than the fourth Friday in June; (2) require all candidates for the office of Governor, including those nominated by direct petition, to select their candidates for the office of Lieutenant Governor within 30 days following the certification of all candidates for the office of Governor; (3) provide that in the event the 30th day occurs on a Saturday or Sunday, the selection of the candidates for Lieutenant Governor will be made as of the next succeeding business day; and (4) require each candidate for the office of Governor, immediately upon his or her certification, to certify the name and address of the person selected as the candidate for the office of Lieutenant Governor.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3902

STATE OF NEW JERSEY

DATED: JUNE 11, 2009

The Senate State Government Committee reports favorably Assembly No. 3902 (1R).

This bill establishes certain electoral and campaign finance requirements for candidates for the office of Lieutenant Governor. The office was established by the voter approval of a constitutional amendment at the general election in 2005.

As provided by the Constitution, a candidate for the office of Lieutenant Governor will be selected by the candidate for the office of Governor who is nominated at the primary election. The candidate of each political party for the office of Lieutenant Governor will be selected by the candidate of that party nominated for election to the office of Governor within 30 days following the certification of the candidate for election to that office. Under the bill, such certification is to occur no later than the fourth Friday in June following a primary election for nominating a candidate for Governor. Similarly, a candidate for the office of Lieutenant Governor is to be selected by a candidate who is seeking election to the office of Governor through direct nomination by petition within 30 days following the certification of the candidate for election to the office of Governor, which is the same day as certification for candidates nominated for Governor at a primary election.

The constitution provides that the Governor will appoint the Lieutenant Governor, without the advice and consent of the Senate, as the head of a principal department, or other executive or administrative agency of State government, or delegate to the Lieutenant Governor duties of the office of Governor, or both, except that the Governor cannot appoint the Lieutenant Governor to serve as the Attorney General.

Under the bill, candidates for Lieutenant Governor and Governor, who under the Constitution are to seek election conjointly, would be treated as one candidate for the purposes of campaign contribution and expenditure limits and public financing. The bill also requires that, when a gubernatorial candidate is accepting public financing and is required, therefore, to participate in two debates, the candidates for Lieutenant Governor will be required to participate in one debate.

The bill provides that a candidate for the office of Lieutenant Governor must meet the same financial disclosure requirements as a candidate for Governor, except that the disclosure statement would be required to be filed on or before the 30th day following the day the candidate for Lieutenant Governor is selected by the gubernatorial candidate of the same political party. This different deadline recognizes that the Lieutenant Governor candidate may not be selected on the same day that the gubernatorial candidate is nominated.

The bill also requires a candidate for Lieutenant Governor to disclose involvement with an issue advocacy committee, as gubernatorial candidates are required to do.

Finally, the bill gives the Election Law Enforcement Commission the authority to issue such advisory opinions that relate to candidates for the office of Lieutenant Governor and regulations, including temporary regulations that may be adopted on an emergency basis, as the commission deems necessary to effectuate those provisions of this bill that apply to the commission or are within the purview of the commission.

Assembly, No. 3902 (1R) of 2009 is identical to Senate Bill No. 2829 of 2009.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 3902

with Senate Floor Amendments
(Proposed by Senators SCUTARI and BECK)

ADOPTED: JUNE 18, 2009

These Senate amendments:

1) apply the “anti pay-to-play” laws to Lieutenant Governor candidates and officeholders in order to prohibit the awarding of certain State contracts to business entities making campaign contributions to a candidate for, or holder of, the office of Lieutenant Governor in the same manner that existing law prevents the awarding of State contracts based on contributions to the Governor or a candidate for Governor; and

2) provide that the provisions of the “Legislative and Governmental Process Activities Disclosure Act,” N.J.S.A.52:13C-18 et seq., that currently apply to the Governor will also apply to the Lieutenant Governor, including the prohibition, after leaving office, on employment as a governmental affairs agent.

FISCAL NOTE
[First Reprint]
ASSEMBLY, No. 3902
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: MAY 28, 2009

SUMMARY

Synopsis: Establishes certain electoral and campaign finance requirements for Lieutenant Governor candidates.

Type of Impact: Expenditure Neutral.

Agencies Affected: Election Law Enforcement Commission

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	No Fiscal Impact.		
State Revenue	None.		

- The Office of Legislative Services (OLS) **concurs** with the Executive's estimate that there will be no fiscal impact as the result of the passage of this bill.
- Establishes certain electoral and campaign finance requirements for candidates for the office of Lieutenant Governor.

BILL DESCRIPTION

Assembly Bill No. 3902 (1R) of 2009 establishes certain electoral and campaign finance requirements for candidates for the office of Lieutenant Governor.

This bill require candidates for Lieutenant Governor and Governor, who under the constitution are to seek election conjointly, would be treated as one candidate for the purposes of campaign contribution and expenditure limits and public financing.

The bill also requires that, when a gubernatorial candidate is accepting public financing and is required, therefore, to participate in two debates, the candidates for Lieutenant Governor will be required to participate in one debate.

The bill provides that a candidate for the office of Lieutenant Governor must meet the same financial disclosure requirements as a candidate for Governor, except that the disclosure

statement would be required to be filed on or before the 30th day following the day the candidate for Lieutenant Governor is selected by the gubernatorial candidate of the same political party. This different deadline recognizes that the Lieutenant Governor candidate may not be selected on the same day that the gubernatorial candidate is nominated.

The bill also requires a candidate for Lieutenant Governor to disclose involvement with an issue advocacy committee, as gubernatorial candidates are required to do.

Finally, the bill gives the Election Law Enforcement Commission the authority to issue such advisory opinions that relate to candidates for the office of Lieutenant Governor and regulations, including temporary regulations that may be adopted on an emergency basis, as the commission deems necessary to effectuate those provisions of this bill that apply to the commission or are within the purview of the commission.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The New Jersey Election Law Enforcement Commission (ELEC) determined that this bill would have no additional fiscal impact as the office anticipated the need to make various changes based on the passage of the Constitutional Amendment.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive's estimate that there will be no new fiscal impact as the result of the passage of this bill. ELEC is currently handling these particular responsibilities for other individuals and has simply included this position into their oversight.

Section: Law and Public Safety
Analyst: Kristin A. Brunner
Senior Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-1 et seq.).

1 by law entitled to vote at the next subsequent general election. The
2 statement shall include the information required by subsection a. of
3 this section. Candidates nominated directly by petition for the
4 office of Governor, without distinctive political appellation, shall be
5 certified as independent candidates at the same time as candidates
6 nominated for the office of Governor at a primary election are
7 certified by the Secretary of State. Similar statements shall be
8 made, certified and forwarded, when vacancies are filled
9 subsequently, according to law.

10 (cf: P.L.1977, c.431, s.2)

11
12 34. This act shall take effect immediately.

13
14
15 *SPONSOR'S* STATEMENT

16
17 This bill establishes certain electoral and campaign finance
18 requirements for candidates for the office of Lieutenant Governor.
19 The office was established by the voter approval of a constitutional
20 amendment at the general election in 2005.

21 As provided by the constitution, a candidate for the office of
22 Lieutenant Governor will be selected by the candidate for the office
23 of Governor who is nominated at the primary election. The
24 candidate of each political party for election to the office of
25 Lieutenant Governor will be selected by the candidate of that party
26 nominated for election to the office of Governor within 30 days
27 following the nomination of the candidate for election to the office
28 of Governor. Similarly, a candidate for the office of Lieutenant
29 Governor will be selected by a candidate who is seeking election to
30 the office of Governor through direct nomination by petition not
31 later than the day on which the candidate files his or her petition.

32 The constitution provides that the Governor will appoint the
33 Lieutenant Governor, without the advice and consent of the Senate,
34 as the head of a principal department, or other executive or
35 administrative agency of State government, or delegate to the
36 Lieutenant Governor duties of the office of Governor, or both,
37 except that the Governor cannot appoint the Lieutenant Governor to
38 serve as the Attorney General.

39 Under the bill, candidates for Lieutenant Governor and
40 Governor, who under the constitution are to seek election
41 conjointly, would be treated as one candidate for the purposes of
42 campaign contribution and expenditure limits and public financing.
43 The bill also requires that, when a gubernatorial candidate is
44 accepting public financing and is required, therefore, to participate
45 in two debates, the candidates for Lieutenant Governor will be
46 required to participate in one debate.

47 The bill provides that a candidate for the office of Lieutenant
48 Governor must meet the same financial disclosure requirements as a

1 candidate for Governor, except that the disclosure statement would
2 be required to be filed on or before the 30th day following the day
3 the candidate for Lieutenant Governor is selected by the
4 gubernatorial candidate of the same political party. This different
5 deadline recognizes that the Lieutenant Governor candidate may not
6 be selected on the same day that the gubernatorial candidate is
7 nominated.

8 The bill also requires a candidate for Lieutenant Governor to
9 disclose involvement with an issue advocacy committee, as
10 gubernatorial candidates are required to do.

11 Finally, the bill gives the Election Law Enforcement
12 Commission the authority to issue such advisory opinions that relate
13 to candidates for the office of Lieutenant Governor and regulations,
14 including temporary regulations that may be adopted on an
15 emergency basis, as the commission deems necessary to effectuate
16 those provisions of this bill that apply to the commission or are
17 within the purview of the commission.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 2829

STATE OF NEW JERSEY

DATED: JUNE 11, 2009

The Senate State Government Committee reports favorably Senate, No. 2829.

This bill establishes certain electoral and campaign finance requirements for candidates for the office of Lieutenant Governor. The office was established by the voter approval of a constitutional amendment at the general election in 2005.

As provided by the Constitution, a candidate for the office of Lieutenant Governor will be selected by the candidate for the office of Governor who is nominated at the primary election. The candidate of each political party for the office of Lieutenant Governor will be selected by the candidate of that party nominated for election to the office of Governor within 30 days following the certification of the candidate for election to that office. Under the bill, such certification is to occur no later than the fourth Friday in June following a primary election for nominating a candidate for Governor. Similarly, a candidate for the office of Lieutenant Governor is to be selected by a candidate who is seeking election to the office of Governor through direct nomination by petition within 30 days following the certification of the candidate for election to the office of Governor, which is the same day as certification for candidates nominated for Governor at a primary election.

The constitution provides that the Governor will appoint the Lieutenant Governor, without the advice and consent of the Senate, as the head of a principal department, or other executive or administrative agency of State government, or delegate to the Lieutenant Governor duties of the office of Governor, or both, except that the Governor cannot appoint the Lieutenant Governor to serve as the Attorney General.

Under the bill, candidates for Lieutenant Governor and Governor, who under the Constitution are to seek election conjointly, would be treated as one candidate for the purposes of campaign contribution and expenditure limits and public financing. The bill also requires that, when a gubernatorial candidate is accepting public financing and is required, therefore, to participate in two debates, the candidates for Lieutenant Governor will be required to participate in one debate.

The bill provides that a candidate for the office of Lieutenant Governor must meet the same financial disclosure requirements as a

candidate for Governor, except that the disclosure statement would be required to be filed on or before the 30th day following the day the candidate for Lieutenant Governor is selected by the gubernatorial candidate of the same political party. This different deadline recognizes that the Lieutenant Governor candidate may not be selected on the same day that the gubernatorial candidate is nominated.

The bill also requires a candidate for Lieutenant Governor to disclose involvement with an issue advocacy committee, as gubernatorial candidates are required to do.

Finally, the bill gives the Election Law Enforcement Commission the authority to issue such advisory opinions that relate to candidates for the office of Lieutenant Governor and regulations, including temporary regulations that may be adopted on an emergency basis, as the commission deems necessary to effectuate those provisions of this bill that apply to the commission or are within the purview of the commission.

Senate Bill No. 2829 of 2009 is identical to Assembly Bill No. 3902 (1R) of 2009.

STATEMENT TO
SENATE, No. 2829

with Senate Floor Amendments
(Proposed by Senators SCUTARI and BECK)

ADOPTED: JUNE 18, 2009

These Senate amendments:

1) apply the “anti pay-to-play laws” to Lieutenant Governor candidates and officeholders in order to prohibit the awarding of certain State contracts to business entities making campaign contributions to a candidate for, or holder of, the office of Lieutenant Governor in the same manner that existing law prevents the awarding of State contracts based on contributions to the Governor or a candidate for Governor; and

2) provide that the provisions of the “Legislative and Governmental Process Activities Disclosure Act,” N.J.S.A.52:13C-18 et seq., that currently apply to the Governor will also apply to the Lieutenant Governor, including the prohibition, after leaving office, on employment as a governmental affairs agent.

FISCAL NOTE
SENATE, No. 2829
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: MAY 28, 2009

SUMMARY

Synopsis: Establishes certain electoral and campaign finance requirements for Lieutenant Governor candidates.

Type of Impact: Expenditure Neutral.

Agencies Affected: Election Law Enforcement Commission

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	No Fiscal Impact.		
State Revenue	None.		

- The Office of Legislative Services **concurs** with the Executive's estimate that there will be no fiscal impact as the result of the passage of this bill. The ELEC is currently managing these particular responsibilities for other individuals and has simply included this position into their oversight.
- Establishes certain electoral and campaign finance requirements for candidates for the office of Lieutenant Governor.

BILL DESCRIPTION

Senate Bill No. 2829 of 2009 establishes certain electoral and campaign finance requirements for candidates for the office of Lieutenant Governor.

This bill require candidates for Lieutenant Governor and Governor, who under the constitution are to seek election conjointly, would be treated as one candidate for the purposes of campaign contribution and expenditure limits and public financing.

The bill also requires that, when a gubernatorial candidate is accepting public financing and is required, therefore, to participate in two debates, the candidates for Lieutenant Governor will be required to participate in one debate.

The bill provides that a candidate for the office of Lieutenant Governor must meet the same financial disclosure requirements as a candidate for Governor, except that the disclosure statement would be required to be filed on or before the 30th day following the day the candidate for Lieutenant Governor is selected by the gubernatorial candidate of the same political party.

This different deadline recognizes that the Lieutenant Governor candidate may not be selected on the same day that the gubernatorial candidate is nominated.

The bill also requires a candidate for Lieutenant Governor to disclose involvement with an issue advocacy committee, as gubernatorial candidates are required to do.

Finally, the bill gives the Election Law Enforcement Commission the authority to issue such advisory opinions that relate to candidates for the office of Lieutenant Governor and regulations, including temporary regulations that may be adopted on an emergency basis, as the commission deems necessary to effectuate those provisions of this bill that apply to the commission or are within the purview of the commission.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The New Jersey Election Law Enforcement Commission (ELEC) determined that this bill would have no additional fiscal impact as the office anticipated the need to make various changes based on the passage of the constitutional amendment established by the voter approval at the general election in 2005.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Executive's estimate that there will be no new fiscal impact as the result of the passage of this bill. The ELEC is currently managing these particular responsibilities for other individuals and has simply included this position into their oversight.

Section: Law and Public Safety

*Analyst: Kristin A. Brunner
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-1 et seq.).