

19:44A-27 to 44A-44

LEGISLATIVE HISTORY OF R.S.19:44A-27 to 19:44A-44
(Public financing of general election for governor)

copy 2

Previous Bills:

A2336 - Designated the "Election Campaign Finance Act of 1973" sets limitations upon campaign expenditures, establishes an election law enforcement commission.

March 29, 1973 - Introduced by Burnstein, A. Klein, Baer, etc.
March 29 - Judiciary Committee (copy enclosed)

S2340 - Prescribes the limit of campaign contributions and expenditures of candidates for the office of governor; provides for public funds to be made available to duly qualified candidates; appropriates \$1,750,000.

June 18, 1973 - Introduced by Crabiell, Dugan.
June 18 - Judiciary Committee.

L.1974 - chap.26 - A1246

Provides for partial public financing of general election for governor beginning in 1977.

Feb.15 - Introduced by Burnstein, Le Fante, Baer, M Hynes, etc.

Feb.15 - State Government and Federal and Interstate Relations Committee.

Mar.28 - Public hearing held.

Apr.1 - Reported with Committee Amendment.

Apr.1 - 2nd reading.

Apr.4 - Made order of the day

Apr.4 - Placed back on 2nd reading for amendment.

Apr.4 - Amendments lost.

Apr.4 - Passed Assembly under emergency resolution amendment.

Apr.16 - Received in Senate

Apr.16 - Conference and Coordinating Committee.

Apr.16 - Reported with Committee Amendment.

Apr.16 - 2nd reading.

Apr.25 - Passed in Senate, amended.

Apr.29 - Received in Assembly.

May 2 - Senate amendment passed in Assembly.

May 6 - Approved, chapter 26, 1974

Statement on bill (copy enclosed)

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Reports and Hearings:

974.90 New Jersey Legislature. Assembly.
E38 State Government and Federal and Interstate
1974 Relations Committee.
 Public hearing on A1246 (Partial
 public financing of general elections for the
 Governor) held March 28, 1974.

Governor's Messages

Press Release - May 6, 1974 (copy enclosed).

974.901 New Jersey Governor.
G55 Inaugural address, Brendan T. Byrne
 Jan.15, 1974.

Periodical Articles:

"State Bar Committee (New Jersey State Bar Association
Election Law Reform Commission.) statement on Gubernatorial
Election Reform Bill", 97 New Jersey Law Journal 289,
(copy enclosed)

Newspaper Articles: (copies enclosed)

"Paying for Campaigns," Courier-Post, May 16, 1973.

"Campaign Cash: Crabiell Bill curbs donors, creates public
fund," Newark Star Ledger, June 19, 1973.

"Campaign Bill called a hoax," Newark Star Ledger, June
26, 1973.

"Byrne proposes public funding of gubernatorial race,"
Newark Star Ledger February 12, 1974.

"The Campaign Fund Bill," The Press, (Atlantic City),
February 13, 1974.

"Byrne beats drums for campaign financing", Newark Star
Ledger, March 14, 1974.

"Short notice on hearing protested," Camden-Courier Post
March 27, 1974.

"Byrne stands firm against amendments to reform proposal,"
Newark Star Ledger, March 28, 1974.

"Weaker funding bill rapped", Camden Courier-Post,
April 11, 1974.

"Byrne moves on public funds for primaries", Newark Star
Ledger, April 19, 1974

"The election finance bill won't wash", Trentonian,
April 25, 1974

"Senate clears fund bill for governor campaigns,"
Newark Star Ledger, April 26, 1974.

"Governor signs first of its kind campaign fund," Newark
Star Ledger, May 7, 1974.

See verticle file "N.J.-Campaign Funds" for other newspaper
articles.

Background Information:

J324 Alexander, Herbert E.
A375 Financing Campaigns for Governor:
 New Jersey, 1965. Princeton, Citizens
 Research Foundation, 1969.

329 Alexander, Herbert E.
ALE Money in Politics. Public Affairs Press
 1972.

J329.3 Brendan Byrne for Governor Committee.
B837 Union, N.J.
 (Position papers and press releases 1973)

MS/EH
Encl.

ASSEMBLY, No. 2336

STATE OF NEW JERSEY

INTRODUCED MARCH 29, 1973

By Assemblyman BURSTEIN, Assemblywoman A. KLEIN, Assemblymen BAER, HYNES, HAMILTON, FAY, DEVERIN, YATES, PERSKIE, H. C. KLEIN, COLASURDO, BEDELL and ESPOSITO

Referred to Committee on Judiciary

AN ACT concerning the financing of election campaigns, setting limitations upon such expenditures, establishing an election law enforcement commission and prescribing its powers and duties, making an appropriation therefor, and repealing sections 19:41-1, 19:41-2, 19:41-3, 19:41-4, 19:42-1, 19:42-2, 19:42-3, 19:42-4, 19:42-5, 19:43-1, 19:43-2, 19:43-3, 19:44-1, 19:44-2, 19:44-3, 19:44-4, 19:44-5 and 19:44-6 of the Revised Statutes and P. L. 1946, c. 152 (C. 19:41-41.1 et seq.).

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

1 1. This act shall be known and may be cited as the "Election
2 Campaign Finance Act of 1973."

1 2. It is hereby declared to be in the public interest and to be the
2 policy of the State that the financing of campaigns for election to
3 the offices enumerated in this act shall be a responsibility of the
4 State, except as otherwise expressly set forth herein. It is the
5 intent of this act that such financing be adequate in amount so that
6 candidates may conduct their campaign for election to office at the
7 general election and present their backgrounds, qualifications and
8 views for the benefit of the voting public. It is the further purpose
9 of this act to eliminate the dependence of candidates upon private
10 contributions resulting in improper influence and corruption, and
11 to enable persons of limited financial means to seek public office.

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

3 a. The terms "commission" or "ELEC" mean the New Jersey
4 Election Law Enforcement Commission.

5 b. The term "election" means the procedure whereby the voters
6 of this State, or any political subdivision thereof, elect persons to
7 fill public office.

8 c. The term "general election" means the annual election to be
9 held on the first Tuesday after the first Monday in November.

10 d. The term "public office" means any office in the government of
11 this State, or any of its political subdivisions, filled at elections by
12 the voters of this State or political subdivision.

13 e. The terms "candidate" or "candidates" mean

14 (1) the person or persons nominated by the respective political
15 parties at the primary election for an office or offices covered by
16 this act;

17 (2) the person or persons who has or have otherwise fulfilled
18 requirements for nomination of a candidate by petition as pre-
19 scribed by the provisions of Title 19 of the Revised Statutes.

20 f. The term "political party" means a party which, at the elec-
21 tion held for all of the members of the General Assembly next pre-
22 ceding the holding of any primary election held pursuant to this
23 Title, polled for members of the General Assembly at least 10%
24 of the total vote cast in this State.

25 g. The terms "contributions" and "expenditures" mean all
26 transfers of money or other thing of value to or by any candidate,
27 political committee or committee of a political party, and all pledges
28 or other commitments or assumptions of liability to make any
29 transfer.

30 h. The term "campaign activities" means all acts, events and
31 obligations performed, arranged or incurred by a candidate, a
32 political committee or any other person which have the reasonable
33 tendency or a design to promote, assist, enable or encourage the
34 candidacy of a candidate in an election, including but without
35 limitation television, radio, and other public appearances; printing,
36 mailing and distribution of literature; billboard displays; news-
37 paper and periodical advertising; meeting with voters, groups and
38 organizations; rental of public and private accommodations;
39 expenditures for telephone, telegraph, public relations, secretarial,
40 travel and refreshments at other than gatherings in private homes.

1 4. The provisions of this act are to be liberally construed and
2 applied so as to promote the purposes expressed herein.

1 5. The provisions of this act shall apply in any general election
2 for the office of Governor, State Senator, member of the General
3 Assembly, member of any county board of chosen freeholders,
4 county sheriff or county surrogate.

1 6. There is hereby created a commission consisting of four
2 members who shall be designated as the New Jersey Election Law
3 Enforcement Commission. The members shall be appointed by the
4 Governor by and with the advice and consent of the Senate, for a
5 term of 3 years beginning on July 1 and ending on June 30, except
6 as hereinafter provided. The Governor shall designate one of his
7 appointees to serve as chairman of the commission. No more than
8 two members shall belong to the same political party, and no person
9 holding a public office or an office in any political party, shall be
10 eligible for appointment to the commission. Of the members
11 initially appointed, two shall be appointed for a term of 3 years,
12 one for a term of 2 years, and one for a term of 1 year. Each
13 member shall serve until his successor has been appointed and
14 qualified. In case of a vacancy the successor shall be appointed in
15 like manner for the unexpired term only. The members shall serve
16 without compensation. They shall be reimbursed for necessary
17 expenses incurred in the performance of their duties under this act.
18 For the purpose of complying with the provisions of Article V,
19 Sec. 4, Par. 1 of the New Jersey Constitution, the Election Law
20 Enforcement Commission is hereby allocated within the Depart-
21 ment of Law and Public Safety; but notwithstanding such alloca-
22 tion, the commission shall be independent of any supervision or
23 control by the department or by any board or officer thereof, it
24 being the intention of this act that the assignment, direction,
25 discipline and supervision of all of the employees of the commission
26 shall be, so far as possible, and except as otherwise provided in this
27 act, fully determined by the commission or by such officers and em-
28 ployees thereof, to whom the commission may delegate the powers
29 of such assignment, direction, discipline and supervision.

1 7. a. The commission shall appoint a full-time executive director
2 and a legal counsel, both of whom shall serve at the pleasure of
3 the commission, and shall not have tenure by reason of the pro-
4 visions of chapter 16 of Title 38 of the Revised Statutes. The com-
5 mission shall also appoint such other employees as are necessary to
6 carry out the purposes of this act, which employees shall be in the
7 classified service of the civil service and shall be appointed in
8 accordance with and shall be subject to the provisions of Title 11,
9 Civil Service.

10 b. The commission shall in accordance with the "Administra-
11 tive Procedure Act" (P. L. 1968, c. 410), promulgate such regula-
12 tions and official forms, and perform such duties as are necessary to
13 implement the provisions of this act. Without limiting the gener-

14 ality of the foregoing the commission is authorized and empowered
15 to

- 16 (1) develop forms including vouchers and verified statements;
- 17 (2) prepare and publish a manual for all candidates and com-
18 mittees prescribing the requirements of the law;
- 19 (3) develop a filing, coding and cross-indexing system;
- 20 (4) permit copying or photocopying of any voucher or verified
21 statement required to be submitted pursuant to this act as re-
22 quested by any person;
- 23 (5) prepare and make available for public inspection sum-
24 maries of all such reports, listing the expenditures of all candidates;
- 25 (6) prepare and publish prior to May 1 of each year an annual
26 report to the Legislature;
- 27 (7) forward information concerning violations in any of the pro-
28 visions of this act to the Attorney General.

29 c. The commission shall take such steps as may be necessary or
30 appropriate to further furnish timely and adequate information
31 in printed form to every candidate for public office who becomes
32 subject to the provisions of this act, informing said candidate of
33 privileges and responsibilities hereunder.

34 d. The commission shall be assigned suitable quarters for the
35 performance of its duties hereunder, which quarters shall not be
36 located in the State House, State House Annex, or in any building
37 owned by the State or any political subdivision thereof.

38 e. The commission through its legal counsel is authorized to
39 render advisory opinions as to whether a given set of facts and
40 circumstances constitute a violation of any of the provisions of
41 this act, and whether the penalties provided for herein may be
42 appropriately invoked.

1 8. No person, partnership or corporation shall make, and no
2 candidate in his own behalf, nor any person, partnership or
3 corporation, shall accept, any campaign contribution for a general
4 election for the offices herein enumerated except as otherwise
5 expressly set forth.

1 9. a. Each candidate for an office covered by this act may not incur
2 obligations nor expend moneys for campaign activities which in the
3 aggregate are in excess of \$0.15 per registered voter registered in
4 the district from which the candidate is to be elected except that
5 each candidate for the office of Governor may incur obligations or
6 expend moneys not in excess of \$0.30 per registered voter.

7 b. The amounts set forth in subsection a. shall be increased or
8 decreased up to but not exceeding 5% in any 1 year when-
9 ever the costs of living in the State, determined by the Consumer

10 Price Index published by the United States Bureau of Labor
11 Statistics or any similar reliable index, shall have increased or
12 decreased. The determination thereof shall be made at least 150
13 days prior to the general election by the ELEC which shall rely
14 upon the last published index then issued. Notification thereof shall
15 be made in writing by the ELEC to all candidates running for office
16 in the general election for the respective offices enumerated in this
17 act.

1 10. The funds for payment of campaign expenses incurred in
2 connection with the campaign for election of candidates for offices
3 covered by this act, but not in excess of the amounts specified in
4 section 9 hereof, shall be provided by the State Treasurer out of
5 the general funds of the State of New Jersey.

1 11. a. No candidate in his own behalf, nor any person, partner-
2 ship or corporation shall render services or supply property to or
3 for the benefit of a candidate, whether directly or indirectly, to any
4 political committee of whatsoever kind formed to aid his candidacy,
5 or to the political party being represented by such candidate in
6 connection with campaign activities for an office covered by this
7 act without the prior written approval of the ELEC.

8 b. A candidate or person, partnership or corporation, acting in
9 support or for the benefit of a candidate shall prior to any supplier
10 rendering services or supplying property to any such candidate,
11 political committee or political party first apply to the ELEC for a
12 certificate of approval, which certificate shall verify that the nature
13 of the services to be rendered or property to be supplied is appro-
14 priately to be used in connection with such campaign for office. The
15 total charge to be made by any such supplier for services rendered
16 or property supplied shall be set forth in writing and submitted to
17 the ELEC in connection with obtaining of the said certificate of
18 approval. It shall not be the obligation of the Treasurer of the State
19 of New Jersey to pay any amount to any supplier rendering
20 services or supplying property not set forth in such written
21 application.

22 c. It shall not be necessary for prior application to be made for
23 the certificate of approval described in subsection b. when the
24 services to be rendered or the property supplied aggregate in value
25 less than \$50.00 and are not then reasonably believed by the appli-
26 cant to be part of a continuing or recurring transaction, the total
27 value of which would be in excess of \$50.00; in which event applica-
28 tion for the certificate of approval would be required.

1 12. Upon completion of rendering of services or supplying of
2 property in accordance with the certificate of approval theretofore

3 obtained, the supplier may submit to the ELEC a voucher upon
4 forms to be prescribed by the ELEC requesting payment. Such
5 vouchers shall contain such information as the ELEC may reason-
6 ably request. No voucher may be submitted nor shall payment
7 therefor be made in the case of a supplier supplying property to the
8 candidate except upon completion of performance; but with respect
9 to services to be rendered a voucher may be submitted therefor
10 periodically although services in behalf of the candidacy continue
11 to be rendered.

1 13. a. Subject to the limitations as to aggregate amount per-
2 mitted to be expended by the provisions of this act, neither the
3 ELEC nor any agent or agents thereof, nor the Treasurer of the
4 State of New Jersey, shall decline or refuse to issue a certificate of
5 approval, or refuse payment of a voucher because of the nature,
6 source or amount of services or property to be rendered or supplied,
7 as the case may be, if the application for the certificate or voucher
8 otherwise complies with the requirements as to form and necessary
9 information set forth by the ELEC. It is the intent of this sub-
10 section that no rules, regulations or procedures shall be adopted
11 by the ELEC or any agency of the State of New Jersey which shall
12 restrict, hinder or otherwise impair complete freedom of a candi-
13 date, political committee or political party or individual supporting
14 the candidacy of any such person in the selection of sources and
15 quantities of services to be rendered or property to be supplied in
16 connection with campaign activities.

17 b. All vouchers requesting payment for services rendered or
18 property supplied shall be submitted no later than 60 days follow-
19 ing the date of the general election. No such voucher shall be
20 honored unless received by the ELEC within such 60-day period.

21 c. If the ELEC shall have reasonable cause to believe that any
22 person claiming to have rendered services or supplied property has
23 not done so in accordance with the application for certificate of
24 approval or vouchers submitted, whether or not such person has
25 been paid, the ELEC may dispute such claim and defend against
26 the same or seek to recovery any payment made; and the candidate
27 in whose behalf such voucher was submitted, together with any
28 persons assisting his campaign in any capacity, shall render reason-
29 able assistance to the ELEC with respect to any such dispute.

1 14. Any candidate of a party which has not polled at least 10%
2 of the total vote cast in this State for members of the General
3 Assembly at the next preceding general election who engages in
4 campaign activities shall be entitled to payment for services
5 rendered and property supplied in connection with his campaign

6 activities in an amount which shall represent the same proportion
7 to the total amount allowed for each candidate for the office in
8 question as to the total vote for such office cast for the candidate
9 of such party in the next preceding general election bears to the
10 total vote cast for the office for all candidates.

1 15. Anything in this act to the contrary notwithstanding, private
2 contributions to assist the candidacy of the candidate referred to in
3 section 14 of this act, together with the candidacy of a candidate
4 who has otherwise fulfilled requirements for nomination of a
5 candidate by petition, may be solicited and received to a limit
6 representing the difference between the amount allocated by the
7 terms of this act to the candidate of a political party for such office,
8 less the amount allocated to the candidate out of the funds of the
9 General Treasury of the State of New Jersey, if any. Private
10 contributions shall be subject to the disclosure requirements set
11 forth in Title 19.

1 16. Primary elections. Private contributions may be solicited by
2 any candidate in a primary election for the office or offices
3 enumerated in section 5 of this act within the limitations herein set
4 forth.

1 17. Every candidate in a primary election campaign or political
2 committee formed in support of such candidate shall have a cam-
3 paign chairman and a treasurer. No contribution shall be accepted
4 nor expenditure made by or on behalf of the candidate until such
5 campaign chairman and treasurer have been chosen. It shall be the
6 duty of the treasurer to maintain a record of all contributions made
7 for and in behalf of the candidacy; the name and address of each
8 person, partnership or corporation making any contribution and
9 the date thereof; the expenditures made on behalf of the candidacy;
10 and the name and address of any renderer of services or supplier of
11 property and the date thereof. Receipted bills for each such
12 expenditure shall be maintained by the treasurer together with all
13 canceled checks or vouchers reflecting the same and shall be made
14 available for inspection to the ELEC or its designated agents upon
15 demand.

1 18. Every candidate in a primary election campaign shall make
2 public disclosure of all contributions received by him or by any
3 committee or the party he represents in accordance with the terms
4 of the Financial Disclosure Act of this Title.

1 19. No candidate in a primary election shall incur obligations
2 for campaign expenditures nor pay therefor any amount in excess
3 of a sum represented by \$0.15 per registered voter registered in
4 the district from which the candidate or candidates are to be elected.

1 20. a. Any person who willfully and knowingly makes or accepts
2 any contribution or makes or incurs any expenditure in violation
3 of the provisions of this act is guilty of a misdemeanor.

4 b. Any person who willfully and knowingly files or prepares or
5 assists or acquiesces in the preparation for filing of any report re-
6 quired under this act which is false, inaccurate or incomplete in any
6A material detail, or who willfully or knowingly refuses to file any
7 such report when required by the provisions of this act, or who
8 willfully supplies any information which he knows to be false,
9 inaccurate or incomplete, to any person preparing or assisting in
10 the preparation of any such report with the knowledge that such
11 information is intended for the purposes of this report, is guilty
12 of a misdemeanor.

13 c. The nomination for or election to any office covered by the
14 terms of this act of any candidate who is guilty of any violation
15 within the description of subsections a. or b. of this section shall
16 be void, and the office shall be filled as required by the law in case
17 of a vacancy.

18 d. Any person charged with the responsibility under the terms
19 of this act for the filing of reports or documents required to be
20 filed by the terms hereof, who fails, neglects or omits to file any
21 such report or document at the time and in the manner prescribed
22 by law, or who omits or incorrectly states the information required
23 by law to be included in such reported document, shall in addition
24 to any other penalties provided by law be subject to a penalty of
25 not more than \$1,000.00 for the first offense and \$2,000.00 for the
26 second and each subsequent offense.

1 21. The Legislature shall appropriate out of the General
2 Treasury of the State of New Jersey such sums as are necessary
3 to carry out the purposes of this act.

1 22. R. S. 19:41-1, 19:41-2, 19:41-3, 19:41-4, 19:42-1, 19:42-2,
2 19:43-3, 19:42-4, 19:42-5, 19:43-1, 19:43-2, 19:43-3, 19:44-1,
3 19:44-2, 19:44-3, 19:44-4, 19:44-5 and 19:44-6 and P. L. 1946,
4 c. 152 (C. 19:41-4.1 et seq.) are repealed.

1 23. If any section, subsection, paragraph, sentence or other part
2 of this act as adjudged unconstitutional or invalid, such judgment
3 shall not affect, impair or invalidate the remainder of this act,
4 but shall be confined in its effect to the section, subsection, para-
5 graph, sentence or other part of this act directly involved in the
6 controversy in which said judgment shall have been rendered.

1 24. This act shall take effect January 1, 1974.

STATEMENT

This bill is designed to take the first major step in the prohibition of private political campaign contributions, with funding thereof by the State of New Jersey. It will apply to the offices of Governor, State Legislature, county boards of chosen freeholders, surrogate and sheriff. It provides for limitations on the amount to be spent out of the general treasury and the method by which campaign expenditures could be made. Moreover, it limits the time within which such expenditures can be made prior to the date set for general election. It exempts from the private contribution prohibition primary elections (though limiting the amount to be spent in such elections; contributions to independent candidates and to minor party candidates in excess of such candidates' contributions from the State.

The compelling need to avoid the influence of large contributions to political campaigns and the major corruption attendant thereon is clear in the light of New Jersey's recent history. There is further need to restore public confidence in the integrity of the political system. There will also accrue the benefit to candidates not needing to devote time and effort in the search for campaign financing, and will enable persons of limited means to have access to public office.

FISCAL NOTE TO
ASSEMBLY, No. 2336

STATE OF NEW JERSEY

DATED: APRIL 2, 1973

Assembly Bill No. 2336 is designed to prohibit private political campaign contributions, with funding thereof by the State of New Jersey. It will apply to the Offices of Governor, State Legislature, county boards of chosen freeholders, surrogate and sheriff. It limits the amount to be spent by a gubernatorial candidate to \$0.30 for each registered voter and \$0.15 for each registered voter by each candidate for the other offices listed. The bill also limits the method by which campaign expenditures could be made and limits the time within which such expenditures can be made prior to the date set for the general election.

As the effective date of the act is January 1, 1974, the Division of Budget and Accounting has estimated enactment of this legislation would require a State expenditure of \$131,700.00 for the last half of fiscal 1973-74 (January-June 1974). The estimate is only for operational costs as no elections covered by the act would take place during this period.

The division further estimates that a State expenditure of \$5,353,020.00 would be required in fiscal 1974-75. The estimate represents average annual cost for all offices indicated and is based on an estimated 3,600,000 registered voters.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

SENATE, No. 2340

STATE OF NEW JERSEY

INTRODUCED JUNE 18, 1973

By Senators CRABIEL and DUGAN

Referred to Committee on Judiciary

AN ACT to supplement "The New Jersey Campaign Contributions and Expenditures Reporting Act," approved April 24, 1973 (P. L. 1973, c. 83) and making an appropriation therefor.

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

1 1. It is hereby declared to be in the public interest and to be the
2 policy of this State that the financing of general election campaigns
3 for election to the Office of Governor shall be financed pursuant to
4 the provisions of this act and with public support therefor to the
5 extent herein provided. It is the intention of this act that such
6 financing be adequate in amount so that candidates for the Office
7 of Governor may conduct and campaign for election free from
8 improper influence and to enable persons of limited financial means
9 to seek the State's highest office.

1 2. The provisions of this act shall apply to the general election
2 to be held in November in 1973 and to all subsequent campaigns
3 for election to the Office of Governor.

1 3. No person, partnership or corporation, otherwise eligible to
2 make political contributions, shall make a contribution to a duly
3 qualified candidate for the Office of Governor in a general election
4 campaign in excess of \$250.00. No duly qualified candidate for
5 election to the Office of Governor in a general election campaign
6 and no duly appointed campaign treasurer or deputy campaign
7 treasurer of such a candidate shall knowingly accept from any
8 person, partnership or corporation, a contribution in support of
9 his campaign in excess of \$250.00.

1 4. No duly qualified candidate for election to the Office of Gover-
2 nor in the general election, including all persons authorized to make
3 expenditures on such candidate's behalf, shall expend, from private
4 contributions more than a total of \$500,000.00, in support of his
5 campaign for election to such office, but such total amount shall

6 be in addition to any amount herein authorized to be expended from
7 public funds provided pursuant to the provisions of this act.

1 5. In determining private funds available for expenditure in a
2 general election campaign there shall be included any amounts
3 remaining available to a duly qualified candidate from the primary
4 election campaign and such sums shall be qualified for expenditure
5 in the general election without regard to the \$250.00 limitation set
6 forth in section 3 of this act. There shall be filed with the Election
7 Law Enforcement Commission, on forms provided by said com-
8 mission, a report from any duly qualified candidate within 30 days
9 after the primary election setting forth the net amount of funds
10 available to said candidate for the general election campaign. For
11 the general election campaign of 1973, said report shall be filed
12 within 30 days of the effective date of this act.

1 6. Each duly qualified candidate for election to the Office of
2 Governor in a general election campaign shall be eligible to receive
3 from the Election Law Enforcement Commission a proportionate
4 share of the funds appropriated by law for this purpose. The
5 proportionate share of each candidate shall be determined by
6 dividing the number of duly qualified candidates into the total
7 amount of public funds available for distribution under the provi-
8 sions of this act. Except for the general election to be held in 1973,
9 such a determination shall be made by the Election Law Enforce-
10 ment Commission on July 1 of the general election year. In 1973,
11 the Election Law Enforcement Commission shall determine how
12 many duly qualified candidates are eligible for funds under the
13 provisions of this act on the forty-fifth day following the effective
14 date of this act. Upon such a determination by the commission,
15 each duly qualified candidate shall be informed by the commission
16 of the funds available to such a candidate.

1 7. Following notification by the Election Law Enforcement Com-
2 mission each duly qualified candidate may expend the public funds
3 available to him under the provisions of this act. All expenditures
4 shall be made pursuant to rules and regulations of the commission
5 and shall be limited to the purposes provided in this act.

1 8. Public funds made available to duly qualified candidates under
2 the provisions of this act, may be expended for the following
3 purposes:

- 4 a. The purchase of time on radio and television stations;
- 5 b. The purchase of advertising space in newspapers and
6 regularly published magazines and periodicals;
- 7 c. The purchase of rental space on outdoor signs or billboards;
- 8 and

9 d. The cost of printing and mailing campaign literature and
10 brochures distributed under the name of the duly qualified
11 candidate.

1 9. The Election Law Enforcement Commission shall mail to all
2 registered voters of the State, not less than 7 nor more than 14
3 days prior to the date on which the general election is to be held the
4 statements from each of the candidates for election to the Office of
5 Governor in a general election, whether duly qualified or not, and
6 the cost of printing, preparing and mailing such statements shall
7 be borne by the commission from funds appropriated for that
8 purpose. Each candidate for the Office of Governor who wishes
9 a statement mailed on his behalf by the commission shall submit
10 to the commission, on forms provided by it, his proposed statement
11 which shall not exceed 500 words in length. The statements sub-
12 mitted by all such candidates shall be mailed together in a common
13 envelope by the commission as herein provided along with a short
14 explanation from the commission that such statements are provided
15 pursuant to this law to assist the voters of this State in making
16 their determination among the candidates for the Office of Governor.

1 10. For the purpose of this act, "a duly qualified candidate for
2 election to the Office of Governor in a general election" shall mean
3 any candidate nominated at the primary election by any political
4 party all candidates of which received in total at the primary
5 election votes equal in number to at least 10% of the total votes
6 cast for all candidates for the Office of Governor in the last general
7 election in which a Governor was elected. In addition, any candidate
8 nominated in a primary election for the Office of Governor who
9 received in said primary election votes equal in number to 3%
10 of the vote cast for all candidates for the Office of Governor at
11 the last general election in which a Governor was elected shall also
12 be deemed to be a duly qualified candidate for the purposes of
13 this act.

14 Any person whose name will appear on the general election ballot
15 for election to the Office of Governor as a result of filing petitions
16 shall also be considered a duly qualified candidate if he shall file
17 petitions containing in number valid signatures of registered voters
18 equal to 3% of the vote cast for all candidates for the Office of
19 Governor at the last general election in which a Governor was
20 elected.

21 For the general election to be held in 1973, any candidate for
22 election to the Office of Governor who is not eligible to be the duly
23 qualified candidate by virtue of being nominated at the primary
24 election, may file with the Election Law Enforcement Commission,

25 on or before the fortieth day following the effective date of this
26 act, petitions containing the names of valid signatures of registered
27 voters equal in number to at least 3% of the total votes cast for
28 all candidates for the Office of Governor at the last general election
29 in which a Governor was elected. Any person so filing such number
30 of valid names shall be considered a duly qualified candidate for
31 the purpose of this act for the 1973 election and shall be eligible
32 for a proportionate share of the public funds available to such
33 candidates.

1 11. The Election Law Enforcement Commission may adopt such
2 rules and regulations as may be required to implement the provi-
3 sions of this act and to carry out its purpose.

1 12. Any violation of this act shall be subject to the penalties set
2 forth in section 21 and section 22 of the act of which this act is a
3 supplement.

1 13. The provisions of this act shall be construed liberally and
2 applied so as to promote the purposes expressed herein.

1 14. The limitations on expenditures set forth in section 7 of the
2 act to which this act is a supplement shall not be applicable to
3 campaigns for the election of Governor in the general election of
4 duly qualified candidates but such candidates shall be subject to
5 the provisions of this act. Candidates for election to the Office of
6 Governor in the general election who will not qualify for public
7 funds under the provisions of this act shall not be subject to the
8 limitation on the maximum amount of contributions or the
9 maximum amount that can be expended from private contributors
10 herein set forth but any such candidate shall be subject to the
11 provisions of section 7 herein above mentioned.

1 15. There is hereby appropriated from the General Treasury the
2 sum of \$1.5 million which amount shall be available to the Election
3 Law Enforcement Commission for the public financing of cam-
4 paigns as provided herein. There is also appropriated from the
5 General Treasury to the Election Law Enforcement Commission
6 the sum of \$250,000.00 to cover the expenses of mailing campaign
7 statement and to carry out the provisions of this act.

1 16. This act shall take effect immediately.

ASSEMBLY, No. 1246

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1974

By Assemblymen BURSTEIN, LEFANTE, BAER, MARTIN, HYNES,
HAMILTON, KLEIN, FLORIO, SCHUCK, PERSKIE, WORTH-
INGTON, Assemblywoman WILSON, Assemblymen GARRUBBO,
McCARTHY and McMANIMON

Referred to Committee on State Government, Federal and
Interstate Relations

AN ACT to amend and supplement "The New Jersey Campaign
Contributions and Expenditures Reporting Act," approved
April 24, 1973 (P. L. 1973, c. 83).

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

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

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

5 a. The term "allied candidates" means candidates in any elec-
6 tion who are (1) seeking nomination or election (A) to an office or
7 offices in the same county or municipal government or school dis-
8 trict or (B) to the Legislature representing in whole or part the
9 same constituency (C) as members of the State committee of the
10 same political party from the same county, or (D) as delegates or
11 alternates to the national convention of the same political party;
12 and who are (2) either (A) nominees of the same political party,
13 or (B) publicly declared in any manner, including the seeking or
14 obtaining of any ballot position or common ballot slogan, to be
15 aligned or mutually supportive.

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

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

27 d. The terms "contributions" and "expenditures" include all
28 transfers of money or other thing of value to or by any candidate,
29 political committee, committee of a political party or political in-
30 formation organization, and all pledges or other commitments or
31 assumptions of liability to make any such transfer; and for pur-
32 poses of reports required under the provisions of this act shall be
33 deemed to have been made upon the date when such commitment
34 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, can-
40 vassing, telephone, speech writing or other such services, per-
41 formed other than on a voluntary basis, the salary, cost or con-
42 sideration for which is paid, borne or provided by someone other
43 than the committee, candidate or organization for whom such ser-
44 vices are rendered. In determining the value, for the purpose of
45 reports required under this act, of contributions made in the form
46 of paid personal services, the person contributing such services
47 shall furnish to the campaign treasurer through whom such con-
48 tribution is made a statement setting forth the actual amount of
49 compensation paid by said contributor to the individuals actually
50 performing said services for the performance thereof. But if any
51 individual or individuals actually performing such services also
52 performed for the contributor other services during the same
53 period, and the manner of payment was such that payment for the
54 services contributed cannot readily be segregated from contem-
55 porary payment for the other services, the contributor shall in his
56 statement to the campaign treasurer so state and shall either (1)
57 set forth his best estimate of the dollar amount of payment to each
58 such individual which is attributable to the contribution of his paid
59 personal services, and shall certify the substantial accuracy of the
60 same, or (2) if unable to determine such amount with sufficient
61 accuracy, set forth the total compensation paid by him to each such
62 individual for the period of time during which the services con-
63 tributed by him were performed. If any candidate is a holder of

64 public office to whom there is attached or assigned, by virtue of said
65 office, any aide or aides whose services are of a personal or con-
66 fidential nature in assisting him to carry out the duties of said office,
67 and whose salary or other compensation is paid in whole or in part
68 out of public funds, the services of such aide or aides which are paid
69 for out of public funds shall be for public purposes only; but they
70 may contribute their personal services, on a voluntary basis, to
71 such candidate for election campaign purposes.

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

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

89 h. The term "political information" means any statement in-
90 cluding but not limited to, press releases, pamphlets, newsletters,
91 advertisements, flyers, form letters, or radio or television programs
92 or advertisements which reflect the opinion of the members of the
93 organization on any candidate or candidates for public office, on
94 any public question, or on any legislation, or which contains facts
95 on any such candidate, public question or legislation whether or
96 not such facts are within the personal knowledge of members of
97 the organization.

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

105 j. The term "public solicitation" means any activity by or on

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

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

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

133 m. *The term "qualified candidate" means:*

134 (1) *Any candidate for election to the office of Governor whose*
 135 *name appears on the general election ballot and who has deposited*
 136 *and expended \$50,000.00 pursuant to section 7 of this amendatory*
 137 *and supplementary act; or*

138 (2) *Any candidate for election to the office of Governor whose*
 139 *name does not appear on the general election ballot but who has*
 140 *deposited and expended \$50,000.00 pursuant to section 7 of this*
 141 *amendatory and supplementary act.*

1 2. It is hereby declared to be in the public interest and to be the
 2 policy of this State that general election campaigns for the office
 3 of Governor shall be financed with public support pursuant to the
 4 provisions of this act. It is the intention of this act that such
 5 financing be adequate in amount so that candidates for election to
 6 the office of Governor may conduct their campaigns free from

7 improper influence and so that persons of limited financial means
8 may seek election to the State's highest office.

1 3. The provisions of this act shall apply to the general election
2 to be held in November, 1977 and to all subsequent campaigns for
3 election to the office of Governor.

1 4. a. No person or political committee, otherwise eligible to make
2 political contributions, shall make any contribution or contributions
3 in aid of the candidacy of a candidate for election to the office of
4 Governor in a general election in the aggregate in excess of \$600.00,
5 except as provided by this section. No candidate for election to
6 the office of Governor in a general election campaign and no cam-
7 paign treasurer or deputy campaign treasurer of such candidate
8 shall knowingly accept from any person or political committee,
9 any contribution or contributions in aid of such candidate's candi-
10 dacy in excess of \$600.00, except as provided by this section.

11 b. The spouse of any contributor may make a contribution or
12 contributions of up to \$600.00 in the aggregate in aid of the candi-
13 dacy of a candidate for election to the office of Governor in a general
14 election.

15 c. No State committee of any political party shall knowingly
16 accept from any person or political committee, any contribution
17 or contributions the aggregate of which is in excess of \$600.00 in
18 the year of any general election for the office of Governor, except
19 as provided by subsection b. of this section. The State committee
20 of any political party may make a contribution or contributions
21 in any amount in aid of the candidacy of a candidate for election
22 to the office of Governor in a general election.

23 d. The county committees and municipal committees of any
24 political party may make a contribution or contributions of
25 \$100,000.00 in the aggregate in aid of the candidacy of any candi-
26 date for election to the office of Governor in a general election,
27 except that no county committee or municipal committee may
28 transfer any money to any such candidate or to such candidate's
29 campaign treasurer or deputy campaign treasurer, and except that
30 no county committee and municipal committees in any county may
31 make a contribution or contributions in excess of \$10,000.00 in aid
32 of the candidacy of any such candidate. A candidate or his cam-
33 paign treasurer or deputy campaign treasurer shall determine the
34 exact amount that individual county committees or municipal com-
35 mittees may contribute in aid of the candidacy of such candidate,
36 and shall file a report of such determination with the Election Law
37 Enforcement Commission no later than the November 1 immedi-
38 ately preceding the general election being funded.

1 5. The Legislature shall appropriate to the New Jersey Election
2 Law Enforcement Commission out of the General Treasury of the
3 State such sums as are necessary to carry out the purposes of this
4 act, which sums shall constitute a fund for campaign expenses for
5 the general election to the office of Governor to be regulated and
6 expended by the Election Law Enforcement Commission pursuant
7 to this act. Upon notice by the commission, the Legislature shall
8 appropriate to the commission out of the General Treasury such
9 additional sums as may be required to carry out the purposes of
10 this act if the sums first appropriated become inadequate.

1 6. No contribution received by or on behalf of any candidate for
2 election to the office of Governor on or before the date of the
3 primary election immediately preceding the general election cam-
4 paign being funded and not deposited pursuant to section 7 of
5 this amendatory and supplementary act on or before such date
6 may be utilized or expended by or in behalf of such candidate or
7 any other candidate in the general election campaign being funded.

1 7. The Election Law Enforcement Commission, shall create an
2 account in a National or State bank in behalf of each candidate for
3 election to the office of Governor in a general election. The com-
4 mission shall deposit promptly all moneys received from the cam-
5 paign treasurer or deputy campaign treasurer of such candidate
6 prior to the date on which is held the general election for the office
7 of Governor provided that such moneys are received pursuant to
8 section 4 of this amendatory and supplementary act and section
9 12 of the act to which this act is a supplement. Immediately after
10 deposit by the commission, the campaign treasurer or deputy cam-
11 paign treasurer of any candidate may transfer or expend moneys
12 deposited in such candidate's account.

1 8. The campaign treasurer or deputy campaign treasurer of any
2 qualified candidate for election to the office of Governor in a general
3 election shall promptly receive in behalf of such qualified candidate
4 from the fund for general election campaign expenses moneys in
5 an amount equal to twice the amount of each contribution deposited
6 by the Election Law Enforcement Commission in such qualified
7 candidate's bank account, except that no payment shall be made
8 from the fund for general election campaigns expenses to any
9 candidate for the first \$50,000.00 deposited by the Election Law
10 Enforcement Commission in such qualified candidate's bank
11 account.

1 9. a. No contribution which must be or is intended by the con-
2 tributor or the recipient to be refunded or repaid at any time shall

3 be forwarded to the Election Law Enforcement Commission or
4 knowingly deposited by the commission into any candidate's bank
5 account.

6 b. No contribution by any State committee, county committee or
7 municipal committee of any political party shall be forwarded to
8 the Election Law Enforcement Commission or knowingly deposited
9 by the commission into any candidate's bank account.

1 10. a. All expenditures from the fund for general election cam-
2 paign expenses shall be made pursuant to rules and regulations of
3 the Election Law Enforcement Commission and shall be strictly
4 limited to the following purposes:

5 (1) The purchase of time on radio and television stations;

6 (2) The purchase of rental space on outdoor signs or billboards;

7 (3) The purchase of advertising space in newspapers and
8 regularly published magazines and periodicals;

9 (4) The cost of producing the material aired or displayed on
10 radio, television, outdoor signs or billboards, and in newspapers,
11 regularly published magazines and periodicals;

12 (5) The cost of printing and mailing campaign literature and
13-14 brochures distributed under the name of any qualified candidate.

15 b. Moneys received by a qualified candidate from the fund for
16 general election campaign expenses may be retained for a period
17 not exceeding 6 months after the general election for the liquidation
18 of all obligations to pay expenses for the purposes permitted by
19 this section which were incurred during the general election cam-
20 paign. All obligations having been liquidated, all moneys remaining
21 available to any qualified candidate, shall be paid into the fund,
22 except that no candidate shall pay into the fund moneys in excess
23 of moneys received from the fund.

1 11. Moneys received by any qualified candidate from the fund for
2 campaign expenses are to be considered "spent in aid of the
3 candidacy of any candidate" for election to the office of Governor
4 for the purpose of section 7 of the act to which this act is a supple-
5 ment. The New Jersey Election Law Enforcement Commission
6 shall return to any contributor any contribution, and shall refuse
7 to withdraw from the fund for campaign expenses any sum, which
8 results in a candidate's exceeding the limitation of that section.

1 12. The Election Law Enforcement Commission shall mail to all
2 registered voters of the State, not less than 7 nor more than 14
3 days prior to the date on which the general election is to be held,
4 statements from each candidate for election to the office of Governor

5 in a general election. Each candidate for the office of Governor who
6 wishes a statement mailed on his behalf by the commission shall
7 submit to the commission, on forms provided by it, his proposed
8 statement which shall not exceed 500 words in length. The state-
9 ments submitted by all such candidates shall be mailed together in
10 a common envelope by the commission as herein provided along
11 with a short explanation from the commission that such statements
12 are provided pursuant to this law to assist the voters of this State
13 in making their determination among the candidates for the office of
14 Governor. The cost of printing and mailing such statements shall
15 be borne by the commission from funds appropriated for that
16 purpose.

1 13. The Election Law Enforcement Commission may adopt such
2 rules and regulations as may be required to implement the pro-
3 visions of this act and to carry out its purpose.

1 14. The New Jersey Public Broadcasting Commission, P. L. 1968,
2 c. 405 (C. 48:23-1 et seq.), shall promote full discussions of public
3 issues by the candidates for the office of Governor on the ballot in
4 any general election, free of charge to any such candidate. The
5 commission shall make available at least 1 hour of time on its
6 stations for joint appearances by such candidates, and at least 1
7 additional hour of time on its stations for individual appearances
8 by each of such candidates. The commission may promulgate such
9 rules and regulations as may be necessary to effectuate the purposes
10 of this section.

1 15. Any violation of this act shall be subject to the penalties set
2 forth in section 21 and section 22 of the act of which this act is a
3 supplement.

1 16. The provisions of this act shall be construed liberally and
2 applied so as to promote the purposes expressed herein.

1 17. This act shall not be applicable to any general election cam-
2 paign for the office of Governor for which the Legislature fails to
3 make an appropriation.

1 18. If any section, subsection, paragraph, sentence or other part
2 of this act is adjudged unconstitutional or invalid, such judgment
3 shall not affect, impair or invalidate the remainder of this act, but
4 shall be confined in its effect to the section, subsection, paragraph,
5 sentence or other part of this act directly involved in the con-
6 troversy in which said judgment shall have been rendered.

1 19. This act shall take effect immediately.

STATEMENT

This bill provides partial public financing of general elections for Governor beginning in 1977. Any candidate on the general election ballot and any write-in candidate who has deposited \$50,000.00 with the New Jersey Election Law Enforcement Commission is eligible to receive \$2.00 of public funds for every additional \$1.00 deposited with the Election Law Enforcement Commission. Existing limitations upon the total expenditures permitted each gubernatorial candidate are maintained.

Individual contributions, including transfers of money, loans and donations of things of value, to gubernatorial candidates and to the State committee of any political party in the general election are limited to \$600.00. All county and municipal committees may contribute an aggregate of \$100,000.00 to a gubernatorial candidate except that no such committee may transfer money to a candidate and no county can contribute more than \$10,000.00.

Enforcement of the provisions of this act lies with the Election Law Enforcement Commission which provides the matching funds only for those moneys deposited by or in behalf of a candidate in a bank account to be opened by the commission. The commission will insure that public funds are utilized only for those purposes specified in the bill. The commission will also mail to all registered voters, at commission expense, a short statement to be prepared by any candidate.

The bill also requires the New Jersey Public Broadcasting Commission to make available 1 hour of free time for joint appearances by candidates for election to the office of Governor on the ballot in any general election, and 1 additional hour of free time for individual appearances by each of the candidates.

ASSEMBLY COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 1246

STATE OF NEW JERSEY

ADOPTED APRIL 1, 1974

Amend page 4, section 1, line 136, after "*expended*", omit "\$50,000.00", and insert "\$40,000.00".

Amend page 4, section 1, line 140, after "*expended*", omit "\$50,000.00", and insert "\$40,000.00".

Amend page 5, section 3, line 1, after "election", insert "campaign for the office of Governor".

Amend page 5, section 3, line 3, before ".", insert ", except that the provisions of this act shall not apply to any general election campaign for the office of Governor for which the Legislature fails to make an appropriation".

Amend page 5, section 4, line 2, after "or contributions", insert "to a candidate, his campaign treasurer or deputy campaign treasurer, a State committee, county committee or municipal committee of any political party, or to any other person or committee,".

Amend page 5, section 4, line 3, after "candidacy of", insert "or in behalf of".

Amend page 5, section 4, line 6, delete "campaign".

Amend page 5, section 4, lines 9-10, after "candidacy", insert "or in behalf of such candidate in the aggregate".

Amend page 5, section 4, after line 10, insert a new subsection b. to read as follows:

"b. No person or political committee, except the State committee of any political party, otherwise eligible to make political contributions, shall make any contribution or contributions to a candidate, his campaign treasurer, a State committee, county committee or municipal committee of any political party, or to any other person or committee, in behalf of the winner of a primary election for the office of Governor in the aggregate in excess of \$600.00 for any purpose after the date of such primary election. No candidate for election to the office of Governor in a general election who has won the preceding primary election, and no campaign treasurer or deputy campaign treasurer of such

candidate shall knowingly accept from any person or political committee, except the State committee of any political party, any contribution or contributions in the aggregate in excess of \$600.00 for any purpose after the date of such primary election.”.

Amend page 5, section 4, line 11, delete “b.”, insert “c.”, and re-letter old subsections “c.” and “d.” as new subsections “d.” and “e.”.

Amend page 5, section 4, lines 12-13, after “candidacy of”, insert “or in behalf of”.

Amend page 5, section 4, line 19, delete “b.”, insert “c.”.

Amend page 5, section 4, line 21, after “candidacy of”, insert “or in behalf of”.

Amend page 5, section 4, line 22, after “election”, insert “, except that no State committee may make such a contribution or contributions of moneys or other thing of value pledged or received in a year without an election for the office of Governor”.

Amend page 5, section 4, line 31, after “\$10,000.00”, insert “in the aggregate”.

Amend page 5, section 4, lines 37-38, after “than the”, delete “November 1 immediately preceding”, and insert “seventh day prior to”.

Amend page 5, section 4, after line 38, insert:

“f. Communications on any subject by a corporation to its stockholders and their families, or by a labor organization to its members and their families, and nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families, shall not be construed to be in aid of the candidacy of or in behalf of a candidate for election to the office of Governor in a general election.”.

Amend page 6, section 5, line 6, delete “expended”, and insert “distributed”; delete “Election Law Enforcement Commission”, and insert “commission”.

Amend page 6, section 7, line 5, delete “such”, and insert “a”.

Amend page 6, section 7, line 7, after “Governor” insert “,”.

Amend page 6, section 7, line 12, after “candidate’s”, insert “bank”.

Amend page 6, section 8, line 8, delete “campaigns”, and insert “campaign”.

Amend page 6, section 8, line 9, after “first”, omit “\$50,000.00”, and insert “\$40,000.00”.

Amend page 6, section 8, lines 9-10, delete “Election Law Enforcement Commission”, and insert “commission”.

Amend page 7, section 10, line 5, delete “The purchase”, and insert “Purchase”.

Amend page 7, section 10, line 6, delete “The purchase”, and insert “Purchase”.

Amend page 7, section 10, line 7, delete “The purchase”, and insert “Purchase”.

Amend page 7, section 10, line 9, delete “The”, and insert “Payment of the”.

Amend page 7, section 10, line 12, delete “The”, and insert “Payment of the”.

Amend page 7, section 10, after line 14, insert a new subsection b. to read as follows :

“b. The limitations in subsection a. of this section upon expenditures from the fund for general election campaign expenses shall not apply to expenditures of private contributions, whether or not such private contributions were deposited in a candidate’s bank account pursuant to section 7 of this amendatory and supplementary act.”.

Amend page 7, section 10, line 15, reletter old subsection “b.” as new subsection “c.”.

Amend page 7, section 11, line 1, after “for”, insert “general election”.

Amend page 7, section 11, line 5, delete “New Jersey”.

Amend page 7, section 11, line 7, after “for”, insert “general election”.

Amend page 8, section 15, lines 1-3, delete in their entirety and insert a new section 15 as follows :

“15. a. Any person who willfully and knowingly violates section 4, 6, 9 or 10 of this act is guilty of a misdemeanor.

b. The election to office of any candidate who is guilty of any violation within the description of subsection a. of this section shall be void, and the office shall be filled as required by law in the case of a vacancy; provided, however, that nothing herein contained shall be construed in derogation of the constitutional authority of either House of the Legislature to be the judge of the election and qualification of its own members.”.

Amend page 8, section 17, lines 1-3, delete in their entirety and renumber old sections “18.” and “19.” as new sections “17.” and “18.”.

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 1246

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1974

By Assemblymen BURSTEIN, LEFANTE, BAER, MARTIN, HYNES,
HAMILTON, KLEIN, FLORIO, SCHUCK, PERSKIE, WORTH-
INGTON, Assemblywoman WILSON, Assemblymen GARRUBBO,
McCARTHY and McMANIMON

Referred to Committee on State Government, Federal and
Interstate Relations

AN ACT to amend and supplement "The New Jersey Campaign
Contributions and Expenditures Reporting Act," approved
April 24, 1973 (P. L. 1973, c. 83).

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

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

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

5 a. The term "allied candidates" means candidates in any elec-
6 tion who are (1) seeking nomination or election (A) to an office or
7 offices in the same county or municipal government or school dis-
8 trict or (B) to the Legislature representing in whole or part the
9 same constituency (C) as members of the State committee of the
10 same political party from the same county, or (D) as delegates or
11 alternates to the national convention of the same political party;
12 and who are (2) either (A) nominees of the same political party,
13 or (B) publicly declared in any manner, including the seeking or
14 obtaining of any ballot position or common ballot slogan, to be
15 aligned or mutually supportive.

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

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

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

27 d. The terms "contributions" and "expenditures" include all
28 transfers of money or other thing of value to or by any candidate,
29 political committee, committee of a political party or political in-
30 formation organization, and all pledges or other commitments or
31 assumptions of liability to make any such transfer; and for pur-
32 poses of reports required under the provisions of this act shall be
33 deemed to have been made upon the date when such commitment
34 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, can-
40 vassing, telephone, speech writing or other such services, per-
41 formed other than on a voluntary basis, the salary, cost or con-
42 sideration for which is paid, borne or provided by someone other
43 than the committee, candidate or organization for whom such ser-
44 vices are rendered. In determining the value, for the purpose of
45 reports required under this act, of contributions made in the form
46 of paid personal services, the person contributing such services
47 shall furnish to the campaign treasurer through whom such con-
48 tribution is made a statement setting forth the actual amount of
49 compensation paid by said contributor to the individuals actually
50 performing said services for the performance thereof. But if any
51 individual or individuals actually performing such services also
52 performed for the contributor other services during the same
53 period, and the manner of payment was such that payment for the
54 services contributed cannot readily be segregated from contem-
55 porary payment for the other services, the contributor shall in his
56 statement to the campaign treasurer so state and shall either (1)
57 set forth his best estimate of the dollar amount of payment to each
58 such individual which is attributable to the contribution of his paid
59 personal services, and shall certify the substantial accuracy of the
60 same, or (2) if unable to determine such amount with sufficient
61 accuracy, set forth the total compensation paid by him to each such
62 individual for the period of time during which the services con-
63 tributed by him were performed. If any candidate is a holder of

64 public office to whom there is attached or assigned, by virtue of said
 65 office, any aide or aides whose services are of a personal or con-
 66 fidential nature in assisting him to carry out the duties of said office,
 67 and whose salary or other compensation is paid in whole or in part
 68 out of public funds, the services of such aide or aides which are paid
 69 for out of public funds shall be for public purposes only; but they
 70 may contribute their personal services, on a voluntary basis, to
 71 such candidate for election campaign purposes.

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

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

89 h. The term "political information" means any statement in-
 90 cluding but not limited to, press releases, pamphlets, newsletters,
 91 advertisements, flyers, form letters, or radio or television programs
 92 or advertisements which reflect the opinion of the members of the
 93 organization on any candidate or candidates for public office, on
 94 any public question, or on any legislation, or which contains facts
 95 on any such candidate, public question or legislation whether or
 96 not such facts are within the personal knowledge of members of
 97 the organization.

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

105 j. The term "public solicitation" means any activity by or on

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

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

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

133 m. *The term "qualified candidate" means:*

134 (1) *Any candidate for election to the office of Governor whose*
 135 *name appears on the general election ballot and who has deposited*
 136 *and expended *~~[\$50,000.00]~~* *\$40,000.00* pursuant to section 7 of*
 137 *this amendatory and supplementary act; or*

138 (2) *Any candidate for election to the office of Governor whose*
 139 *name does not appear on the general election ballot but who has*
 140 *deposited and expended *~~[\$50,000.00]~~* *\$40,000.00* pursuant to*
 141 *section 7 of this amendatory and supplementary act.*

1 2. It is hereby declared to be in the public interest and to be the
 2 policy of this State that general election campaigns for the office
 3 of Governor shall be financed with public support pursuant to the
 4 provisions of this act. It is the intention of this act that such
 5 financing be adequate in amount so that candidates for election to
 6 the office of Governor may conduct their campaigns free from

7 improper influence and so that persons of limited financial means
8 may seek election to the State's highest office.

1 3. The provisions of this act shall apply to the general election
2 **campaign for the office of Governor** to be held in November, 1977
3 and to all subsequent campaigns for election to the office of Gov-
4 ernor*, *except that the provisions of this act shall not apply to*
5 *any general election campaign for the office of Governor for which*
6 *the Legislature fails to make an appropriation*.*

1 4. a. No person or political committee, otherwise eligible to make
2 political contributions, shall make any contribution or contributions
3 **to a candidate, his campaign treasurer or deputy campaign trea-*
4 *surer, a State committee, county committee or municipal committee*
5 *of any political party, or to any other person or committee,** in
6 aid of the candidacy of **or in behalf of** a candidate for election
7 to the office of Governor in a general election in the aggregate in
8 excess of \$600.00, except as provided by this section. No candidate
9 for election to the office of Governor in a general election **[cam-*
10 *paigh]** and no campaign treasurer or deputy campaign treasurer
11 of such candidate shall knowingly accept from any person or po-
12 litical committee, any contribution or contributions in aid of such
13 candidate's candidacy **or in behalf of such candidate in the ag-*
14 *gregate** in excess of \$600.00, except as provided by this section.

15 **b. No person or political committee, except the State committee*
16 *of any political party, otherwise eligible to make political contri-*
17 *butions, shall make any contribution or contributions to a candi-*
18 *date, his campaign treasurer, a State committee, county committee*
19 *or municipal committee of any political party, or to any other per-*
20 *son or committee, in behalf of the winner of a primary election for*
21 *the office of Governor in the aggregate in excess of \$600.00 for any*
22 *purpose after the date of such primary election. No candidate for*
23 *election to the office of Governor in a general election who has won*
24 *the preceding primary election, and no campaign treasurer or*
25 *deputy campaign treasurer of such candidate shall knowingly ac-*
26 *cept from any person or political committee, except the State*
27 *committee of any political party, any contribution or contributions*
28 *in the aggregate in excess of \$600.00 for any purpose after the date*
29 *of such primary election.**

30 **[b.]* *c.** The spouse of any contributor may make a contribu-
31 tion or contributions of up to \$600.00 in the aggregate in aid of
32 the candidacy of **or in behalf of** a candidate for election to the
33 office of Governor in a general election.

34 **[c.]* *d.** No State committee of any political party shall know-

35 ingly accept from any person or political committee, any contri-
 36 bution or contributions the aggregate of which is in excess of
 37 \$600.00 in the year of any general election for the office of Governor,
 38 except as provided by subsection ***[b.]*** **c.** of this section. The
 39 State committee of any political party may make a contribution or
 40 contributions in any amount in aid of the candidacy of **or in behalf*
 41 *of** a candidate for election to the office of Governor in a general
 42 election*, *except that no State committee may make such a contri-*
 43 *bution or contributions of moneys or other thing of value pledged*
 44 *or received in a year without an election for the office of Governor*.*

45 ***[d.]*** **e.** The county committees and municipal committees of
 46 any political party may make a contribution or contributions of
 47 \$100,000.00 in the aggregate in aid of the candidacy of any candi-
 48 date for election to the office of Governor in a general election,
 49 except that no county committee or municipal committee may
 50 transfer any money to any such candidate or to such candidate's
 51 campaign treasurer or deputy campaign treasurer, and except that
 52 no county committee and municipal committees in any county may
 53 make a contribution or contributions in excess of \$10,000.00 **in the*
 54 *aggregate** in aid of the candidacy of any such candidate. A candi-
 55 date or his campaign treasurer or deputy campaign treasurer shall
 56 determine the exact amount that individual county committees or
 57 municipal committees may contribute in aid of the candidacy of
 58 such candidate, and shall file a report of such determination with
 59 the Election Law Enforcement Commission no later than the ***[No-**
 60 **60 vember 1 immediately preceding]*** **seventh day prior to** the
 61 general election being funded.

62 **f. Communications on any subject by a corporation to its stock-*
 63 *holders and their families, or by a labor organization to its members*
 64 *and their families, and nonpartisan registration and get-out-the-*
 65 *vote campaigns by a corporation aimed at its stockholders and their*
 66 *families, or by a labor organization aimed at its members and*
 67 *their families, shall not be construed to be in aid of the candidacy*
 68 *of or in behalf of a candidate for election to the office of Governor*
 69 *in a general election.**

1 5. The Legislature shall appropriate to the New Jersey Election
 2 Law Enforcement Commission out of the General Treasury of the
 3 State such sums as are necessary to carry out the purposes of this
 4 act, which sums shall constitute a fund for campaign expenses for
 5 the general election to the office of Governor to be regulated and
 6 ***[expended]*** **distributed** by the ***[Election Law Enforcement**
 7 **Commission]*** **commission** pursuant to this act. Upon notice by

8 the commission, the Legislature shall appropriate to the commis-
 9 sion out of the General Treasury such additional sums as may be
 10 required to carry out the purposes of this act if the sums first
 11 appropriated become inadequate.

1 6. No contribution received by or on behalf of any candidate for
 2 election to the office of Governor on or before the date of the
 3 primary election immediately preceding the general election cam-
 4 paign being funded and not deposited pursuant to section 7 of
 5 this amendatory and supplementary act on or before such date
 6 may be utilized or expended by or in behalf of such candidate or
 7 any other candidate in the general election campaign being funded.

1 7. The Election Law Enforcement Commission, shall create an
 2 account in a National or State bank in behalf of each candidate for
 3 election to the office of Governor in a general election. The com-
 4 mission shall deposit promptly all moneys received from the cam-
 5 paign treasurer or deputy campaign treasurer of ***such*** *a*
 6 candidate prior to the date on which is held the general election for
 7 the office of Governor*,* provided that such moneys are received
 8 pursuant to section 4 of this amendatory and supplementary act
 9 and section 12 of the act to which this act is a supplement. Im-
 10 mediately after deposit by the commission, the campaign treasurer
 11 or deputy campaign treasurer of any candidate may transfer or
 12 expend moneys deposited in such candidate's *bank* account.

1 8. The campaign treasurer or deputy campaign treasurer of any
 2 qualified candidate for election to the office of Governor in a general
 3 election shall promptly receive in behalf of such qualified candidate
 4 from the fund for general election campaign expenses moneys in
 5 an amount equal to twice the amount of each contribution deposited
 6 by the Election Law Enforcement Commission in such qualified
 7 candidate's bank account, except that no payment shall be made
 8 from the fund for general election ***campaigns*** *campaign* ex-
 9 penses to any candidate for the first ***\$50,000.00*** *\$40,000.00*
 10 deposited by the ***Election Law Enforcement Commission*** *com-*
 11 *mission* in such qualified candidate's bank account.

1 9. a. No contribution which must be or is intended by the con-
 2 tributor or the recipient to be refunded or repaid at any time shall
 3 be forwarded to the Election Law Enforcement Commission or
 4 knowingly deposited by the commission into any candidate's bank
 5 account.

6 b. No contribution by any State committee, county committee or
 7 municipal committee of any political party shall be forwarded to

8 the Election Law Enforcement Commission or knowingly deposited
9 by the commission into any candidate's bank account.

1 10. a. All expenditures from the fund for general election cam-
2 paign expenses shall be made pursuant to rules and regulations of
3 the Election Law Enforcement Commission and shall be strictly
4 limited to the following purposes:

5 (1) ***【The purchase】*** **Purchase** of time on radio and televi-
6 sion stations;

7 (2) ***【The purchase】*** **Purchase** of rental space on outdoor
8 signs or billboards;

9 (3) ***【The purchase】*** **Purchase** of advertising space in news-
10 papers and regularly published magazines and periodicals;

11 (4) ***【The】*** **Payment of the** cost of producing the material
12 aired or displayed on radio, television, outdoor signs or billboards,
13 and in newspapers, regularly published magazines and periodicals;

14 (5) ***【The】*** **Payment of the** cost of printing and mailing
15 campaign literature and brochures distributed under the name of
16 any qualified candidate.

17 **b. The limitations in subsection a. of this section upon expendi-*
18 *tures from the fund for general election campaign expenses shall*
19 *not apply to expenditures of private contributions, whether or not*
20 *such private contributions were deposited in a candidate's bank*
21 *account pursuant to section 7 of this amendatory and supplement-*
22 *ary act.**

23 ****【b.】*** *c.** Moneys received by a qualified candidate from the
24 fund for general election campaign expenses may be retained for
25 a period not exceeding 6 months after the general election for the
26 liquidation of all obligations to pay expenses for the purposes
27 permitted by this section which were incurred during the general
28 election campaign. All obligations having been liquidated, all
29 moneys remaining available to any qualified candidate, shall be
30 paid into the fund, except that no candidate shall pay into the fund
31 moneys in excess of moneys received from the fund.

1 11. Moneys received by any qualified candidate from the fund for
2 **general election** campaign expenses are to be considered "spent
3 in aid of the candidacy of any candidate" for election to the office
4 of Governor for the purpose of section 7 of the act to which this
5 act is a supplement. The ****【New Jersey】**** Election Law Enforce-
6 ment Commission shall return to any contributor any contribution,
7 and shall refuse to withdraw from the fund for **general election**
8 campaign expenses any sum, which results in a candidate's exceed-
9 ing the limitation of that section.

1 12. The Election Law Enforcement Commission shall mail to all
 2 registered voters of the State, not less than 7 nor more than 14
 3 days prior to the date on which the general election is to be held,
 4 statements from each candidate for election to the office of Governor
 5 in a general election. Each candidate for the office of Governor who
 6 wishes a statement mailed on his behalf by the commission shall
 7 submit to the commission, on forms provided by it, his proposed
 8 statement which shall not exceed 500 words in length. The state-
 9 ments submitted by all such candidates shall be mailed together in
 10 a common envelope by the commission as herein provided along
 11 with a short explanation from the commission that such statements
 12 are provided pursuant to this law to assist the voters of this State
 13 in making their determination among the candidates for the office of
 14 Governor. The cost of printing and mailing such statements shall
 15 be borne by the commission from funds appropriated for that
 16 purpose.

1 13. The Election Law Enforcement Commission may adopt such
 2 rules and regulations as may be required to implement the pro-
 3 visions of this act and to carry out its purpose.

1 14. The New Jersey Public Broadcasting Commission, P. L. 1968,
 2 c. 405 (C. 48:23-1 et seq.), shall promote full discussions of public
 3 issues by the candidates for the office of Governor on the ballot in
 4 any general election, free of charge to any such candidate. The
 5 commission shall make available at least 1 hour of time on its
 6 stations for joint appearances by such candidates, and at least 1
 7 additional hour of time on its stations for individual appearances
 8 by each of such candidates. The commission may promulgate such
 9 rules and regulations as may be necessary to effectuate the purposes
 10 of this section.

1 ***[15. Any violation of this act shall be subject to the penalties set**
 2 **forth in section 21 and section 22 of the act of which this act is a**
 3 **supplement.]***

4 **15. a. Any person who willfully and knowingly violates sec-*
 5 *tion 4, 6, 9 or 10 of this act is guilty of a misdemeanor.*

6 *b. The election to office of any candidate who is guilty of any*
 7 *violation within the description of subsection a. of this section shall*
 8 *be void, and the office shall be filled as required by law in the case*
 9 *of a vacancy; provided, however, that nothing herein contained*
 10 *shall be construed in derogation of the constitutional authority of*
 11 *either House of the Legislature to be the judge of the election and*
 12 *qualification of its own members.**

1 16. The provisions of this act shall be construed liberally and
2 applied so as to promote the purposes expressed herein.

1 ***[17.** This act shall not be applicable to any general election cam-
2 paign for the office of Governor for which the Legislature fails to
3 make an appropriation.]*

1 ***[18.]** *17.* If any section, subsection, paragraph, sentence or
2 other part of this act is adjudged unconstitutional or invalid, such
3 judgment shall not affect, impair or invalidate the remainder of
4 this act, but shall be confined in its effect to the section, subsection,
5 paragraph, sentence or other part of this act directly involved in
6 the controversy in which said judgment shall have been rendered.

1 ***[19.]** *18.* This act shall take effect immediately.

SENATE COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 1246

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED APRIL 16, 1974

Amend page 2, section 1, line 22, after "seeking", insert "or having sought".

Amend page 2, section 1, line 27, after "all", insert "loans and".

Amend page 4, section 2, line 1, delete "in the", and insert "a compelling".

Amend page 5, section 4, line 1, after "person", insert ", candidate".

Amend page 5, section 4, line 11, after "person", insert ", candidate".

Amend page 5, section 4, line 15, after "State committee", insert ", county committees and municipal committees".

Amend page 5, section 4, line 27, after "committee", insert ", county committees and municipal committees".

Amend pages 5-6, section 4, lines 34-44, delete in their entirety and insert a new subsection "d." to read as follows:

"d. No State committee of any political party shall knowingly accept from any person or political committee, any contribution or contributions in the aggregate in excess of \$600.00 in aid of the candidacy of or in behalf of a candidate for election to the office of Governor in a general election, except as provided by subsection c. of this section. A State committee may allocate up to \$600.00 of a contribution in excess of \$600.00 to, in aid of the candidacy of or in behalf of such candidate. A State committee shall create an account in a National or State bank in behalf of any candidate the committee intends to or does assist for election to the office of Governor in a general election, shall deposit in such account and report to the Election Enforcement Commission the name of the contributor all moneys accepted or allocated in aid of the candidacy of or in behalf of such candidate, and may make a contribution or contributions from such account in any amount in aid of the candidacy of or in behalf of such candidate. No State committee may make any contribution or contributions in aid of the candidacy of or

in behalf of such candidate of moneys not deposited in a bank account pursuant to this subsection, and no State committee may make a contribution or contributions, in aid of the candidacy of or in behalf of such candidate of moneys or other thing of value pledged or received in a year without an election for the office of Governor.’’.

Amend page 6, section 4, line 47, after ‘‘candidacy of’’, insert ‘‘or in behalf of’’.

Amend page 6, section 4, line 54, after ‘‘candidacy of’’, insert ‘‘or in behalf of’’.

Amend page 6, section 4, line 57, after ‘‘candidacy of’’, insert ‘‘or in behalf of’’.

Amend page 7, section 6, line 7, after ‘‘funded.’’, insert ‘‘Such a contribution shall be returned to its contributor.’’.

Amend page 7, section 7, line 4, after ‘‘promptly’’, insert ‘‘into such an account’’.

Amend page 7, section 7, line 6, after ‘‘candidate’’, insert ‘‘or from a State committee of any political party in aid of the candidacy of or in behalf of such a candidate,’’.

Amend page 7, section 9, line 6, delete ‘‘State committee,’’.

Amend page 8, section 9, line 9, after ‘‘.’’, insert a new sentence as follows: ‘‘A State committee may forward to the commission and have deposited by the commission into any candidate’s bank account money in aid of the candidacy of or in behalf of such candidate received pursuant to section 4 of this amendatory and supplementary act and section 12 of the act to which this act is a supplement.’’.

Amend page 9, section 12, lines 1-16, delete in their entirety and insert a new section as follows:

‘‘12. The Election Law Enforcement Commission shall, on or before the forty-fifth day prior to the date on which the general election is to be held, supply each county clerk with the text of statements from each candidate for election to the office of Governor. Each candidate for the office of Governor who wishes a statement mailed on his behalf shall submit to the commission, on forms provided by it, his proposed statement which shall not exceed 500 words in length. Each county clerk shall cause the statements submitted by all such candidates to be printed and mailed with the sample ballot for the general election to each registered voter in the county with a short explanation from the commission that such statements are provided pursuant to this law to assist the voters of this State in making their determination among the candidates for the office of Governor. The cost of printing and mailing such statements be paid for in the same manner and as part of the costs of printing and mailing the sample ballots.’’

Amend page 9, after section 15, line 12, add a new section 16 to read as follows :

“16. a. Any person who willfully and knowingly violates sections 4, 6, 9, 10 or 19 of this act shall in addition to any other penalty provided by law, be liable to a penalty of not more than \$1,000.00 for the first offense and not more than \$2,000.00 for the second and each subsequent offense.

b. Upon receiving evidence of any violation of sections 4, 6, 9, 10 or 19 of this act, the Election Law Enforcement Commission shall have power to hold, or to cause to be held under the provisions of subsection d. of this section, hearings upon such violation and, upon finding any person to have committed such a violation, to assess such penalty, within the limits prescribed in subsection a. of this section, as it deems proper under the circumstances, which penalty shall be paid forthwith into the State Treasury for the general purposes of the State. Such penalty shall be enforceable in a summary proceeding under the “Penalty Enforcement Law” (N. J. S. 2A:58-1 et seq.).

c. In assessing any penalty under this section, the Election Law Enforcement Commission may provide for the remission of all or any part of such penalty conditioned upon the prompt correction of any failure, neglect, error or omission constituting the violation for which said penalty was assessed.

d. The commission may designate a hearing officer to hear complaints of violations of this act. Such hearing officer shall take testimony, compile a record and make factual findings, and shall submit the same to the commission, which shall have power to assess penalties within the limits and under the conditions prescribed in subsection b. of this section. The commission shall review the record and findings of the hearing officer, but it may also seek such additional testimony as it deems necessary. The commission’s determination shall be by majority vote of the entire authorized membership thereof.”

Amend page 10, section 16, line 1, omit “16.”, insert “17.”, and renumber the following sections accordingly.

Amend page 10, section 17, line 6, after “,”, insert new section as follows :

“19. Notwithstanding any provision of this act any candidate for the office of Governor in a general election, or his campaign treasurer or deputy campaign treasurer, may borrow funds from any National or State bank, provided that no person or political committee, other than the candidate himself or the State committee of any political party, may in any way endorse or guarantee such loan. The amount borrowed by any such candidate or his campaign treasurer or deputy

campaign treasurer shall in the aggregate not exceed \$50,000.00 and must be re-paid in full by such candidate or his campaign treasurer or deputy campaign treasurer from moneys accepted or allocated pursuant to section 4 of this amendatory and supplementary act 30 days prior to the date of the general election for the office of Governor, and certification of such repayment shall be made by the borrower to the Election Law Enforcement Commission.

Upon the failure of the borrower to repay the full amount borrowed on or before the thirtieth day prior to the date of the general election for the office of Governor, or to certify such repayment to the Election Law Enforcement Commission as required herein, all payments of moneys to such candidate from the fund for general election campaign expenses pursuant to section 8 of this act shall promptly cease; and the Election Law Enforcement Commission shall forthwith seek and may obtain in a summary action in the Superior Court an injunction prohibiting the expenditure by any such candidate of any moneys received by him at any time from the fund for general election campaign expenses pursuant to said section 8 of this act, and any other moneys received by him in aid of his candidacy in said general election for the office of Governor.”

Amend page 10, section 18, line 1, omit “18”, and insert “20.”.

[SENATE REPRINT]

ASSEMBLY, No. 1246

[OFFICIAL COPY REPRINT]

With Senate committee amendments adopted April 16, 1974

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1974

By Assemblymen BURSTEIN, LEFANTE, BAER, MARTIN, HYNES,
HAMILTON, KLEIN, FLORIO, SCHUCK, PERSKIE, WORTH-
INGTON, Assemblywoman WILSON, Assemblymen GARRUBBO,
McCARTHY and McMANIMON

Referred to Committee on State Government, Federal and
Interstate Relations

AN ACT to amend and supplement "The New Jersey Campaign
Contributions and Expenditures Reporting Act," approved
April 24, 1973 (P. L. 1973, c. 83).

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

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

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

5 a. The term "allied candidates" means candidates in any elec-
6 tion who are (1) seeking nomination or election (A) to an office or
7 offices in the same county or municipal government or school dis-
8 trict or (B) to the Legislature representing in whole or part the
9 same constituency (C) as members of the State committee of the
10 same political party from the same county, or (D) as delegates or
11 alternates to the national convention of the same political party;
12 and who are (2) either (A) nominees of the same political party,
13 or (B) publicly declared in any manner, including the seeking or
14 obtaining of any ballot position or common ballot slogan, to be
15 aligned or mutually supportive.

16 b. The term "allied campaign organization" means any political
17 committee, any State, county or municipal committee of a political
18 party or any campaign organization of a candidate which is in

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

19 support or furtherance of the same candidate or any one or more
20 of the same group of allied candidates or the same public question
21 as any other such committee or organization.

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

27 d. The terms "contributions" and "expenditures" include all
28 ***loans and*** transfers of money or other thing of value to or by
29 any candidate, political committee, committee of a political party
30 or political information organization, and all pledges or other
31 commitments or assumptions of liability to make any such trans-
32 fer; and for purposes of reports required under the provisions of
33 this act shall be deemed to have been made upon the date when such
34 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, can-
40 vassing, telephone, speech writing or other such services, per-
41 formed other than on a voluntary basis, the salary, cost or con-
42 sideration for which is paid, borne or provided by someone other
43 than the committee, candidate or organization for whom such ser-
44 vices are rendered. In determining the value, for the purpose of
45 reports required under this act, of contributions made in the form
46 of paid personal services, the person contributing such services
47 shall furnish to the campaign treasurer through whom such con-
48 tribution is made a statement setting forth the actual amount of
49 compensation paid by said contributor to the individuals actually
50 performing said services for the performance thereof. But if any
51 individual or individuals actually performing such services also
52 performed for the contributor other services during the same
53 period, and the manner of payment was such that payment for the
54 services contributed cannot readily be segregated from contem-
55 porary payment for the other services, the contributor shall in his
56 statement to the campaign treasurer so state and shall either (1)
57 set forth his best estimate of the dollar amount of payment to each
58 such individual which is attributable to the contribution of his paid
59 personal services, and shall certify the substantial accuracy of the
60 same, or (2) if unable to determine such amount with sufficient
61 accuracy, set forth the total compensation paid by him to each such

62 individual for the period of time during which the services con-
63 tributed by him were performed. If any candidate is a holder of
64 public office to whom there is attached or assigned, by virtue of said
65 office, any aide or aides whose services are of a personal or con-
66 fidential nature in assisting him to carry out the duties of said office,
67 and whose salary or other compensation is paid in whole or in part
68 out of public funds, the services of such aide or aides which are paid
69 for out of public funds shall be for public purposes only; but they
70 may contribute their personal services, on a voluntary basis, to
71 such candidate for election campaign purposes.

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

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

89 h. The term "political information" means any statement in-
90 cluding but not limited to, press releases, pamphlets, newsletters,
91 advertisements, flyers, form letters, or radio or television programs
92 or advertisements which reflect the opinion of the members of the
93 organization on any candidate or candidates for public office, on
94 any public question, or on any legislation, or which contains facts
95 on any such candidate, public question or legislation whether or
96 not such facts are within the personal knowledge of members of
97 the organization.

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

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

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

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

133 m. *The term “qualified candidate” means:*

134 (1) *Any candidate for election to the office of Governor whose*
 135 *name appears on the general election ballot and who has deposited*
 136 *and expended ***[\$50,000.00]*** *\$40,000.00* pursuant to section 7 of*
 137 *this amendatory and supplementary act; or*

138 (2) *Any candidate for election to the office of Governor whose*
 139 *name does not appear on the general election ballot but who has*
 140 *deposited and expended ***[\$50,000.00]*** *\$40,000.00* pursuant to*
 141 *section 7 of this amendatory and supplementary act.*

1 2. It is hereby declared to be ****[in the]**** ****a compelling****
 2 public interest and to be the policy of this State that general elec-
 3 tion campaigns for the office of Governor shall be financed with
 4 public support pursuant to the provisions of this act. It is the
 5 intention of this act that such financing be adequate in amount
 6 so that candidates for election to the office of Governor may con-

7 duct their campaigns free from improper influence and so that
 8 persons of limited financial means may seek election to the State's
 9 highest office.

1 3. The provisions of this act shall apply to the general election
 2 **campaign for the office of Governor** to be held in November, 1977
 3 and to all subsequent campaigns for election to the office of Gov-
 4 ernor*, *except that the provisions of this act shall not apply to*
 5 *any general election campaign for the office of Governor for which*
 6 *the Legislature fails to make an appropriation*.*

1 4. a. No person**, *candidate*** or political committee, otherwise
 2 eligible to make political contributions, shall make any contribution
 3 or contributions **to a candidate, his campaign treasurer or deputy*
 4 *campaign treasurer, a State committee, county committee or mu-*
 5 *nicipal committee of any political party, or to any other person or*
 6 *committee, in aid of the candidacy of *or in behalf of* a candidate*
 7 *for election to the office of Governor in a general election in the*
 8 *aggregate in excess of \$600.00, except as provided by this section.*
 9 No candidate for election to the office of Governor in a general
 10 election ***[campaign]*** and no campaign treasurer or deputy
 11 campaign treasurer of such candidate shall knowingly accept from
 12 any person**, *candidate*** or political committee, any contribution
 13 or contributions in aid of such candidate's candidacy **or in behalf*
 14 *of such candidate in the aggregate** in excess of \$600.00, except as
 14A provided by this section.

15 **b. No person or political committee, except the State commit-*
 16 *tee**, county committees and municipal committees** of any*
 16A *political party, otherwise eligible to make political contri-*
 17 *butions, shall make any contribution or contributions to a candi-*
 18 *date, his campaign treasurer, a State committee, county committee*
 19 *or municipal committee of any political party, or to any other per-*
 20 *son or committee, in behalf of the winner of a primary election for*
 21 *the office of Governor in the aggregate in excess of \$600.00 for any*
 22 *purpose after the date of such primary election. No candidate for*
 23 *election to the office of Governor in a general election who has won*
 24 *the preceding primary election, and no campaign treasurer or*
 25 *deputy campaign treasurer of such candidate shall knowingly ac-*
 26 *cept from any person or political committee, except the State*
 27 *committee**, county committees and municipal committees***
 27A *of any political party, any contribution or contributions*
 28 *in the aggregate in excess of \$600.00 for any purpose after the date*
 29 *of such primary election.**

30 ***[b.]* *c.*** The spouse of any contributor may make a contribu-

31 tion or contributions of up to \$600.00 in the aggregate in aid of
 32 the candidacy of **or in behalf of** a candidate for election to the
 33 office of Governor in a general election.

34 ****[*c.] *d.*** No State committee of any political party shall
 35 knowingly accept from any person or political committee, any contri-
 36 bution or contributions the aggregate of which is in excess of
 37 \$600.00 in the year of any general election for the office of Governor,
 38 except as provided by subsection ***[b.] *c.*** of this section. The
 39 State committee of any political party may make a contribution or
 40 contributions in any amount in aid of the candidacy of **or in behalf*
 41 *of** a candidate for election to the office of Governor in a general
 42 election*, *except that no State committee may make such a contri-*
 43 *bution or contributions of moneys or other thing of value pledged*
 44 *or received in a year without an election for the office of Gov-*
 44A *ernor*.]***

44B ****d.** *No State committee of any political party shall knowingly*
 44C *accept from any person or political committee, any contribution*
 44D *or contributions in the aggregate in excess of \$600.00 in aid of the*
 44E *candidacy of or in behalf of a candidate for election to the office*
 44F *of Governor in a general election, except as provided by subsection*
 44G *c. of this section. A State committee may allocate up to \$600.00 of*
 44H *a contribution in excess of \$600.00 to, in aid of the candidacy of*
 44I *or in behalf of such candidate. A State committee shall create an*
 44J *account in a National or State bank in behalf of any candidate the*
 44K *committee intends to or does assist for election to the office of*
 44L *Governor in a general election, shall deposit in such account and*
 44M *report to the Election Enforcement Commission the name of the*
 44N *contributor all moneys accepted or allocated in aid of the candidacy*
 44O *of or in behalf of such candidate, and may make a contribution or*
 44P *contributions from such account in any amount in aid of the candi-*
 44Q *dacy of or in behalf of such candidate. No State committee may*
 44R *make any contribution or contributions in aid of the candidacy*
 44S *of or in behalf of such candidate of moneys not deposited in a bank*
 44T *account pursuant to this subsection, and no State committee may*
 44U *make a contribution or contributions, in aid of the canddiacy of or*
 44V *in behalf of such candidate of moneys or other thing of value*
 44W *pledged or received in a year without an election for the office of*
 44X *Governor.***

45 ***[d.] *e.*** The county committees and municipal committees of
 46 any political party may make a contribution or contributions of
 47 \$100,000.00 in the aggregate in aid of the candidacy of ***or in*
 48 *behalf of*** any candidate for election to the office of Governor

49 in a general election, except that no county committee or municipal
 50 committee may transfer any money to any such candidate or to
 51 such candidate's campaign treasurer or deputy campaign trea-
 52 surer, and except that no county committee and municipal com-
 53 mittees in any county may make a contribution or contributions
 54 in excess of \$10,000.00 **in the aggregate** in aid of the candidacy
 55 of ***or in behalf*** any such candidate. A candidate or his cam-
 56 paign treasurer or deputy campaign treasurer shall determine
 57 the exact amount that individual county committees or municipal
 58 committees may contribute in aid of the candidacy of ***or in behalf*
 59 *of*** such candidate, and shall file a report of such determination
 60 with the Election Law Enforcement Commission no later than the
 61 ***[November 1 immediately preceding]*** **seventh day prior to**
 61A the general election being funded.

62 **f. Communications on any subject by a corporation to its stock-*
 63 *holders and their families, or by a labor organization to its members*
 64 *and their families, and nonpartisan registration and get-out-the-*
 65 *vote campaigns by a corporation aimed at its stockholders and their*
 66 *families, or by a labor organization aimed at its members and*
 67 *their families, shall not be construed to be in aid of the candidacy*
 68 *of or in behalf of a candidate for election to the office of Governor*
 69 *in a general election.**

1 5. The Legislature shall appropriate to the New Jersey Election
 2 Law Enforcement Commission out of the General Treasury of the
 3 State such sums as are necessary to carry out the purposes of this
 4 act, which sums shall constitute a fund for campaign expenses for
 5 the general election to the office of Governor to be regulated and
 6 ***[expended]*** **distributed** by the ***[Election Law Enforcement**
 7 **Commission]*** **commission** pursuant to this act. Upon notice by
 8 the commission, the Legislature shall appropriate to the commis-
 9 sion out of the General Treasury such additional sums as may be
 10 required to carry out the purposes of this act if the sums first
 11 appropriated become inadequate.

1 6. No contribution received by or on behalf of any candidate for
 2 election to the office of Governor on or before the date of the
 3 primary election immediately preceding the general election cam-
 4 paign being funded and not deposited pursuant to section 7 of
 5 this amendatory and supplementary act on or before such date
 6 may be utilized or expended by or in behalf of such candidate or
 7 any other candidate in the general election campaign being funded.
 8 ***Such a contribution shall be returned to its contributor.***

1 7. The Election Law Enforcement Commission, shall create an

2 account in a National or State bank in behalf of each candidate for
 3 election to the office of Governor in a general election. The com-
 4 mission shall deposit promptly ***into such an account*** all moneys
 5 received from the campaign treasurer or deputy campaign
 6 treasurer of ***[such]** **a* candidate ***or from a State committee*
 7 *of any political party in aid of the candidacy of or in behalf of such*
 8 *a candidate,*** prior to the date on which is held the general election
 9 for the office of Governor*,* provided that such moneys are received
 10 pursuant to section 4 of this amendatory and supplementary act
 11 and section 12 of the act to which this act is a supplement. Im-
 12 mediately after deposit by the commission, the campaign treasurer
 13 or deputy campaign treasurer of any candidate may transfer or
 14 expend moneys deposited in such candidate's **bank** account.

1 8. The campaign treasurer or deputy campaign treasurer of any
 2 qualified candidate for election to the office of Governor in a general
 3 election shall promptly receive in behalf of such qualified candidate
 4 from the fund for general election campaign expenses moneys in
 5 an amount equal to twice the amount of each contribution deposited
 6 by the Election Law Enforcement Commission in such qualified
 7 candidate's bank account, except that no payment shall be made
 8 from the fund for general election ***[campaigns]** **campaign** ex-
 9 penses to any candidate for the first ***[\$50,000.00]** **\$40,000.00**
 10 deposited by the ***[Election Law Enforcement Commission]** **com-*
 11 *mission** in such qualified candidate's bank account.

1 9. a. No contribution which must be or is intended by the con-
 2 tributor or the recipient to be refunded or repaid at any time shall
 3 be forwarded to the Election Law Enforcement Commission or
 4 knowingly deposited by the commission into any candidate's bank
 5 account.

6 b. No contribution by any ***[State committee,]** **** county com-
 7 mittee or municipal committee of any political party shall be
 8 forwarded to the Election Law Enforcement Commission or know-
 9 ingly deposited by the commission into any candidate's bank
 10 account. ***A State committee may forward to the commission and*
 11 *have deposited by the commission into any candidate's bank account*
 12 *money in aid of the candidacy of or in behalf of such candidate*
 13 *received pursuant to section 4 of this amendatory and supple-*
 14 *mentary act and section 12 of the act to which this act is a supple-*
 15 *ment.***

1 10. a. All expenditures from the fund for general election cam-
 2 paign expenses shall be made pursuant to rules and regulations of
 3 the Election Law Enforcement Commission and shall be strictly
 4 limited to the following purposes:

5 (1) ***【The purchase】*** *Purchase** of time on radio and televi-
6 sion stations;

7 (2) ***【The purchase】*** *Purchase** of rental space on outdoor
8 signs or billboards;

9 (3) ***【The purchase】*** *Purchase** of advertising space in news-
10 papers and regularly published magazines and periodicals;

11 (4) ***【The】*** *Payment of the** cost of producing the material
12 aired or displayed on radio, television, outdoor signs or billboards,
13 and in newspapers, regularly published magazines and periodicals;

14 (5) ***【The】*** *Payment of the** cost of printing and mailing
15 campaign literature and brochures distributed under the name of
16 any qualified candidate.

17 **b. The limitations in subsection a. of this section upon expendi-*
18 *tures from the fund for general election campaign expenses shall*
19 *not apply to expenditures of private contributions, whether or not*
20 *such private contributions were deposited in a candidate's bank*
21 *account pursuant to section 7 of this amendatory and supplement-*
22 *ary act.**

23 ****【b.】*** *c.** Moneys received by a qualified candidate from the
24 fund for general election campaign expenses may be retained for
25 a period not exceeding 6 months after the general election for the
26 liquidation of all obligations to pay expenses for the purposes
27 permitted by this section which were incurred during the general
28 election campaign. All obligations having been liquidated, all
29 moneys remaining available to any qualified candidate, shall be
30 paid into the fund, except that no candidate shall pay into the fund
31 moneys in excess of moneys received from the fund.

1 11. Moneys received by any qualified candidate from the fund for
2 **general election** campaign expenses are to be considered "spent
3 in aid of the candidacy of any candidate" for election to the office
4 of Governor for the purpose of section 7 of the act to which this
5 act is a supplement. The ****【New Jersey】**** Election Law Enforce-
6 ment Commission shall return to any contributor any contribution,
7 and shall refuse to withdraw from the fund for **general election**
8 campaign expenses any sum, which results in a candidate's exceed-
9 ing the limitation of that section.

1 *****【12.*** The Election Law Enforcement Commission shall mail to
2 all registered voters of the State, not less than 7 nor more than 14
3 days prior to the date on which the general election is to be held,
4 statements from each candidate for election to the office of Governor
5 in a general election. Each candidate for the office of Governor who
6 wishes a statement mailed on his behalf by the commission shall

7 submit to the commission, on forms provided by it, his proposed
 8 statement which shall not exceed 500 words in length. The state-
 9 ments submitted by all such candidates shall be mailed together in
 10 a common envelope by the commission as herein provided along
 11 with a short explanation from the commission that such statements
 12 are provided pursuant to this law to assist the voters of this State
 13 in making their determination among the candidates for the office of
 14 Governor. The cost of printing and mailing such statements shall
 15 be borne by the commission from funds appropriated for that
 16 purpose.】**

17 ***12. The Election Law Enforcement Commission shall, on or*
 18 *before the forty-fifth day prior to the date on which the general*
 19 *election is to be held, supply each county clerk with the text of state-*
 20 *ments from each candidate for election to the office of Governor.*
 21 *Each candidate for the office of Governor who wishes a statement*
 22 *mailed on his behalf shall submit to the commission, on forms pro-*
 23 *vided by it, his proposed statement which shall not exceed 500*
 24 *words in length. Each county clerk shall cause the statements*
 25 *submitted by all such candidates to be printed and mailed with the*
 26 *sample ballot for the general election to each registered voter in*
 27 *the county with a short explanation from the commission that such*
 28 *statements are provided pursuant to this law to assist the voters*
 29 *of this State in making their determination among the candidates*
 30 *for the office of Governor. The cost of printing and mailing such*
 31 *statements be paid for in the same manner and as part of the costs*
 32 *of printing and mailing the sample ballots.***

1 13. The Election Law Enforcement Commission may adopt such
 2 rules and regulations as may be required to implement the pro-
 3 visions of this act and to carry out its purpose.

1 14. The New Jersey Public Broadcasting Commission, P. L. 1968,
 2 c. 405 (C. 48:23-1 et seq.), shall promote full discussions of public
 3 issues by the candidates for the office of Governor on the ballot in
 4 any general election, free of charge to any such candidate. The
 5 commission shall make available at least 1 hour of time on its
 6 stations for joint appearances by such candidates, and at least 1
 7 additional hour of time on its stations for individual appearances
 8 by each of such candidates. The commission may promulgate such
 9 rules and regulations as may be necessary to effectuate the purposes
 10 of this section.

1 *【15. Any violation of this act shall be subject to the penalties set
 2 forth in section 21 and section 22 of the act of which this act is a
 3 supplement.】*

4 *15. a. Any person who willfully and knowingly violates sec-
5 tion 4, 6, 9 or 10 of this act is guilty of a misdemeanor.

6 b. The election to office of any candidate who is guilty of any
7 violation within the description of subsection a. of this section shall
8 be void, and the office shall be filled as required by law in the case
9 of a vacancy; provided, however, that nothing herein contained
10 shall be construed in derogation of the constitutional authority of
11 either House of the Legislature to be the judge of the election and
12 qualification of its own members.*

13 **16. a. Any person who willfully and knowingly violates sec-
14 tions 4, 6, 9, 10 or 19 of this act shall in addition to any other penalty
15 provided by law, be liable to a penalty of not more than \$1,000.00
16 for the first offense and not more than \$2,000.00 for the second and
17 each subsequent offense.

18 b. Upon receiving evidence of any violation of sections 4, 6, 9,
19 10 or 19 of this act, the Election Law Enforcement Commission
20 shall have power to hold, or to cause to be held under the provisions
21 of subsection d. of this section, hearings upon such violation and,
22 upon finding any person to have committed such a violation, to
23 assess such penalty, within the limits prescribed in subsection a.
24 of this section, as it deems proper under the circumstances, which
25 penalty shall be paid forthwith into the State Treasury for the
26 general purposes of the State. Such penalty shall be enforceable
27 in a summary proceeding under the "Penalty Enforcement Law"
28 (N. J. S. 2A:58-1 et seq.).

29 c. In assessing any penalty under this section, the Election Law
30 Enforcement Commission may provide for the remission of all or
31 any part of such penalty conditioned upon the prompt correction
32 of any failure, neglect, error or omission constituting the violation
33 for which said penalty was assessed.

34 d. The commission may designate a hearing officer to hear
35 complaints of violations of this act. Such hearing officer shall take
36 testimony, compile a record and make factual findings, and shall
37 submit the same to the commission, which shall have power to assess
38 penalties within the limits and under the conditions prescribed in
39 subsection b. of this section. The commission shall review the
40 record and findings of the hearing officer, but it may also seek such
41 additional testimony as it deems necessary. The commission's
42 determination shall be by majority vote of the entire authorized
43 membership thereof.**

1 **[16.]** **17.** The provisions of this act shall be construed
2 liberally and applied so as to promote the purposes expressed
3 herein.

1 *~~17.~~ This act shall not be applicable to any general election cam-
 2 paign for the office of Governor for which the Legislature fails to
 3 make an appropriation.]*

1 *~~18.~~* **~~17.*~~** **18.** If any section, subsection, para-
 2 graph, sentence or other part of this act is adjudged unconstitu-
 3 tional or invalid, such judgment shall not affect, impair or in-
 4 validate the remainder of this act, but shall be confined in its effect
 5 to the section, subsection, paragraph, sentence or other part of
 6 this act directly involved in the controversy in which said judgment
 7 shall have been rendered.

1 **19. Notwithstanding any provision of this act any candidate
 2 for the office of Governor in a general election, or his campaign
 3 treasurer or deputy campaign treasurer may borrow funds from
 4 any National or State bank, provided that no person or political
 5 committee, other than the candidate himself or the State committee
 6 of any political party, may in any way endorse or guarantee such
 7 loan. The amount borrowed by any such candidate or his campaign
 8 treasurer or deputy campaign treasurer shall in the aggregate not
 9 exceed \$50,000.00 and must be re-paid in full by such candidate or
 10 his campaign treasurer or deputy campaign treasurer from moneys
 11 accepted or allocated pursuant to section 4 of this amendatory and
 12 supplementary act 30 days prior to the date of the general election
 13 for the office of Governor, and certification of such repayment shall
 14 be made by the borrower to the Election Law Enforcement
 15 Commission.

16 Upon the failure of the borrower to repay the full amount bor-
 17 rowed on or before the thirtieth day prior to the date of the general
 18 election for the office of Governor, or to certify such repayment to
 19 the Election Law Enforcement Commission as required herein, all
 20 payments of moneys to such candidate from the fund for general
 21 election campaign expenses pursuant to section 8 of this act shall
 22 promptly cease; and the Election Law Enforcement Commission
 23 shall forthwith seek and may obtain in a summary action in the
 24 Superior Court an injunction prohibiting the expenditure by any
 25 such candidate of any moneys received by him at any time from
 26 the fund for general election campaign expenses pursuant to said
 27 section 8 of this act, and any other moneys received by him in aid
 28 of his candidacy in said general election for the office of Governor.**

1 *~~19.~~* **~~18.*~~** **20.** This act shall take effect im-
 2 mediately.

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1246

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1974

By Assemblymen BURSTEIN, LAFANTE, BAER, MARTIN, HYNES,
HAMILTON, KLEIN, FLORIO, SCHUCK, PERSKIE, WORTH-
INGTON, Assemblywoman WILSON, Assemblymen GARRUBBO,
McCARTHY and McMANIMON

Referred to Committee on State Government, Federal and
Interstate Relations

AN ACT to amend and supplement "The New Jersey Campaign
Contributions and Expenditures Reporting Act," approved
April 24, 1973 (P. L. 1973, c. 83).

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

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

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

5 a. The term "allied candidates" means candidates in any elec-
6 tion who are (1) seeking nomination or election (A) to an office or
7 offices in the same county or municipal government or school dis-
8 trict or (B) to the Legislature representing in whole or part the
9 same constituency (C) as members of the State committee of the
10 same political party from the same county, or (D) as delegates or
11 alternates to the national convention of the same political party;
12 and who are (2) either (A) nominees of the same political party,
13 or (B) publicly declared in any manner, including the seeking or
14 obtaining of any ballot position or common ballot slogan, to be
15 aligned or mutually supportive.

16 b. The term "allied campaign organization" means any political
17 committee, any State, county or municipal committee of a political
18 party or any campaign organization of a candidate which is in

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

19 support or furtherance of the same candidate or any one or more
20 of the same group of allied candidates or the same public question
21 as any other such committee or organization.

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

27 d. The terms "contributions" and "expenditures" include all
28 ***loans and*** transfers of money or other thing of value to or by
29 any candidate, political committee, committee of a political party
30 or political information organization, and all pledges or other
31 commitments or assumptions of liability to make any such trans-
32 fer; and for purposes of reports required under the provisions of
33 this act shall be deemed to have been made upon the date when such
34 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, can-
40 vassing, telephone, speech writing or other such services, per-
41 formed other than on a voluntary basis, the salary, cost or con-
42 sideration for which is paid, borne or provided by someone other
43 than the committee, candidate or organization for whom such ser-
44 vices are rendered. In determining the value, for the purpose of
45 reports required under this act, of contributions made in the form
46 of paid personal services, the person contributing such services
47 shall furnish to the campaign treasurer through whom such con-
48 tribution is made a statement setting forth the actual amount of
49 compensation paid by said contributor to the individuals actually
50 performing said services for the performance thereof. But if any
51 individual or individuals actually performing such services also
52 performed for the contributor other services during the same
53 period, and the manner of payment was such that payment for the
54 services contributed cannot readily be segregated from contem-
55 porary payment for the other services, the contributor shall in his
56 statement to the campaign treasurer so state and shall either (1)
57 set forth his best estimate of the dollar amount of payment to each
58 such individual which is attributable to the contribution of his paid
59 personal services, and shall certify the substantial accuracy of the
60 same, or (2) if unable to determine such amount with sufficient
61 accuracy, set forth the total compensation paid by him to each such

62 individual for the period of time during which the services con-
63 tributed by him were performed. If any candidate is a holder of
64 public office to whom there is attached or assigned, by virtue of said
65 office, any aide or aides whose services are of a personal or con-
66 fidential nature in assisting him to carry out the duties of said office,
67 and whose salary or other compensation is paid in whole or in part
68 out of public funds, the services of such aide or aides which are paid
69 for out of public funds shall be for public purposes only; but they
70 may contribute their personal services, on a voluntary basis, to
71 such candidate for election campaign purposes.

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

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

89 h. The term "political information" means any statement in-
90 cluding but not limited to, press releases, pamphlets, newsletters,
91 advertisements, flyers, form letters, or radio or television programs
92 or advertisements which reflect the opinion of the members of the
93 organization on any candidate or candidates for public office, on
94 any public question, or on any legislation, or which contains facts
95 on any such candidate, public question or legislation whether or
96 not such facts are within the personal knowledge of members of
97 the organization.

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

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

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

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

133 m. *The term "qualified candidate" means:*

134 (1) *Any candidate for election to the office of Governor whose*
 135 *name appears on the general election ballot and who has deposited*
 136 *and expended *~~[\$50,000.00]~~* *\$40,000.00* pursuant to section 7 of*
 137 *this amendatory and supplementary act; or*

138 (2) *Any candidate for election to the office of Governor whose*
 139 *name does not appear on the general election ballot but who has*
 140 *deposited and expended *~~[\$50,000.00]~~* *\$40,000.00* pursuant to*
 141 *section 7 of this amendatory and supplementary act.*

1 2. It is hereby declared to be ****[in the]**** ****a compelling****
 2 public interest and to be the policy of this State that general elec-
 3 tion campaigns for the office of Governor shall be financed with
 4 public support pursuant to the provisions of this act. It is the
 5 intention of this act that such financing be adequate in amount
 6 so that candidates for election to the office of Governor may con-

7 duct their campaigns free from improper influence and so that
 8 persons of limited financial means may seek election to the State's
 9 highest office.

1 3. The provisions of this act shall apply to the general election
 2 **campaign for the office of Governor** to be held in November, 1977
 3 and to all subsequent campaigns for election to the office of Gov-
 4 ernor*, *except that the provisions of this act shall not apply to*
 5 *any general election campaign for the office of Governor for which*
 6 *the Legislature fails to make an appropriation*.*

1 4. a. No person**, *candidate*** or political committee, otherwise
 2 eligible to make political contributions, shall make any contribution
 3 or contributions **to a candidate, his campaign treasurer or deputy*
 4 *campaign treasurer, a State committee, county committee or mu-*
 5 *nicipal committee of any political party, or to any other person or*
 6 *committee, in aid of the candidacy of *or in behalf of* a candidate*
 7 *for election to the office of Governor in a general election in the*
 8 *aggregate in excess of \$600.00, except as provided by this section.*
 9 No candidate for election to the office of Governor in a general
 10 election ***[campaign]*** and no campaign treasurer or deputy
 11 campaign treasurer of such candidate shall knowingly accept from
 12 any person**, *candidate*** or political committee, any contribution
 13 or contributions in aid of such candidate's candidacy **or in behalf*
 14 *of such candidate in the aggregate** in excess of \$600.00, except as
 14A provided by this section.

15 **b. No person or political committee, except the State commit-*
 16 *tee**, county committees and municipal committees** of any*
 16A *political party, otherwise eligible to make political contri-*
 17 *butions, shall make any contribution or contributions to a candi-*
 18 *date, his campaign treasurer, a State committee, county committee*
 19 *or municipal committee of any political party, or to any other per-*
 20 *son or committee, in behalf of the winner of a primary election for*
 21 *the office of Governor in the aggregate in excess of \$600.00 for any*
 22 *purpose after the date of such primary election. No candidate for*
 23 *election to the office of Governor in a general election who has won*
 24 *the preceding primary election, and no campaign treasurer or*
 25 *deputy campaign treasurer of such candidate shall knowingly ac-*
 26 *cept from any person or political committee, except the State*
 27 *committee**, county committees and municipal committees***
 27A *of any political party, any contribution or contributions*
 28 *in the aggregate in excess of \$600.00 for any purpose after the date*
 29 *of such primary election.**

30 ***[b.]* *c.*** The spouse of any contributor may make a contribu-

31 tion or contributions of up to \$600.00 in the aggregate in aid of
 32 the candidacy of **or in behalf of** a candidate for election to the
 33 office of Governor in a general election.

34 ****[c.]*d.*** No State committee of any political party shall
 35 knowingly accept from any person or political committee, any contri-
 36 bution or contributions the aggregate of which is in excess of
 37 \$600.00 in the year of any general election for the office of Governor,
 38 except as provided by subsection **[b.]*c.*** of this section. The
 39 State committee of any political party may make a contribution or
 40 contributions in any amount in aid of the candidacy of **or in behalf*
 41 *of** a candidate for election to the office of Governor in a general
 42 election*, *except that no State committee may make such a contri-*
 43 *bution or contributions of moneys or other thing of value pledged*
 44 *or received in a year without an election for the office of Gov-*
 44A *ernor*.]***

44B ****d.** No State committee of any political party shall knowingly
 44C accept from any person or political committee, any contribution
 44D or contributions in the aggregate in excess of \$600.00 in aid of the
 44E candidacy of or in behalf of a candidate for election to the office
 44F of Governor in a general election, except as provided by subsection
 44G c. of this section. A State committee may allocate up to \$600.00 of
 44H a contribution in excess of \$600.00 to, in aid of the candidacy of
 44I or in behalf of such candidate. A State committee shall create an
 44J account in a National or State bank in behalf of any candidate the
 44K committee intends to or does assist for election to the office of
 44L Governor in a general election, shall deposit in such account and
 44M report to the Election Law Enforcement Commission the name of
 44N the contributor all moneys accepted or allocated in aid of the candi-
 44O dacy of or in behalf of such candidate, and may make a contribution
 44P or contributions from such account in any amount in aid of the
 44Q candidacy of or in behalf of such candidate. No State committee
 44R may make any contribution or contributions in aid of the candidacy
 44S of or in behalf of such candidate of moneys not deposited in a bank
 44T account pursuant to this subsection, and no State committee may
 44U make a contribution or contributions, in aid of the candidacy of or
 44V in behalf of such candidate of moneys or other thing of value
 44W pledged or received in a year without an election for the office of
 44X Governor.**

45 ***[d.]*e.*** The county committees and municipal committees of
 46 any political party may make a contribution or contributions of
 47 \$100,000.00 in the aggregate in aid of the candidacy of ***or in*
 48 *behalf of*** any candidate for election to the office of Governor

49 in a general election, except that no county committee or municipal
 50 committee may transfer any money to any such candidate or to
 51 such candidate's campaign treasurer or deputy campaign trea-
 52 surer, and except that no county committee and municipal com-
 53 mittees in any county may make a contribution or contributions
 54 in excess of \$10,000.00 **in the aggregate** in aid of the candidacy
 55 of ***or in behalf*** any such candidate. A candidate or his cam-
 56 paign treasurer or deputy campaign treasurer shall determine
 57 the exact amount that individual county committees or municipal
 58 committees may contribute in aid of the candidacy of ***or in behalf*
 59 *of*** such candidate, and shall file a report of such determination
 60 with the Election Law Enforcement Commission no later than the
 61 ***[November 1 immediately preceding]*** **seventh day prior to**
 61A the general election being funded.

62 **f. Communications on any subject by a corporation to its stock-*
 63 *holders and their families, or by a labor organization to its members*
 64 *and their families, and nonpartisan registration and get-out-the-*
 65 *vote campaigns by a corporation aimed at its stockholders and their*
 66 *families, or by a labor organization aimed at its members and*
 67 *their families, shall not be construed to be in aid of the candidacy*
 68 *of or in behalf of a candidate for election to the office of Governor*
 69 *in a general election.**

1 5. The Legislature shall appropriate to the New Jersey Election
 2 Law Enforcement Commission out of the General Treasury of the
 3 State such sums as are necessary to carry out the purposes of this
 4 act, which sums shall constitute a fund for campaign expenses for
 5 the general election to the office of Governor to be regulated and
 6 ***[expended]*** **distributed** by the ***[Election Law Enforcement**
 7 **Commission]*** **commission** pursuant to this act. Upon notice by
 8 the commission, the Legislature shall appropriate to the commis-
 9 sion out of the General Treasury such additional sums as may be
 10 required to carry out the purposes of this act if the sums first
 11 appropriated become inadequate.

1 6. No contribution received by or on behalf of any candidate for
 2 election to the office of Governor on or before the date of the
 3 primary election immediately preceding the general election cam-
 4 paign being funded and not deposited pursuant to section 7 of
 5 this amendatory and supplementary act on or before such date
 6 may be utilized or expended by or in behalf of such candidate or
 7 any other candidate in the general election campaign being funded.
 8 ***Such a contribution shall be returned to its contributor.***

1 7. The Election Law Enforcement Commission, shall create an

2 account in a National or State bank in behalf of each candidate for
 3 election to the office of Governor in a general election. The com-
 4 mission shall deposit promptly ***into such an account*** all moneys
 5 received from the campaign treasurer or deputy campaign
 6 treasurer of ***[such]*** **a** candidate ***or from a State committee*
 7 *of any political party in aid of the candidacy of or in behalf of such*
 8 *a candidate,*** prior to the date on which is held the general election
 9 for the office of Governor*,* provided that such moneys are received
 10 pursuant to section 4 of this amendatory and supplementary act
 11 and section 12 of the act to which this act is a supplement. Im-
 12 mediately after deposit by the commission, the campaign treasurer
 13 or deputy campaign treasurer of any candidate may transfer or
 14 expend moneys deposited in such candidate's **bank** account.

1 8. The campaign treasurer or deputy campaign treasurer of any
 2 qualified candidate for election to the office of Governor in a general
 3 election shall promptly receive in behalf of such qualified candidate
 4 from the fund for general election campaign expenses moneys in
 5 an amount equal to twice the amount of each contribution deposited
 6 by the Election Law Enforcement Commission in such qualified
 7 candidate's bank account, except that no payment shall be made
 8 from the fund for general election ***[campaigns]*** **campaign** ex-
 9 penses to any candidate for the first ***[\$50,000.00]*** **\$40,000.00**
 10 deposited by the ***[Election Law Enforcement Commission]*** **com-*
 11 *mission** in such qualified candidate's bank account.

1 9. a. No contribution which must be or is intended by the con-
 2 tributor or the recipient to be refunded or repaid at any time shall
 3 be forwarded to the Election Law Enforcement Commission or
 4 knowingly deposited by the commission into any candidate's bank
 5 account.

6 b. No contribution by any ****[State committee,]*** county com-
 7 mittee or municipal committee of any political party shall be
 8 forwarded to the Election Law Enforcement Commission or know-
 9 ingly deposited by the commission into any candidate's bank
 10 account. ***A State committee may forward to the commission and*
 11 *have deposited by the commission into any candidate's bank account*
 12 *money in aid of the candidacy of or in behalf of such candidate*
 13 *received pursuant to section 4 of this amendatory and supple-*
 14 *mentary act and section 12 of the act to which this act is a supple-*
 15 *ment.***

1 10. a. All expenditures from the fund for general election cam-
 2 paign expenses shall be made pursuant to rules and regulations of
 3 the Election Law Enforcement Commission and shall be strictly
 4 limited to the following purposes:

5 (1) ***【The purchase】*** *Purchase** of time on radio and televi-
6 sion stations;

7 (2) ***【The purchase】*** *Purchase** of rental space on outdoor
8 signs or billboards;

9 (3) ***【The purchase】*** *Purchase** of advertising space in news-
10 papers and regularly published magazines and periodicals;

11 (4) ***【The】*** *Payment of the** cost of producing the material
12 aired or displayed on radio, television, outdoor signs or billboards,
13 and in newspapers, regularly published magazines and periodicals;

14 (5) ***【The】*** *Payment of the** cost of printing and mailing
15 campaign literature and brochures distributed under the name of
16 any qualified candidate.

17 **b. The limitations in subsection a. of this section upon expendi-*
18 *tures from the fund for general election campaign expenses shall*
19 *not apply to expenditures of private contributions, whether or not*
20 *such private contributions were deposited in a candidate's bank*
21 *account pursuant to section 7 of this amendatory and supplement-*
22 *ary act.**

23 ***【b.】*** **c.** Moneys received by a qualified candidate from the
24 fund for general election campaign expenses may be retained for
25 a period not exceeding 6 months after the general election for the
26 liquidation of all obligations to pay expenses for the purposes
27 permitted by this section which were incurred during the general
28 election campaign. All obligations having been liquidated, all
29 moneys remaining available to any qualified candidate, shall be
30 paid into the fund, except that no candidate shall pay into the fund
31 moneys in excess of moneys received from the fund.

1 11. Moneys received by any qualified candidate from the fund for
2 **general election** campaign expenses are to be considered "spent
3 in aid of the candidacy of any candidate" for election to the office
4 of Governor for the purpose of section 7 of the act to which this
5 act is a supplement. The ***【New Jersey】*** Election Law Enforce-
6 ment Commission shall return to any contributor any contribution,
7 and shall refuse to withdraw from the fund for **general election**
8 campaign expenses any sum, which results in a candidate's exceed-
9 ing the limitation of that section.

1 **【12.** The Election Law Enforcement Commission shall mail to
2 all registered voters of the State, not less than 7 nor more than 14
3 days prior to the date on which the general election is to be held,
4 statements from each candidate for election to the office of Governor
5 in a general election. Each candidate for the office of Governor who
6 wishes a statement mailed on his behalf by the commission shall

7 submit to the commission, on forms provided by it, his proposed
 8 statement which shall not exceed 500 words in length. The state-
 9 ments submitted by all such candidates shall be mailed together in
 10 a common envelope by the commission as herein provided along
 11 with a short explanation from the commission that such statements
 12 are provided pursuant to this law to assist the voters of this State
 13 in making their determination among the candidates for the office of
 14 Governor. The cost of printing and mailing such statements shall
 15 be borne by the commission from funds appropriated for that
 16 purpose.】**

17 ***12. The Election Law Enforcement Commission shall, on or*
 18 *before the forty-fifth day prior to the date on which the general*
 19 *election is to be held, supply each county clerk with the text of state-*
 20 *ments from each candidate for election to the office of Governor.*
 21 *Each candidate for the office of Governor who wishes a statement*
 22 *mailed on his behalf shall submit to the commission, on forms pro-*
 23 *vided by it, his proposed statement which shall not exceed 500*
 24 *words in length. Each county clerk shall cause the statements*
 25 *submitted by all such candidates to be printed and mailed with the*
 26 *sample ballot for the general election to each registered voter in*
 27 *the county with a short explanation from the commission that such*
 28 *statements are provided pursuant to this law to assist the voters*
 29 *of this State in making their determination among the candidates*
 30 *for the office of Governor. The cost of printing and mailing such*
 31 *statements shall be paid for in the same manner and as part of the*
 32 *costs of printing and mailing the sample ballots.***

1 13. The Election Law Enforcement Commission may adopt such
 2 rules and regulations as may be required to implement the pro-
 3 visions of this act and to carry out its purpose.

1 14. The New Jersey Public Broadcasting Commission, P. L. 1968,
 2 c. 405 (C. 48:23-1 et seq.), shall promote full discussions of public
 3 issues by the candidates for the office of Governor on the ballot in
 4 any general election, free of charge to any such candidate. The
 5 commission shall make available at least 1 hour of time on its
 6 stations for joint appearances by such candidates, and at least 1
 7 additional hour of time on its stations for individual appearances
 8 by each of such candidates. The commission may promulgate such
 9 rules and regulations as may be necessary to effectuate the purposes
 10 of this section.

1 *【15. Any violation of this act shall be subject to the penalties set
 2 forth in section 21 and section 22 of the act of which this act is a
 3 supplement.】*

4 *15. a. Any person who willfully and knowingly violates sec-
5 tion 4, 6, 9 or 10 of this act is guilty of a misdemeanor.

6 b. The election to office of any candidate who is guilty of any
7 violation within the description of subsection a. of this section shall
8 be void, and the office shall be filled as required by law in the case
9 of a vacancy; provided, however, that nothing herein contained
10 shall be construed in derogation of the constitutional authority of
11 either House of the Legislature to be the judge of the election and
12 qualification of its own members.*

13 **16. a. Any person who willfully and knowingly violates sec-
14 tions 4, 6, 9, 10 or 19 of this act shall in addition to any other penalty
15 provided by law, be liable to a penalty of not more than \$1,000.00
16 for the first offense and not more than \$2,000.00 for the second and
17 each subsequent offense.

18 b. Upon receiving evidence of any violation of sections 4, 6, 9,
19 10 or 19 of this act, the Election Law Enforcement Commission
20 shall have power to hold, or to cause to be held under the provisions
21 of subsection d. of this section, hearings upon such violation and,
22 upon finding any person to have committed such a violation, to
23 assess such penalty, within the limits prescribed in subsection a.
24 of this section, as it deems proper under the circumstances, which
25 penalty shall be paid forthwith into the State Treasury for the
26 general purposes of the State. Such penalty shall be enforceable
27 in a summary proceeding under the "Penalty Enforcement Law"
28 (N. J. S. 2A:58-1 et seq.).

29 c. In assessing any penalty under this section, the Election Law
30 Enforcement Commission may provide for the remission of all or
31 any part of such penalty conditioned upon the prompt correction
32 of any failure, neglect, error or omission constituting the violation
33 for which said penalty was assessed.

34 d. The commission may designate a hearing officer to hear
35 complaints of violations of this act. Such hearing officer shall take
36 testimony, compile a record and make factual findings, and shall
37 submit the same to the commission, which shall have power to assess
38 penalties within the limits and under the conditions prescribed in
39 subsection b. of this section. The commission shall review the
40 record and findings of the hearing officer, but it may also seek such
41 additional testimony as it deems necessary. The commission's
42 determination shall be by majority vote of the entire authorized
43 membership thereof.**

1 **[16.]** **17.** The provisions of this act shall be construed
2 liberally and applied so as to promote the purposes expressed
3 herein.

1 ***[17.** This act shall not be applicable to any general election cam-
 2 paign for the office of Governor for which the Legislature fails to
 3 make an appropriation.]*

1 ***[18.]** * **[*17.*]** * ****18.**** If any section, subsection, para-
 2 graph, sentence or other part of this act is adjudged unconstitu-
 3 tional or invalid, such judgment shall not affect, impair or in-
 4 validate the remainder of this act, but shall be confined in its effect
 5 to the section, subsection, paragraph, sentence or other part of
 6 this act directly involved in the controversy in which said judgment
 7 shall have been rendered.

1 ****19.** *Notwithstanding any provision of this act any candidate*
 2 *for the office of Governor in a general election, or his campaign*
 3 *treasurer or deputy campaign treasurer may borrow funds from*
 4 *any National or State bank, provided that no person or political*
 5 *committee, other than the candidate himself or the State committee*
 6 *of any political party, may in any way endorse or guarantee such*
 7 *loan. The amount borrowed by any such candidate or his campaign*
 8 *treasurer or deputy campaign treasurer shall in the aggregate not*
 9 *exceed \$50,000.00 and must be re-paid in full by such candidate or*
 10 *his campaign treasurer or deputy campaign treasurer from moneys*
 11 *accepted or allocated pursuant to section 4 of this amendatory and*
 12 *supplementary act 30 days prior to the date of the general election*
 13 *for the office of Governor, and certification of such repayment shall*
 14 *be made by the borrower to the Election Law Enforcement*
 15 *Commission.*

16 *Upon the failure of the borrower to repay the full amount bor-*
 17 *rowed on or before the thirtieth day prior to the date of the general*
 18 *election for the office of Governor, or to certify such repayment to*
 19 *the Election Law Enforcement Commission as required herein, all*
 20 *payments of moneys to such candidate from the fund for general*
 21 *election campaign expenses pursuant to section 8 of this act shall*
 22 *promptly cease; and the Election Law Enforcement Commission*
 23 *shall forthwith seek and may obtain in a summary action in the*
 24 *Superior Court an injunction prohibiting the expenditure by any*
 25 *such candidate of any moneys received by him at any time from*
 26 *the fund for general election campaign expenses pursuant to said*
 27 *section 8 of this act, and any other moneys received by him in aid*
 28 *of his candidacy in said general election for the office of Governor.***

1 ***[19.]** * **[*18.*]** * ****20.**** This act shall take effect im-
 2 mediately.

FROM THE OFFICE OF THE GOVERNOR

.901
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MAY 6, 1974

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne signed into law Monday a bill that makes New Jersey the first state in the nation to provide for the public financing of gubernatorial election campaigns.

The bill, A-1246, sponsored by Assemblyman Albert Burstein, D-Bergen, was signed into law at a public ceremony in the Governor's office.

The signing of the new law fulfills a campaign commitment made by Byrne to take positive steps to restore public confidence in government. He also called for public financing of gubernatorial campaigns in his inaugural address January 15.

"I am delighted that New Jersey has taken what I believe to be the first, giant step toward reversing the public's attitude of government," said Byrne. "By providing public financing of gubernatorial election campaigns, we will remove from the office of the Governor the evil of the large, private contributions."

The Governor urged the Legislature to now turn its attention to a related bill providing for public financing of gubernatorial primary election campaigns.

In his inaugural speech, Byrne said he wanted his administration to be remembered as the last one elected "in the marketplace of private financial campaign contributions."

The bill signed Monday will have its first effect on the 1977 gubernatorial election.

The measure limits individual contributions to gubernatorial campaigns to \$600. After a gubernatorial candidate raises \$40,000 privately, he will be eligible to receive \$2 in public funds for each \$1 in subsequent private contributions.

The spending limits in existing law -- 50 cents per registered voter who voted in the most recent presidential election -- remain in effect.

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