

19:44A-3

**LEGISLATIVE HISTORY CHECKLIST**  
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(Elective office--joint candidates)

**NJSA:** 19:44A-3

**LAWS OF:** 1995 **CHAPTER:** 194

**BILL NO:** A1840

**SPONSOR(S):** Rooney

**DATE INTRODUCED:** June 9, 1994

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

**SENATE:**

**AMENDED DURING PASSAGE:** Yes Amendments during passage  
First reprint enacted denoted by superscript numbers

**DATE OF PASSAGE:** **ASSEMBLY:** May 1, 1995

**SENATE:** June 26, 1995

**DATE OF APPROVAL:** August 2, 1995

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes

**SENATE:** No

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

KBG:pp

[FIRST REPRINT]  
ASSEMBLY, No. 1840

STATE OF NEW JERSEY

INTRODUCED JUNE 9, 1994

By Assemblyman ROONEY

1 AN ACT concerning joint candidates committees and amending  
2 P.L.1973, c.83.

3

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

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

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

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

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

12 c. The term "candidate" means: (1) an individual seeking  
13 election to a public office of the State or of a county,  
14 municipality or school district at an election; except that the  
15 term shall not include an individual seeking party office; and (2)  
16 an individual who shall have been elected or failed of election to  
17 an office, other than a party office, for which he sought election  
18 and who receives contributions and makes expenditures for any of  
19 the purposes authorized by section 17 of P.L.1993, c.65  
20 (C.19:44A-11.2) during the period of his service in that office.

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

30 e. The term "election" means any election described in section  
31 4 of this act.

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:  
1 Assembly ASG committee amendments adopted June 9, 1994.

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

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

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

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

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

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

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

31 m. The term "qualified candidate" means:

32 (1) Any candidate for election to the office of Governor whose  
33 name appears on the general election ballot; who has deposited  
34 and expended \$150,000.00 pursuant to section 7 of P.L.1974, c.26  
35 (C.19:44A-32); and who, not later than September 1 preceding a  
36 general election in which the office of Governor is to be filled,  
37 (a) notifies the Election Law Enforcement Commission in writing  
38 that the candidate intends that application will be made on the  
39 candidate's behalf for monies for general election campaign  
40 expenses under subsection b. of section 8 of P.L.1974, c.26  
41 (C.19:44A-33), and (b) signs a statement of agreement, in a form  
42 to be prescribed by the commission, to participate in two  
43 interactive gubernatorial election debates under the provisions of  
44 sections 9 through 11 of P.L.1989, c.4 (C.19:44A-45 through  
45 C.19:44A-47); or

46 (2) Any candidate for election to the office of Governor whose  
47 name does not appear on the general election ballot; who has  
48 deposited and expended \$150,000.00 pursuant to section 7 of  
49 P.L.1974, c.26 (C.19:44A-32); and who, not later than September  
50 1 preceding a general election in which the office of Governor is  
51 to be filled, (a) notifies the Election Law Enforcement  
52 Commission in writing that the candidate intends that application  
53 will be made on the candidate's behalf for monies for general  
54 election campaign expenses under subsection b. of section 8

1 of P.L.1974, c.26 (C.19:44A-33), and (b) signs a statement of  
2 agreement, in a form to be prescribed by the commission, to  
3 participate in two interactive gubernatorial election debates  
4 under the provisions of sections 9 through 11 of P.L.1989, c.4  
5 (C.19:44A-45 through C.19:44A-47); or

6 (3) Any candidate for nomination for election to the office of  
7 Governor whose name appears on the primary election ballot; who  
8 has deposited and expended \$150,000.00 pursuant to section 7 of  
9 P.L.1974, c.26 (C.19:44A-32); and who, not later than the last day  
10 for filing petitions to nominate candidates to be voted upon in a  
11 primary election for a general election in which the office of  
12 Governor is to be filled, (a) notifies the Election Law  
13 Enforcement Commission in writing that the candidate intends  
14 that application will be made on the candidate's behalf for  
15 monies for primary election campaign expenses under subsection  
16 a. of section 8 of P.L.1974, c.26 (C.19:44A-33), and (b) signs a  
17 statement of agreement, in a form to be prescribed by the  
18 commission, to participate in two interactive gubernatorial  
19 primary debates under the provisions of sections 9 through 11 of  
20 P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47); or

21 (4) Any candidate for nomination for election to the office of  
22 Governor whose name does not appear on the primary election  
23 ballot; who has deposited and expended \$150,000.00 pursuant to  
24 section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than  
25 the last day for filing petitions to nominate candidates to be  
26 voted upon in a primary election for a general election in which  
27 the office of Governor is to be filled, (a) notifies the Election  
28 Law Enforcement Commission in writing that the candidate  
29 intends that application will be made on the candidate's behalf  
30 for monies for primary election campaign expenses under  
31 subsection a. of section 8 of P.L.1974, c.26 (C.19:44A-33), and (b)  
32 signs a statement of agreement, in a form to be prescribed by the  
33 commission, to participate in two interactive gubernatorial  
34 primary debates under the provisions of sections 9 through 11 of  
35 P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47).

36 n. The term "continuing political committee" means any group  
37 of two or more persons acting jointly, or any corporation,  
38 partnership, or any other incorporated or unincorporated  
39 association, including a political club, political action committee,  
40 civic association or other organization, which in any calendar  
41 year contributes or expects to contribute at least \$2,500.00 to  
42 the aid or promotion of the candidacy of an individual, or of the  
43 candidacies of individuals, for elective public office, or the  
44 passage or defeat of a public question or public questions, and  
45 which may be expected to make contributions toward such aid or  
46 promotion or passage or defeat during a subsequent election,  
47 provided that the group, corporation, partnership, association or  
48 other organization has been determined to be a continuing  
49 political committee under subsection b. of section 8 of P.L.1973,  
50 c.83 (C.19:44A-8); provided that for the purposes of this act, the  
51 term "continuing political committee" shall not include a  
52 "political party committee," as defined by subsection p. of this  
53 section, or a "legislative leadership committee," as defined by  
54 subsection s. of this section.

1 o. The term "statement of agreement" means a written  
2 declaration, by a candidate for nomination for election or for  
3 election to the office of Governor who intends that application  
4 will be made on that candidate's behalf to receive monies for  
5 primary election or general election campaign expenses under  
6 subsection a. or subsection b., respectively, of section 8 of  
7 P.L.1974, c.26 (C.19:44A-33), that the candidate undertakes to  
8 abide by the terms of any rules established by any private  
9 organization sponsoring a gubernatorial primary or general  
10 election debate, as appropriate, to be held under the provisions of  
11 sections 9 through 11 of P.L.1989, c.4 (C.19:44A-45 through  
12 C.19:44A-47) and in which the candidate is to participate. The  
13 statement of agreement shall include an acknowledgment of  
14 notice to the candidate who signs it that failure on that  
15 candidate's part to participate in any of the gubernatorial  
16 debates may be cause for the termination of the payment of such  
17 monies on the candidate's behalf and for the imposition of  
18 liability for the return to the commission of such monies as may  
19 previously have been so paid.

20 p. The term "political party committee" means the State  
21 committee of a political party, as organized pursuant to  
22 R.S.19:5-4, any county committee of a political party, as  
23 organized pursuant to R.S.19:5-3, or any municipal committee of  
24 a political party, as organized pursuant to R.S.19:5-2.

25 q. The term "candidate committee" means a committee  
26 established pursuant to subsection a. of section 9 of P.L.1973,  
27 c.83 (C.19:44A-9) for the purpose of receiving contributions and  
28 making expenditures.

29 r. The term "joint candidates committee" means a committee  
30 established pursuant to subsection a. of section 9 of P.L.1973,  
31 c.83 (C.19:44A-9) by at least two candidates for the same  
32 elective public offices in the same election in a legislative  
33 district, county, municipality or school district, but not more  
34 candidates than the total number of the same elective public  
35 offices to be filled in that election. for the purpose of receiving  
36 contributions and making expenditures. For the purpose of this  
37 subsection[.]; the offices of member of the Senate and members  
38 of the General Assembly shall be deemed to be the same elective  
39 public offices in a legislative district; the offices of member of  
40 the board of chosen freeholders and county executive shall be  
41 deemed to be the same elective public offices in a county; and  
42 the offices of mayor and member of the municipal governing body  
43 shall be deemed to be the same elective public offices in a  
44 municipality.

45 s. The term "legislative leadership committee" means a  
46 committee established, authorized to be established, or  
47 designated by the President of the Senate, the Minority Leader of  
48 the Senate, the Speaker of the General Assembly or the Minority  
49 Leader of the General Assembly pursuant to section 16 of  
50 P.L.1993, c.65 (C.19:44A-10.1) for the purpose of receiving  
51 contributions and making expenditures.

52 (cf: P.L.1993, c.65, s.2)

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

1 9. a. Unless already established, each candidate, as defined in  
2 paragraph (1) of subsection c. of section 3 of P.L.1973, c.83  
3 (C.19:44A-3), shall, no later than the date on which that  
4 candidate first receives any contribution or makes or incurs any  
5 expenditures in connection with an election, establish (1) a  
6 candidate committee, (2) a joint candidates committee, or (3)  
7 both, for the purpose of receiving contributions and making  
8 expenditures. No person serving as the chairman of a political  
9 party committee or a legislative leadership committee shall be  
10 eligible to be appointed or to serve as the chairman of a  
11 candidate committee or joint candidates committee, other than a  
12 candidate committee or joint candidates committee established  
13 to further the nomination for election or the election of that  
14 person as a candidate for public office. Subsequent to an  
15 election, a candidate, whether or not successful in that election,  
16 shall maintain a candidate committee or a joint candidates  
17 committee so long as contributions are received or expenditures  
18 made by that former candidate. An elected officeholder who  
19 receives contributions and who has not maintained a candidate  
20 committee or a joint candidates committee shall establish a  
21 candidate committee, a joint candidates committee, or both, in a  
22 timely manner for the purpose of receiving contributions and  
23 making expenditures.

24 b. The candidate or candidates, as the case may be, shall file  
25 with the Election Law Enforcement Commission a certificate of  
26 organization on a form prescribed by the commission. The  
27 certificate shall identify the name of the committee, which shall  
28 be the sole name under which the committee receives  
29 contributions, makes expenditures and otherwise does business  
30 and which shall include the surname or surnames, as appropriate,  
31 of the candidate or candidates, except that in the case of a joint  
32 candidates committee, the name of the committee need not  
33 include such surnames if it identifies the legislative district,  
34 county, municipality or other jurisdiction in which the candidates  
35 jointly seek nomination for election or election and, in any case  
36 in which they seek nomination for election or election as the  
37 candidates of a political party, the name of that party<sup>1</sup>, provided  
38 that no joint candidates committee so named shall take the same  
39 name as that of any committee of a political party or another  
40 joint candidates committee<sup>1</sup>.<sup>1</sup> In the case of a candidate  
41 committee, the name of the committee shall identify the office  
42 sought by the candidate.<sup>1</sup> The certificate shall provide for the  
43 initial appointment by the candidate, or candidates, of a  
44 campaign treasurer and for the designation by the candidate, or  
45 candidates, of that treasurer of the candidate committee, or joint  
46 candidates committee, as the campaign treasurer of the  
47 candidate, or candidates, for the purposes of subsection a. of  
48 section 8 of P.L.1973, c.83 (C.19:44A-8) and shall generally  
49 identify and be signed by the candidate, or candidates, and the  
50 chairman and the treasurer of the candidate committee or joint  
51 candidates committee, as the case may be. No person serving as  
52 the chairman of a political party committee or a legislative  
53 leadership committee shall be eligible to be appointed or to serve  
54 as the treasurer of a candidate committee or joint candidates

1 committee, other than a candidate committee or joint candidates  
2 committee established to further the nomination for election or  
3 the election of that person as a candidate for public office. The  
4 certificate shall be filed prior to or simultaneously with the filing  
5 of a notification of the designation of a campaign depository as  
6 provided under subsection c. of this section. Upon the filing of  
7 such a certificate of organization and until the termination of the  
8 committee, the candidate committee or joint candidates  
9 committee shall file the reports which the campaign treasurer or  
10 treasurers of the candidate or candidates would otherwise be  
11 required to file under subsection a. of section 16 of P.L.1973,  
12 c.83 (C.19:44A-16).

13 c. Each candidate, or the candidates comprising a joint  
14 candidates committee, shall designate a campaign depository.  
15 Any bank authorized by law to transact business in the State may  
16 be designated as the campaign depository. Notification of the  
17 designation of the campaign depository shall be made by the  
18 candidate's, candidates' or committee's filing the name and  
19 address of such depository with the Election Law Enforcement  
20 Commission no later than the tenth day after receipt by the  
21 candidate or the committee of any contribution on behalf of the  
22 candidate or candidates or after the making or incurring by the  
23 candidate or candidates of any expenditure on behalf of that  
24 candidacy, whichever comes first.

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

31 e. A campaign treasurer of a candidate or candidates may  
32 appoint deputy campaign treasurers as required and may  
33 designate additional campaign depositories in each county in  
34 which the campaign is conducted. The candidate or candidates  
35 shall file the names and addresses of deputy campaign treasurers  
36 and additional campaign depositories with the Election Law  
37 Enforcement Commission.

38 f. A candidate or candidates may remove a campaign treasurer  
39 or deputy campaign treasurer. In the case of the death,  
40 resignation or removal of a campaign treasurer, the candidate or  
41 candidates shall appoint a successor as soon as practicable and  
42 shall file the name and address of that person with the Election  
43 Law Enforcement Commission within three days. A candidate  
44 may serve as his or her own campaign treasurer. One of the  
45 candidates in a joint candidates committee may serve as the  
46 campaign treasurer of the entire committee.

47 g. An individual who is a candidate for two or more public  
48 offices in an election or in separate elections shall establish  
49 separate candidate committees or separate joint candidates  
50 committees or both for each office contested.

51 h. (1) On and after the 366th day following the effective date  
52 of P.L.1993, c.65, no candidate shall establish, authorize the  
53 establishment of, maintain, or participate directly or indirectly in  
54 the management or control of, any political committee or any



1 continuing political committee. Within one year after the  
2 enactment of this act, every candidate who maintains, or who  
3 participates either directly or indirectly in the management or  
4 control of, one or more political committees or one or more  
5 continuing political committees, or both, shall wind up or cause  
6 to be wound up the affairs of those committees in accordance  
7 with the provisions of section 8 of P.L.1973, c.83 (C.19:44A-8)  
8 and transfer all of the funds therein into a candidate committee  
9 or a joint candidates committee. All funds thus transferred shall  
10 be subject to the provisions of section 17 of P.L.1993, c.65  
11 (C.19:44A-11.2).

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

20 (cf: P.L.1993, c.65, s.4)

21 3. This act shall take effect immediately.

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25

26 Permits certain candidates for county or municipal elective  
27 office to establish joint candidates committee; clarifies law  
28 concerning naming of such committees.

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

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

15 (cf: P.L.1993, c.65, s.4)

16 3. This act shall take effect immediately.

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#### STATEMENT

20

21 This bill amends "The New Jersey Campaign Contributions and  
22 Expenditures Reporting Act" to (1) permit candidates for the  
23 office of freeholder and county executive of a county, and  
24 candidates for the offices of mayor and member of the governing  
25 body of a municipality, to establish a joint candidates committee  
26 for campaign finance purposes, and (2) clarify that the name of a  
27 joint candidates committee need not include the names of the  
28 candidates, so long as it is otherwise clearly identified.

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33 Permits certain candidates for county or municipal elective  
34 office to establish joint candidates committee; clarifies law  
35 concerning naming of such committees.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1840

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 1994

The Assembly State Government Committee reports favorably and with committee amendments Assembly, No. 1840.

This bill amends "The New Jersey Campaign Contributions and Expenditures Reporting Act" to (1) permit candidates for the office of freeholder and county executive of a county, and candidates for the offices of mayor and member of the governing body of a municipality, to establish a joint candidates committee for campaign finance purposes, (2) provide that the name of the joint candidates committee need not include the names of the candidates, so long as it identifies the jurisdiction from which the candidates seek to be elected and, where appropriate, the political party to which they belong, (3) clarify that no joint candidates committee which takes the name of a jurisdiction rather than the names of the candidates shall have the same name as that of a political party committee or another joint candidates committee, and (4) require that the office sought by a candidate maintaining a candidate committee shall be included in the name of that committee.

COMMITTEE AMENDMENTS

The committee adopted amendments to this bill to incorporate the provisions prohibiting a joint candidates committee from having the same name as a party committee or other joint candidates committee and requiring the name of a candidate committee to include identification of the office sought by the candidate.