

19:44A-8

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2004 **CHAPTER:** 33
NJSA: 19:44A-8 (Election committees to file reports with ELEC)
BILL NO: A12 (Substituted for S12)

SPONSOR(S): Wisniewski and others

DATE INTRODUCED: May 17, 2004

COMMITTEE: **ASSEMBLY:** State Government

SENATE: ----

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** May 24, 2004

SENATE: June 10, 2004

DATE OF APPROVAL: June 16, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

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

A12

[SPONSOR'S STATEMENT:](#) (Begins on page 13 of original bill) [Yes](#)

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

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S12

[SPONSOR'S STATEMENT:](#) (Begins on page 13 of original bill) [Yes](#)

Bill and Sponsors Statement identical to A12

COMMITTEE STATEMENT: **ASSEMBLY:** No

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

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

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

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

For clippings see legislative history of L. 2004 c.19

P.L. 2004, CHAPTER 33, *approved June 16, 2004*
Assembly, No. 12

1 **AN ACT** requiring certain committees and persons during certain
2 periods to file a report with the Election Law Enforcement
3 Commission within 48 hours of making certain expenditures and
4 amending P.L.1973, c.83
5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*
8

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

11 8. a. (1) Each political committee shall make a full cumulative
12 report, upon a form prescribed by the Election Law Enforcement
13 Commission, of all contributions in the form of moneys, loans, paid
14 personal services, or other things of value made to it and all
15 expenditures made, incurred, or authorized by it in furtherance of the
16 nomination, election or defeat of any candidate, or in aid of the
17 passage or defeat of any public question, or to provide political
18 information on any candidate or public question, during the period
19 ending 48 hours preceding the date of the report and beginning on the
20 date on which the first of those contributions was received or the first
21 of those expenditures was made, whichever occurred first. The
22 cumulative report, except as hereinafter provided, shall contain the
23 name and mailing address of each person or group from whom
24 moneys, loans, paid personal services or other things of value have
25 been contributed since 48 hours preceding the date on which the
26 previous such report was made and the amount contributed by each
27 person or group, and where the contributor is an individual, the report
28 shall indicate the occupation of the individual and the name and
29 mailing address of the individual's employer. In the case of any loan
30 reported pursuant to this subsection, the report shall contain the name
31 and mailing address of each person who has cosigned such loan since
32 48 hours preceding the date on which the previous such report was
33 made, and where an individual has cosigned such loans, the report
34 shall indicate the occupation of the individual and the name and
35 mailing address of the individual's employer. The cumulative report
36 shall also contain the name and address of each person, firm or
37 organization to whom expenditures have been paid since 48 hours
38 preceding the date on which the previous such report was made and
39 the amount and purpose of each such expenditure. The cumulative
40 report shall be filed with the Election Law Enforcement Commission
41 on the dates designated in section 16 hereof.

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

Matter underlined thus is new matter.

1 The campaign treasurer of the political committee reporting shall
2 certify to the correctness of each report.

3 Each campaign treasurer of a political committee shall file written
4 notice with the commission of a contribution in excess of \$500
5 received during the period between the 13th day prior to the election
6 and the date of the election, and of an expenditure of money or other
7 thing of value in excess of \$500 made, incurred or authorized by the
8 political committee to support or defeat a candidate in an election, or
9 to aid the passage or defeat of any public question, during the period
10 between the 13th day prior to the election and the date of the election.
11 The notice of a contribution shall be filed in writing or by telegram
12 within 48 hours of the receipt of the contribution and shall set forth
13 the amount and date of the contribution, the name and mailing address
14 of the contributor, and where the contributor is an individual, the
15 individual's occupation and the name and mailing address of the
16 individual's employer. The notice of an expenditure shall be filed in
17 writing or by telegram within 48 hours of the making, incurring or
18 authorization of the expenditure and shall set forth the name and
19 mailing address of the person, firm or organization to whom or which
20 the expenditure was paid and the amount and purpose of the
21 expenditure.

22 (2) When a political committee or an individual seeking party office
23 makes or authorizes an expenditure on behalf of a candidate, it shall
24 provide immediate written notification to the candidate of the
25 expenditure.

26 b. (1) A group of two or more persons acting jointly, or any
27 corporation, partnership, or any other incorporated or unincorporated
28 association including a political club, political action committee, civic
29 association or other organization, which in any calendar year
30 contributes or expects to contribute at least \$2,500.00 to the aid or
31 promotion of the candidacy of an individual, or of the candidacies of
32 individuals, for elective public office or the passage or defeat of a
33 public question or public questions and which expects to make
34 contributions toward such aid or promotion, or toward such passage
35 or defeat, during a subsequent election shall certify that fact to the
36 commission, and the commission, upon receiving that certification and
37 on the basis of any information as it may require of the group,
38 corporation, partnership, association or other organization, shall
39 determine whether the group, corporation, partnership, association or
40 other organization is a continuing political committee for the purposes
41 of this act. If the commission determines that the group, corporation,
42 partnership, association or other organization is a continuing political
43 committee, it shall so notify that continuing political committee.

44 No person serving as the chairman of a political party committee or
45 a legislative leadership committee shall be eligible to be appointed or
46 to serve as the chairman of a continuing political committee.

1 (2) A continuing political committee shall file with the Election
2 Law Enforcement Commission, not later than April 15, July 15,
3 October 15 and January 15 of each calendar year, a cumulative
4 quarterly report of all moneys, loans, paid personal services or other
5 things of value contributed to it during the period ending on the 15th
6 day preceding that date and commencing on January 1 of that calendar
7 year or, in the case of the cumulative quarterly report to be filed not
8 later than January 15, of the previous calendar year, and all
9 expenditures made, incurred, or authorized by it during the period,
10 whether or not such expenditures were made, incurred or authorized
11 in furtherance of the election or defeat of any candidate, or in aid of
12 the passage or defeat of any public question or to provide information
13 on any candidate or public question.

14 The cumulative quarterly report shall contain the name and mailing
15 address of each person or group from whom moneys, loans, paid
16 personal services or other things of value have been contributed and
17 the amount contributed by each person or group, and where an
18 individual has made such contributions, the report shall indicate the
19 occupation of the individual and the name and mailing address of the
20 individual's employer. In the case of any loan reported pursuant to this
21 subsection, the report shall contain the name and address of each
22 person who cosigns such loan, and where an individual has cosigned
23 such loans, the report shall indicate the occupation of the individual
24 and the name and mailing address of the individual's employer. The
25 report shall also contain the name and address of each person, firm or
26 organization to whom expenditures have been paid and the amount and
27 purpose of each such expenditure. The treasurer of the continuing
28 political committee reporting shall certify to the correctness of each
29 cumulative quarterly report.

30 Each continuing political committee shall provide immediate written
31 notification to each candidate of all expenditures made or authorized
32 on behalf of the candidate.

33 If any continuing political committee submitting cumulative
34 quarterly reports as provided under this subsection receives a
35 contribution from a single source of more than \$500 after the final day
36 of a quarterly reporting period and on or before a primary, general,
37 municipal, school or special election which occurs after that final day
38 but prior to the final day of the next reporting period it shall, in writing
39 or by telegram, report that contribution to the commission within 48
40 hours of the receipt thereof, including in that report the amount and
41 date of the contribution; the name and mailing address of the
42 contributor; and where the contributor is an individual, the individual's
43 occupation and the name and mailing address of the individual's
44 employer. If any continuing political committee makes or authorizes
45 an expenditure of money or other thing of value in excess of \$500, or
46 incurs any obligation therefor, to support or defeat a candidate in an

1 election, or to aid the passage or defeat of any public question, after
2 March 31 and on or before the day of the primary election, or after
3 September 30 and on or before the day of the general election, it shall,
4 in writing or by telegram, report that expenditure to the commission
5 within 48 hours of the making, authorizing or incurring thereof.

6 A continuing political committee which ceases making contributions
7 toward the aiding or promoting of the candidacy of an individual, or
8 of the candidacies of individuals, for elective public office in this State
9 or the passage or defeat of a public question or public questions in this
10 State shall certify that fact in writing to the commission, and that
11 certification shall be accompanied by a final accounting of any fund
12 relating to such aiding or promoting including the final disposition of
13 any balance in such fund at the time of dissolution. Until that
14 certification has been filed, the committee shall continue to file the
15 quarterly reports as provided under this subsection.

16 c. Each political party committee and each legislative leadership
17 committee shall file with the Election Law Enforcement Commission,
18 not later than April 15, July 15, October 15 and January 15 of each
19 calendar year, a cumulative quarterly report of all moneys, loans, paid
20 personal services or other things of value contributed to it during the
21 period ending on the 15th day preceding that date and commencing on
22 January 1 of that calendar year or, in the case of the cumulative
23 quarterly report to be filed not later than January 15, of the previous
24 calendar year, and all expenditures made, incurred, or authorized by
25 it during the period, whether or not such expenditures were made,
26 incurred or authorized in furtherance of the election or defeat of any
27 candidate, or in aid of the passage or defeat of any public question or
28 to provide information on any candidate or public question.

29 The cumulative quarterly report shall contain the name and mailing
30 address of each person or group from whom moneys, loans, paid
31 personal services or other things of value have been contributed and
32 the amount contributed by each person or group, and where an
33 individual has made such contributions, the report shall indicate the
34 occupation of the individual and the name and mailing address of the
35 individual's employer. In the case of any loan reported pursuant to this
36 subsection, the report shall contain the name and address of each
37 person who cosigns such loan, and where an individual has cosigned
38 such loans, the report shall indicate the occupation of the individual
39 and the name and mailing address of the individual's employer. The
40 report shall also contain the name and address of each person, firm or
41 organization to whom expenditures have been paid and the amount and
42 purpose of each such expenditure. The treasurer of the political party
43 committee or legislative leadership committee reporting shall certify
44 to the correctness of each cumulative quarterly report.

45 If a political party committee or a legislative leadership committee
46 submitting cumulative quarterly reports as provided under this

1 subsection receives a contribution from a single source of more than
2 \$500 after the final day of a quarterly reporting period and on or
3 before a primary, general, municipal, school or special election which
4 occurs after that final day but prior to the final day of the next
5 reporting period it shall, in writing or by telegram, report that
6 contribution to the commission within 48 hours of the receipt thereof,
7 including in that report the amount and date of the contribution; the
8 name and mailing address of the contributor; and where the
9 contributor is an individual, the individual's occupation and the name
10 and mailing address of the individual's employer. If a political party
11 committee or a legislative leadership committee submitting cumulative
12 quarterly reports as provided under this subsection makes or
13 authorizes an expenditure of money or other thing of value in excess
14 of \$800, or incurs any obligation therefor, to support or defeat a
15 candidate in an election, or to aid the passage or defeat of any public
16 question, after March 31 and on or before the day of the primary
17 election, or after September 30 and on or before the day of the general
18 election, it shall, in writing or by telegram, report that expenditure to
19 the commission within 48 hours of the making, authorizing or
20 incurring thereof.

21 d. In any report filed pursuant to the provisions of this section the
22 organization or committee reporting may exclude from the report the
23 name of and other information relating to any contributor whose
24 contributions during the period covered by the report did not exceed
25 \$200, provided, however, that (1) such exclusion is unlawful if any
26 person responsible for the preparation or filing of the report knew that
27 it was made with respect to any person whose contributions relating
28 to the same election or issue and made to the reporting organization
29 or committee aggregate, in combination with the contribution in
30 respect of which such exclusion is made, more than \$200 and (2) any
31 person who knowingly prepares, assists in preparing, files or
32 acquiesces in the filing of any report from which the identification of
33 a contributor has been excluded contrary to the provisions of this
34 section is subject to the provisions of section 21 of this act, but (3)
35 nothing in this proviso shall be construed as requiring any committee
36 or organization reporting pursuant to this act to report the amounts,
37 dates or other circumstantial data regarding contributions made to any
38 other organization or political committee, political party committee or
39 campaign organization of a candidate.

40 Any report filed pursuant to the provisions of this section shall
41 include an itemized accounting of all receipts and expenditures relative
42 to any testimonial affairs held since the date of the most recent report
43 filed, which accounting shall include the name and mailing address of
44 each contributor in excess of \$200 to such testimonial affair and the
45 amount contributed by each; in the case of an individual contributor,
46 the occupation of the individual and the name and mailing address of

1 the individual's employer; the expenses incurred; and the disposition
2 of the proceeds of such testimonial affair.

3 [e. A political committee shall be exempt from any requirement to
4 file reports pursuant to this section of contributions received or
5 expenditures made in behalf of two or more joint candidates in any
6 election if the committee files with the Election Law Enforcement
7 Commission a sworn statement to the effect that the total amount to
8 be expended on behalf of their candidacies shall not exceed \$4,000.00;
9 provided, that if a committee which has filed such a sworn statement
10 receives contributions from any one source aggregating more than
11 \$200.00, it shall forthwith report that fact, including the name and
12 mailing address of the source; where the source is an individual, the
13 occupation of the individual and the name and mailing address of the
14 individual's employer; and the aggregate total of contributions from
15 the source to the commission. Any sworn statement under this
16 subsection may be filed with the notice of designation by a political
17 committee of a campaign treasurer and campaign depository under
18 section 10 of P.L.1973, c.83 (C.19:44A-10), if that committee knows
19 or has reason to believe, at the time when the notice of designation is
20 given, that the total amount to be so expended shall not exceed
21 \$4,000.00.]

22 (cf: P.L.1993, c.65, s.3)

23

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

26 11.No contribution of money or other thing of value, nor obligation
27 therefor, including but not limited to contributions, loans or
28 obligations of a candidate himself or of his family, shall be made or
29 received, and no expenditure of money or other thing of value, nor
30 obligation therefor, including expenditures, loans or obligations of a
31 candidate himself or of his family, shall be made or incurred, directly
32 or indirectly, to support or defeat a candidate in any election, or to aid
33 the passage or defeat of any public question, except through:

34 a. The duly appointed campaign treasurer or deputy campaign
35 treasurers of the candidate committee or joint candidates committee;

36 b. The duly appointed organizational treasurer or deputy
37 organizational treasurers of a political party committee or a continuing
38 political committee;

39 c. The duly appointed campaign treasurer or deputy campaign
40 treasurers of a political committee; or

41 d. The duly appointed organizational treasurer or deputy
42 organizational treasurer of a legislative leadership committee.

43 It shall be lawful, however, for any person, not acting in concert
44 with any other person or group, to expend personally from his own
45 funds a sum which is not to be repaid to him for any purpose not
46 prohibited by law, or to contribute his own personal services and

1 personal traveling expenses, to support or defeat a candidate or to aid
2 the passage or defeat of a public question; provided, however, that any
3 person making such expenditure shall be required to report his or her
4 name and mailing address and the amount of all such expenditures and
5 expenses, except personal traveling expenses, if the total of the money
6 so expended, exclusive of such traveling expenses, exceeds \$500, and
7 also, where the person is an individual, to report the individual's
8 occupation and the name and mailing address of the individual's
9 employer, to the Election Law Enforcement Commission at the same
10 time and in the same manner as a political committee subject to the
11 provisions of section 8 of this act. Such expenditure made during the
12 period between the 13th day prior to the election and the date of the
13 election shall be filed in writing or by telegram within 48 hours of the
14 making, incurring or authorization of the expenditure and shall set
15 forth the name and mailing address of the person, firm or organization
16 to whom or which the expenditure was paid and the amount and
17 purpose of the expenditure.

18 No contribution of money shall be made in currency, except
19 contributions in response to a public solicitation, provided that
20 cumulative currency contributions of up to \$200 may be made to a
21 candidate committee or joint candidates committee, a political
22 committee, a continuing political committee, a legislative leadership
23 committee or a political party committee if the contributor submits
24 with the currency contribution a written statement of a form as
25 prescribed by the commission, indicating the contributor's name,
26 mailing address and occupation and the amount of the contribution,
27 including the contributor's signature and the name and mailing address
28 of the contributor's employer.

29 Any anonymous contribution received by a campaign treasurer or
30 deputy campaign treasurer shall not be used or expended, but shall be
31 returned to the donor, if his identity is known, and if no donor is
32 found, the contribution shall escheat to the State.

33 No person, partnership or association, either directly or through an
34 agent, shall make any loan or advance, the proceeds of which that
35 person, partnership or association knows or has reason to know or
36 believe are intended to be used by the recipient thereof to make a
37 contribution or expenditure, except by check or money order
38 identifying the name, mailing address and occupation or business of
39 the maker of the loan, and, if the maker is an individual, the name and
40 mailing address of that individual's employer; provided, however, that
41 such loans or advances to a single individual, up to a cumulative
42 amount of \$50 in any calendar year, may be made in currency.

43 (cf: P.L.1995, c.391, s.3)

44

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

1 16. a. The campaign treasurer of each candidate committee and
2 joint candidates committee shall make a full cumulative report, upon
3 a form prescribed by the Election Law Enforcement Commission, of
4 all contributions in the form of moneys, loans, paid personal services
5 or other things of value, made to him or to the deputy campaign
6 treasurers of the candidate committee or joint candidates committee,
7 and all expenditures paid out of the election fund of the candidate or
8 candidates, during the period ending with the second day preceding the
9 date of the cumulative report and beginning on the date of the first of
10 those contributions, the date of the first of those expenditures, or the
11 date of the appointment of the campaign treasurer, whichever occurred
12 first. The report shall also contain the name and mailing address of
13 each person or group from whom moneys, loans, paid personal
14 services or other things of value were contributed after the second day
15 preceding the date of the previous cumulative report and the amount
16 contributed by each person or group, and where an individual has
17 made such contributions, the report shall indicate the occupation of the
18 individual and the name and mailing address of the individual's
19 employer. In the case of any loan reported pursuant to this section,
20 the report shall further contain the name and mailing address of each
21 person who cosigns such loan, the occupation of the person and the
22 name and mailing address of the person's employer. If no moneys,
23 loans, paid personal services or other things of value were contributed,
24 the report shall so indicate, and if no expenditures were paid or
25 incurred, the report shall likewise so indicate. The campaign treasurer
26 and the candidate or several candidates shall certify the correctness of
27 the report.

28 b. During the period between the appointment of the campaign
29 treasurer and the election with respect to which contributions are
30 accepted or expenditures made by him, the campaign treasurer shall
31 file his cumulative campaign report (1) on the 29th day preceding the
32 election, and (2) on the 11th day preceding the election; and after the
33 election he shall file his report on the 20th day following such election.
34 Concurrent with the report filed on the 20th day following an election,
35 or at any time thereafter, the campaign treasurer of a candidate
36 committee or joint candidates committee may certify to the Election
37 Law Enforcement Commission that the election fund of such candidate
38 committee or joint candidates committee has wound up its business
39 and been dissolved, or that business regarding the late election has
40 been wound up but the candidate committee or joint candidates
41 committee will continue for the deposit and use of contributions in
42 accordance with section 17 of P.L.1993, c.65 (C.19:44A-11.2).
43 Certification shall be accompanied by a final accounting of such
44 election fund, or of the transactions relating to such election, including
45 the final disposition of any balance remaining in such fund at the time
46 of dissolution or the arrangements which have been made for the

1 discharge of any obligations remaining unpaid at the time of
2 dissolution. Until the candidate committee or joint candidates
3 committee is dissolved, each such treasurer shall continue to file
4 reports in the form and manner herein prescribed.

5 The Election Law Enforcement Commission shall promulgate
6 regulations providing for the termination of post-election campaign
7 reporting requirements applicable to political committees, candidate
8 committees and joint candidates committees. The requirements to file
9 quarterly reports after the first post-election report may be waived by
10 the commission, notwithstanding that the certification has not been
11 filed, if the commission determines under any regulations so
12 promulgated that the outstanding obligations of the political
13 committee, candidate committee or joint candidates committee do not
14 exceed 10% of the expenditures of the campaign fund with respect to
15 the election or \$1,000.00, whichever is less, or are likely to be
16 discharged or forgiven.

17 A candidate committee or joint candidates committee shall file with
18 the Election Law Enforcement Commission, not later than April 15,
19 July 15, October 15 of each calendar year in which the candidate or
20 candidates in control of the committee does or do not run for election
21 or reelection and January 15 of each calendar year in which the
22 candidate or candidates does or do run for election or reelection, a
23 cumulative quarterly report of all moneys, loans, paid personal services
24 or other things of value contributed to it or to the candidate or
25 candidates during the period ending on the 15th day preceding that
26 date and commencing on January 1 of that calendar year or, in the case
27 of the cumulative quarterly report to be filed not later than January 15,
28 of the previous calendar year, and all expenditures made, incurred, or
29 authorized by it or the candidate or candidates during the period,
30 whether or not such expenditures were made, incurred or authorized
31 in furtherance of the election or defeat of any candidate, or in aid of
32 the passage or defeat of any public question or to provide information
33 on any candidate or public question. The commission may by
34 regulation require any such candidate committee or joint candidates
35 committee to file during any calendar year one or more additional
36 cumulative reports of such contributions received and expenditures
37 made as may be necessary to ensure that no more than five months
38 shall elapse between the last day of a period covered by one such
39 report and the last day of the period covered by the next such report.

40 The commission, on any form it shall prescribe for the reporting of
41 expenditures by a candidate committee or joint candidates committee,
42 shall provide for the grouping together of all expenditures under the
43 category of "campaign expenses" under paragraph (1) of subsection a.
44 of section 17 of P.L.1993, c.65, identified as such, and for the
45 grouping together, separately, of all other expenditures under the
46 categories prescribed by paragraphs (2) through (6) of that subsection.

1 The cumulative quarterly report due on April 15 in a year immediately
2 after the year in which the candidate or candidates does or do run for
3 election or reelection shall contain a report of all of the contributions
4 received and expenditures made by the candidate or candidates since
5 the 18th day after that election.

6 The cumulative quarterly report shall contain the name and mailing
7 address of each person or group from whom moneys, loans, paid
8 personal services or other things of value have been contributed and
9 the amount contributed by each person or group, and where an
10 individual has made such contributions, the report shall indicate the
11 occupation of the individual and the name and mailing address of the
12 individual's employer. In the case of any loan reported pursuant to this
13 section, the report shall contain the name and address of each person
14 who cosigns such loan, and where an individual has cosigned such
15 loans, the report shall indicate the occupation of the individual and the
16 name and mailing address of his employer. The report shall also
17 contain the name and address of each person, firm or organization to
18 whom expenditures have been paid and the amount and purpose of
19 each such expenditure. The treasurer of the candidate committee or
20 joint candidates committee and the candidate or candidates shall
21 certify to the correctness of each cumulative quarterly report.

22 c. In the case of an election of a candidate for an office elected by
23 a municipal or countywide constituency or a school district a duplicate
24 copy of the campaign treasurer's report, duly certified, shall be filed at
25 the same time with the county clerk of the county in which the
26 candidate resides and the county clerk shall retain a written record of
27 that filing for a period of not less than four years following the date of
28 the election.

29 d. There shall be no obligation to file the reports required by this
30 section on behalf of a candidate if such candidate files with the
31 Election Law Enforcement Commission a sworn statement to the
32 effect that the total amount to be expended in behalf of his candidacy
33 by the candidate committee, by any political party committee, by any
34 political committee, or by any person shall not in the aggregate exceed
35 \$2,000.00 or \$4,000 for any joint candidates committee containing
36 two candidates or \$6,000 for any joint candidates committee
37 containing three or more candidates. The sworn statement may be
38 submitted at the time when the name and address of the campaign
39 treasurer and depository is filed with the Election Law Enforcement
40 Commission, provided that in any case the sworn statement is filed no
41 later than the 29th day before an election. If a candidate who has filed
42 such a sworn statement receives contributions from any one source
43 aggregating more than \$200 he shall forthwith make report of the
44 same, including the name and mailing address of the source and the
45 aggregate total of contributions therefrom, and where the source is an
46 individual, the occupation of the individual and the name and mailing

1 address of the individual's employer, to the Election Law Enforcement
2 Commission.

3 e. There shall be no obligation imposed upon a candidate seeking
4 election to a public office of a school district to file either the reports
5 required under subsection b. of this section or the sworn statement
6 referred to in subsection d. of this section, if the total amount
7 expended and to be expended in behalf of his candidacy by the
8 candidate committee, any political committee, any continuing political
9 committee, or a political party committee or by any person, does not
10 in the aggregate exceed \$2,000.00 per election or \$4,000 for any joint
11 candidates committee containing two candidates or \$6,000 for any
12 joint candidates committee containing three or more candidates;
13 provided, that if such candidate receives contributions from any one
14 source aggregating more than \$200, he shall forthwith make a report
15 of the same, including the name and mailing address of the source, the
16 aggregate total of contributions therefrom, and where the source is an
17 individual, the occupation of the individual and the name and mailing
18 address of the individual's employer, to the commission.

19 f. In any report filed pursuant to the provisions of this section, the
20 names and addresses of contributors whose contributions during the
21 period covered by the report did not exceed \$200 may be excluded;
22 provided, however, that (1) such exclusion is unlawful if any person
23 responsible for the preparation or filing of the report knew that such
24 exclusion was made with respect to any person whose total
25 contributions relating to the same election and made to the reporting
26 candidate or to an allied campaign organization or organizations
27 aggregate, in combination with the total contributions in respect of
28 which such exclusion is made, more than \$200, and (2) any person
29 who knowingly prepares, assists in preparing, files or acquiesces in the
30 filing of any report from which the identity of any contributor has been
31 excluded contrary to the provisions of this section is subject to the
32 provisions of section 21 of this act, but (3) nothing in this proviso shall
33 be construed as requiring any candidate committee or joint candidates
34 committee reporting pursuant to this act to report the amounts, dates
35 or other circumstantial data regarding contributions made to any other
36 candidate committee, joint candidates committee, political committee,
37 continuing political committee, political party committee or legislative
38 leadership committee.

39 g. Any report filed pursuant to the provisions of this section shall
40 include an itemized accounting of all receipts and expenditures relative
41 to any testimonial affair held since the date of the most recent report
42 filed, which accounting shall include the name and mailing address of
43 each contributor in excess of \$200 to such testimonial affair and the
44 amount contributed by each; in the case of any individual contributor,
45 the occupation of the individual and the name and mailing address of
46 the individual's employer; the expenses incurred; and the disposition

1 of the proceeds of such testimonial affair.

2 h. (Deleted by amendment, P.L.1993, c.65.)

3 i. Each campaign treasurer of a candidate committee or joint
4 candidates committee shall file written notice with the commission of
5 a contribution in excess of \$500 received during the period between
6 the 13th day prior to the election and the date of the election , and of
7 an expenditure of money or other thing of value in excess of \$800
8 made, incurred or authorized by the candidate committee or joint
9 candidates committee to support or defeat a candidate in an election,
10 or to aid the passage or defeat of any public question, during the
11 period between the 13th day prior to the election and the date of the
12 election, provided that a candidate shall not be required to file written
13 notice pursuant to this subsection of an expenditure made to support
14 his or her own candidacy, or to support or defeat a candidate for the
15 same office in an election. For the purposes of this subsection, the
16 offices of member of the Senate and member of the General Assembly
17 shall be deemed to be the same office in a legislative district; the
18 offices of member of the board of chosen freeholders and county
19 executive shall be deemed to be the same office in a county; and the
20 offices of mayor and member of the municipal governing body shall be
21 deemed to be the same office in a municipality.

22 The notice of a contribution shall be filed in writing or by telegram
23 within 48 hours of the receipt of the contribution and shall set forth
24 the amount and date of the contribution, the name and mailing address
25 of the contributor, and where the contributor is an individual, the
26 occupation of the individual and the name and mailing address of the
27 individual's employer. The notice of an expenditure shall be filed in
28 writing or by telegram within 48 hours of the making, incurring or
29 authorization of the expenditure and shall set forth the name and
30 mailing address of the person, firm or organization to whom or which
31 the expenditure was paid and the amount and purpose of the
32 expenditure.

33 (cf: P.L.1993, c.65, s.9)

34

35 4. This act shall take effect immediately.

36

37

38

STATEMENT

39

40 This bill requires candidate and joint candidates committees,
41 political party committees and legislative leadership committees to
42 report to ELEC within 48 hours of an expenditure in excess of \$800
43 made during certain periods close to an election to support or defeat
44 a candidate or to aid the passage or defeat of a public question. The
45 bill does not, however, require a candidate or joint candidates
46 committee to report within 48 hours expenditures made to support

1 their own candidacies, or to support or defeat a candidate for the same
2 office. The bill also requires a person that makes an independent
3 expenditure of his or her own funds in excess of \$800 made during
4 certain periods close to an election to support or defeat a candidate or
5 to aid the passage or defeat of a public question to report such
6 expenditure within 48 hours.

7 Under current law, candidate committees, joint candidates
8 committees, political committees, continuing political committees,
9 political party committees, and legislative leadership committees are
10 required to file reports with the New Jersey Election Law Enforcement
11 Commission (ELEC) on contributions received and expenditures made.
12 During certain periods close to an election these committees are also
13 required to file reports with ELEC within 48 hours of every
14 contribution received over \$800. During these same periods political
15 committees and continuing political committees are further required to
16 file reports with ELEC within 48 hours of every expenditure over
17 \$800 to support or defeat a candidate in an election, or to aid the
18 passage or defeat of a public question.

19 Finally, the bill eliminates a subsection of law about the filing
20 requirements of a political committee that receives contributions and
21 makes expenditures on behalf of joint candidates in an election.
22 According to ELEC, political committees do not receive contributions
23 or make expenditures on behalf of candidates or joint candidates.
24 According to ELEC, this subsection of law has not been used, would
25 not be used in the future, and can be eliminated without consequence.

26

27

28

29

30 Requires certain election committees and certain other persons to file
31 report with ELEC within 48 hours of making certain expenditures in
32 excess of \$800 during certain periods.

ASSEMBLY, No. 12

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED MAY 17, 2004

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman JOSEPH CRYAN

District 20 (Union)

Assemblyman WILLIAM D. PAYNE

District 29 (Essex and Union)

Co-Sponsored by:

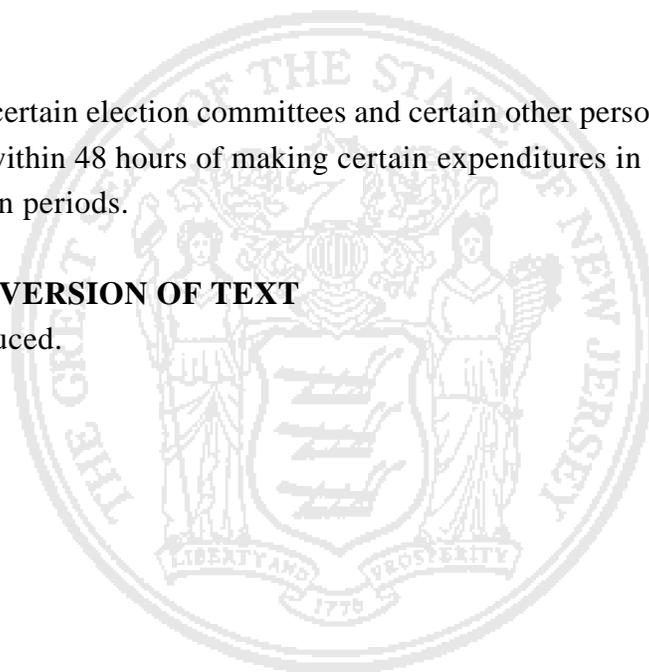
**Assemblymen Mayer, McKeon, Assemblywoman Cruz-Perez,
Assemblymen Chiappone, Chivukula, R.Smith, Assemblywoman Watson
Coleman, Assemblymen Connors, Greenwald, Assemblywomen Oliver,
Quigley, Assemblymen Eagler, Vas, Stanley and Senator Sarlo**

SYNOPSIS

Requires certain election committees and certain other persons to file report with ELEC within 48 hours of making certain expenditures in excess of \$800 during certain periods.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/11/2004)

1 AN ACT requiring certain committees and persons during certain
2 periods to file a report with the Election Law Enforcement
3 Commission within 48 hours of making certain expenditures and
4 amending P.L.1973, c.83

5

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

8

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

11 8. a. (1) Each political committee shall make a full cumulative
12 report, upon a form prescribed by the Election Law Enforcement
13 Commission, of all contributions in the form of moneys, loans, paid
14 personal services, or other things of value made to it and all
15 expenditures made, incurred, or authorized by it in furtherance of the
16 nomination, election or defeat of any candidate, or in aid of the
17 passage or defeat of any public question, or to provide political
18 information on any candidate or public question, during the period
19 ending 48 hours preceding the date of the report and beginning on the
20 date on which the first of those contributions was received or the first
21 of those expenditures was made, whichever occurred first. The
22 cumulative report, except as hereinafter provided, shall contain the
23 name and mailing address of each person or group from whom
24 moneys, loans, paid personal services or other things of value have
25 been contributed since 48 hours preceding the date on which the
26 previous such report was made and the amount contributed by each
27 person or group, and where the contributor is an individual, the report
28 shall indicate the occupation of the individual and the name and
29 mailing address of the individual's employer. In the case of any loan
30 reported pursuant to this subsection, the report shall contain the name
31 and mailing address of each person who has cosigned such loan since
32 48 hours preceding the date on which the previous such report was
33 made, and where an individual has cosigned such loans, the report
34 shall indicate the occupation of the individual and the name and
35 mailing address of the individual's employer. The cumulative report
36 shall also contain the name and address of each person, firm or
37 organization to whom expenditures have been paid since 48 hours
38 preceding the date on which the previous such report was made and
39 the amount and purpose of each such expenditure. The cumulative
40 report shall be filed with the Election Law Enforcement Commission
41 on the dates designated in section 16 hereof.

42 The campaign treasurer of the political committee reporting shall
43 certify to the correctness of each report.

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

Matter underlined thus is new matter.

1 Each campaign treasurer of a political committee shall file written
2 notice with the commission of a contribution in excess of \$500
3 received during the period between the 13th day prior to the election
4 and the date of the election, and of an expenditure of money or other
5 thing of value in excess of \$500 made, incurred or authorized by the
6 political committee to support or defeat a candidate in an election, or
7 to aid the passage or defeat of any public question, during the period
8 between the 13th day prior to the election and the date of the election.
9 The notice of a contribution shall be filed in writing or by telegram
10 within 48 hours of the receipt of the contribution and shall set forth
11 the amount and date of the contribution, the name and mailing address
12 of the contributor, and where the contributor is an individual, the
13 individual's occupation and the name and mailing address of the
14 individual's employer. The notice of an expenditure shall be filed in
15 writing or by telegram within 48 hours of the making, incurring or
16 authorization of the expenditure and shall set forth the name and
17 mailing address of the person, firm or organization to whom or which
18 the expenditure was paid and the amount and purpose of the
19 expenditure.

20 (2) When a political committee or an individual seeking party office
21 makes or authorizes an expenditure on behalf of a candidate, it shall
22 provide immediate written notification to the candidate of the
23 expenditure.

24 b. (1) A group of two or more persons acting jointly, or any
25 corporation, partnership, or any other incorporated or unincorporated
26 association including a political club, political action committee, civic
27 association or other organization, which in any calendar year
28 contributes or expects to contribute at least \$2,500.00 to the aid or
29 promotion of the candidacy of an individual, or of the candidacies of
30 individuals, for elective public office or the passage or defeat of a
31 public question or public questions and which expects to make
32 contributions toward such aid or promotion, or toward such passage
33 or defeat, during a subsequent election shall certify that fact to the
34 commission, and the commission, upon receiving that certification and
35 on the basis of any information as it may require of the group,
36 corporation, partnership, association or other organization, shall
37 determine whether the group, corporation, partnership, association or
38 other organization is a continuing political committee for the purposes
39 of this act. If the commission determines that the group, corporation,
40 partnership, association or other organization is a continuing political
41 committee, it shall so notify that continuing political committee.

42 No person serving as the chairman of a political party committee or
43 a legislative leadership committee shall be eligible to be appointed or
44 to serve as the chairman of a continuing political committee.

45 (2) A continuing political committee shall file with the Election
46 Law Enforcement Commission, not later than April 15, July 15,

1 October 15 and January 15 of each calendar year, a cumulative
2 quarterly report of all moneys, loans, paid personal services or other
3 things of value contributed to it during the period ending on the 15th
4 day preceding that date and commencing on January 1 of that calendar
5 year or, in the case of the cumulative quarterly report to be filed not
6 later than January 15, of the previous calendar year, and all
7 expenditures made, incurred, or authorized by it during the period,
8 whether or not such expenditures were made, incurred or authorized
9 in furtherance of the election or defeat of any candidate, or in aid of
10 the passage or defeat of any public question or to provide information
11 on any candidate or public question.

12 The cumulative quarterly report shall contain the name and mailing
13 address of each person or group from whom moneys, loans, paid
14 personal services or other things of value have been contributed and
15 the amount contributed by each person or group, and where an
16 individual has made such contributions, the report shall indicate the
17 occupation of the individual and the name and mailing address of the
18 individual's employer. In the case of any loan reported pursuant to this
19 subsection, the report shall contain the name and address of each
20 person who cosigns such loan, and where an individual has cosigned
21 such loans, the report shall indicate the occupation of the individual
22 and the name and mailing address of the individual's employer. The
23 report shall also contain the name and address of each person, firm or
24 organization to whom expenditures have been paid and the amount and
25 purpose of each such expenditure. The treasurer of the continuing
26 political committee reporting shall certify to the correctness of each
27 cumulative quarterly report.

28 Each continuing political committee shall provide immediate written
29 notification to each candidate of all expenditures made or authorized
30 on behalf of the candidate.

31 If any continuing political committee submitting cumulative
32 quarterly reports as provided under this subsection receives a
33 contribution from a single source of more than \$500 after the final day
34 of a quarterly reporting period and on or before a primary, general,
35 municipal, school or special election which occurs after that final day
36 but prior to the final day of the next reporting period it shall, in writing
37 or by telegram, report that contribution to the commission within 48
38 hours of the receipt thereof, including in that report the amount and
39 date of the contribution; the name and mailing address of the
40 contributor; and where the contributor is an individual, the individual's
41 occupation and the name and mailing address of the individual's
42 employer. If any continuing political committee makes or authorizes
43 an expenditure of money or other thing of value in excess of \$500, or
44 incurs any obligation therefor, to support or defeat a candidate in an
45 election, or to aid the passage or defeat of any public question, after
46 March 31 and on or before the day of the primary election, or after

1 September 30 and on or before the day of the general election, it shall,
2 in writing or by telegram, report that expenditure to the commission
3 within 48 hours of the making, authorizing or incurring thereof.

4 A continuing political committee which ceases making contributions
5 toward the aiding or promoting of the candidacy of an individual, or
6 of the candidacies of individuals, for elective public office in this State
7 or the passage or defeat of a public question or public questions in this
8 State shall certify that fact in writing to the commission, and that
9 certification shall be accompanied by a final accounting of any fund
10 relating to such aiding or promoting including the final disposition of
11 any balance in such fund at the time of dissolution. Until that
12 certification has been filed, the committee shall continue to file the
13 quarterly reports as provided under this subsection.

14 c. Each political party committee and each legislative leadership
15 committee shall file with the Election Law Enforcement Commission,
16 not later than April 15, July 15, October 15 and January 15 of each
17 calendar year, a cumulative quarterly report of all moneys, loans, paid
18 personal services or other things of value contributed to it during the
19 period ending on the 15th day preceding that date and commencing on
20 January 1 of that calendar year or, in the case of the cumulative
21 quarterly report to be filed not later than January 15, of the previous
22 calendar year, and all expenditures made, incurred, or authorized by
23 it during the period, whether or not such expenditures were made,
24 incurred or authorized in furtherance of the election or defeat of any
25 candidate, or in aid of the passage or defeat of any public question or
26 to provide information on any candidate or public question.

27 The cumulative quarterly report shall contain the name and mailing
28 address of each person or group from whom moneys, loans, paid
29 personal services or other things of value have been contributed and
30 the amount contributed by each person or group, and where an
31 individual has made such contributions, the report shall indicate the
32 occupation of the individual and the name and mailing address of the
33 individual's employer. In the case of any loan reported pursuant to this
34 subsection, the report shall contain the name and address of each
35 person who cosigns such loan, and where an individual has cosigned
36 such loans, the report shall indicate the occupation of the individual
37 and the name and mailing address of the individual's employer. The
38 report shall also contain the name and address of each person, firm or
39 organization to whom expenditures have been paid and the amount and
40 purpose of each such expenditure. The treasurer of the political party
41 committee or legislative leadership committee reporting shall certify
42 to the correctness of each cumulative quarterly report.

43 If a political party committee or a legislative leadership committee
44 submitting cumulative quarterly reports as provided under this
45 subsection receives a contribution from a single source of more than
46 \$500 after the final day of a quarterly reporting period and on or

1 before a primary, general, municipal, school or special election which
2 occurs after that final day but prior to the final day of the next
3 reporting period it shall, in writing or by telegram, report that
4 contribution to the commission within 48 hours of the receipt thereof,
5 including in that report the amount and date of the contribution; the
6 name and mailing address of the contributor; and where the
7 contributor is an individual, the individual's occupation and the name
8 and mailing address of the individual's employer. If a political party
9 committee or a legislative leadership committee submitting cumulative
10 quarterly reports as provided under this subsection makes or
11 authorizes an expenditure of money or other thing of value in excess
12 of \$800, or incurs any obligation therefor, to support or defeat a
13 candidate in an election, or to aid the passage or defeat of any public
14 question, after March 31 and on or before the day of the primary
15 election, or after September 30 and on or before the day of the general
16 election, it shall, in writing or by telegram, report that expenditure to
17 the commission within 48 hours of the making, authorizing or
18 incurring thereof.

19 d. In any report filed pursuant to the provisions of this section the
20 organization or committee reporting may exclude from the report the
21 name of and other information relating to any contributor whose
22 contributions during the period covered by the report did not exceed
23 \$200, provided, however, that (1) such exclusion is unlawful if any
24 person responsible for the preparation or filing of the report knew that
25 it was made with respect to any person whose contributions relating
26 to the same election or issue and made to the reporting organization
27 or committee aggregate, in combination with the contribution in
28 respect of which such exclusion is made, more than \$200 and (2) any
29 person who knowingly prepares, assists in preparing, files or
30 acquiesces in the filing of any report from which the identification of
31 a contributor has been excluded contrary to the provisions of this
32 section is subject to the provisions of section 21 of this act, but (3)
33 nothing in this proviso shall be construed as requiring any committee
34 or organization reporting pursuant to this act to report the amounts,
35 dates or other circumstantial data regarding contributions made to any
36 other organization or political committee, political party committee or
37 campaign organization of a candidate.

38 Any report filed pursuant to the provisions of this section shall
39 include an itemized accounting of all receipts and expenditures relative
40 to any testimonial affairs held since the date of the most recent report
41 filed, which accounting shall include the name and mailing address of
42 each contributor in excess of \$200 to such testimonial affair and the
43 amount contributed by each; in the case of an individual contributor,
44 the occupation of the individual and the name and mailing address of
45 the individual's employer; the expenses incurred; and the disposition
46 of the proceeds of such testimonial affair.

1 [e. A political committee shall be exempt from any requirement to
2 file reports pursuant to this section of contributions received or
3 expenditures made in behalf of two or more joint candidates in any
4 election if the committee files with the Election Law Enforcement
5 Commission a sworn statement to the effect that the total amount to
6 be expended on behalf of their candidacies shall not exceed \$4,000.00;
7 provided, that if a committee which has filed such a sworn statement
8 receives contributions from any one source aggregating more than
9 \$200.00, it shall forthwith report that fact, including the name and
10 mailing address of the source; where the source is an individual, the
11 occupation of the individual and the name and mailing address of the
12 individual's employer; and the aggregate total of contributions from
13 the source to the commission. Any sworn statement under this
14 subsection may be filed with the notice of designation by a political
15 committee of a campaign treasurer and campaign depository under
16 section 10 of P.L.1973, c.83 (C.19:44A-10), if that committee knows
17 or has reason to believe, at the time when the notice of designation is
18 given, that the total amount to be so expended shall not exceed
19 \$4,000.00.]

20 (cf: P.L.1993, c.65, s.3)

21

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

24 11.No contribution of money or other thing of value, nor obligation
25 therefor, including but not limited to contributions, loans or
26 obligations of a candidate himself or of his family, shall be made or
27 received, and no expenditure of money or other thing of value, nor
28 obligation therefor, including expenditures, loans or obligations of a
29 candidate himself or of his family, shall be made or incurred, directly
30 or indirectly, to support or defeat a candidate in any election, or to aid
31 the passage or defeat of any public question, except through:

32 a. The duly appointed campaign treasurer or deputy campaign
33 treasurers of the candidate committee or joint candidates committee;

34 b. The duly appointed organizational treasurer or deputy
35 organizational treasurers of a political party committee or a continuing
36 political committee;

37 c. The duly appointed campaign treasurer or deputy campaign
38 treasurers of a political committee; or

39 d. The duly appointed organizational treasurer or deputy
40 organizational treasurer of a legislative leadership committee.

41 It shall be lawful, however, for any person, not acting in concert
42 with any other person or group, to expend personally from his own
43 funds a sum which is not to be repaid to him for any purpose not
44 prohibited by law, or to contribute his own personal services and
45 personal traveling expenses, to support or defeat a candidate or to aid
46 the passage or defeat of a public question; provided, however, that any

1 person making such expenditure shall be required to report his or her
2 name and mailing address and the amount of all such expenditures and
3 expenses, except personal traveling expenses, if the total of the money
4 so expended, exclusive of such traveling expenses, exceeds \$500, and
5 also, where the person is an individual, to report the individual's
6 occupation and the name and mailing address of the individual's
7 employer, to the Election Law Enforcement Commission at the same
8 time and in the same manner as a political committee subject to the
9 provisions of section 8 of this act. Such expenditure made during the
10 period between the 13th day prior to the election and the date of the
11 election shall be filed in writing or by telegram within 48 hours of the
12 making, incurring or authorization of the expenditure and shall set
13 forth the name and mailing address of the person, firm or organization
14 to whom or which the expenditure was paid and the amount and
15 purpose of the expenditure.

16 No contribution of money shall be made in currency, except
17 contributions in response to a public solicitation, provided that
18 cumulative currency contributions of up to \$200 may be made to a
19 candidate committee or joint candidates committee, a political
20 committee, a continuing political committee, a legislative leadership
21 committee or a political party committee if the contributor submits
22 with the currency contribution a written statement of a form as
23 prescribed by the commission, indicating the contributor's name,
24 mailing address and occupation and the amount of the contribution,
25 including the contributor's signature and the name and mailing address
26 of the contributor's employer.

27 Any anonymous contribution received by a campaign treasurer or
28 deputy campaign treasurer shall not be used or expended, but shall be
29 returned to the donor, if his identity is known, and if no donor is
30 found, the contribution shall escheat to the State.

31 No person, partnership or association, either directly or through an
32 agent, shall make any loan or advance, the proceeds of which that
33 person, partnership or association knows or has reason to know or
34 believe are intended to be used by the recipient thereof to make a
35 contribution or expenditure, except by check or money order
36 identifying the name, mailing address and occupation or business of
37 the maker of the loan, and, if the maker is an individual, the name and
38 mailing address of that individual's employer; provided, however, that
39 such loans or advances to a single individual, up to a cumulative
40 amount of \$50 in any calendar year, may be made in currency.

41 (cf: P.L.1995, c.391, s.3)

42

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

45 16. a. The campaign treasurer of each candidate committee and
46 joint candidates committee shall make a full cumulative report, upon

1 a form prescribed by the Election Law Enforcement Commission, of
2 all contributions in the form of moneys, loans, paid personal services
3 or other things of value, made to him or to the deputy campaign
4 treasurers of the candidate committee or joint candidates committee,
5 and all expenditures paid out of the election fund of the candidate or
6 candidates, during the period ending with the second day preceding the
7 date of the cumulative report and beginning on the date of the first of
8 those contributions, the date of the first of those expenditures, or the
9 date of the appointment of the campaign treasurer, whichever occurred
10 first. The report shall also contain the name and mailing address of
11 each person or group from whom moneys, loans, paid personal
12 services or other things of value were contributed after the second day
13 preceding the date of the previous cumulative report and the amount
14 contributed by each person or group, and where an individual has
15 made such contributions, the report shall indicate the occupation of the
16 individual and the name and mailing address of the individual's
17 employer. In the case of any loan reported pursuant to this section,
18 the report shall further contain the name and mailing address of each
19 person who cosigns such loan, the occupation of the person and the
20 name and mailing address of the person's employer. If no moneys,
21 loans, paid personal services or other things of value were contributed,
22 the report shall so indicate, and if no expenditures were paid or
23 incurred, the report shall likewise so indicate. The campaign treasurer
24 and the candidate or several candidates shall certify the correctness of
25 the report.

26 b. During the period between the appointment of the campaign
27 treasurer and the election with respect to which contributions are
28 accepted or expenditures made by him, the campaign treasurer shall
29 file his cumulative campaign report (1) on the 29th day preceding the
30 election, and (2) on the 11th day preceding the election; and after the
31 election he shall file his report on the 20th day following such election.
32 Concurrent with the report filed on the 20th day following an election,
33 or at any time thereafter, the campaign treasurer of a candidate
34 committee or joint candidates committee may certify to the Election
35 Law Enforcement Commission that the election fund of such candidate
36 committee or joint candidates committee has wound up its business
37 and been dissolved, or that business regarding the late election has
38 been wound up but the candidate committee or joint candidates
39 committee will continue for the deposit and use of contributions in
40 accordance with section 17 of P.L.1993, c.65 (C.19:44A-11.2).
41 Certification shall be accompanied by a final accounting of such
42 election fund, or of the transactions relating to such election, including
43 the final disposition of any balance remaining in such fund at the time
44 of dissolution or the arrangements which have been made for the
45 discharge of any obligations remaining unpaid at the time of
46 dissolution. Until the candidate committee or joint candidates

1 committee is dissolved, each such treasurer shall continue to file
2 reports in the form and manner herein prescribed.

3 The Election Law Enforcement Commission shall promulgate
4 regulations providing for the termination of post-election campaign
5 reporting requirements applicable to political committees, candidate
6 committees and joint candidates committees. The requirements to file
7 quarterly reports after the first post-election report may be waived by
8 the commission, notwithstanding that the certification has not been
9 filed, if the commission determines under any regulations so
10 promulgated that the outstanding obligations of the political
11 committee, candidate committee or joint candidates committee do not
12 exceed 10% of the expenditures of the campaign fund with respect to
13 the election or \$1,000.00, whichever is less, or are likely to be
14 discharged or forgiven.

15 A candidate committee or joint candidates committee shall file with
16 the Election Law Enforcement Commission, not later than April 15,
17 July 15, October 15 of each calendar year in which the candidate or
18 candidates in control of the committee does or do not run for election
19 or reelection and January 15 of each calendar year in which the
20 candidate or candidates does or do run for election or reelection, a
21 cumulative quarterly report of all moneys, loans, paid personal services
22 or other things of value contributed to it or to the candidate or
23 candidates during the period ending on the 15th day preceding that
24 date and commencing on January 1 of that calendar year or, in the case
25 of the cumulative quarterly report to be filed not later than January 15,
26 of the previous calendar year, and all expenditures made, incurred, or
27 authorized by it or the candidate or candidates during the period,
28 whether or not such expenditures were made, incurred or authorized
29 in furtherance of the election or defeat of any candidate, or in aid of
30 the passage or defeat of any public question or to provide information
31 on any candidate or public question. The commission may by
32 regulation require any such candidate committee or joint candidates
33 committee to file during any calendar year one or more additional
34 cumulative reports of such contributions received and expenditures
35 made as may be necessary to ensure that no more than five months
36 shall elapse between the last day of a period covered by one such
37 report and the last day of the period covered by the next such report.

38 The commission, on any form it shall prescribe for the reporting of
39 expenditures by a candidate committee or joint candidates committee,
40 shall provide for the grouping together of all expenditures under the
41 category of "campaign expenses" under paragraph (1) of subsection a.
42 of section 17 of P.L.1993, c.65, identified as such, and for the
43 grouping together, separately, of all other expenditures under the
44 categories prescribed by paragraphs (2) through (6) of that subsection.
45 The cumulative quarterly report due on April 15 in a year immediately
46 after the year in which the candidate or candidates does or do run for

1 election or reelection shall contain a report of all of the contributions
2 received and expenditures made by the candidate or candidates since
3 the 18th day after that election.

4 The cumulative quarterly report shall contain the name and mailing
5 address of each person or group from whom moneys, loans, paid
6 personal services or other things of value have been contributed and
7 the amount contributed by each person or group, and where an
8 individual has made such contributions, the report shall indicate the
9 occupation of the individual and the name and mailing address of the
10 individual's employer. In the case of any loan reported pursuant to this
11 section, the report shall contain the name and address of each person
12 who cosigns such loan, and where an individual has cosigned such
13 loans, the report shall indicate the occupation of the individual and the
14 name and mailing address of his employer. The report shall also
15 contain the name and address of each person, firm or organization to
16 whom expenditures have been paid and the amount and purpose of
17 each such expenditure. The treasurer of the candidate committee or
18 joint candidates committee and the candidate or candidates shall
19 certify to the correctness of each cumulative quarterly report.

20 c. In the case of an election of a candidate for an office elected by
21 a municipal or countywide constituency or a school district a duplicate
22 copy of the campaign treasurer's report, duly certified, shall be filed at
23 the same time with the county clerk of the county in which the
24 candidate resides and the county clerk shall retain a written record of
25 that filing for a period of not less than four years following the date of
26 the election.

27 d. There shall be no obligation to file the reports required by this
28 section on behalf of a candidate if such candidate files with the
29 Election Law Enforcement Commission a sworn statement to the
30 effect that the total amount to be expended in behalf of his candidacy
31 by the candidate committee, by any political party committee, by any
32 political committee, or by any person shall not in the aggregate exceed
33 \$2,000.00 or \$4,000 for any joint candidates committee containing
34 two candidates or \$6,000 for any joint candidates committee
35 containing three or more candidates. The sworn statement may be
36 submitted at the time when the name and address of the campaign
37 treasurer and depository is filed with the Election Law Enforcement
38 Commission, provided that in any case the sworn statement is filed no
39 later than the 29th day before an election. If a candidate who has filed
40 such a sworn statement receives contributions from any one source
41 aggregating more than \$200 he shall forthwith make report of the
42 same, including the name and mailing address of the source and the
43 aggregate total of contributions therefrom, and where the source is an
44 individual, the occupation of the individual and the name and mailing
45 address of the individual's employer, to the Election Law Enforcement
46 Commission.

1 e. There shall be no obligation imposed upon a candidate seeking
2 election to a public office of a school district to file either the reports
3 required under subsection b. of this section or the sworn statement
4 referred to in subsection d. of this section, if the total amount
5 expended and to be expended in behalf of his candidacy by the
6 candidate committee, any political committee, any continuing political
7 committee, or a political party committee or by any person, does not
8 in the aggregate exceed \$2,000.00 per election or \$4,000 for any joint
9 candidates committee containing two candidates or \$6,000 for any
10 joint candidates committee containing three or more candidates;
11 provided, that if such candidate receives contributions from any one
12 source aggregating more than \$200, he shall forthwith make a report
13 of the same, including the name and mailing address of the source, the
14 aggregate total of contributions therefrom, and where the source is an
15 individual, the occupation of the individual and the name and mailing
16 address of the individual's employer, to the commission.

17 f. In any report filed pursuant to the provisions of this section, the
18 names and addresses of contributors whose contributions during the
19 period covered by the report did not exceed \$200 may be excluded;
20 provided, however, that (1) such exclusion is unlawful if any person
21 responsible for the preparation or filing of the report knew that such
22 exclusion was made with respect to any person whose total
23 contributions relating to the same election and made to the reporting
24 candidate or to an allied campaign organization or organizations
25 aggregate, in combination with the total contributions in respect of
26 which such exclusion is made, more than \$200, and (2) any person
27 who knowingly prepares, assists in preparing, files or acquiesces in the
28 filing of any report from which the identity of any contributor has been
29 excluded contrary to the provisions of this section is subject to the
30 provisions of section 21 of this act, but (3) nothing in this proviso shall
31 be construed as requiring any candidate committee or joint candidates
32 committee reporting pursuant to this act to report the amounts, dates
33 or other circumstantial data regarding contributions made to any other
34 candidate committee, joint candidates committee, political committee,
35 continuing political committee, political party committee or legislative
36 leadership committee.

37 g. Any report filed pursuant to the provisions of this section shall
38 include an itemized accounting of all receipts and expenditures relative
39 to any testimonial affair held since the date of the most recent report
40 filed, which accounting shall include the name and mailing address of
41 each contributor in excess of \$200 to such testimonial affair and the
42 amount contributed by each; in the case of any individual contributor,
43 the occupation of the individual and the name and mailing address of
44 the individual's employer; the expenses incurred; and the disposition
45 of the proceeds of such testimonial affair.

46 h. (Deleted by amendment, P.L.1993, c.65.)

1 i. Each campaign treasurer of a candidate committee or joint
2 candidates committee shall file written notice with the commission of
3 a contribution in excess of \$500 received during the period between
4 the 13th day prior to the election and the date of the election, and of
5 an expenditure of money or other thing of value in excess of \$800
6 made, incurred or authorized by the candidate committee or joint
7 candidates committee to support or defeat a candidate in an election,
8 or to aid the passage or defeat of any public question, during the
9 period between the 13th day prior to the election and the date of the
10 election, provided that a candidate shall not be required to file written
11 notice pursuant to this subsection of an expenditure made to support
12 his or her own candidacy, or to support or defeat a candidate for the
13 same office in an election. For the purposes of this subsection, the
14 offices of member of the Senate and member of the General Assembly
15 shall be deemed to be the same office in a legislative district; the
16 offices of member of the board of chosen freeholders and county
17 executive shall be deemed to be the same office in a county; and the
18 offices of mayor and member of the municipal governing body shall be
19 deemed to be the same office in a municipality.

20 The notice of a contribution shall be filed in writing or by telegram
21 within 48 hours of the receipt of the contribution and shall set forth
22 the amount and date of the contribution, the name and mailing address
23 of the contributor, and where the contributor is an individual, the
24 occupation of the individual and the name and mailing address of the
25 individual's employer. The notice of an expenditure shall be filed in
26 writing or by telegram within 48 hours of the making, incurring or
27 authorization of the expenditure and shall set forth the name and
28 mailing address of the person, firm or organization to whom or which
29 the expenditure was paid and the amount and purpose of the
30 expenditure.

31 (cf: P.L.1993, c.65, s.9)

32

33 4. This act shall take effect immediately.

34

35

36

STATEMENT

37

38 This bill requires candidate and joint candidates committees,
39 political party committees and legislative leadership committees to
40 report to ELEC within 48 hours of an expenditure in excess of \$800
41 made during certain periods close to an election to support or defeat
42 a candidate or to aid the passage or defeat of a public question. The
43 bill does not, however, require a candidate or joint candidates
44 committee to report within 48 hours expenditures made to support
45 their own candidacies, or to support or defeat a candidate for the same
46 office. The bill also requires a person that makes an independent

1 expenditure of his or her own funds in excess of \$800 made during
2 certain periods close to an election to support or defeat a candidate or
3 to aid the passage or defeat of a public question to report such
4 expenditure within 48 hours.

5 Under current law, candidate committees, joint candidates
6 committees, political committees, continuing political committees,
7 political party committees, and legislative leadership committees are
8 required to file reports with the New Jersey Election Law Enforcement
9 Commission (ELEC) on contributions received and expenditures made.
10 During certain periods close to an election these committees are also
11 required to file reports with ELEC within 48 hours of every
12 contribution received over \$800. During these same periods political
13 committees and continuing political committees are further required to
14 file reports with ELEC within 48 hours of every expenditure over
15 \$800 to support or defeat a candidate in an election, or to aid the
16 passage or defeat of a public question.

17 Finally, the bill eliminates a subsection of law about the filing
18 requirements of a political committee that receives contributions and
19 makes expenditures on behalf of joint candidates in an election.
20 According to ELEC, political committees do not receive contributions
21 or make expenditures on behalf of candidates or joint candidates.
22 According to ELEC, this subsection of law has not been used, would
23 not be used in the future, and can be eliminated without consequence.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 12

STATE OF NEW JERSEY

DATED: MAY 20, 2004

The Assembly State Government Committee reports favorably Assembly, No. 12.

This bill requires candidate and joint candidates committees, political party committees and legislative leadership committees to report to the Election Law Enforcement Commission (ELEC), within 48 hours, an expenditure in excess of \$800 made during certain periods close to an election to support or defeat a candidate or to aid the passage or defeat of a public question. The bill does not require a candidate or joint candidates committee to report within 48 hours expenditures made to support their own candidacies, or to support or defeat a candidate for the same office. The bill also requires a person to report, within 48 hours, an independent expenditure of his or her own funds in excess of \$800 made to support or defeat a candidate or to aid the passage or defeat of a public question during certain periods close to an election.

Under current law, candidate committees, joint candidates committees, political committees, continuing political committees, political party committees, and legislative leadership committees are required to file reports with ELEC on contributions received and expenditures made. During certain periods close to an election, these committees are also required to file reports with ELEC within 48 hours of every contribution received over \$800. During those same periods, political committees and continuing political committees are further required to file reports with ELEC within 48 hours of every expenditure over \$800 to support or defeat a candidate in an election, or to aid the passage or defeat of a public question.

The bill deletes a subsection of current law concerning the filing requirements of a political committee that receives contributions and makes expenditures on behalf of joint candidates in an election, because ELEC reports that political committees do not receive contributions or make expenditures on behalf of candidates or joint candidates.

SENATE, No. 12

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MAY 20, 2004

Sponsored by:

Senator PAUL SARLO

District 36 (Bergen, Essex and Passaic)

SYNOPSIS

Requires certain election committees and certain other persons to file report with ELEC within 48 hours of making certain expenditures in excess of \$800 during certain periods.

CURRENT VERSION OF TEXT

As introduced.



S12 SARLO

2

1 AN ACT requiring certain committees and persons during certain
2 periods to file a report with the Election Law Enforcement
3 Commission within 48 hours of making certain expenditures and
4 amending P.L.1973, c.83

5

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

8

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

11 8. a. (1) Each political committee shall make a full cumulative
12 report, upon a form prescribed by the Election Law Enforcement
13 Commission, of all contributions in the form of moneys, loans, paid
14 personal services, or other things of value made to it and all
15 expenditures made, incurred, or authorized by it in furtherance of the
16 nomination, election or defeat of any candidate, or in aid of the
17 passage or defeat of any public question, or to provide political
18 information on any candidate or public question, during the period
19 ending 48 hours preceding the date of the report and beginning on the
20 date on which the first of those contributions was received or the first
21 of those expenditures was made, whichever occurred first. The
22 cumulative report, except as hereinafter provided, shall contain the
23 name and mailing address of each person or group from whom
24 moneys, loans, paid personal services or other things of value have
25 been contributed since 48 hours preceding the date on which the
26 previous such report was made and the amount contributed by each
27 person or group, and where the contributor is an individual, the report
28 shall indicate the occupation of the individual and the name and
29 mailing address of the individual's employer. In the case of any loan
30 reported pursuant to this subsection, the report shall contain the name
31 and mailing address of each person who has cosigned such loan since
32 48 hours preceding the date on which the previous such report was
33 made, and where an individual has cosigned such loans, the report
34 shall indicate the occupation of the individual and the name and
35 mailing address of the individual's employer. The cumulative report
36 shall also contain the name and address of each person, firm or
37 organization to whom expenditures have been paid since 48 hours
38 preceding the date on which the previous such report was made and
39 the amount and purpose of each such expenditure. The cumulative
40 report shall be filed with the Election Law Enforcement Commission
41 on the dates designated in section 16 hereof.

42 The campaign treasurer of the political committee reporting shall
43 certify to the correctness of each report.

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.

S12 SARLO

1 Each campaign treasurer of a political committee shall file written
2 notice with the commission of a contribution in excess of \$500
3 received during the period between the 13th day prior to the election
4 and the date of the election, and of an expenditure of money or other
5 thing of value in excess of \$500 made, incurred or authorized by the
6 political committee to support or defeat a candidate in an election, or
7 to aid the passage or defeat of any public question, during the period
8 between the 13th day prior to the election and the date of the election.
9 The notice of a contribution shall be filed in writing or by telegram
10 within 48 hours of the receipt of the contribution and shall set forth
11 the amount and date of the contribution, the name and mailing address
12 of the contributor, and where the contributor is an individual, the
13 individual's occupation and the name and mailing address of the
14 individual's employer. The notice of an expenditure shall be filed in
15 writing or by telegram within 48 hours of the making, incurring or
16 authorization of the expenditure and shall set forth the name and
17 mailing address of the person, firm or organization to whom or which
18 the expenditure was paid and the amount and purpose of the
19 expenditure.

20 (2) When a political committee or an individual seeking party office
21 makes or authorizes an expenditure on behalf of a candidate, it shall
22 provide immediate written notification to the candidate of the
23 expenditure.

24 b. (1) A group of two or more persons acting jointly, or any
25 corporation, partnership, or any other incorporated or unincorporated
26 association including a political club, political action committee, civic
27 association or other organization, which in any calendar year
28 contributes or expects to contribute at least \$2,500.00 to the aid or
29 promotion of the candidacy of an individual, or of the candidacies of
30 individuals, for elective public office or the passage or defeat of a
31 public question or public questions and which expects to make
32 contributions toward such aid or promotion, or toward such passage
33 or defeat, during a subsequent election shall certify that fact to the
34 commission, and the commission, upon receiving that certification and
35 on the basis of any information as it may require of the group,
36 corporation, partnership, association or other organization, shall
37 determine whether the group, corporation, partnership, association or
38 other organization is a continuing political committee for the purposes
39 of this act. If the commission determines that the group, corporation,
40 partnership, association or other organization is a continuing political
41 committee, it shall so notify that continuing political committee.

42 No person serving as the chairman of a political party committee or
43 a legislative leadership committee shall be eligible to be appointed or
44 to serve as the chairman of a continuing political committee.

45 (2) A continuing political committee shall file with the Election Law
46 Enforcement Commission, not later than April 15, July 15, October 15

S12 SARLO

4

1 and January 15 of each calendar year, a cumulative quarterly report of
2 all moneys, loans, paid personal services or other things of value
3 contributed to it during the period ending on the 15th day preceding
4 that date and commencing on January 1 of that calendar year or, in the
5 case of the cumulative quarterly report to be filed not later than
6 January 15, of the previous calendar year, and all expenditures made,
7 incurred, or authorized by it during the period, whether or not such
8 expenditures were made, incurred or authorized in furtherance of the
9 election or defeat of any candidate, or in aid of the passage or defeat
10 of any public question or to provide information on any candidate or
11 public question.

12 The cumulative quarterly report shall contain the name and mailing
13 address of each person or group from whom moneys, loans, paid
14 personal services or other things of value have been contributed and
15 the amount contributed by each person or group, and where an
16 individual has made such contributions, the report shall indicate the
17 occupation of the individual and the name and mailing address of the
18 individual's employer. In the case of any loan reported pursuant to this
19 subsection, the report shall contain the name and address of each
20 person who cosigns such loan, and where an individual has cosigned
21 such loans, the report shall indicate the occupation of the individual
22 and the name and mailing address of the individual's employer. The
23 report shall also contain the name and address of each person, firm or
24 organization to whom expenditures have been paid and the amount and
25 purpose of each such expenditure. The treasurer of the continuing
26 political committee reporting shall certify to the correctness of each
27 cumulative quarterly report.

28 Each continuing political committee shall provide immediate written
29 notification to each candidate of all expenditures made or authorized
30 on behalf of the candidate.

31 If any continuing political committee submitting cumulative
32 quarterly reports as provided under this subsection receives a
33 contribution from a single source of more than \$500 after the final day
34 of a quarterly reporting period and on or before a primary, general,
35 municipal, school or special election which occurs after that final day
36 but prior to the final day of the next reporting period it shall, in writing
37 or by telegram, report that contribution to the commission within 48
38 hours of the receipt thereof, including in that report the amount and
39 date of the contribution; the name and mailing address of the
40 contributor; and where the contributor is an individual, the individual's
41 occupation and the name and mailing address of the individual's
42 employer. If any continuing political committee makes or authorizes
43 an expenditure of money or other thing of value in excess of \$500, or
44 incurs any obligation therefor, to support or defeat a candidate in an
45 election, or to aid the passage or defeat of any public question, after
46 March 31 and on or before the day of the primary election, or after

1 September 30 and on or before the day of the general election, it shall,
2 in writing or by telegram, report that expenditure to the commission
3 within 48 hours of the making, authorizing or incurring thereof.

4 A continuing political committee which ceases making contributions
5 toward the aiding or promoting of the candidacy of an individual, or
6 of the candidacies of individuals, for elective public office in this State
7 or the passage or defeat of a public question or public questions in this
8 State shall certify that fact in writing to the commission, and that
9 certification shall be accompanied by a final accounting of any fund
10 relating to such aiding or promoting including the final disposition of
11 any balance in such fund at the time of dissolution. Until that
12 certification has been filed, the committee shall continue to file the
13 quarterly reports as provided under this subsection.

14 c. Each political party committee and each legislative leadership
15 committee shall file with the Election Law Enforcement Commission,
16 not later than April 15, July 15, October 15 and January 15 of each
17 calendar year, a cumulative quarterly report of all moneys, loans, paid
18 personal services or other things of value contributed to it during the
19 period ending on the 15th day preceding that date and commencing on
20 January 1 of that calendar year or, in the case of the cumulative
21 quarterly report to be filed not later than January 15, of the previous
22 calendar year, and all expenditures made, incurred, or authorized by
23 it during the period, whether or not such expenditures were made,
24 incurred or authorized in furtherance of the election or defeat of any
25 candidate, or in aid of the passage or defeat of any public question or
26 to provide information on any candidate or public question.

27 The cumulative quarterly report shall contain the name and mailing
28 address of each person or group from whom moneys, loans, paid
29 personal services or other things of value have been contributed and
30 the amount contributed by each person or group, and where an
31 individual has made such contributions, the report shall indicate the
32 occupation of the individual and the name and mailing address of the
33 individual's employer. In the case of any loan reported pursuant to this
34 subsection, the report shall contain the name and address of each
35 person who cosigns such loan, and where an individual has cosigned
36 such loans, the report shall indicate the occupation of the individual
37 and the name and mailing address of the individual's employer. The
38 report shall also contain the name and address of each person, firm or
39 organization to whom expenditures have been paid and the amount and
40 purpose of each such expenditure. The treasurer of the political party
41 committee or legislative leadership committee reporting shall certify
42 to the correctness of each cumulative quarterly report.

43 If a political party committee or a legislative leadership committee
44 submitting cumulative quarterly reports as provided under this
45 subsection receives a contribution from a single source of more than
46 \$500 after the final day of a quarterly reporting period and on or

1 before a primary, general, municipal, school or special election which
2 occurs after that final day but prior to the final day of the next
3 reporting period it shall, in writing or by telegram, report that
4 contribution to the commission within 48 hours of the receipt thereof,
5 including in that report the amount and date of the contribution; the
6 name and mailing address of the contributor; and where the
7 contributor is an individual, the individual's occupation and the name
8 and mailing address of the individual's employer. If a political party
9 committee or a legislative leadership committee submitting cumulative
10 quarterly reports as provided under this subsection makes or
11 authorizes an expenditure of money or other thing of value in excess
12 of \$800, or incurs any obligation therefor, to support or defeat a
13 candidate in an election, or to aid the passage or defeat of any public
14 question, after March 31 and on or before the day of the primary
15 election, or after September 30 and on or before the day of the general
16 election, it shall, in writing or by telegram, report that expenditure to
17 the commission within 48 hours of the making, authorizing or
18 incurring thereof.

19 d. In any report filed pursuant to the provisions of this section the
20 organization or committee reporting may exclude from the report the
21 name of and other information relating to any contributor whose
22 contributions during the period covered by the report did not exceed
23 \$200, provided, however, that (1) such exclusion is unlawful if any
24 person responsible for the preparation or filing of the report knew that
25 it was made with respect to any person whose contributions relating
26 to the same election or issue and made to the reporting organization
27 or committee aggregate, in combination with the contribution in
28 respect of which such exclusion is made, more than \$200 and (2) any
29 person who knowingly prepares, assists in preparing, files or
30 acquiesces in the filing of any report from which the identification of
31 a contributor has been excluded contrary to the provisions of this
32 section is subject to the provisions of section 21 of this act, but (3)
33 nothing in this proviso shall be construed as requiring any committee
34 or organization reporting pursuant to this act to report the amounts,
35 dates or other circumstantial data regarding contributions made to any
36 other organization or political committee, political party committee or
37 campaign organization of a candidate.

38 Any report filed pursuant to the provisions of this section shall
39 include an itemized accounting of all receipts and expenditures relative
40 to any testimonial affairs held since the date of the most recent report
41 filed, which accounting shall include the name and mailing address of
42 each contributor in excess of \$200 to such testimonial affair and the
43 amount contributed by each; in the case of an individual contributor,
44 the occupation of the individual and the name and mailing address of
45 the individual's employer; the expenses incurred; and the disposition
46 of the proceeds of such testimonial affair.

1 [e. A political committee shall be exempt from any requirement to
2 file reports pursuant to this section of contributions received or
3 expenditures made in behalf of two or more joint candidates in any
4 election if the committee files with the Election Law Enforcement
5 Commission a sworn statement to the effect that the total amount to
6 be expended on behalf of their candidacies shall not exceed \$4,000.00;
7 provided, that if a committee which has filed such a sworn statement
8 receives contributions from any one source aggregating more than
9 \$200.00, it shall forthwith report that fact, including the name and
10 mailing address of the source; where the source is an individual, the
11 occupation of the individual and the name and mailing address of the
12 individual's employer; and the aggregate total of contributions from
13 the source to the commission. Any sworn statement under this
14 subsection may be filed with the notice of designation by a political
15 committee of a campaign treasurer and campaign depository under
16 section 10 of P.L.1973, c.83 (C.19:44A-10), if that committee knows
17 or has reason to believe, at the time when the notice of designation is
18 given, that the total amount to be so expended shall not exceed
19 \$4,000.00.]

20 (cf: P.L.1993, c.65, s.3)

21

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

24 11. No contribution of money or other thing of value, nor
25 obligation therefor, including but not limited to contributions, loans or
26 obligations of a candidate himself or of his family, shall be made or
27 received, and no expenditure of money or other thing of value, nor
28 obligation therefor, including expenditures, loans or obligations of a
29 candidate himself or of his family, shall be made or incurred, directly
30 or indirectly, to support or defeat a candidate in any election, or to aid
31 the passage or defeat of any public question, except through:

32 a. The duly appointed campaign treasurer or deputy campaign
33 treasurers of the candidate committee or joint candidates committee;

34 b. The duly appointed organizational treasurer or deputy
35 organizational treasurers of a political party committee or a continuing
36 political committee;

37 c. The duly appointed campaign treasurer or deputy campaign
38 treasurers of a political committee; or

39 d. The duly appointed organizational treasurer or deputy
40 organizational treasurer of a legislative leadership committee.

41 It shall be lawful, however, for any person, not acting in concert
42 with any other person or group, to expend personally from his own
43 funds a sum which is not to be repaid to him for any purpose not
44 prohibited by law, or to contribute his own personal services and
45 personal traveling expenses, to support or defeat a candidate or to aid
46 the passage or defeat of a public question; provided, however, that any

1 person making such expenditure shall be required to report his or her
2 name and mailing address and the amount of all such expenditures and
3 expenses, except personal traveling expenses, if the total of the money
4 so expended, exclusive of such traveling expenses, exceeds \$500, and
5 also, where the person is an individual, to report the individual's
6 occupation and the name and mailing address of the individual's
7 employer, to the Election Law Enforcement Commission at the same
8 time and in the same manner as a political committee subject to the
9 provisions of section 8 of this act. Such expenditure made during the
10 period between the 13th day prior to the election and the date of the
11 election shall be filed in writing or by telegram within 48 hours of the
12 making, incurring or authorization of the expenditure and shall set
13 forth the name and mailing address of the person, firm or organization
14 to whom or which the expenditure was paid and the amount and
15 purpose of the expenditure.

16 No contribution of money shall be made in currency, except
17 contributions in response to a public solicitation, provided that
18 cumulative currency contributions of up to \$200 may be made to a
19 candidate committee or joint candidates committee, a political
20 committee, a continuing political committee, a legislative leadership
21 committee or a political party committee if the contributor submits
22 with the currency contribution a written statement of a form as
23 prescribed by the commission, indicating the contributor's name,
24 mailing address and occupation and the amount of the contribution,
25 including the contributor's signature and the name and mailing address
26 of the contributor's employer.

27 Any anonymous contribution received by a campaign treasurer or
28 deputy campaign treasurer shall not be used or expended, but shall be
29 returned to the donor, if his identity is known, and if no donor is
30 found, the contribution shall escheat to the State.

31 No person, partnership or association, either directly or through an
32 agent, shall make any loan or advance, the proceeds of which that
33 person, partnership or association knows or has reason to know or
34 believe are intended to be used by the recipient thereof to make a
35 contribution or expenditure, except by check or money order
36 identifying the name, mailing address and occupation or business of
37 the maker of the loan, and, if the maker is an individual, the name and
38 mailing address of that individual's employer; provided, however, that
39 such loans or advances to a single individual, up to a cumulative
40 amount of \$50 in any calendar year, may be made in currency.

41 (cf: P.L.1995, c.391, s.3)

42

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

45 16. a. The campaign treasurer of each candidate committee and
46 joint candidates committee shall make a full cumulative report, upon

1 a form prescribed by the Election Law Enforcement Commission, of
2 all contributions in the form of moneys, loans, paid personal services
3 or other things of value, made to him or to the deputy campaign
4 treasurers of the candidate committee or joint candidates committee,
5 and all expenditures paid out of the election fund of the candidate or
6 candidates, during the period ending with the second day preceding the
7 date of the cumulative report and beginning on the date of the first of
8 those contributions, the date of the first of those expenditures, or the
9 date of the appointment of the campaign treasurer, whichever occurred
10 first. The report shall also contain the name and mailing address of
11 each person or group from whom moneys, loans, paid personal
12 services or other things of value were contributed after the second day
13 preceding the date of the previous cumulative report and the amount
14 contributed by each person or group, and where an individual has
15 made such contributions, the report shall indicate the occupation of the
16 individual and the name and mailing address of the individual's
17 employer. In the case of any loan reported pursuant to this section,
18 the report shall further contain the name and mailing address of each
19 person who cosigns such loan, the occupation of the person and the
20 name and mailing address of the person's employer. If no moneys,
21 loans, paid personal services or other things of value were contributed,
22 the report shall so indicate, and if no expenditures were paid or
23 incurred, the report shall likewise so indicate. The campaign treasurer
24 and the candidate or several candidates shall certify the correctness of
25 the report.

26 b. During the period between the appointment of the campaign
27 treasurer and the election with respect to which contributions are
28 accepted or expenditures made by him, the campaign treasurer shall
29 file his cumulative campaign report (1) on the 29th day preceding the
30 election, and (2) on the 11th day preceding the election; and after the
31 election he shall file his report on the 20th day following such election.
32 Concurrent with the report filed on the 20th day following an election,
33 or at any time thereafter, the campaign treasurer of a candidate
34 committee or joint candidates committee may certify to the Election
35 Law Enforcement Commission that the election fund of such candidate
36 committee or joint candidates committee has wound up its business
37 and been dissolved, or that business regarding the late election has
38 been wound up but the candidate committee or joint candidates
39 committee will continue for the deposit and use of contributions in
40 accordance with section 17 of P.L.1993, c.65 (C.19:44A-11.2).
41 Certification shall be accompanied by a final accounting of such
42 election fund, or of the transactions relating to such election, including
43 the final disposition of any balance remaining in such fund at the time
44 of dissolution or the arrangements which have been made for the
45 discharge of any obligations remaining unpaid at the time of
46 dissolution. Until the candidate committee or joint candidates

1 committee is dissolved, each such treasurer shall continue to file
2 reports in the form and manner herein prescribed.

3 The Election Law Enforcement Commission shall promulgate
4 regulations providing for the termination of post-election campaign
5 reporting requirements applicable to political committees, candidate
6 committees and joint candidates committees. The requirements to file
7 quarterly reports after the first post-election report may be waived by
8 the commission, notwithstanding that the certification has not been
9 filed, if the commission determines under any regulations so
10 promulgated that the outstanding obligations of the political
11 committee, candidate committee or joint candidates committee do not
12 exceed 10% of the expenditures of the campaign fund with respect to
13 the election or \$1,000.00, whichever is less, or are likely to be
14 discharged or forgiven.

15 A candidate committee or joint candidates committee shall file with
16 the Election Law Enforcement Commission, not later than April 15,
17 July 15, October 15 of each calendar year in which the candidate or
18 candidates in control of the committee does or do not run for election
19 or reelection and January 15 of each calendar year in which the
20 candidate or candidates does or do run for election or reelection, a
21 cumulative quarterly report of all moneys, loans, paid personal services
22 or other things of value contributed to it or to the candidate or
23 candidates during the period ending on the 15th day preceding that
24 date and commencing on January 1 of that calendar year or, in the case
25 of the cumulative quarterly report to be filed not later than January 15,
26 of the previous calendar year, and all expenditures made, incurred, or
27 authorized by it or the candidate or candidates during the period,
28 whether or not such expenditures were made, incurred or authorized
29 in furtherance of the election or defeat of any candidate, or in aid of
30 the passage or defeat of any public question or to provide information
31 on any candidate or public question. The commission may by
32 regulation require any such candidate committee or joint candidates
33 committee to file during any calendar year one or more additional
34 cumulative reports of such contributions received and expenditures
35 made as may be necessary to ensure that no more than five months
36 shall elapse between the last day of a period covered by one such
37 report and the last day of the period covered by the next such report.

38 The commission, on any form it shall prescribe for the reporting of
39 expenditures by a candidate committee or joint candidates committee,
40 shall provide for the grouping together of all expenditures under the
41 category of "campaign expenses" under paragraph (1) of subsection a.
42 of section 17 of P.L.1993, c.65, identified as such, and for the
43 grouping together, separately, of all other expenditures under the
44 categories prescribed by paragraphs (2) through (6) of that subsection.
45 The cumulative quarterly report due on April 15 in a year immediately
46 after the year in which the candidate or candidates does or do run for

1 election or reelection shall contain a report of all of the contributions
2 received and expenditures made by the candidate or candidates since
3 the 18th day after that election.

4 The cumulative quarterly report shall contain the name and mailing
5 address of each person or group from whom moneys, loans, paid
6 personal services or other things of value have been contributed and
7 the amount contributed by each person or group, and where an
8 individual has made such contributions, the report shall indicate the
9 occupation of the individual and the name and mailing address of the
10 individual's employer. In the case of any loan reported pursuant to this
11 section, the report shall contain the name and address of each person
12 who cosigns such loan, and where an individual has cosigned such
13 loans, the report shall indicate the occupation of the individual and the
14 name and mailing address of his employer. The report shall also
15 contain the name and address of each person, firm or organization to
16 whom expenditures have been paid and the amount and purpose of
17 each such expenditure. The treasurer of the candidate committee or
18 joint candidates committee and the candidate or candidates shall
19 certify to the correctness of each cumulative quarterly report.

20 c. In the case of an election of a candidate for an office elected by
21 a municipal or countywide constituency or a school district a duplicate
22 copy of the campaign treasurer's report, duly certified, shall be filed at
23 the same time with the county clerk of the county in which the
24 candidate resides and the county clerk shall retain a written record of
25 that filing for a period of not less than four years following the date of
26 the election.

27 d. There shall be no obligation to file the reports required by this
28 section on behalf of a candidate if such candidate files with the
29 Election Law Enforcement Commission a sworn statement to the
30 effect that the total amount to be expended in behalf of his candidacy
31 by the candidate committee, by any political party committee, by any
32 political committee, or by any person shall not in the aggregate exceed
33 \$2,000.00 or \$4,000 for any joint candidates committee containing
34 two candidates or \$6,000 for any joint candidates committee
35 containing three or more candidates. The sworn statement may be
36 submitted at the time when the name and address of the campaign
37 treasurer and depository is filed with the Election Law Enforcement
38 Commission, provided that in any case the sworn statement is filed no
39 later than the 29th day before an election. If a candidate who has filed
40 such a sworn statement receives contributions from any one source
41 aggregating more than \$200 he shall forthwith make report of the
42 same, including the name and mailing address of the source and the
43 aggregate total of contributions therefrom, and where the source is an
44 individual, the occupation of the individual and the name and mailing
45 address of the individual's employer, to the Election Law Enforcement
46 Commission.

1 e. There shall be no obligation imposed upon a candidate seeking
2 election to a public office of a school district to file either the reports
3 required under subsection b. of this section or the sworn statement
4 referred to in subsection d. of this section, if the total amount
5 expended and to be expended in behalf of his candidacy by the
6 candidate committee, any political committee, any continuing political
7 committee, or a political party committee or by any person, does not
8 in the aggregate exceed \$2,000.00 per election or \$4,000 for any joint
9 candidates committee containing two candidates or \$6,000 for any
10 joint candidates committee containing three or more candidates;
11 provided, that if such candidate receives contributions from any one
12 source aggregating more than \$200, he shall forthwith make a report
13 of the same, including the name and mailing address of the source, the
14 aggregate total of contributions therefrom, and where the source is an
15 individual, the occupation of the individual and the name and mailing
16 address of the individual's employer, to the commission.

17 f. In any report filed pursuant to the provisions of this section, the
18 names and addresses of contributors whose contributions during the
19 period covered by the report did not exceed \$200 may be excluded;
20 provided, however, that (1) such exclusion is unlawful if any person
21 responsible for the preparation or filing of the report knew that such
22 exclusion was made with respect to any person whose total
23 contributions relating to the same election and made to the reporting
24 candidate or to an allied campaign organization or organizations
25 aggregate, in combination with the total contributions in respect of
26 which such exclusion is made, more than \$200, and (2) any person
27 who knowingly prepares, assists in preparing, files or acquiesces in the
28 filing of any report from which the identity of any contributor has been
29 excluded contrary to the provisions of this section is subject to the
30 provisions of section 21 of this act, but (3) nothing in this proviso shall
31 be construed as requiring any candidate committee or joint candidates
32 committee reporting pursuant to this act to report the amounts, dates
33 or other circumstantial data regarding contributions made to any other
34 candidate committee, joint candidates committee, political committee,
35 continuing political committee, political party committee or legislative
36 leadership committee.

37 g. Any report filed pursuant to the provisions of this section shall
38 include an itemized accounting of all receipts and expenditures relative
39 to any testimonial affair held since the date of the most recent report
40 filed, which accounting shall include the name and mailing address of
41 each contributor in excess of \$200 to such testimonial affair and the
42 amount contributed by each; in the case of any individual contributor,
43 the occupation of the individual and the name and mailing address of
44 the individual's employer; the expenses incurred; and the disposition
45 of the proceeds of such testimonial affair.

46 h. (Deleted by amendment, P.L.1993, c.65.)

1 i. Each campaign treasurer of a candidate committee or joint
2 candidates committee shall file written notice with the commission of
3 a contribution in excess of \$500 received during the period between
4 the 13th day prior to the election and the date of the election, and of
5 an expenditure of money or other thing of value in excess of \$800
6 made, incurred or authorized by the candidate committee or joint
7 candidates committee to support or defeat a candidate in an election,
8 or to aid the passage or defeat of any public question, during the
9 period between the 13th day prior to the election and the date of the
10 election, provided that a candidate shall not be required to file written
11 notice pursuant to this subsection of an expenditure made to support
12 his or her own candidacy, or to support or defeat a candidate for the
13 same office in an election. For the purposes of this subsection, the
14 offices of member of the Senate and member of the General Assembly
15 shall be deemed to be the same office in a legislative district; the
16 offices of member of the board of chosen freeholders and county
17 executive shall be deemed to be the same office in a county; and the
18 offices of mayor and member of the municipal governing body shall be
19 deemed to be the same office in a municipality.

20 The notice of a contribution shall be filed in writing or by telegram
21 within 48 hours of the receipt of the contribution and shall set forth
22 the amount and date of the contribution, the name and mailing address
23 of the contributor, and where the contributor is an individual, the
24 occupation of the individual and the name and mailing address of the
25 individual's employer. The notice of an expenditure shall be filed in
26 writing or by telegram within 48 hours of the making, incurring or
27 authorization of the expenditure and shall set forth the name and
28 mailing address of the person, firm or organization to whom or which
29 the expenditure was paid and the amount and purpose of the
30 expenditure.

31 (cf: P.L.1993, c.65, s.9)

32

33 4. This act shall take effect immediately.

34

35

36

STATEMENT

37

38 This bill requires candidate and joint candidates committees,
39 political party committees and legislative leadership committees to
40 report to ELEC within 48 hours of an expenditure in excess of \$800
41 made during certain periods close to an election to support or defeat
42 a candidate or to aid the passage or defeat of a public question. The
43 bill does not, however, require a candidate or joint candidates
44 committee to report within 48 hours expenditures made to support
45 their own candidacies, or to support or defeat a candidate for the same
46 office. The bill also requires a person that makes an independent

1 expenditure of his or her own funds in excess of \$800 made during
2 certain periods close to an election to support or defeat a candidate or
3 to aid the passage or defeat of a public question to report such
4 expenditure within 48 hours.

5 Under current law, candidate committees, joint candidates
6 committees, political committees, continuing political committees,
7 political party committees, and legislative leadership committees are
8 required to file reports with the New Jersey Election Law Enforcement
9 Commission (ELEC) on contributions received and expenditures made.
10 During certain periods close to an election these committees are also
11 required to file reports with ELEC within 48 hours of every
12 contribution received over \$800. During these same periods political
13 committees and continuing political committees are further required to
14 file reports with ELEC within 48 hours of every expenditure over
15 \$800 to support or defeat a candidate in an election, or to aid the
16 passage or defeat of a public question.

17 Finally, the bill eliminates a subsection of law about the filing
18 requirements of a political committee that receives contributions and
19 makes expenditures on behalf of joint candidates in an election.
20 According to ELEC, political committees do not receive contributions
21 or make expenditures on behalf of candidates or joint candidates.
22 According to ELEC, this subsection of law has not been used, would
23 not be used in the future, and can be eliminated without consequence.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 12

STATE OF NEW JERSEY

DATED: JUNE 3, 2004

The Senate State Government Committee reports favorably Senate, No. 12.

This bill requires candidate and joint candidates committees, political party committees and legislative leadership committees to report to ELEC within 48 hours of an expenditure in excess of \$800 made during certain periods close to an election to support or defeat a candidate or to aid the passage or defeat of a public question. The bill does not, however, require a candidate or joint candidates committee to report within 48 hours expenditures made to support their own candidacies, or to support or defeat a candidate for the same office. The bill also requires a person that makes an independent expenditure of his or her own funds in excess of \$800 made during certain periods close to an election to support or defeat a candidate or to aid the passage or defeat of a public question to report such expenditure within 48 hours.

Under current law, candidate committees, joint candidates committees, political committees, continuing political committees, political party committees, and legislative leadership committees are required to file reports with the New Jersey Election Law Enforcement Commission (ELEC) on contributions received and expenditures made. During certain periods close to an election these committees are also required to file reports with ELEC within 48 hours of every contribution received over \$800. During these same periods political committees and continuing political committees are further required to file reports with ELEC within 48 hours of every expenditure over \$800 to support or defeat a candidate in an election, or to aid the passage or defeat of a public question.

Finally, the bill eliminates a subsection of law about the filing requirements of a political committee that receives contributions and makes expenditures on behalf of joint candidates in an election. According to ELEC, political committees do not receive contributions or make expenditures on behalf of candidates or joint candidates. According to ELEC, this subsection of law has not been used, would not be used in the future, and can be eliminated without consequence.

This bill is identical to Assembly, No. 12 of 2004.

Office of the Governor

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Contact: Micah Rasmussen
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RELEASE: June 16, 2004

McGreevey Signs Landmark Ethics Reform Legislation

Bills Provide A More Accountable and Transparent Government

(TRENTON) – Governor James E. McGreevey today signed into law the strongest ethics and campaign finance reform package in the history of New Jersey – and one of the strongest in the nation.

“Today is a good day for government and a victory for our citizens,” said Governor McGreevey. “From the stronger penalties, to the increased disclosure, to the end of the influence of campaign contributions on no-bid contracts, this reform package provides a more accountable and more transparent government for all. I want to congratulate the citizens, the State Legislature, and the numerous advocacy groups who helped make these reforms a reality.”

The legislation is the most comprehensive ethics and campaign finance reform initiative the State has embarked upon in more than 30 years and makes New Jersey only the fourth state in the entire country to enact a “pay-to-play” ban.

"The numerous positive achievements in this legislation clearly demonstrate how Democrats have seized the initiative on ethics reform," said Senate Majority Leader Bernard F. Kenny Jr. (D-Hudson). "As the Majority Party, Democrats have acted to put us in the right direction after years of inaction by the Republicans. The reforms enacted today are long overdue, but they mark the beginning - not the end - of our commitment to eliminate any perception that those who give the most to political campaigns get favored treatment in the form of lucrative State contracts."

Among the reforms the package are: prohibiting anyone who receives a no-bid contract from making certain political contributions; strengthening legislative ethics; enhancing reporting of legislators' financial disclosure requirements, hidden financial interests, and

conflicts of interests; increasing penalties for ethics and campaign finance violations and for illegally soliciting campaign contributions; and expanding the definition of lobbyist and legislative agent, ensuring that all parties who seeks to influence government are properly disclosed.

One of the main components of the ethics reform package is S-2/A-2, which prohibits state, county or local government officials from awarding no-bid contracts to their campaign contributors and prohibits no-bid contract holders from contributing to officials holding office at the government level in which the contract is in effect.

“This has been a long and winding journey, but today New Jersey sets an unprecedented standard for disclosure and transparency, and takes significant steps to reduce the influence of money in politics,” said Governor McGreevey. “We should be proud of the example New Jersey has set for the rest of the nation, but we must also continue to work together to uphold the highest standards of ethical conduct.”

The ethics reform package signed into law today includes:

- **S-2** -- Prohibits campaign contributions by certain business entities performing State, county and local contracts, as well as prohibits certain contributions by county committee of political party.
- **S-4** -- Extends certain financial disclosure requirements to lobbying conducted through advertisements and direct mail to general public.
- **A-5** -- Change the minimum contribution that needs to be reported to the Election Law Enforcement Commission (ELEC) from \$400 to \$300 and requires the reporting of all cash campaign contributions.
- **A-6** -- Requires professional campaign fundraisers to register and file quarterly reports with ELEC.
- **A-7** -- Expands campaign communications require identification to include telephone calls featuring recorded messages made in regard to candidates and public questions. The message or call would clearly state the name of business or address of the committee, group or person that financed the communication.

"Just as voters have a right to know who is sending them campaign literature, New Jerseyans should see who is behind commercials or advertisements calling for action on a specific bill or regulation under consideration," said Assemblywoman Linda Greenstein (D-Mercer/Middlesex). "Issue ads are nothing more than thinly-veiled political campaign commercials, and all money spent on them should be publicly disclosed."

- **S-8** -- Prohibits the solicitation or making of political contributions on state property by state officeholders or their representatives.

- **A-9** -- Requires Election Law Enforcement Commission (ELEC) to assess its Internet site and recommend improvements for the site's format and content. ELEC) would evaluate the presentation, accessibility, convenience, and usefulness of its Web site and recommend upgrades.
- **S-10** -- Requires certain campaign and organizational treasurers to be trained by ELEC. It also requires ELEC to make the training program available over its Internet site within one year of the bill's enactment.
- **A-11** -- Increases the maximum fines for violating campaign contribution and expenditure limit, reporting requirements and payment restrictions. The bill doubles the maximum fines that may be imposed for a variety of violations.
- **A-12** -- Requires certain election committees/ joint candidates committees to file a report with ELEC within 48 hours of making certain expenditures in excess of \$800 during certain periods of an election cycle.
- **A-14** -- Blocks legislators, Governor and department heads from lobbying activities for one year after leaving office.

"The strong link between government service and private lobbying creates - at a minimum - an appearance of impropriety in the eyes of the public," said Assemblyman Michael J. Panter (D-Monmouth/Mercer). "It also creates the very real possibility that the judgment of an elected or appointed official could be affected by their own financial concerns rather than the public's best interest. The signing of this bill today represents a new era in New Jersey politics, and a step in the right direction toward good government."

- **A-15** – Prohibits employment or assignment of relatives of certain employees of the Executive Branch, independent authorities, and interstate agencies to specific positions. Expands upon last year's nepotism ban by extending the definition of immediate family and including certain Executive Branch departments and commissions.
- **S-16** – Bans any member of the Legislature from acting on legislation in which they or their family member has a personal interest. The bill eliminates the option of filing a personal interest statement and instead prohibits the member from acting on legislation that they have a personal interest.
- **S-17**-- Changes memberships of Executive Commission on Ethical Standards and Joint Legislative Committee on Ethical Standards. The changes equalize the number of public and governmental official members.
- **S-18** -- Increases monetary penalties for violations of "New Jersey Conflicts of Interest Law." The bill increases the fine for civil violations of the conflict of interest laws to between \$500 and \$10,000 for State officers and employees or

members of the Legislature.

- **S-19**-- Requires candidates seeking office of Governor or legislator to disclose prior conviction for criminal offense. Candidates would be required to file a form setting out whether they have been convicted of an indictable crime.

"As legislators, we often consider measures that would require members of the public to undergo criminal background checks or disclose criminal histories prior to consideration for employment," said Assemblyman Jeff Van Drew (D-Cape May). "However, current state law fails to require state elected officials to disclose similar backgrounds. This is more than a statutory anomaly. It is an error in need of immediate correction."

- **S-22** -- Expands the definition of lobbyist and legislative agent to include those who influence the governmental process and actions in the Executive Branch, agency, or instrumentality.
- **A-23** -- Requires ELEC to conduct random audits of records kept by legislative agents. Currently, ELEC has the authority to conduct such audits, but this bill would require them to do so.
- **A-24** -- Directs ELEC to collect \$100 annual fee from legislative agents. The fee would be deposited in the general fund to be appropriated to ELEC. The fee would offset the costs of ELEC's new responsibilities.
- **A-25** -- Prohibits legislative agents from accepting contingency fees to influence legislation or regulations. This bill amends the existing law by eliminating the ability of a legislative agent to enter into a contingency fee agreement with a client. The legislative agent's reimbursement could not be dependent upon the whether or not he or she was successful in trying to influence legislation or regulation.

State of New Jersey Governor's Office

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