

FLOOR AMENDMENT STATEMENT: Yes 1/31/2019
3/25/2019

LEGISLATIVE FISCAL ESTIMATE: No

A1524

SPONSOR'S STATEMENT: (Begins on page 42 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes 3/18/2019

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, may possibly be found at www.njleg.state.nj.us)

VETO MESSAGE (S1500): Yes (conditional)

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

GOVERNOR'S SIGNING STATEMENT: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

Gov. signs 'dark money' bill he initially vetoed
Star-Ledger, The (Newark, NJ) - June 18, 2019

Governor signs dark money bill, but seeks changes - Gov. Murphy reiterated concerns that the measure is too broad and that he expects lawmakers to quickly make changes. - Gov. Murphy reiterated concerns that the measure is too broad and that he expects lawmakers to quickly make changes.
Burlington County Times (Willingboro, NJ) - June 19, 2019

Sweeney: There was no deal on 'dark money' bill
Star-Ledger, The (Newark, NJ) - June 19, 2019

STATE'S 'DARK MONEY' BILL'S DARK IMPACT ON CITIZENS' VOICES
Record, The (Hackensack, NJ) - June 22, 2019

RWH/CL

P.L. 2019, CHAPTER 124, *approved June 17, 2019*
Senate, No. 150

1 AN ACT concerning campaign finance disclosures and limits and
2 amending various parts of the statutory law.

3

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

6

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

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

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

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

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

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

36 e. The term "election" means any election described in section
37 4 of this act.

38 f. The term "paid personal services" means personal, clerical,
39 administrative or professional services of every kind and nature

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 including, without limitation, public relations, research, legal,
2 canvassing, telephone, speech writing or other such services,
3 performed other than on a voluntary basis, the salary, cost or
4 consideration for which is paid, borne or provided by someone
5 other than the committee, candidate or organization for whom such
6 services are rendered. In determining the value, for the purpose of
7 reports required under this act, of contributions made in the form of
8 paid personal services, the person contributing such services shall
9 furnish to the treasurer through whom such contribution is made a
10 statement setting forth the actual amount of compensation paid by
11 said contributor to the individuals actually performing said services
12 for the performance thereof. But if any individual or individuals
13 actually performing such services also performed for the contributor
14 other services during the same period, and the manner of payment
15 was such that payment for the services contributed cannot readily
16 be segregated from contemporary payment for the other services,
17 the contributor shall in his statement to the treasurer so state and
18 shall either (1) set forth his best estimate of the dollar amount of
19 payment to each such individual which is attributable to the
20 contribution of his paid personal services, and shall certify the
21 substantial accuracy of the same, or (2) if unable to determine such
22 amount with sufficient accuracy, set forth the total compensation
23 paid by him to each such individual for the period of time during
24 which the services contributed by him were performed. If any
25 candidate is a holder of public office to whom there is attached or
26 assigned, by virtue of said office, any aide or aides whose services
27 are of a personal or confidential nature in assisting him to carry out
28 the duties of said office, and whose salary or other compensation is
29 paid in whole or part out of public funds, the services of such aide
30 or aides which are paid for out of public funds shall be for public
31 purposes only; but they may contribute their personal services, on a
32 voluntary basis, to such candidate for election campaign purposes.

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

34 h. The term "political information" means any statement
35 including, but not limited to, press releases, pamphlets, newsletters,
36 advertisements, flyers, form letters, Internet or digital
37 advertisements, or radio or television programs or advertisements
38 which reflects the opinion of the members of the organization on
39 any candidate or candidates for public office, on any public
40 question, or which contains facts on any such candidate, or public
41 question whether or not such facts are within the personal
42 knowledge of members of the organization.

43 i. The term "political committee" means any two or more
44 persons acting jointly, or any corporation, partnership, or any other
45 incorporated or unincorporated association which is organized to, or
46 does, aid or promote the nomination, election or defeat of any
47 candidate or candidates for public office, or which is organized to,
48 or does, aid or promote the passage or defeat of a public question in

1 any election, if the persons, corporation, partnership or incorporated
2 or unincorporated association raises or expends ~~【\$1,000.00】~~ \$2,400
3 or more to so aid or promote the nomination, election or defeat of a
4 candidate or candidates or the passage or defeat of a public
5 question; provided that for the purposes of this act, the term
6 "political committee" shall not include a "continuing political
7 committee," as defined by subsection n. of this section, a "political
8 party committee," as defined by subsection p. of this section, a
9 "candidate committee," as defined by subsection q. of this section, a
10 "joint candidates committee," as defined by subsection r. of this
11 section ~~【or】~~, a "legislative leadership committee," as defined by
12 subsection s. of this section, or an "independent expenditure
13 committee," as defined by subsection t. of this section.

14 j. The term "public solicitation" means any activity by or on
15 behalf of any candidate, political committee, continuing political
16 committee, candidate committee, joint candidates committee,
17 legislative leadership committee, independent expenditure
18 committee, or political party committee whereby either (1)
19 members of the general public are personally solicited for cash
20 contributions not exceeding \$20.00 from each person so solicited
21 and contributed on the spot by the person so solicited to a person
22 soliciting or through a receptacle provided for the purpose of
23 depositing contributions, or (2) members of the general public are
24 personally solicited for the purchase of items having some tangible
25 value as merchandise, at a price not exceeding \$20.00 per item,
26 which price is paid on the spot in cash by the person so solicited to
27 the person so soliciting, when the net proceeds of such solicitation
28 are to be used by or on behalf of such candidate, political
29 committee, continuing political committee, candidate committee,
30 joint candidates committee, legislative leadership committee,
31 independent expenditure committee, or political party committee.

32 k. The term "testimonial affair" means an affair of any kind or
33 nature including, without limitation, cocktail parties, breakfasts,
34 luncheons, dinners, dances, picnics or similar affairs directly or
35 indirectly intended to raise campaign funds in behalf of a person
36 who holds, or who is or was a candidate for nomination or election
37 to a public office in this State, or directly or indirectly intended to
38 raise funds in behalf of any political party committee or in behalf of
39 a political committee, continuing political committee, candidate
40 committee, joint candidates committee, independent expenditure
41 committee, or legislative leadership committee.

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

45 m. The term "qualified candidate" means:

46 (1) Joint candidates for election to the offices of Governor and
47 Lieutenant Governor whose names appear on the general election
48 ballot; who have deposited and expended \$150,000.00 pursuant to

1 section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than
2 September 1 preceding a general election in which the offices of
3 Governor and Lieutenant Governor are to be filled, (a) notify the
4 Election Law Enforcement Commission in writing that the
5 candidates intend that application will be made on the candidates'
6 behalf for monies for general election campaign expenses under
7 subsection b. of section 8 of P.L.1974, c.26 (C.19:44A-33), and (b)
8 sign a statement of agreement, in a form to be prescribed by the
9 commission, to participate in interactive gubernatorial election
10 debates under the provisions of sections 9 through 11 of P.L.1989,
11 c.4 (C.19:44A-45 through C.19:44A-47); or

12 (2) Joint candidates for election to the offices of Governor and
13 Lieutenant Governor whose names do not appear on the general
14 election ballot; who have deposited and expended \$150,000.00
15 pursuant to section 7 of P.L.1974, c.26 (C.19:44A-32); and who,
16 not later than September 1 preceding a general election in which the
17 offices of Governor and Lieutenant Governor are to be filled, (a)
18 notify the Election Law Enforcement Commission in writing that
19 the candidates intend that application will be made on the
20 candidates' behalf for monies for general election campaign
21 expenses under subsection b. of section 8 of P.L.1974, c.26
22 (C.19:44A-33), and (b) sign a statement of agreement, in a form to
23 be prescribed by the commission, to participate in interactive
24 gubernatorial election debates under the provisions of sections 9
25 through 11 of P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47);
26 or

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

42 (4) Any candidate for nomination for election to the office of
43 Governor whose name does not appear on the primary election
44 ballot; who has deposited and expended \$150,000.00 pursuant to
45 section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than
46 the last day for filing petitions to nominate candidates to be voted
47 upon in a primary election for a general election in which the office
48 of Governor is to be filled, (a) notifies the Election Law

1 Enforcement Commission in writing that the candidate intends that
2 application will be made on the candidate's behalf for monies for
3 primary election campaign expenses under subsection a. of section
4 8 of P.L.1974, c.26 (C.19:44A-33), and (b) signs a statement of
5 agreement, in a form to be prescribed by the commission, to
6 participate in two interactive gubernatorial primary debates under
7 the provisions of sections 9 through 11 of P.L.1989, c.4 (C.19:44A-
8 45 through C.19:44A-47).

9 n. The term "continuing political committee" means any group
10 of two or more persons acting jointly, or any corporation,
11 partnership, or any other incorporated or unincorporated
12 association, including a political club, political action committee,
13 civic association or other organization, which in any calendar year
14 contributes or expects to contribute at least ~~【\$2,500.00】~~ \$5,500
15 to the aid or promotion of the candidacy of an individual, or of the
16 candidacies of individuals, for elective public office, or the passage
17 or defeat of a public question or public questions, and which may be
18 expected to make contributions toward such aid or promotion or
19 passage or defeat during a subsequent election, provided that the
20 group, corporation, partnership, association or other organization
21 has been determined to be a continuing political committee under
22 subsection b. of section 8 of P.L.1973, c.83 (C.19:44A-8); provided
23 that for the purposes of this act, the term "continuing political
24 committee" shall not include a "political party committee," as
25 defined by subsection p. of this section, **【or】** a "legislative
26 leadership committee," as defined by subsection s. of this section,
27 or an "independent expenditure committee," as defined by
28 subsection t. of this section.

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

1 imposition of liability for the return to the commission of such
2 monies as may previously have been so paid.

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

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

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

27 s. The term "legislative leadership committee" means a
28 committee established, authorized to be established, or designated
29 by the President of the Senate, the Minority Leader of the Senate,
30 the Speaker of the General Assembly or the Minority Leader of the
31 General Assembly pursuant to section 16 of P.L.1993, c.65
32 (C.19:44A-10.1) for the purpose of receiving contributions and
33 making expenditures.

34 t. The term "independent expenditure committee" means a
35 person organized under section 527 of the federal Internal Revenue
36 Code (26 U.S.C. s.527) or under paragraph (4) of subsection (c) of
37 section 501 of the federal Internal Revenue Code (26 U.S.C. s.501)
38 that does not fall within the definition of any other organization
39 subject to the provisions of P.L.1973, c.83 (C.19:44A-1 et seq.),
40 that engages in influencing or attempting to influence the outcome
41 of any election or the nomination, election, or defeat of any person
42 to any State or local elective public office, or the passage or defeat
43 of any public question, legislation, or regulation, or in providing
44 political information on any candidate or public question,
45 legislation, or regulation, and raises or expends \$3,000 or more in
46 the aggregate for any such purpose annually, but does not
47 coordinate its activities with any candidate or political party as
48 determined by the Election Law Enforcement Commission pursuant

1 to the provisions of section 11 of P.L. , c. (C.) (pending before
2 the Legislature as this bill).

3 u. The term “electioneering communication” means any
4 communication made within the period beginning on January 1 of
5 an election year and the date of the election and refers to: (1) a
6 clearly identified candidate for office and promotes or supports a
7 candidate for that office or opposes a candidate for that office,
8 regardless of whether the communication expressly advocates a
9 vote for or against a candidate; or (2) a public question and
10 promotes or supports the passage or defeat of that question,
11 regardless of whether the communication expressly advocates a
12 vote for or against the passage of the question. The term includes
13 communications published in any newspaper or periodical;
14 broadcast on radio, television, or the Internet or digital media , or
15 any public address system; placed on any billboard, outdoor
16 facility, button, motor vehicle, window display, poster, card,
17 pamphlet, leaflet, flyer, or other circular; or contained in any direct
18 mailing, robotic phone calls, or mass e-mails.

19 v. The term “independent expenditure” means an expenditure
20 by a person expressly advocating, or the functional equivalent
21 thereof, the election or defeat of: (1) a clearly identified candidate
22 that is not made in concert or cooperation with or at the request or
23 suggestion of the candidate, the candidate’s committee, a political
24 party committee, or an agent thereof; or (2) a public question,
25 legislation, or regulation, that is not made in concert or cooperation
26 with or at the request or suggestion of the sponsors, organizers, or
27 committee supporting or opposing the question, legislation, or
28 regulation, a political party, or agents thereof. The “functional
29 equivalent” of expressly advocating means specific advocacy that
30 can be interpreted by a reasonable person as advocating the election
31 or defeat of a candidate, or the passage or defeat of a public
32 question, legislation, or regulation, taking into account whether the
33 communication involved mentions a candidate, a political party, or
34 a challenger to a candidate, or takes a position on a candidate’s
35 character, qualifications, or fitness for office, or that can be
36 interpreted by a reasonable person as taking a position on the merits
37 of a public question, legislation, or regulation, or taking a position
38 in favor or against the passage or defeat of a public question,
39 legislation, or regulation.

40 (cf: P.L.2009, c.66, s.5)

41

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

44 8. a. (1) Each political committee shall make a full cumulative
45 report, upon a form prescribed by the Election Law Enforcement
46 Commission, of all contributions in the form of moneys, loans, paid
47 personal services, or other things of value made to it and all
48 expenditures made, incurred, or authorized by it in furtherance of

1 the nomination, election, or defeat of any candidate, or in aid of the
2 passage or defeat of any public question, or to provide political
3 information on any candidate or public question, during the period
4 ending 48 hours preceding the date of the report and beginning on
5 the date on which the first of those contributions was received or
6 the first of those expenditures was made, whichever occurred first.
7 The cumulative report, except as hereinafter provided, shall contain
8 the name and mailing address of each person or group from whom
9 moneys, loans, paid personal services or other things of value have
10 been contributed since 48 hours preceding the date on which the
11 previous such report was made and the amount contributed by each
12 person or group, and where the contributor is an individual, the
13 report shall indicate the occupation of the individual and the name
14 and mailing address of the individual's employer. In the case of any
15 loan reported pursuant to this subsection, the report shall contain
16 the name and mailing address of each person who has cosigned such
17 loan since 48 hours preceding the date on which the previous such
18 report was made, and where an individual has cosigned such loans,
19 the report shall indicate the occupation of the individual and the
20 name and mailing address of the individual's employer. The
21 cumulative report shall also contain the name and address of each
22 person, firm or organization to whom expenditures have been paid
23 since 48 hours preceding the date on which the previous such report
24 was made and the amount and purpose of each such expenditure.
25 The cumulative report shall be filed with the Election Law
26 Enforcement Commission on the dates designated in section 16
27 hereof.

28 The campaign treasurer of the political committee reporting shall
29 certify to the correctness of each report.

30 Each campaign treasurer of a political committee shall file
31 written notice with the commission of a contribution in excess of
32 \$500 received during the period between the 13th day prior to the
33 election and the date of the election, and of an expenditure of
34 money or other thing of value in excess of \$500 made, incurred or
35 authorized by the political committee to support or defeat a
36 candidate in an election, or to aid the passage or defeat of any
37 public question, during the period between the 13th day prior to the
38 election and the date of the election. The notice of a contribution
39 shall be filed in writing or by **【telegram】** electronic transmission
40 within 48 hours of the receipt of the contribution and shall set forth
41 the amount and date of the contribution, the name and mailing
42 address of the contributor, and where the contributor is an
43 individual, the individual's occupation and the name and mailing
44 address of the individual's employer. The notice of an expenditure
45 shall be filed in writing or by **【telegram】** electronic transmission
46 within 48 hours of the making, incurring or authorization of the
47 expenditure and shall set forth the name and mailing address of the

1 person, firm or organization to whom or which the expenditure was
2 paid and the amount and purpose of the expenditure.

3 (2) When a political committee or an individual seeking party
4 office makes or authorizes an expenditure on behalf of a candidate,
5 it shall provide immediate written notification to the candidate of
6 the expenditure.

7 b. (1) A group of two or more persons acting jointly, or any
8 corporation, partnership, or any other incorporated or
9 unincorporated association including a political club, political
10 action committee, civic association or other organization, which in
11 any calendar year contributes or expects to contribute at least
12 \$2,500.00 to the aid or promotion of the candidacy of an individual,
13 or of the candidacies of individuals, for elective public office or the
14 passage or defeat of a public question or public questions and which
15 expects to make contributions toward such aid or promotion, or
16 toward such passage or defeat, during a subsequent election shall
17 certify that fact to the commission, and the commission, upon
18 receiving that certification and on the basis of any information as it
19 may require of the group, corporation, partnership, association or
20 other organization, shall determine whether the group, corporation,
21 partnership, association or other organization is a continuing
22 political committee for the purposes of this act. If the commission
23 determines that the group, corporation, partnership, association or
24 other organization is a continuing political committee, it shall so
25 notify that continuing political committee.

26 No person serving as the chairman of a political party committee
27 or a legislative leadership committee shall be eligible to be
28 appointed or to serve as the chairman of a continuing political
29 committee.

30 (2) A continuing political committee shall file with the Election
31 Law Enforcement Commission, not later than April 15, July 15,
32 October 15 and January 15 of each calendar year, a cumulative
33 quarterly report of all moneys, loans, paid personal services or other
34 things of value contributed to it during the period ending on the
35 15th day preceding that date and commencing on January 1 of that
36 calendar year or, in the case of the cumulative quarterly report to be
37 filed not later than January 15, of the previous calendar year, and all
38 expenditures made, incurred, or authorized by it during the period,
39 whether or not such expenditures were made, incurred or authorized
40 in furtherance of the election or defeat of any candidate, or in aid of
41 the passage or defeat of any public question or to provide
42 information on any candidate or public question.

43 The cumulative quarterly report shall contain the name and
44 mailing address of each person or group from whom moneys, loans,
45 paid personal services or other things of value have been
46 contributed and the amount contributed by each person or group,
47 and where an individual has made such contributions, the report
48 shall indicate the occupation of the individual and the name and

1 mailing address of the individual's employer. In the case of any
2 loan reported pursuant to this subsection, the report shall contain
3 the name and address of each person who cosigns such loan, and
4 where an individual has cosigned such loans, the report shall
5 indicate the occupation of the individual and the name and mailing
6 address of the individual's employer. The report shall also contain
7 the name and address of each person, firm or organization to whom
8 expenditures have been paid and the amount and purpose of each
9 such expenditure. The treasurer of the continuing political
10 committee reporting shall certify to the correctness of each
11 cumulative quarterly report.

12 Each continuing political committee shall provide immediate
13 written notification to each candidate of all expenditures made or
14 authorized on behalf of the candidate.

15 If any continuing political committee submitting cumulative
16 quarterly reports as provided under this subsection receives a
17 contribution from a single source of more than \$500 after the final
18 day of a quarterly reporting period and on or before a primary,
19 general, municipal, school or special election which occurs after
20 that final day but prior to the final day of the next reporting period
21 it shall, in writing or by **【telegram】** electronic transmission, report
22 that contribution to the commission within 48 hours of the receipt
23 thereof, including in that report the amount and date of the
24 contribution; the name and mailing address of the contributor; and
25 where the contributor is an individual, the individual's occupation
26 and the name and mailing address of the individual's employer. If
27 any continuing political committee makes or authorizes an
28 expenditure of money or other thing of value in excess of \$500, or
29 incurs any obligation therefor, to support or defeat a candidate in an
30 election, or to aid the passage or defeat of any public question, after
31 March 31 and on or before the day of the primary election, or after
32 September 30 and on or before the day of the general election, it
33 shall, in writing or by **【telegram】** electronic transmission, report
34 that expenditure to the commission within 48 hours of the making,
35 authorizing or incurring thereof.

36 A continuing political committee which ceases making
37 contributions toward the aiding or promoting of the candidacy of an
38 individual, or of the candidacies of individuals, for elective public
39 office in this State or the passage or defeat of a public question or
40 public questions in this State shall certify that fact in writing to the
41 commission, and that certification shall be accompanied by a final
42 accounting of any fund relating to such aiding or promoting
43 including the final disposition of any balance in such fund at the
44 time of dissolution. Until that certification has been filed, the
45 committee shall continue to file the quarterly reports as provided
46 under this subsection.

47 c. Each political party committee and each legislative
48 leadership committee shall file with the Election Law Enforcement

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

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

30 **【If】** d. (1) Each independent expenditure committee shall file
31 with the Election Law Enforcement Commission, not later than
32 April 15, July 15, October 15 and January 15 of each calendar year,
33 a cumulative quarterly report, upon a form prescribed by the
34 Election Law Enforcement Commission, of all contributions
35 received in excess of \$10,000 in the form of moneys, loans, paid
36 personal services, or other things of value made to it, and of all
37 expenditures in excess of \$3,000 made, incurred, or authorized by it
38 in influencing or attempting to influence the outcome of any
39 election or the nomination, election, or defeat of any person to State
40 or local elective public office or the passage or defeat of any public
41 question, legislation, or regulation, or in providing political
42 information on any candidate or public question, legislation, or
43 regulation, during the period ending 48 hours preceding the date of
44 the report and beginning on the date on which the first of those
45 contributions was received or the first of those expenditures was
46 made, whichever occurred first. The quarterly report, except as
47 hereinafter provided, shall contain the name and mailing address of
48 each person or group from whom moneys, loans, paid personal

1 services or other things of value have been contributed since 48
2 hours preceding the date on which such previous report was made
3 and the amount contributed by each person or group in excess of
4 \$10,000, and when the contributor is an individual, the report shall
5 indicate the occupation of the individual and the name and mailing
6 address of the individual's employer. In the case of any loan
7 reported pursuant to this subsection, the report shall contain the
8 name and mailing address of each person who has cosigned such
9 loan since 48 hours preceding the date on which the previous such
10 report was made, and when an individual has cosigned such loans,
11 the report shall indicate the occupation of the individual and the
12 name and mailing address of the individual's employer. The
13 quarterly report shall also contain the name and address of each
14 person, firm, or organization to whom expenditures have been paid
15 since 48 hours preceding the date on which the previous such report
16 was made and the amount and purpose of each such expenditure.

17 (2) An independent expenditure committee shall disclose all
18 expenditures made by it in excess of \$3,000, including, but not
19 limited to, for electioneering communications, voter registration,
20 get-out-the-vote efforts, polling, and research. The disclosures
21 required by this paragraph shall be reported to the Election Law
22 Enforcement Commission on the same schedule as required for
23 continuing political committees pursuant to this section.

24 The treasurer of the reporting independent expenditure
25 committee shall certify the correctness of each report and shall
26 maintain all records of contributions and expenditures for a period
27 of not less than four years.

28 The \$10,000 contribution amount and the \$3,000 expenditure
29 amount established in this subsection shall remain as stated in this
30 subsection without further adjustment by the commission pursuant
31 to section 22 of P.L.1993, c.65 (C.19:44A-7.2).

32 e. ~~When~~ a political party committee ~~or a~~, legislative
33 leadership committee ~~submitting cumulative quarterly reports as~~
34 provided under this subsection] ~~or independent expenditure~~
35 committee receives a contribution from a single source of more than
36 \$500 after the final day of a quarterly reporting period and on or
37 before a primary, general, municipal, school, or special election
38 which occurs after that final day but prior to the final day of the
39 next reporting period it shall, in writing or by ~~telegram~~ ~~electronic~~
40 transmission, report that contribution to the commission within 48
41 hours of the receipt thereof, including in that report the amount and
42 date of the contribution; the name and mailing address of the
43 contributor; and where the contributor is an individual, the
44 individual's occupation and the name and mailing address of the
45 individual's employer. ~~If~~ ~~When~~ a political party committee
46 ~~or a~~, legislative leadership committee ~~submitting cumulative~~
47 quarterly reports as provided under this subsection] , ~~or an~~

1 independent expenditure committee makes or authorizes an
2 expenditure of money or other thing of value in excess of \$800, or
3 incurs any obligation therefor, to support or defeat a candidate in an
4 election, or to aid the passage or defeat of any public question, or to
5 aid the passage or defeat of legislation or regulation in the case of
6 an independent expenditure committee, after March 31 and on or
7 before the day of the primary election, or after September 30 and on
8 or before the day of the general election, it shall, in writing or by
9 **【telegram】** electronic transmission, report that expenditure to the
10 commission within 48 hours of the making, authorizing or incurring
11 thereof.

12 **【d.】** f. In any report filed pursuant to the provisions of this
13 section the organization or committee reporting may exclude from
14 the report the name of and other information relating to any
15 contributor whose contributions during the period covered by the
16 report did not exceed \$300, provided, however, that (1) such
17 exclusion is unlawful if any person responsible for the preparation
18 or filing of the report knew that it was made with respect to any
19 person whose contributions relating to the same election or issue
20 and made to the reporting organization or committee aggregate, in
21 combination with the contribution in respect of which such
22 exclusion is made, more than \$300 and (2) any person who
23 knowingly prepares, assists in preparing, files or acquiesces in the
24 filing of any report from which the identification of a contributor
25 has been excluded contrary to the provisions of this section is
26 subject to the provisions of section 21 of **【this act】** P.L.1973, c.83
27 (C.19:44A-21), but (3) nothing in this proviso shall be construed as
28 requiring any committee or organization reporting pursuant to this
29 act to report the amounts, dates or other circumstantial data
30 regarding contributions made to any other organization or political
31 committee, political party committee or campaign organization of a
32 candidate.

33 g. Any report filed pursuant to the provisions of this section
34 shall include an itemized accounting of all receipts and
35 expenditures relative to any testimonial affairs held since the date
36 of the most recent report filed, which accounting shall include the
37 name and mailing address of each contributor in excess of \$300 to
38 such testimonial affair and the amount contributed by each; in the
39 case of an individual contributor, the occupation of the individual
40 and the name and mailing address of the individual's employer; the
41 expenses incurred; and the disposition of the proceeds of such
42 testimonial affair.

43 The \$300 limit established in this subsection shall remain as
44 stated in this subsection without further adjustment by the
45 commission in the manner prescribed by section 22 of P.L.1993,
46 c.65 (C.19:44A-7.2).

47 (cf: P.L.2004, c.33, s.1)

1 3. Section 21 of P.L.1993, c.65 (C.19:44A-8.1) is amended to
2 read as follows:

3 21. a. Each political committee, as defined in subsection i. of
4 section 3 of P.L.1973, c.83 (C.19:44A-3), which aids or promotes
5 the nomination for election or the election of a candidate or the
6 passage or defeat of a public question, each independent
7 expenditure committee, as defined in subsection t. of section 3 of
8 P.L.1973, c.83 (C.19:44A-3), each continuing political committee
9 as defined in subsection n. of section 3 of P.L.1973, c.83, and each
10 legislative leadership committee as defined in subsection s. of
11 section 3 of P.L.1973, c.83, shall submit to the commission a
12 statement of registration which includes:

13 (1) the complete name or identifying title of the committee and
14 the general category of entity or entities, including but not limited
15 to business organizations, labor organizations, professional or trade
16 associations, candidate for or holder of public office, political party,
17 ideological grouping or civic association, the interests of which are
18 shared by the leadership, members, or financial supporters of the
19 committee;

20 (2) the mailing address of the committee and the name and
21 resident address of a resident of this State who shall have been
22 designated by the committee as its agent to accept service of
23 process; and

24 (3) a descriptive statement prepared by the organizers or officers
25 of the committee that identifies (a) the names and mailing addresses
26 of the persons having control over the affairs of the committee,
27 including but not limited to persons in whose name or at whose
28 direction or suggestion the committee solicits funds, and persons
29 participating in any decision to make a contribution of such funds to
30 any candidate, political committee or continuing political
31 committee and, in the case of an independent expenditure
32 committee, any decision to expend funds for the purpose of
33 influencing or attempting to influence the outcome of any election
34 or the nomination, election, or defeat of any person to State or local
35 elective public office or the passage or defeat of any public
36 question, legislation, or regulation, or in providing political
37 information on any candidate or public question, legislation, or
38 regulation; (b) the name and mailing address of any person not
39 included among the persons identified under subparagraph (a) of
40 this paragraph who, directly or through an agent, participated in the
41 initial organization of the committee; (c) in the case of any person
42 identified under subparagraph (a) or subparagraph (b) who is an
43 individual, the occupation of that individual, the individual's home
44 address, and the name and mailing address of the individual's
45 employer, or, in the case of any such person which is a corporation,
46 partnership, unincorporated association, or other organization, the
47 name and mailing address of the organization; and (d) any other
48 information which the Election Law Enforcement Commission may,

1 under such regulations as it shall adopt pursuant to the provisions of
2 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
3 seq.), require as being material to the fullest possible disclosure of
4 the economic, political and other particular interests and objectives
5 which the committee has been organized to or does advance. The
6 commission shall be informed, in writing, of any change in the
7 information required by this paragraph within three days of the
8 occurrence of the change. Legislative leadership committees shall
9 be exempt from the requirements of subparagraphs (a), (b) and (c)
10 of this paragraph.

11 b. After submission of a statement of registration to the
12 commission pursuant to this section, the committee shall use the
13 complete name or identifying title on all documents submitted to
14 the commission, in all solicitations for contributions, in all paid
15 media advertisements purchased or paid for by the committee in
16 support of or in opposition to any candidate or public question, and
17 in all contributions made by the committee to candidates or other
18 committees and, in the case of an independent expenditure
19 committee, any decision to expend funds for the purpose of
20 influencing or attempting to influence the outcome of any election
21 or the selection, nomination, election, or defeat of any person to
22 State or local elective public office or the passage or defeat of any
23 public question, legislation, or regulation, or in providing political
24 information on any candidate or public question, legislation, or
25 regulation.

26 c. Each report of contributions under section 8 of P.L.1973,
27 c.83 (C.19:44A-8) by a political committee, continuing political
28 committee, independent expenditure committee, or legislative
29 leadership committee required under subsection a. of this section to
30 submit a statement of registration shall include, in the case of each
31 contributor who is an individual, the home address of the individual
32 if different from the individual's mailing address, or, in the case of
33 any contributor which is an organization, any information, in
34 addition to that otherwise required, which the Election Law
35 Enforcement Commission may, under such regulations as it shall
36 adopt pursuant to the provisions of the "Administrative Procedure
37 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), require as being
38 material to the fullest possible disclosure of the economic, political
39 and other particular interests and objectives which the contributing
40 organization has been organized to or does advance.

41 d. Any political committee, continuing political committee,
42 independent expenditure committee, or legislative leadership
43 committee may at any time apply to the commission for approval of
44 an abbreviation or acronym of its complete, official name or title for
45 its exclusive use on documents which it shall submit to the
46 commission. Upon verification that the abbreviation or acronym
47 has not been approved for such use by any other political
48 committee, continuing political committee, independent expenditure

1 committee, or legislative leadership committee, the commission
2 shall approve the abbreviation or acronym for such use by the
3 applicant committee, and the committee, and any individual,
4 corporation, partnership, membership organization or incorporated
5 or unincorporated association which, under the provisions of
6 P.L.1973, c.83 (C.19:44A-1 et al.), submits any documents to the
7 commission containing a reference to that committee, shall
8 thereafter use that approved abbreviation or acronym in documents
9 submitted to the commission. The commission shall, during its
10 regular office hours, maintain for public inspection in its offices a
11 current alphabetically arranged list of all such approved
12 abbreviations and acronyms, indicating for each the name of the
13 committee for which it stands, and shall make copies of the list
14 available upon request.

15 e. No foreign national, government, instrumentality, or agent may
16 register as an independent expenditure committee for the purpose of
17 making independent expenditures in any State or local election.

18 (cf: P.L.1993, c.65, s.21)

19

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

22 10. Each political party committee shall, on or before July 1 in
23 each year, designate a single organizational treasurer and an
24 organizational depository and shall, not later than the tenth day after
25 the designation of the organizational depository file the name and
26 address of that depository, and of the organizational treasurer, with
27 the Election Law Enforcement Commission.

28 Every political committee may designate a chairman of the
29 committee, but no person serving as the chairman of a political
30 party committee or a legislative leadership committee shall be
31 eligible to be appointed or to serve as the chairman of a political
32 committee. Every political committee shall, not later than the date
33 on which it first receives any contribution or makes or incurs any
34 expenditure in the furtherance or aid of the election or defeat of any
35 candidate or the passage or defeat of any public question, appoint a
36 single campaign treasurer and designate a campaign depository, but
37 no person serving as the chairman of a political party committee or
38 a legislative leadership committee shall be eligible to be appointed
39 or to serve as the campaign treasurer of a political committee. Not
40 later than the tenth day after the initial designation of the campaign
41 depository, the committee shall file the name and address of the
42 depository, and of the campaign treasurer, with the Election Law
43 Enforcement Commission.

44 Every independent expenditure committee may designate a
45 chairman of the committee, but no person serving as the chairman
46 of a political party committee or a legislative leadership committee
47 shall be eligible to be appointed or to serve as the chairman of an
48 independent expenditure committee. No candidate or holder of

1 public office, directly or indirectly, shall establish, authorize the
2 establishment of, maintain, or participate in the management or
3 control of any independent expenditure committee. Every
4 independent expenditure committee, not later than the date on
5 which it first receives any contribution or makes or incurs any
6 expenditure for the purpose of influencing or attempting to
7 influence the outcome of any election or the nomination, election,
8 or defeat of any person to State or local elective public office or the
9 passage or defeat of any public question, legislation, or regulation,
10 or providing political information on any candidate or public
11 question, legislation, or regulation, shall appoint a single
12 organizational treasurer and designate an organizational depository,
13 but no person serving as the chairman of a political party committee
14 or a legislative leadership committee shall be eligible to be
15 appointed or to serve as the organizational treasurer of an
16 independent expenditure committee. Not later than the 10th day
17 after the initial designation of the organizational depository, the
18 committee shall file the name and address of the depository, and of
19 the organizational treasurer, with the Election Law Enforcement
20 Commission.

21 Every continuing political committee shall, not later than the
22 date on which it first receives any contribution or makes or incurs
23 any expenditure in the furtherance or aid of the election or defeat of
24 any candidate or the passage or defeat of any public question,
25 appoint a single organizational treasurer and designate an
26 organizational depository, provided that no person who is the
27 chairman of a political party committee or a legislative leadership
28 committee shall be eligible to be appointed or to serve as the
29 organizational treasurer of a continuing political committee. Not
30 later than the tenth day after the initial designation of the
31 organizational depository, the committee shall file the name and
32 address of the depository, and of the organizational treasurer, with
33 the Election Law Enforcement Commission.

34 Every legislative leadership committee shall, not later than the
35 date on which it first receives any contribution or makes or incurs
36 any expenditure in the furtherance or aid of the election or defeat of
37 any candidate or the passage or defeat of any public question,
38 appoint a single organizational treasurer and designate an
39 organizational depository. Not later than the tenth day after the
40 initial designation of the organizational depository, the committee
41 shall file the name and address of the depository, and of the
42 organizational treasurer, with the Election Law Enforcement
43 Commission.

44 Each organizational treasurer of a State political party committee
45 or a legislative leadership committee shall be a trained treasurer,
46 pursuant to subsection g. of section 6 of P.L.1973, c.83 (C.19:44A-
47 6), or shall acquire such training within 90 days of appointment as
48 an organizational treasurer. An organizational treasurer of any

1 other political party committee or a continuing political committee
2 or an independent expenditure committee and a campaign treasurer
3 of a political committee may be a trained treasurer.

4 An organizational treasurer of a political party committee, a
5 continuing political committee, an independent expenditure
6 committee, or a legislative leadership committee and a campaign
7 treasurer of a political committee may appoint deputy
8 organizational or campaign treasurers as may be required and may
9 designate additional organizational or campaign depositories. Such
10 committees shall file the names and addresses of such deputy
11 treasurers and additional depositories with the Election Law
12 Enforcement Commission not later than the fifth day after their
13 appointment or designation, respectively.

14 Any political party committee, any political committee, any
15 independent expenditure committee, any continuing political
16 committee, and any legislative leadership committee may remove
17 its organizational or campaign treasurer or deputy treasurer. In the
18 case of the death, resignation or removal of its organizational or
19 campaign treasurer, the committee shall appoint a successor as soon
20 as practicable and shall file his name and address with the Election
21 Law Enforcement Commission within three days.

22 (cf: P.L.2004, c.22, s.3)

23

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

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

36 a. The duly appointed campaign treasurer or deputy campaign
37 treasurers of the candidate committee or joint candidates
38 committee;

39 b. The duly appointed organizational treasurer or deputy
40 organizational treasurers of a political party committee or a
41 continuing political committee;

42 c. The duly appointed campaign treasurer or deputy campaign
43 treasurers of a political committee; **【or】**

44 d. The duly appointed organizational treasurer or deputy
45 organizational treasurer of a legislative leadership committee; or

46 e. The duly appointed organizational treasurer or deputy
47 organizational treasurer of an independent expenditure committee.

1 It shall be lawful, however, for any person, not acting in concert
2 with any other person or group, to expend personally from his own
3 funds a sum which is not to be repaid to him for any purpose not
4 prohibited by law, or to contribute his own personal services and
5 personal traveling expenses, to support or defeat a candidate or to
6 aid the passage or defeat of a public question; provided, however,
7 that any person making such expenditure shall be required to report
8 his or her name and mailing address and the amount of all such
9 expenditures and expenses, except personal traveling expenses, if
10 the total of the money so expended, exclusive of such traveling
11 expenses, exceeds \$500, and also, where the person is an individual,
12 to report the individual's occupation and the name and mailing
13 address of the individual's employer, to the Election Law
14 Enforcement Commission at the same time and in the same manner
15 as a political committee subject to the provisions of section 8 of
16 **【this act】** P.L.1973, c.83 (C.19:44A-8). Such expenditure made
17 during the period between the 13th day prior to the election and the
18 date of the election shall be filed in writing or by telegram within
19 48 hours of the making, incurring or authorization of the
20 expenditure and shall set forth the name and mailing address of the
21 person, firm or organization to whom or which the expenditure was
22 paid and the amount and purpose of the expenditure.

23 No contribution of money shall be made in currency, except
24 contributions in response to a public solicitation, provided that
25 cumulative currency contributions of up to \$200 may be made to a
26 candidate committee or joint candidates committee, a political
27 committee, a continuing political committee, an independent
28 expenditure committee, a legislative leadership committee or a
29 political party committee if the contributor submits with the
30 currency contribution a written statement of a form as prescribed by
31 the commission, indicating the contributor's name, mailing address
32 and occupation and the amount of the contribution, including the
33 contributor's signature and the name and mailing address of the
34 contributor's employer. Adjustments to the \$200 limit established in
35 this paragraph which have been made by the Election Law
36 Enforcement Commission, pursuant to section 22 of P.L.1993, c.65
37 (C.19:44A-7.2), prior to the effective date of P.L.2004, c.28 are
38 rescinded. The \$200 limit established in this paragraph shall remain
39 as stated in this paragraph without further adjustment by the
40 commission in the manner prescribed by section 22 of P.L.1993,
41 c.65 (C.19:44A-7.2).

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

46 No person, partnership or association, either directly or through
47 an agent, shall make any loan or advance, the proceeds of which
48 that person, partnership or association knows or has reason to know

1 or believe are intended to be used by the recipient thereof to make a
2 contribution or expenditure, except by check or money order
3 identifying the name, mailing address and occupation or business of
4 the maker of the loan, and, if the maker is an individual, the name
5 and mailing address of that individual's employer; provided,
6 however, that such loans or advances to a single individual, up to a
7 cumulative amount of \$50 in any calendar year, may be made in
8 currency.

9 (cf: P.L.2004, c.33, s.2)

10

11 6. Section 12 of P.L.1973, c.83 (C.19:44A-12) is amended to
12 read as follows:

13 12. An organizational or campaign treasurer or deputy
14 organizational or campaign treasurer of a candidate committee or
15 joint candidates committee, a political committee, a continuing
16 political committee, an independent expenditure committee, a
17 political party committee or a legislative leadership committee shall
18 make a written record of all funds which he receives as
19 contributions to the candidate committee, joint candidates
20 committee, political committee, continuing political committee,
21 independent expenditure committee, political party committee or
22 legislative leadership committee, including in that record the name
23 and mailing address of the contributor, the amount and date of the
24 contribution, and where the contributor is an individual, the
25 occupation of the individual and the name and mailing address of
26 the individual's employer. The organizational or campaign treasurer
27 shall retain that record for a period of not less than four years. All
28 funds so received shall be deposited by the campaign or
29 organizational treasurer or deputy campaign or organizational
30 treasurer in a campaign depository of the candidate committee or
31 joint candidates committee, the continuing political committee,
32 political committee, independent expenditure committee, political
33 party committee or legislative leadership committee no later than
34 the tenth calendar day following receipt of such funds; except that
35 any such treasurer or deputy treasurer may, when authorized by the
36 candidate, candidates or committee of which he is the campaign or
37 organizational treasurer or deputy campaign or organizational
38 treasurer, transfer any such funds to the duly designated campaign
39 or organizational treasurer or deputy campaign or organizational
40 treasurer of another candidate or committee, for inclusion in the
41 campaign depository thereof, without first so depositing them;
42 provided, however, that the amount so transferred shall not be in
43 excess of the amount that may be contributed by one candidate to
44 another candidate in an election pursuant to section 18 of P.L.1993,
45 c.65 (C.19:44A-11.3), but this proviso shall not be construed to
46 prohibit a county or municipal committee of a political party from
47 making a contribution or contributions, or from transferring funds
48 as hereinabove authorized, to any candidate, candidate committee,

1 joint candidates committee, political committee, continuing political
2 committee, independent expenditure committee, political party
3 committee, or legislative leadership committee. A record of all
4 nondeposited funds so transferred shall be attached to the statement
5 required under this section, identifying them as to source and
6 amount in the same manner as deposited funds.
7 (cf: P.L.1995, c.178, s.1)

8
9 7. Section 18 of P.L.1973, c.83 (C.19:44A-18) is amended to
10 read as follows:

11 18. If any former candidate or any political committee or any
12 person or association of persons in behalf of such political
13 committee or former candidate shall receive any contributions or
14 make any expenditures with relation to any election after the date
15 set in section 16 of **[this act]** P.L.1973, c.83 (C.19:44A-16) for the
16 final report subsequent to such election, or shall conduct any
17 testimonial affair or public solicitation for the purpose of raising
18 funds to cover any part of the expenses of a candidate **[or]**,
19 political committee, independent expenditure committee, or other
20 organization in such election, all such contributions, expenditures,
21 testimonial affairs or public solicitations shall be reported to the
22 Election Law Enforcement Commission by the person or persons
23 receiving such contributions or making such expenditures or
24 conducting such testimonial affairs or public solicitations. Such
25 report shall be made by any person receiving any such contribution
26 or contributions, or making any such expenditure or expenditures,
27 which in the aggregate total more than \$100.00, or conducting any
28 testimonial affair or public solicitation of which the net proceeds
29 exceed \$100.00; and shall be made within 20 days from the date
30 upon which the aggregate of such contributions, expenditures or
31 proceeds exceed \$100.00 for the period commencing with the 19th
32 day following such election or with the date upon which any
33 previous report was made pursuant to this section, whichever is
34 sooner. Such report shall be made in the same form and shall
35 contain the same detail prescribed for any other report made
36 pursuant to section 8 or 16 of **[this act]** P.L.1973, c.83 (C.19:44A-8
37 or C.19:44A-16).

38 (cf: P.L.1983, c.579, s.17)

39
40 8. Section 19 of P.L.1973, c.83 (C.19:44A-19) is amended to
41 read as follows:

42 19. a. No person shall conduct any public solicitation as defined
43 in this act except (1) upon written authorization of the campaign or
44 organizational treasurer of the candidate committee or joint
45 candidates committee, political committee, continuing political
46 committee, political party committee, independent expenditure
47 committee, or legislative leadership committee on whose behalf
48 such solicitation is conducted, or (2) in accordance with the

1 provisions of subsection c. of this section. A person with such
2 written authorization may employ and accept the services of others
3 as solicitors, and shall be responsible for reporting to the treasurer
4 the information required under subsection b. of this section and for
5 delivery to the treasurer the net proceeds of such solicitation in
6 compliance with section 11 of **[this act]** P.L.1973, c.83 (C.19:44A-
7 11). A contribution made through donation or purchase in response
8 to a public solicitation conducted pursuant to written authorization
9 of a treasurer shall be deemed to have been made through such
10 treasurer.

11 b. Whenever a public solicitation has been authorized by a
12 treasurer during a period covered by a report required to be filed
13 under sections 8 and 16 of **[this act]** P.L.1973, c.83 (C.19:44A-8
14 and C.19:44A-16), there shall be filed with such report and as a part
15 thereof an itemized report on any such solicitation of which the net
16 proceeds exceed \$200, in such form and detail as required by the
17 rules of the Election Law Enforcement Commission, which report
18 shall include:

19 (1) The name and mailing address of the person authorized to
20 conduct such solicitation, the method of solicitation and, where the
21 person is an individual, the occupation of the individual and the
22 name and mailing address of the individual's employer;

23 (2) The gross receipts and expenses involved in the solicitation
24 including the actual amount paid for any items purchased for resale
25 in connection with the solicitation, or, if such items or any portion
26 of the cost thereof was donated, the estimated actual value thereof
27 and the actual amount paid therefor, and the names and addresses of
28 any such donors. If it is not practicable for such itemized report to
29 be completed in time to be included with the report due under
30 sections 8 and 16 of **[this act]** P.L.1973, c.83 (C.19:44A-8 and
31 C.19:44A-16) for the period during which such solicitation was
32 held, then such itemized report may be omitted from said report and
33 if so omitted shall be included in the report for the next succeeding
34 period.

35 Adjustments to the \$200 limit established in this subsection
36 which have been made by the Election Law Enforcement
37 Commission, pursuant to section 22 of P.L.1993, c.65 (C.19:44A-
38 7.2), prior to the effective date of P.L.2004, c.28 are rescinded. The
39 \$200 limit established in this subsection shall remain as stated in
40 this subsection without further adjustment by the commission in the
41 manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2).

42 c. Notwithstanding the provisions of subsection b. of this
43 section, it shall be lawful for any natural person, not acting in
44 concert with any other person or group, to make personally a public
45 solicitation the entire proceeds of which, without deduction for the
46 expenses of solicitation, are to be expended by him personally or
47 under his personal direction to finance any lawful activity in
48 support of or opposition to any candidate or public question or to

1 provide political information on any candidate or public question or
2 to seek to influence the content, introduction, passage or defeat of
3 legislation; provided, however, that any individual making such
4 solicitation who receives gross contributions exceeding \$200 in
5 respect to activities relating to any one election shall be required to
6 make a report stating (1) the amount so collected, (2) the method of
7 solicitation, (3) the purpose or purposes for which the funds so
8 collected were expended and the amount expended for each such
9 purpose and (4) the individual's name and mailing address, the
10 individual's occupation and the name and mailing address of the
11 individual's employer. Adjustments to the \$200 limit established in
12 this subsection which have been made by the Election Law
13 Enforcement Commission, pursuant to section 22 of P.L.1993, c.65
14 (C.19:44A-7.2), prior to the effective date of P.L.2004, c.28 are
15 rescinded. The \$200 limit established in this subsection shall
16 remain as stated in this subsection without further adjustment by the
17 commission in the manner prescribed by section 22 of P.L.1993,
18 c.65 (C.19:44A-7.2).

19 Such report shall be made to the Election Law Enforcement
20 Commission at the same time and in the same manner as a political
21 committee, continuing political committee, political party
22 committee, independent expenditure committee, or a legislative
23 leadership committee subject to the provisions of section 8 of **[this**
24 **act]** P.L.1973, c.83 (C.19:44A-8).

25 d. Contributions or purchases made in response to a public
26 solicitation conducted in conformity with the requirements and
27 conditions of **[this act]** P.L.1973, c.83 (C.19:44A-1 et seq.) shall
28 not be deemed anonymous within the meaning of sections 11 and 20
29 of **[this]** the act.

30 e. No person contributing in good faith to a public solicitation
31 not duly authorized in compliance with the provisions of **[this act]**
32 P.L.1973, c.83 (C.19:44A-1 et seq.) shall be liable to any penalty
33 under **[this]** the act by reason of having made such contribution.
34 (cf: P.L.2004, c.28, s.6)

35
36 9. Section 20 of P.L.1973, c.83 (C.19:44A-20) is amended to
37 read as follows:

38 20. No contribution of money or other thing of value, nor
39 obligation therefor, shall be made, and no expenditure of money or
40 other thing of value, nor obligation therefor, shall be made or
41 incurred whether anonymously, in a fictitious name, or by one
42 person or group in the name of another, to support or defeat a
43 candidate in an election or to aid the passage or defeat of any public
44 question or to provide political information on any candidate or
45 public question or to seek to influence the content, introduction,
46 passage or defeat of legislation.

1 No individual, either alone or jointly with one or more other
2 individuals, and no corporation, partnership, membership
3 organization or other incorporated or unincorporated association
4 shall loan or advance to any individual, group of individuals,
5 corporation, partnership, membership organization or other
6 incorporated or unincorporated association any money or other
7 thing of value expressly for the purpose of inducing the recipient
8 thereof, or any other individual, group, corporation, partnership,
9 organization or association, to make a contribution, either directly
10 or indirectly, of money or other thing of value to a candidate or the
11 candidate committee or joint candidates committee of a candidate.

12 No person shall contribute, or purport to contribute, to any
13 candidate, candidate committee or joint candidates committee,
14 political committee, continuing political committee, independent
15 expenditure committee, political party committee or legislative
16 leadership committee funds or property which does not actually
17 belong to him and is not in his full custody and control; which has
18 been given or furnished to him by any other person or group for the
19 purpose of making a contribution thereof, except in the case of
20 group contributions by persons who are members of the
21 contributing group; or which has been loaned or advanced expressly
22 for the purpose of inducing the making of a contribution to a
23 candidate, candidate committee or joint candidates committee.

24 No treasurer, candidate or member of a candidate committee,
25 joint candidates committee, political committee, continuing political
26 committee, independent expenditure committee, political party
27 committee or legislative leadership committee shall solicit or
28 knowingly accept, agree to accept or concur in or abet the
29 solicitation or acceptance of any contribution contrary to the
30 provisions of this section.

31 (cf: P.L.1993, c.65, s.11)

32

33 10. Section 2 of P.L.1995, c.391 (C.19:44A-22.3) is amended to
34 read as follows:

35 2. a. Whenever a candidate committee, joint candidates
36 committee, political committee, continuing political committee,
37 independent expenditure committee, political party committee or
38 legislative leadership committee, or any group other than such a
39 committee, or any person makes, incurs or authorizes an expenditure
40 for the purpose of financing a communication aiding or promoting the
41 nomination, election or defeat of any candidate or providing political
42 information on any candidate which is an expenditure that the
43 committee, group or person is required to report to the Election Law
44 Enforcement Commission pursuant to P.L.1973, c.83 (C.19:44A-1 et
45 seq.), the communication shall clearly state the name and business or
46 residence address of the committee, group or person, as that
47 information appears on reports filed with the commission, and that the
48 communication has been financed by that committee, group or person.

1 b. Whenever a candidate committee, joint candidates committee,
2 political committee, continuing political committee, independent
3 expenditure committee, political party committee or legislative
4 leadership committee, or any group other than such a committee, or
5 any person makes, incurs or authorizes an expenditure for the purpose
6 of financing a communication aiding the passage or defeat of any
7 public question or providing political information on any public
8 question , or aiding the passage or defeat of legislation or regulation in
9 the case of an independent expenditure committee, which is an
10 expenditure that the committee, group or person is required to report to
11 the Election Law Enforcement Commission pursuant to P.L.1973, c.83
12 (C.19:44A-1 et seq.), the communication shall clearly state the name
13 and business or residence address of the committee, group or person,
14 as that information appears on reports filed with the commission, and
15 that the communication has been financed by that committee, group or
16 person.

17 c. A communication that is financed by an independent
18 expenditure committee or by any person, not acting in concert with a
19 candidate or any person or committee acting on behalf of a candidate,
20 shall contain a clear and conspicuous statement that the expenditure
21 was not made with the cooperation or prior consent of, or in
22 consultation with or at the request or suggestion of, any such
23 candidate, person or committee.

24 d. Any person who accepts compensation from a committee,
25 group or individual described in subsection a. or b. of this section for
26 the purpose of printing, broadcasting, or otherwise disseminating to
27 the electorate a communication shall require the committee, group, or
28 individual to file a copy of the statement of registration required to be
29 filed with the Election Law Enforcement Commission pursuant to
30 section 21 of P.L.1993, c.65 (C.19:44A-8.1) and shall maintain a
31 record of the transaction which shall include an exact copy of the
32 communication and a statement of the number of copies made or the
33 dates and times that the communication was broadcast or otherwise
34 transmitted, and the name and address of the committee, group or
35 individual paying for the communication. The record shall be
36 maintained on file at the principal office of the person accepting the
37 communication for at least two years and shall be available for public
38 inspection during normal business hours.

39 e. As used in this section, "communication" means a press
40 release, pamphlet, flyer, form letter, sign, billboard, paid advertisement
41 printed in any newspaper or other publication or broadcast on radio or
42 television, or telephone call featuring a recorded message, or any other
43 form of advertising , including Internet and digital advertising,
44 directed to the electorate.

45 f. The provisions of this section shall not be construed to apply to
46 any bona fide news item or editorial contained in any publication of
47 bona fide general circulation.

1 g. (1) A person who violates a provision of this section shall be
2 subject to the civil penalties provided in section 22 of P.L.1973, c.83
3 (C.19:44A-22).

4 (2) A person who, with intent to injure anyone or to conceal
5 wrongdoing, purposely falsifies, conceals or misrepresents information
6 required by this section to be disclosed or maintained on file is guilty
7 of a crime of the fourth degree.

8 h. The Election Law Enforcement Commission shall promulgate
9 rules and regulations pursuant to the "Administrative Procedure Act,"
10 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purpose of this
11 section. The commission may, by regulation, exempt from the
12 provisions of this section small, tangible items of de minimis value
13 which are commonly used in campaigns to convey a political message,
14 including, but not limited to, buttons, combs, and nail files. The
15 commission may also, by regulation, exempt from the provisions of
16 this section advertising space purchased by a candidate committee,
17 joint candidates committee, political committee, continuing political
18 committee, political party committee, legislative leadership committee
19 or other person, in a political program book distributed at a fund-
20 raising event if the financial transaction is otherwise subject to
21 disclosure. An exemption granted by the commission with respect to
22 any item shall not relieve the committee, group or individual making
23 an expenditure therefor from any applicable campaign finance
24 reporting requirements.

25 In addition, the commission shall have the authority to provide, by
26 regulation, that a communication need not include the address of the
27 committee, group or person financing the communication in
28 circumstances where the name of a committee, group or person would
29 be sufficient to identify it from the commission's records.

30 (cf: P.L.2004, c.30, s.1)

31
32 11. (New section) To determine whether a person, candidate
33 committee, joint candidates committee, continuing political
34 committee, or independent expenditure committee has made a
35 coordinated expenditure with any candidate or political party, the
36 Election Law Enforcement Commission shall consider whether the
37 candidate or political party, the candidate committee, or any staff
38 member or agent thereof:

39 a. cooperated with, consented to, authorized, or exercised
40 control over the production or circulation of the communication
41 expenditure;

42 b. requested or suggested that the communication expenditure
43 be made;

44 c. provided information to the person or entity making the
45 communication expenditure with regard to the content, timing,
46 location, mode, intended audience, distribution, or placement of the
47 television, radio, direct mail, or other form of communication;

1 d. discussed or negotiated with the purchaser, creator,
2 producer, or distributor of the communication concerning the
3 content, timing, location, mode, intended audience, distribution, or
4 placement of the communication;

5 e. shared information or held discussions on campaign or
6 media strategy with the person or entity making the communication
7 expenditure or with the purchaser, creator, producer, or distributor
8 of the communication;

9 f. shared its polling or other research with the person or entity
10 making the communication expenditure or whether or not the
11 person or entity making the communication expenditure shared its
12 polling or other research with the candidate, candidate committee,
13 or with any agent of the candidate or candidate committee; or

14 g. engaged in any other activity the Election Law Enforcement
15 Commission determines, by regulation, constitutes a coordinated
16 expenditure.

17

18 12. (New section) If any provision of this act, P.L. , c. (pending
19 before the Legislature as this bill), or the application thereof to any
20 person or circumstance is held invalid, such invalidity shall not affect
21 other provisions or applications which can be given effect without the
22 invalid provisions or applications, and to this end the provisions of this
23 act are declared to be severable.

24

25 13. This act shall take effect on the first date, following
26 enactment, that occurs after July 16, 2019 by which a quarterly
27 report would be required to be filed pursuant to paragraph (1) of
28 subsection d. of section 8 of P.L.1973, c.83 (C.19:44A-8), but the
29 first such report shall not be required to be filed until the next
30 quarterly report filing deadline thereafter as specified in that
31 paragraph and shall include only those reportable items which occur
32 after the effective date of this act.

33

34

35

STATEMENT

36

37 This bill revises “The New Jersey Campaign Contributions and
38 Expenditures Reporting Act” to institute new reporting
39 requirements on certain organizations.

40 The bill requires disclosure by any “independent expenditure
41 committee,” defined as any person organized under section 527 or
42 paragraph (4) of subsection (c) of section 501 of the federal Internal
43 Revenue Code that engages in influencing or attempting to
44 influence the outcome of any election or the nomination, election,
45 or defeat of any person to any State or local elective public office or
46 the passage or defeat of any public question, legislation, or
47 regulation, or in providing political information on any candidate or
48 public question, legislation, or regulation, and raises or expends

1 \$3,000 or more for any such purpose. The bill requires these
2 committees to report contributions in excess of \$10,000 and
3 expenditures in excess of \$3,000 to the Election Law Enforcement
4 Commission (ELEC), and prohibits a candidate or holder of public
5 office from establishing, authorizing the establishment of,
6 maintaining, or participating directly or indirectly, in the
7 management or control of any independent expenditure committee.
8 Under R.S.1:1-2, the term “person” includes corporations,
9 companies, associations, societies, firms, partnerships and joint
10 stock companies as well as individuals.

11 The bill defines “electioneering communication” as any
12 communication made from January 1 of an election year and the
13 date of the election and refers to: 1) a clearly identified candidate
14 for office and promotes or supports a candidate for that office or
15 opposes a candidate for that office, regardless of whether the
16 communication expressly advocates a vote for or against a
17 candidate; or 2) a public question, and promotes or supports the
18 passage or defeat of that question, regardless of whether the
19 communication expressly advocates a vote for or against the
20 passage of the question. The term includes communications
21 published in any newspaper or periodical; or broadcast on radio,
22 television, the Internet or digital media, or any public address
23 system; placed on any billboard, outdoor facility, button, motor
24 vehicle, window display, poster, card, pamphlet, leaflet, flyer, or
25 other circular; or contained in any direct mailing, robotic phone
26 calls, or mass e-mails.

27 The bill defines “independent expenditure” as an expenditure by
28 a person expressly advocating, or the functional equivalent thereof,
29 the election or defeat of: 1) a clearly identified candidate that is not
30 made in concert or cooperation with or at the request or suggestion
31 of the candidate, the candidate’s committee, a political party
32 committee, or an agent thereof; or 2) a public question, legislation,
33 or regulation, that is not made in concert or cooperation with or at
34 the request or suggestion of the sponsors, organizers, or committee
35 supporting or opposing the question, legislation, or regulation, a
36 political party, or agents thereof. The “functional equivalent” of
37 expressly advocating means specific advocacy that can be
38 interpreted by a reasonable person as advocating the election or
39 defeat of a candidate, or the passage or defeat of a public question,
40 legislation, or regulation, taking into account whether the
41 communication involved mentions a candidate, a political party, or
42 a challenger to a candidate, or takes a position on a candidate’s
43 character, qualifications, or fitness for office, or that can be
44 interpreted by a reasonable person as taking a position on the merits
45 of a public question, legislation, or regulation, or taking a position
46 in favor or against the passage or defeat of the public question,
47 legislation, or regulation.

1 The bill codifies the criteria used by ELEC to determine when
2 coordination with a candidate or political party has occurred, and
3 allows ELEC to issue additional criteria by regulation. Under the
4 bill, foreign entities would be prohibited from registering as
5 independent expenditure committees for the purpose of making
6 independent expenditures in any State or local election. The bill
7 explicitly includes Internet and digital advertisement in the
8 definitions of “political information,” “electioneering
9 communication,” and “communication.” It further requires persons
10 who accept compensation from any committee, group, or individual
11 for the placement of communication to be disseminated to the
12 electorate to require such committee, group, or individual to file a
13 copy of their statement of registration they filed with ELEC.

14 Under the bill, independent expenditure committees would file
15 quarterly reports of contributions received in excess of \$10,000 and
16 expenditures made in excess of \$3,000. The bill requires
17 independent expenditure committees to also report within 48 hours
18 any contribution received or expenditure made in excess of \$500
19 and \$800, respectively, when such is received or made after the
20 final day of a quarterly reporting period and on or before an election
21 which occurs after that final day but before the final day of the next
22 reporting period.

23 The provisions of the bill are severable. The bill would take
24 effect on the first date, following enactment, that occurs after July
25 16, 2019 by which a quarterly report would be required to be filed
26 pursuant to N.J.S.A.19:44A-8(d)(1). The bill specifies that the first
27 of those reports will not be required to be filed until the next
28 quarterly report filing deadline as specified in that paragraph and
29 specifies that the report need only include those reportable items
30 which occur after the effective date of the bill.

31

32

33

34

35 Concerns disclosure requirements by independent expenditure
36 committees.

SENATE, No. 150

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 10, 2019

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Co-Sponsored by:

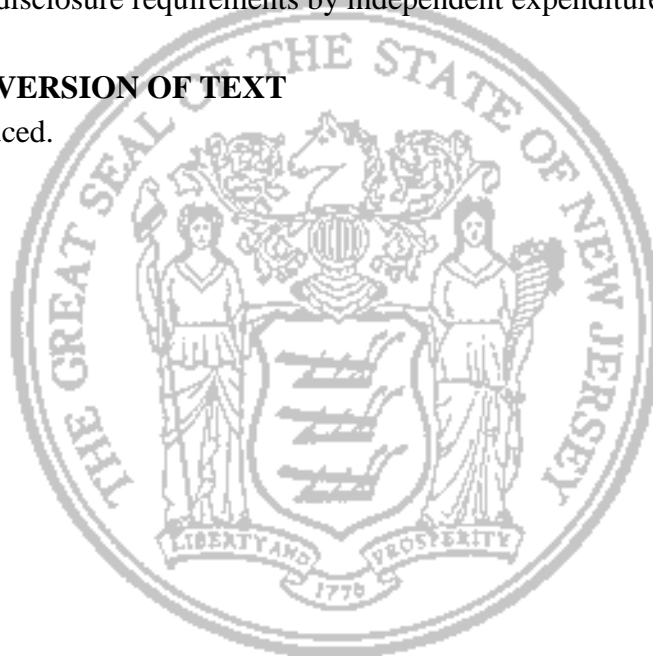
Assemblyman Bramnick

SYNOPSIS

Concerns disclosure requirements by independent expenditure committees.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/11/2019)

1 AN ACT concerning campaign finance disclosures and limits and
2 amending various parts of the statutory law.

3

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

6

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

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

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

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

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

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

36 e. The term "election" means any election described in section
37 4 of this act.

38 f. The term "paid personal services" means personal, clerical,
39 administrative or professional services of every kind and nature
40 including, without limitation, public relations, research, legal,
41 canvassing, telephone, speech writing or other such services,
42 performed other than on a voluntary basis, the salary, cost or
43 consideration for which is paid, borne or provided by someone
44 other than the committee, candidate or organization for whom such
45 services are rendered. In determining the value, for the purpose of

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

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

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

37 i. The term "political committee" means any two or more
38 persons acting jointly, or any corporation, partnership, or any other
39 incorporated or unincorporated association which is organized to, or
40 does, aid or promote the nomination, election or defeat of any
41 candidate or candidates for public office, or which is organized to,
42 or does, aid or promote the passage or defeat of a public question in
43 any election, if the persons, corporation, partnership or incorporated
44 or unincorporated association raises or expends ~~【\$1,000.00】~~ \$2,400
45 or more to so aid or promote the nomination, election or defeat of a
46 candidate or candidates or the passage or defeat of a public
47 question; provided that for the purposes of this act, the term
48 "political committee" shall not include a "continuing political

1 committee," as defined by subsection n. of this section, a "political
2 party committee," as defined by subsection p. of this section, a
3 "candidate committee," as defined by subsection q. of this section, a
4 "joint candidates committee," as defined by subsection r. of this
5 section **[or]**, a "legislative leadership committee," as defined by
6 subsection s. of this section, or an "independent expenditure
7 committee," as defined by subsection t. of this section.

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

26 k. The term "testimonial affair" means an affair of any kind or
27 nature including, without limitation, cocktail parties, breakfasts,
28 luncheons, dinners, dances, picnics or similar affairs directly or
29 indirectly intended to raise campaign funds in behalf of a person
30 who holds, or who is or was a candidate for nomination or election
31 to a public office in this State, or directly or indirectly intended to
32 raise funds in behalf of any political party committee or in behalf of
33 a political committee, continuing political committee, candidate
34 committee, joint candidates committee, independent expenditure
35 committee, or legislative leadership committee.

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

39 m. The term "qualified candidate" means:

40 (1) Joint candidates for election to the offices of Governor and
41 Lieutenant Governor whose names appear on the general election
42 ballot; who have deposited and expended \$150,000.00 pursuant to
43 section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than
44 September 1 preceding a general election in which the offices of
45 Governor and Lieutenant Governor are to be filled, (a) notify the
46 Election Law Enforcement Commission in writing that the
47 candidates intend that application will be made on the candidates'
48 behalf for monies for general election campaign expenses under

1 subsection b. of section 8 of P.L.1974, c.26 (C.19:44A-33), and (b)
2 sign a statement of agreement, in a form to be prescribed by the
3 commission, to participate in interactive gubernatorial election
4 debates under the provisions of sections 9 through 11 of P.L.1989,
5 c.4 (C.19:44A-45 through C.19:44A-47); or

6 (2) Joint candidates for election to the offices of Governor and
7 Lieutenant Governor whose names do not appear on the general
8 election ballot; who have deposited and expended \$150,000.00
9 pursuant to section 7 of P.L.1974, c.26 (C.19:44A-32); and who,
10 not later than September 1 preceding a general election in which the
11 offices of Governor and Lieutenant Governor are to be filled, (a)
12 notify the Election Law Enforcement Commission in writing that
13 the candidates intend that application will be made on the
14 candidates' behalf for monies for general election campaign
15 expenses under subsection b. of section 8 of P.L.1974, c.26
16 (C.19:44A-33), and (b) sign a statement of agreement, in a form to
17 be prescribed by the commission, to participate in interactive
18 gubernatorial election debates under the provisions of sections 9
19 through 11 of P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47);
20 or

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

36 (4) Any candidate for nomination for election to the office of
37 Governor whose name does not appear on the primary election
38 ballot; who has deposited and expended \$150,000.00 pursuant to
39 section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than
40 the last day for filing petitions to nominate candidates to be voted
41 upon in a primary election for a general election in which the office
42 of Governor is to be filled, (a) notifies the Election Law
43 Enforcement Commission in writing that the candidate intends that
44 application will be made on the candidate's behalf for monies for
45 primary election campaign expenses under subsection a. of section
46 8 of P.L.1974, c.26 (C.19:44A-33), and (b) signs a statement of
47 agreement, in a form to be prescribed by the commission, to
48 participate in two interactive gubernatorial primary debates under

1 the provisions of sections 9 through 11 of P.L.1989, c.4 (C.19:44A-
2 45 through C.19:44A-47).

3 n. The term "continuing political committee" means any group
4 of two or more persons acting jointly, or any corporation,
5 partnership, or any other incorporated or unincorporated
6 association, including a political club, political action committee,
7 civic association or other organization, which in any calendar year
8 contributes or expects to contribute at least ~~【\$2,500.00】~~ \$5,500 to
9 the aid or promotion of the candidacy of an individual, or of the
10 candidacies of individuals, for elective public office, or the passage
11 or defeat of a public question or public questions, and which may be
12 expected to make contributions toward such aid or promotion or
13 passage or defeat during a subsequent election, provided that the
14 group, corporation, partnership, association or other organization
15 has been determined to be a continuing political committee under
16 subsection b. of section 8 of P.L.1973, c.83 (C.19:44A-8); provided
17 that for the purposes of this act, the term "continuing political
18 committee" shall not include a "political party committee," as
19 defined by subsection p. of this section, **【or】** a "legislative
20 leadership committee," as defined by subsection s. of this section,
21 or an "independent expenditure committee," as defined by
22 subsection t. of this section.

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

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

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

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

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

27 t. The term "independent expenditure committee" means a
28 person organized under section 527 of the federal Internal Revenue
29 Code (26 U.S.C. s.527) or under paragraph (4) of subsection (c) of
30 section 501 of the federal Internal Revenue Code (26 U.S.C. s.501)
31 that does not fall within the definition of any other organization
32 subject to the provisions of P.L.1973, c.83 (C.19:44A-1 et seq.),
33 that engages in influencing or attempting to influence the outcome
34 of any election or the nomination, election, or defeat of any person
35 to any State or local elective public office, or the passage or defeat
36 of any public question, legislation, or regulation, or in providing
37 political information on any candidate or public question,
38 legislation, or regulation, and raises or expends \$3,000 or more in
39 the aggregate for any such purpose annually, but does not
40 coordinate its activities with any candidate or political party as
41 determined by the Election Law Enforcement Commission pursuant
42 to the provisions of section 11 of P.L. , c. (C.) (pending before
43 the Legislature as this bill).

44 u. The term "electioneering communication" means any
45 communication made within the period beginning on January 1 of
46 an election year and the date of the election and refers to: (1) a
47 clearly identified candidate for office and promotes or supports a
48 candidate for that office or opposes a candidate for that office,

1 regardless of whether the communication expressly advocates a
2 vote for or against a candidate; or (2) a public question and
3 promotes or supports the passage or defeat of that question,
4 regardless of whether the communication expressly advocates a
5 vote for or against the passage of the question. The term includes
6 communications published in any newspaper or periodical;
7 broadcast on radio, television, or the Internet or digital media , or
8 any public address system; placed on any billboard, outdoor
9 facility, button, motor vehicle, window display, poster, card,
10 pamphlet, leaflet, flyer, or other circular; or contained in any direct
11 mailing, robotic phone calls, or mass e-mails.

12 v. The term “independent expenditure” means an expenditure
13 by a person expressly advocating, or the functional equivalent
14 thereof, the election or defeat of: (1) a clearly identified candidate
15 that is not made in concert or cooperation with or at the request or
16 suggestion of the candidate, the candidate’s committee, a political
17 party committee, or an agent thereof; or (2) a public question,
18 legislation, or regulation, that is not made in concert or cooperation
19 with or at the request or suggestion of the sponsors, organizers, or
20 committee supporting or opposing the question, legislation, or
21 regulation, a political party, or agents thereof. The “functional
22 equivalent” of expressly advocating means specific advocacy that
23 can be interpreted by a reasonable person as advocating the election
24 or defeat of a candidate, or the passage or defeat of a public
25 question, legislation, or regulation, taking into account whether the
26 communication involved mentions a candidate, a political party, or
27 a challenger to a candidate, or takes a position on a candidate’s
28 character, qualifications, or fitness for office, or that can be
29 interpreted by a reasonable person as taking a position on the merits
30 of a public question, legislation, or regulation, or taking a position
31 in favor or against the passage or defeat of a public question,
32 legislation, or regulation.

33 (cf: P.L.2009, c.66, s.5)

34

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

37 8. a. (1) Each political committee shall make a full cumulative
38 report, upon a form prescribed by the Election Law Enforcement
39 Commission, of all contributions in the form of moneys, loans, paid
40 personal services, or other things of value made to it and all
41 expenditures made, incurred, or authorized by it in furtherance of
42 the nomination, election, or defeat of any candidate, or in aid of the
43 passage or defeat of any public question, or to provide political
44 information on any candidate or public question, during the period
45 ending 48 hours preceding the date of the report and beginning on
46 the date on which the first of those contributions was received or
47 the first of those expenditures was made, whichever occurred first.
48 The cumulative report, except as hereinafter provided, shall contain

1 the name and mailing address of each person or group from whom
2 moneys, loans, paid personal services or other things of value have
3 been contributed since 48 hours preceding the date on which the
4 previous such report was made and the amount contributed by each
5 person or group, and where the contributor is an individual, the
6 report shall indicate the occupation of the individual and the name
7 and mailing address of the individual's employer. In the case of any
8 loan reported pursuant to this subsection, the report shall contain
9 the name and mailing address of each person who has cosigned such
10 loan since 48 hours preceding the date on which the previous such
11 report was made, and where an individual has cosigned such loans,
12 the report shall indicate the occupation of the individual and the
13 name and mailing address of the individual's employer. The
14 cumulative report shall also contain the name and address of each
15 person, firm or organization to whom expenditures have been paid
16 since 48 hours preceding the date on which the previous such report
17 was made and the amount and purpose of each such expenditure.
18 The cumulative report shall be filed with the Election Law
19 Enforcement Commission on the dates designated in section 16
20 hereof.

21 The campaign treasurer of the political committee reporting shall
22 certify to the correctness of each report.

23 Each campaign treasurer of a political committee shall file
24 written notice with the commission of a contribution in excess of
25 \$500 received during the period between the 13th day prior to the
26 election and the date of the election, and of an expenditure of
27 money or other thing of value in excess of \$500 made, incurred or
28 authorized by the political committee to support or defeat a
29 candidate in an election, or to aid the passage or defeat of any
30 public question, during the period between the 13th day prior to the
31 election and the date of the election. The notice of a contribution
32 shall be filed in writing or by **[telegram]** electronic transmission
33 within 48 hours of the receipt of the contribution and shall set forth
34 the amount and date of the contribution, the name and mailing
35 address of the contributor, and where the contributor is an
36 individual, the individual's occupation and the name and mailing
37 address of the individual's employer. The notice of an expenditure
38 shall be filed in writing or by **[telegram]** electronic transmission
39 within 48 hours of the making, incurring or authorization of the
40 expenditure and shall set forth the name and mailing address of the
41 person, firm or organization to whom or which the expenditure was
42 paid and the amount and purpose of the expenditure.

43 (2) When a political committee or an individual seeking party
44 office makes or authorizes an expenditure on behalf of a candidate,
45 it shall provide immediate written notification to the candidate of
46 the expenditure.

47 b. (1) A group of two or more persons acting jointly, or any
48 corporation, partnership, or any other incorporated or

1 unincorporated association including a political club, political
2 action committee, civic association or other organization, which in
3 any calendar year contributes or expects to contribute at least
4 \$2,500.00 to the aid or promotion of the candidacy of an individual,
5 or of the candidacies of individuals, for elective public office or the
6 passage or defeat of a public question or public questions and which
7 expects to make contributions toward such aid or promotion, or
8 toward such passage or defeat, during a subsequent election shall
9 certify that fact to the commission, and the commission, upon
10 receiving that certification and on the basis of any information as it
11 may require of the group, corporation, partnership, association or
12 other organization, shall determine whether the group, corporation,
13 partnership, association or other organization is a continuing
14 political committee for the purposes of this act. If the commission
15 determines that the group, corporation, partnership, association or
16 other organization is a continuing political committee, it shall so
17 notify that continuing political committee.

18 No person serving as the chairman of a political party committee
19 or a legislative leadership committee shall be eligible to be
20 appointed or to serve as the chairman of a continuing political
21 committee.

22 (2) A continuing political committee shall file with the Election
23 Law Enforcement Commission, not later than April 15, July 15,
24 October 15 and January 15 of each calendar year, a cumulative
25 quarterly report of all moneys, loans, paid personal services or other
26 things of value contributed to it during the period ending on the
27 15th day preceding that date and commencing on January 1 of that
28 calendar year or, in the case of the cumulative quarterly report to be
29 filed not later than January 15, of the previous calendar year, and all
30 expenditures made, incurred, or authorized by it during the period,
31 whether or not such expenditures were made, incurred or authorized
32 in furtherance of the election or defeat of any candidate, or in aid of
33 the passage or defeat of any public question or to provide
34 information on any candidate or public question.

35 The cumulative quarterly report shall contain the name and
36 mailing address of each person or group from whom moneys, loans,
37 paid personal services or other things of value have been
38 contributed and the amount contributed by each person or group,
39 and where an individual has made such contributions, the report
40 shall indicate the occupation of the individual and the name and
41 mailing address of the individual's employer. In the case of any
42 loan reported pursuant to this subsection, the report shall contain
43 the name and address of each person who cosigns such loan, and
44 where an individual has cosigned such loans, the report shall
45 indicate the occupation of the individual and the name and mailing
46 address of the individual's employer. The report shall also contain
47 the name and address of each person, firm or organization to whom
48 expenditures have been paid and the amount and purpose of each

1 such expenditure. The treasurer of the continuing political
2 committee reporting shall certify to the correctness of each
3 cumulative quarterly report.

4 Each continuing political committee shall provide immediate
5 written notification to each candidate of all expenditures made or
6 authorized on behalf of the candidate.

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

28 A continuing political committee which ceases making
29 contributions toward the aiding or promoting of the candidacy of an
30 individual, or of the candidacies of individuals, for elective public
31 office in this State or the passage or defeat of a public question or
32 public questions in this State shall certify that fact in writing to the
33 commission, and that certification shall be accompanied by a final
34 accounting of any fund relating to such aiding or promoting
35 including the final disposition of any balance in such fund at the
36 time of dissolution. Until that certification has been filed, the
37 committee shall continue to file the quarterly reports as provided
38 under this subsection.

39 c. Each political party committee and each legislative
40 leadership committee shall file with the Election Law Enforcement
41 Commission, not later than April 15, July 15, October 15 and
42 January 15 of each calendar year, a cumulative quarterly report of
43 all moneys, loans, paid personal services or other things of value
44 contributed to it during the period ending on the 15th day preceding
45 that date and commencing on January 1 of that calendar year or, in
46 the case of the cumulative quarterly report to be filed not later than
47 January 15, of the previous calendar year, and all expenditures
48 made, incurred, or authorized by it during the period, whether or not

1 such expenditures were made, incurred or authorized in furtherance
2 of the election or defeat of any candidate, or in aid of the passage or
3 defeat of any public question or to provide information on any
4 candidate or public question.

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

22 **【If】** d. (1) Each independent expenditure committee shall file
23 with the Election Law Enforcement Commission, not later than
24 April 15, July 15, October 15 and January 15 of each calendar year,
25 a cumulative quarterly report, upon a form prescribed by the
26 Election Law Enforcement Commission, of all contributions
27 received in excess of \$10,000 in the form of moneys, loans, paid
28 personal services, or other things of value made to it, and of all
29 expenditures in excess of \$3,000 made, incurred, or authorized by it
30 in influencing or attempting to influence the outcome of any
31 election or the nomination, election, or defeat of any person to State
32 or local elective public office or the passage or defeat of any public
33 question, legislation, or regulation, or in providing political
34 information on any candidate or public question, legislation, or
35 regulation, during the period ending 48 hours preceding the date of
36 the report and beginning on the date on which the first of those
37 contributions was received or the first of those expenditures was
38 made, whichever occurred first. The quarterly report, except as
39 hereinafter provided, shall contain the name and mailing address of
40 each person or group from whom moneys, loans, paid personal
41 services or other things of value have been contributed since 48
42 hours preceding the date on which such previous report was made
43 and the amount contributed by each person or group in excess of
44 \$10,000, and when the contributor is an individual, the report shall
45 indicate the occupation of the individual and the name and mailing
46 address of the individual's employer. In the case of any loan
47 reported pursuant to this subsection, the report shall contain the
48 name and mailing address of each person who has cosigned such

1 loan since 48 hours preceding the date on which the previous such
2 report was made, and when an individual has cosigned such loans,
3 the report shall indicate the occupation of the individual and the
4 name and mailing address of the individual's employer. The
5 quarterly report shall also contain the name and address of each
6 person, firm, or organization to whom expenditures have been paid
7 since 48 hours preceding the date on which the previous such report
8 was made and the amount and purpose of each such expenditure.

9 (2) An independent expenditure committee shall disclose all
10 expenditures made by it in excess of \$3,000, including, but not
11 limited to, for electioneering communications, voter registration,
12 get-out-the-vote efforts, polling, and research. The disclosures
13 required by this paragraph shall be reported to the Election Law
14 Enforcement Commission on the same schedule as required for
15 continuing political committees pursuant to this section.

16 The treasurer of the reporting independent expenditure
17 committee shall certify the correctness of each report and shall
18 maintain all records of contributions and expenditures for a period
19 of not less than four years.

20 The \$10,000 contribution amount and the \$3,000 expenditure
21 amount established in this subsection shall remain as stated in this
22 subsection without further adjustment by the commission pursuant
23 to section 22 of P.L.1993, c.65 (C.19:44A-7.2).

24 e. When a political party committee [or a], legislative
25 leadership committee [submitting cumulative quarterly reports as
26 provided under this subsection] or independent expenditure
27 committee receives a contribution from a single source of more than
28 \$500 after the final day of a quarterly reporting period and on or
29 before a primary, general, municipal, school, or special election
30 which occurs after that final day but prior to the final day of the
31 next reporting period it shall, in writing or by [telegram] electronic
32 transmission, report that contribution to the commission within 48
33 hours of the receipt thereof, including in that report the amount and
34 date of the contribution; the name and mailing address of the
35 contributor; and where the contributor is an individual, the
36 individual's occupation and the name and mailing address of the
37 individual's employer. [If] When a political party committee
38 [or a], legislative leadership committee [submitting cumulative
39 quarterly reports as provided under this subsection] , or an
40 independent expenditure committee makes or authorizes an
41 expenditure of money or other thing of value in excess of \$800, or
42 incurs any obligation therefor, to support or defeat a candidate in an
43 election, or to aid the passage or defeat of any public question, or to
44 aid the passage or defeat of legislation or regulation in the case of
45 an independent expenditure committee, after March 31 and on or
46 before the day of the primary election, or after September 30 and on
47 or before the day of the general election, it shall, in writing or by

1 **【telegram】** electronic transmission, report that expenditure to the
2 commission within 48 hours of the making, authorizing or incurring
3 thereof.

4 **【d.】** f. In any report filed pursuant to the provisions of this
5 section the organization or committee reporting may exclude from
6 the report the name of and other information relating to any
7 contributor whose contributions during the period covered by the
8 report did not exceed \$300, provided, however, that (1) such
9 exclusion is unlawful if any person responsible for the preparation
10 or filing of the report knew that it was made with respect to any
11 person whose contributions relating to the same election or issue
12 and made to the reporting organization or committee aggregate, in
13 combination with the contribution in respect of which such
14 exclusion is made, more than \$300 and (2) any person who
15 knowingly prepares, assists in preparing, files or acquiesces in the
16 filing of any report from which the identification of a contributor
17 has been excluded contrary to the provisions of this section is
18 subject to the provisions of section 21 of **【this act】** P.L.1973, c.83
19 (C.19:44A-21), but (3) nothing in this proviso shall be construed as
20 requiring any committee or organization reporting pursuant to this
21 act to report the amounts, dates or other circumstantial data
22 regarding contributions made to any other organization or political
23 committee, political party committee or campaign organization of a
24 candidate.

25 g. Any report filed pursuant to the provisions of this section
26 shall include an itemized accounting of all receipts and
27 expenditures relative to any testimonial affairs held since the date
28 of the most recent report filed, which accounting shall include the
29 name and mailing address of each contributor in excess of \$300 to
30 such testimonial affair and the amount contributed by each; in the
31 case of an individual contributor, the occupation of the individual
32 and the name and mailing address of the individual's employer; the
33 expenses incurred; and the disposition of the proceeds of such
34 testimonial affair.

35 The \$300 limit established in this subsection shall remain as
36 stated in this subsection without further adjustment by the
37 commission in the manner prescribed by section 22 of P.L.1993,
38 c.65 (C.19:44A-7.2).

39 (cf: P.L.2004, c.33, s.1)

40

41 3. Section 21 of P.L.1993, c.65 (C.19:44A-8.1) is amended to
42 read as follows:

43 21. a. Each political committee, as defined in subsection i. of
44 section 3 of P.L.1973, c.83 (C.19:44A-3), which aids or promotes
45 the nomination for election or the election of a candidate or the
46 passage or defeat of a public question, each independent
47 expenditure committee, as defined in subsection t. of section 3 of
48 P.L.1973, c.83 (C.19:44A-3), each continuing political committee

1 as defined in subsection n. of section 3 of P.L.1973, c.83, and each
2 legislative leadership committee as defined in subsection s. of
3 section 3 of P.L.1973, c.83, shall submit to the commission a
4 statement of registration which includes:

5 (1) the complete name or identifying title of the committee and
6 the general category of entity or entities, including but not limited
7 to business organizations, labor organizations, professional or trade
8 associations, candidate for or holder of public office, political party,
9 ideological grouping or civic association, the interests of which are
10 shared by the leadership, members, or financial supporters of the
11 committee;

12 (2) the mailing address of the committee and the name and
13 resident address of a resident of this State who shall have been
14 designated by the committee as its agent to accept service of
15 process; and

16 (3) a descriptive statement prepared by the organizers or officers
17 of the committee that identifies (a) the names and mailing addresses
18 of the persons having control over the affairs of the committee,
19 including but not limited to persons in whose name or at whose
20 direction or suggestion the committee solicits funds, and persons
21 participating in any decision to make a contribution of such funds to
22 any candidate, political committee or continuing political
23 committee and, in the case of an independent expenditure
24 committee, any decision to expend funds for the purpose of
25 influencing or attempting to influence the outcome of any election
26 or the nomination, election, or defeat of any person to State or local
27 elective public office or the passage or defeat of any public
28 question, legislation, or regulation, or in providing political
29 information on any candidate or public question, legislation, or
30 regulation; (b) the name and mailing address of any person not
31 included among the persons identified under subparagraph (a) of
32 this paragraph who, directly or through an agent, participated in the
33 initial organization of the committee; (c) in the case of any person
34 identified under subparagraph (a) or subparagraph (b) who is an
35 individual, the occupation of that individual, the individual's home
36 address, and the name and mailing address of the individual's
37 employer, or, in the case of any such person which is a corporation,
38 partnership, unincorporated association, or other organization, the
39 name and mailing address of the organization; and (d) any other
40 information which the Election Law Enforcement Commission may,
41 under such regulations as it shall adopt pursuant to the provisions of
42 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
43 seq.), require as being material to the fullest possible disclosure of
44 the economic, political and other particular interests and objectives
45 which the committee has been organized to or does advance. The
46 commission shall be informed, in writing, of any change in the
47 information required by this paragraph within three days of the
48 occurrence of the change. Legislative leadership committees shall

1 be exempt from the requirements of subparagraphs (a), (b) and (c)
2 of this paragraph.

3 b. After submission of a statement of registration to the
4 commission pursuant to this section, the committee shall use the
5 complete name or identifying title on all documents submitted to
6 the commission, in all solicitations for contributions, in all paid
7 media advertisements purchased or paid for by the committee in
8 support of or in opposition to any candidate or public question, and
9 in all contributions made by the committee to candidates or other
10 committees and, in the case of an independent expenditure
11 committee, any decision to expend funds for the purpose of
12 influencing or attempting to influence the outcome of any election
13 or the selection, nomination, election, or defeat of any person to
14 State or local elective public office or the passage or defeat of any
15 public question, legislation, or regulation, or in providing political
16 information on any candidate or public question, legislation, or
17 regulation.

18 c. Each report of contributions under section 8 of P.L.1973,
19 c.83 (C.19:44A-8) by a political committee, continuing political
20 committee, independent expenditure committee, or legislative
21 leadership committee required under subsection a. of this section to
22 submit a statement of registration shall include, in the case of each
23 contributor who is an individual, the home address of the individual
24 if different from the individual's mailing address, or, in the case of
25 any contributor which is an organization, any information, in
26 addition to that otherwise required, which the Election Law
27 Enforcement Commission may, under such regulations as it shall
28 adopt pursuant to the provisions of the "Administrative Procedure
29 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), require as being
30 material to the fullest possible disclosure of the economic, political
31 and other particular interests and objectives which the contributing
32 organization has been organized to or does advance.

33 d. Any political committee, continuing political committee,
34 independent expenditure committee, or legislative leadership
35 committee may at any time apply to the commission for approval of
36 an abbreviation or acronym of its complete, official name or title for
37 its exclusive use on documents which it shall submit to the
38 commission. Upon verification that the abbreviation or acronym
39 has not been approved for such use by any other political
40 committee, continuing political committee, independent expenditure
41 committee, or legislative leadership committee, the commission
42 shall approve the abbreviation or acronym for such use by the
43 applicant committee, and the committee, and any individual,
44 corporation, partnership, membership organization or incorporated
45 or unincorporated association which, under the provisions of
46 P.L.1973, c.83 (C.19:44A-1 et al.), submits any documents to the
47 commission containing a reference to that committee, shall
48 thereafter use that approved abbreviation or acronym in documents

1 submitted to the commission. The commission shall, during its
2 regular office hours, maintain for public inspection in its offices a
3 current alphabetically arranged list of all such approved
4 abbreviations and acronyms, indicating for each the name of the
5 committee for which it stands, and shall make copies of the list
6 available upon request.

7 e. No foreign national, government, instrumentality, or agent may
8 register as an independent expenditure committee for the purpose of
9 making independent expenditures in any State or local election.
10 (cf: P.L.1993, c.65, s.21)

11

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

14 10. Each political party committee shall, on or before July 1 in
15 each year, designate a single organizational treasurer and an
16 organizational depository and shall, not later than the tenth day after
17 the designation of the organizational depository file the name and
18 address of that depository, and of the organizational treasurer, with
19 the Election Law Enforcement Commission.

20 Every political committee may designate a chairman of the
21 committee, but no person serving as the chairman of a political
22 party committee or a legislative leadership committee shall be
23 eligible to be appointed or to serve as the chairman of a political
24 committee. Every political committee shall, not later than the date
25 on which it first receives any contribution or makes or incurs any
26 expenditure in the furtherance or aid of the election or defeat of any
27 candidate or the passage or defeat of any public question, appoint a
28 single campaign treasurer and designate a campaign depository, but
29 no person serving as the chairman of a political party committee or
30 a legislative leadership committee shall be eligible to be appointed
31 or to serve as the campaign treasurer of a political committee. Not
32 later than the tenth day after the initial designation of the campaign
33 depository, the committee shall file the name and address of the
34 depository, and of the campaign treasurer, with the Election Law
35 Enforcement Commission.

36 Every independent expenditure committee may designate a
37 chairman of the committee, but no person serving as the chairman
38 of a political party committee or a legislative leadership committee
39 shall be eligible to be appointed or to serve as the chairman of an
40 independent expenditure committee. No candidate or holder of
41 public office, directly or indirectly, shall establish, authorize the
42 establishment of, maintain, or participate in the management or
43 control of any independent expenditure committee. Every
44 independent expenditure committee, not later than the date on
45 which it first receives any contribution or makes or incurs any
46 expenditure for the purpose of influencing or attempting to
47 influence the outcome of any election or the nomination, election,
48 or defeat of any person to State or local elective public office or the

1 passage or defeat of any public question, legislation, or regulation,
2 or providing political information on any candidate or public
3 question, legislation, or regulation, shall appoint a single
4 organizational treasurer and designate an organizational depository,
5 but no person serving as the chairman of a political party committee
6 or a legislative leadership committee shall be eligible to be
7 appointed or to serve as the organizational treasurer of an
8 independent expenditure committee. Not later than the 10th day
9 after the initial designation of the organizational depository, the
10 committee shall file the name and address of the depository, and of
11 the organizational treasurer, with the Election Law Enforcement
12 Commission.

13 Every continuing political committee shall, not later than the
14 date on which it first receives any contribution or makes or incurs
15 any expenditure in the furtherance or aid of the election or defeat of
16 any candidate or the passage or defeat of any public question,
17 appoint a single organizational treasurer and designate an
18 organizational depository, provided that no person who is the
19 chairman of a political party committee or a legislative leadership
20 committee shall be eligible to be appointed or to serve as the
21 organizational treasurer of a continuing political committee. Not
22 later than the tenth day after the initial designation of the
23 organizational depository, the committee shall file the name and
24 address of the depository, and of the organizational treasurer, with
25 the Election Law Enforcement Commission.

26 Every legislative leadership committee shall, not later than the
27 date on which it first receives any contribution or makes or incurs
28 any expenditure in the furtherance or aid of the election or defeat of
29 any candidate or the passage or defeat of any public question,
30 appoint a single organizational treasurer and designate an
31 organizational depository. Not later than the tenth day after the
32 initial designation of the organizational depository, the committee
33 shall file the name and address of the depository, and of the
34 organizational treasurer, with the Election Law Enforcement
35 Commission.

36 Each organizational treasurer of a State political party committee
37 or a legislative leadership committee shall be a trained treasurer,
38 pursuant to subsection g. of section 6 of P.L.1973, c.83 (C.19:44A-
39 6), or shall acquire such training within 90 days of appointment as
40 an organizational treasurer. An organizational treasurer of any
41 other political party committee or a continuing political committee
42 or an independent expenditure committee and a campaign treasurer
43 of a political committee may be a trained treasurer.

44 An organizational treasurer of a political party committee, a
45 continuing political committee, an independent expenditure
46 committee, or a legislative leadership committee and a campaign
47 treasurer of a political committee may appoint deputy
48 organizational or campaign treasurers as may be required and may

1 designate additional organizational or campaign depositories. Such
2 committees shall file the names and addresses of such deputy
3 treasurers and additional depositories with the Election Law
4 Enforcement Commission not later than the fifth day after their
5 appointment or designation, respectively.

6 Any political party committee, any political committee, any
7 independent expenditure committee, any continuing political
8 committee, and any legislative leadership committee may remove
9 its organizational or campaign treasurer or deputy treasurer. In the
10 case of the death, resignation or removal of its organizational or
11 campaign treasurer, the committee shall appoint a successor as soon
12 as practicable and shall file his name and address with the Election
13 Law Enforcement Commission within three days.

14 (cf: P.L.2004, c.22, s.3)

15

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

18 11. No contribution of money or other thing of value, nor
19 obligation therefor, including but not limited to contributions, loans
20 or obligations of a candidate himself or of his family, shall be made
21 or received, and no expenditure of money or other thing of value,
22 nor obligation therefor, including expenditures, loans or obligations
23 of a candidate himself or of his family, shall be made or incurred,
24 directly or indirectly, to support or defeat a candidate in any
25 election, or to aid the passage or defeat of any public question, or to
26 aid the passage or defeat of legislation or regulation in the case of an
27 independent expenditure committee, except through:

28 a. The duly appointed campaign treasurer or deputy campaign
29 treasurers of the candidate committee or joint candidates
30 committee;

31 b. The duly appointed organizational treasurer or deputy
32 organizational treasurers of a political party committee or a
33 continuing political committee;

34 c. The duly appointed campaign treasurer or deputy campaign
35 treasurers of a political committee; **[or]**

36 d. The duly appointed organizational treasurer or deputy
37 organizational treasurer of a legislative leadership committee; or

38 e. The duly appointed organizational treasurer or deputy
39 organizational treasurer of an independent expenditure committee.

40 It shall be lawful, however, for any person, not acting in concert
41 with any other person or group, to expend personally from his own
42 funds a sum which is not to be repaid to him for any purpose not
43 prohibited by law, or to contribute his own personal services and
44 personal traveling expenses, to support or defeat a candidate or to
45 aid the passage or defeat of a public question; provided, however,
46 that any person making such expenditure shall be required to report
47 his or her name and mailing address and the amount of all such
48 expenditures and expenses, except personal traveling expenses, if

1 the total of the money so expended, exclusive of such traveling
2 expenses, exceeds \$500, and also, where the person is an individual,
3 to report the individual's occupation and the name and mailing
4 address of the individual's employer, to the Election Law
5 Enforcement Commission at the same time and in the same manner
6 as a political committee subject to the provisions of section 8 of
7 **【this act】** P.L.1973, c.83 (C.19:44A-8). Such expenditure made
8 during the period between the 13th day prior to the election and the
9 date of the election shall be filed in writing or by telegram within
10 48 hours of the making, incurring or authorization of the
11 expenditure and shall set forth the name and mailing address of the
12 person, firm or organization to whom or which the expenditure was
13 paid and the amount and purpose of the expenditure.

14 No contribution of money shall be made in currency, except
15 contributions in response to a public solicitation, provided that
16 cumulative currency contributions of up to \$200 may be made to a
17 candidate committee or joint candidates committee, a political
18 committee, a continuing political committee, an independent
19 expenditure committee, a legislative leadership committee or a
20 political party committee if the contributor submits with the
21 currency contribution a written statement of a form as prescribed by
22 the commission, indicating the contributor's name, mailing address
23 and occupation and the amount of the contribution, including the
24 contributor's signature and the name and mailing address of the
25 contributor's employer. Adjustments to the \$200 limit established in
26 this paragraph which have been made by the Election Law
27 Enforcement Commission, pursuant to section 22 of P.L.1993, c.65
28 (C.19:44A-7.2), prior to the effective date of P.L.2004, c.28 are
29 rescinded. The \$200 limit established in this paragraph shall remain
30 as stated in this paragraph without further adjustment by the
31 commission in the manner prescribed by section 22 of P.L.1993,
32 c.65 (C.19:44A-7.2).

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

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

48 (cf: P.L.2004, c.33, s.2)

1 6. Section 12 of P.L.1973, c.83 (C.19:44A-12) is amended to
2 read as follows:

3 12. An organizational or campaign treasurer or deputy
4 organizational or campaign treasurer of a candidate committee or
5 joint candidates committee, a political committee, a continuing
6 political committee, an independent expenditure committee, a
7 political party committee or a legislative leadership committee shall
8 make a written record of all funds which he receives as
9 contributions to the candidate committee, joint candidates
10 committee, political committee, continuing political committee,
11 independent expenditure committee, political party committee or
12 legislative leadership committee, including in that record the name
13 and mailing address of the contributor, the amount and date of the
14 contribution, and where the contributor is an individual, the
15 occupation of the individual and the name and mailing address of
16 the individual's employer. The organizational or campaign treasurer
17 shall retain that record for a period of not less than four years. All
18 funds so received shall be deposited by the campaign or
19 organizational treasurer or deputy campaign or organizational
20 treasurer in a campaign depository of the candidate committee or
21 joint candidates committee, the continuing political committee,
22 political committee, independent expenditure committee, political
23 party committee or legislative leadership committee no later than
24 the tenth calendar day following receipt of such funds; except that
25 any such treasurer or deputy treasurer may, when authorized by the
26 candidate, candidates or committee of which he is the campaign or
27 organizational treasurer or deputy campaign or organizational
28 treasurer, transfer any such funds to the duly designated campaign
29 or organizational treasurer or deputy campaign or organizational
30 treasurer of another candidate or committee, for inclusion in the
31 campaign depository thereof, without first so depositing them;
32 provided, however, that the amount so transferred shall not be in
33 excess of the amount that may be contributed by one candidate to
34 another candidate in an election pursuant to section 18 of P.L.1993,
35 c.65 (C.19:44A-11.3), but this proviso shall not be construed to
36 prohibit a county or municipal committee of a political party from
37 making a contribution or contributions, or from transferring funds
38 as hereinabove authorized, to any candidate, candidate committee,
39 joint candidates committee, political committee, continuing political
40 committee, independent expenditure committee, political party
41 committee, or legislative leadership committee. A record of all
42 nondeposited funds so transferred shall be attached to the statement
43 required under this section, identifying them as to source and
44 amount in the same manner as deposited funds.

45 (cf: P.L.1995, c.178, s.1)

46

47 7. Section 18 of P.L.1973, c.83 (C.19:44A-18) is amended to
48 read as follows:

1 18. If any former candidate or any political committee or any
2 person or association of persons in behalf of such political
3 committee or former candidate shall receive any contributions or
4 make any expenditures with relation to any election after the date
5 set in section 16 of **[this act]** P.L.1973, c.83 (C.19:44A-16) for the
6 final report subsequent to such election, or shall conduct any
7 testimonial affair or public solicitation for the purpose of raising
8 funds to cover any part of the expenses of a candidate **[or]**,
9 political committee, independent expenditure committee, or other
10 organization in such election, all such contributions, expenditures,
11 testimonial affairs or public solicitations shall be reported to the
12 Election Law Enforcement Commission by the person or persons
13 receiving such contributions or making such expenditures or
14 conducting such testimonial affairs or public solicitations. Such
15 report shall be made by any person receiving any such contribution
16 or contributions, or making any such expenditure or expenditures,
17 which in the aggregate total more than \$100.00, or conducting any
18 testimonial affair or public solicitation of which the net proceeds
19 exceed \$100.00; and shall be made within 20 days from the date
20 upon which the aggregate of such contributions, expenditures or
21 proceeds exceed \$100.00 for the period commencing with the 19th
22 day following such election or with the date upon which any
23 previous report was made pursuant to this section, whichever is
24 sooner. Such report shall be made in the same form and shall
25 contain the same detail prescribed for any other report made
26 pursuant to section 8 or 16 of **[this act]** P.L.1973, c.83 (C.19:44A-8
27 or C.19:44A-16).

28 (cf: P.L.1983, c.579, s.17)

29
30 8. Section 19 of P.L.1973, c.83 (C.19:44A-19) is amended to
31 read as follows:

32 19. a. No person shall conduct any public solicitation as defined
33 in this act except (1) upon written authorization of the campaign or
34 organizational treasurer of the candidate committee or joint
35 candidates committee, political committee, continuing political
36 committee, political party committee, independent expenditure
37 committee, or legislative leadership committee on whose behalf
38 such solicitation is conducted, or (2) in accordance with the
39 provisions of subsection c. of this section. A person with such
40 written authorization may employ and accept the services of others
41 as solicitors, and shall be responsible for reporting to the treasurer
42 the information required under subsection b. of this section and for
43 delivery to the treasurer the net proceeds of such solicitation in
44 compliance with section 11 of **[this act]** P.L.1973, c.83 (C.19:44A-
45 11). A contribution made through donation or purchase in response
46 to a public solicitation conducted pursuant to written authorization
47 of a treasurer shall be deemed to have been made through such
48 treasurer.

1 b. Whenever a public solicitation has been authorized by a
2 treasurer during a period covered by a report required to be filed
3 under sections 8 and 16 of **[this act]** P.L.1973, c.83 (C.19:44A-8
4 and C.19:44A-16), there shall be filed with such report and as a part
5 thereof an itemized report on any such solicitation of which the net
6 proceeds exceed \$200, in such form and detail as required by the
7 rules of the Election Law Enforcement Commission, which report
8 shall include:

9 (1) The name and mailing address of the person authorized to
10 conduct such solicitation, the method of solicitation and, where the
11 person is an individual, the occupation of the individual and the
12 name and mailing address of the individual's employer;

13 (2) The gross receipts and expenses involved in the solicitation
14 including the actual amount paid for any items purchased for resale
15 in connection with the solicitation, or, if such items or any portion
16 of the cost thereof was donated, the estimated actual value thereof
17 and the actual amount paid therefor, and the names and addresses of
18 any such donors. If it is not practicable for such itemized report to
19 be completed in time to be included with the report due under
20 sections 8 and 16 of **[this act]** P.L.1973, c.83 (C.19:44A-8 and
21 C.19:44A-16) for the period during which such solicitation was
22 held, then such itemized report may be omitted from said report and
23 if so omitted shall be included in the report for the next succeeding
24 period.

25 Adjustments to the \$200 limit established in this subsection
26 which have been made by the Election Law Enforcement
27 Commission, pursuant to section 22 of P.L.1993, c.65 (C.19:44A-
28 7.2), prior to the effective date of P.L.2004, c.28 are rescinded. The
29 \$200 limit established in this subsection shall remain as stated in
30 this subsection without further adjustment by the commission in the
31 manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2).

32 c. Notwithstanding the provisions of subsection b. of this
33 section, it shall be lawful for any natural person, not acting in
34 concert with any other person or group, to make personally a public
35 solicitation the entire proceeds of which, without deduction for the
36 expenses of solicitation, are to be expended by him personally or
37 under his personal direction to finance any lawful activity in
38 support of or opposition to any candidate or public question or to
39 provide political information on any candidate or public question or
40 to seek to influence the content, introduction, passage or defeat of
41 legislation; provided, however, that any individual making such
42 solicitation who receives gross contributions exceeding \$200 in
43 respect to activities relating to any one election shall be required to
44 make a report stating (1) the amount so collected, (2) the method of
45 solicitation, (3) the purpose or purposes for which the funds so
46 collected were expended and the amount expended for each such
47 purpose and (4) the individual's name and mailing address, the
48 individual's occupation and the name and mailing address of the

1 individual's employer. Adjustments to the \$200 limit established in
2 this subsection which have been made by the Election Law
3 Enforcement Commission, pursuant to section 22 of P.L.1993, c.65
4 (C.19:44A-7.2), prior to the effective date of P.L.2004, c.28 are
5 rescinded. The \$200 limit established in this subsection shall
6 remain as stated in this subsection without further adjustment by the
7 commission in the manner prescribed by section 22 of P.L.1993,
8 c.65 (C.19:44A-7.2).

9 Such report shall be made to the Election Law Enforcement
10 Commission at the same time and in the same manner as a political
11 committee, continuing political committee, political party
12 committee, independent expenditure committee, or a legislative
13 leadership committee subject to the provisions of section 8 of **[this**
14 **act]** P.L.1973, c.83 (C.19:44A-8).

15 d. Contributions or purchases made in response to a public
16 solicitation conducted in conformity with the requirements and
17 conditions of **[this act]** P.L.1973, c.83 (C.19:44A-1 et seq.) shall
18 not be deemed anonymous within the meaning of sections 11 and 20
19 of **[this]** the act.

20 e. No person contributing in good faith to a public solicitation
21 not duly authorized in compliance with the provisions of **[this act]**
22 P.L.1973, c.83 (C.19:44A-1 et seq.) shall be liable to any penalty
23 under **[this]** the act by reason of having made such contribution.
24 (cf: P.L.2004, c.28, s.6)

25
26 9. Section 20 of P.L.1973, c.83 (C.19:44A-20) is amended to
27 read as follows:

28 20. No contribution of money or other thing of value, nor
29 obligation therefor, shall be made, and no expenditure of money or
30 other thing of value, nor obligation therefor, shall be made or
31 incurred whether anonymously, in a fictitious name, or by one
32 person or group in the name of another, to support or defeat a
33 candidate in an election or to aid the passage or defeat of any public
34 question or to provide political information on any candidate or
35 public question or to seek to influence the content, introduction,
36 passage or defeat of legislation.

37 No individual, either alone or jointly with one or more other
38 individuals, and no corporation, partnership, membership
39 organization or other incorporated or unincorporated association
40 shall loan or advance to any individual, group of individuals,
41 corporation, partnership, membership organization or other
42 incorporated or unincorporated association any money or other
43 thing of value expressly for the purpose of inducing the recipient
44 thereof, or any other individual, group, corporation, partnership,
45 organization or association, to make a contribution, either directly
46 or indirectly, of money or other thing of value to a candidate or the
47 candidate committee or joint candidates committee of a candidate.

1 No person shall contribute, or purport to contribute, to any
2 candidate, candidate committee or joint candidates committee,
3 political committee, continuing political committee, independent
4 expenditure committee, political party committee or legislative
5 leadership committee funds or property which does not actually
6 belong to him and is not in his full custody and control; which has
7 been given or furnished to him by any other person or group for the
8 purpose of making a contribution thereof, except in the case of
9 group contributions by persons who are members of the
10 contributing group; or which has been loaned or advanced expressly
11 for the purpose of inducing the making of a contribution to a
12 candidate, candidate committee or joint candidates committee.

13 No treasurer, candidate or member of a candidate committee,
14 joint candidates committee, political committee, continuing political
15 committee, independent expenditure committee, political party
16 committee or legislative leadership committee shall solicit or
17 knowingly accept, agree to accept or concur in or abet the
18 solicitation or acceptance of any contribution contrary to the
19 provisions of this section.

20 (cf: P.L.1993, c.65, s.11)

21

22 10. Section 2 of P.L.1995, c.391 (C.19:44A-22.3) is amended to
23 read as follows:

24 2. a. Whenever a candidate committee, joint candidates
25 committee, political committee, continuing political committee,
26 independent expenditure committee, political party committee or
27 legislative leadership committee, or any group other than such a
28 committee, or any person makes, incurs or authorizes an expenditure
29 for the purpose of financing a communication aiding or promoting the
30 nomination, election or defeat of any candidate or providing political
31 information on any candidate which is an expenditure that the
32 committee, group or person is required to report to the Election Law
33 Enforcement Commission pursuant to P.L.1973, c.83 (C.19:44A-1 et
34 seq.), the communication shall clearly state the name and business or
35 residence address of the committee, group or person, as that
36 information appears on reports filed with the commission, and that the
37 communication has been financed by that committee, group or person.

38 b. Whenever a candidate committee, joint candidates committee,
39 political committee, continuing political committee, independent
40 expenditure committee, political party committee or legislative
41 leadership committee, or any group other than such a committee, or
42 any person makes, incurs or authorizes an expenditure for the purpose
43 of financing a communication aiding the passage or defeat of any
44 public question or providing political information on any public
45 question, or aiding the passage or defeat of legislation or regulation in
46 the case of an independent expenditure committee, which is an
47 expenditure that the committee, group or person is required to report to
48 the Election Law Enforcement Commission pursuant to P.L.1973, c.83

1 (C.19:44A-1 et seq.), the communication shall clearly state the name
2 and business or residence address of the committee, group or person,
3 as that information appears on reports filed with the commission, and
4 that the communication has been financed by that committee, group or
5 person.

6 c. A communication that is financed by an independent
7 expenditure committee or by any person, not acting in concert with a
8 candidate or any person or committee acting on behalf of a candidate,
9 shall contain a clear and conspicuous statement that the expenditure
10 was not made with the cooperation or prior consent of, or in
11 consultation with or at the request or suggestion of, any such
12 candidate, person or committee.

13 d. Any person who accepts compensation from a committee,
14 group or individual described in subsection a. or b. of this section for
15 the purpose of printing, broadcasting, or otherwise disseminating to
16 the electorate a communication shall require the committee, group, or
17 individual to file a copy of the statement of registration required to be
18 filed with the Election Law Enforcement Commission pursuant to
19 section 21 of P.L.1993, c.65 (C.19:44A-8.1) and shall maintain a
20 record of the transaction which shall include an exact copy of the
21 communication and a statement of the number of copies made or the
22 dates and times that the communication was broadcast or otherwise
23 transmitted, and the name and address of the committee, group or
24 individual paying for the communication. The record shall be
25 maintained on file at the principal office of the person accepting the
26 communication for at least two years and shall be available for public
27 inspection during normal business hours.

28 e. As used in this section, "communication" means a press
29 release, pamphlet, flyer, form letter, sign, billboard, paid advertisement
30 printed in any newspaper or other publication or broadcast on radio or
31 television, or telephone call featuring a recorded message, or any other
32 form of advertising , including Internet and digital advertising,
33 directed to the electorate.

34 f. The provisions of this section shall not be construed to apply to
35 any bona fide news item or editorial contained in any publication of
36 bona fide general circulation.

37 g. (1) A person who violates a provision of this section shall be
38 subject to the civil penalties provided in section 22 of P.L.1973, c.83
39 (C.19:44A-22).

40 (2) A person who, with intent to injure anyone or to conceal
41 wrongdoing, purposely falsifies, conceals or misrepresents information
42 required by this section to be disclosed or maintained on file is guilty
43 of a crime of the fourth degree.

44 h. The Election Law Enforcement Commission shall promulgate
45 rules and regulations pursuant to the "Administrative Procedure Act,"
46 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purpose of this
47 section. The commission may, by regulation, exempt from the
48 provisions of this section small, tangible items of de minimis value

1 which are commonly used in campaigns to convey a political message,
2 including, but not limited to, buttons, combs, and nail files. The
3 commission may also, by regulation, exempt from the provisions of
4 this section advertising space purchased by a candidate committee,
5 joint candidates committee, political committee, continuing political
6 committee, political party committee, legislative leadership committee
7 or other person, in a political program book distributed at a fund-
8 raising event if the financial transaction is otherwise subject to
9 disclosure. An exemption granted by the commission with respect to
10 any item shall not relieve the committee, group or individual making
11 an expenditure therefor from any applicable campaign finance
12 reporting requirements.

13 In addition, the commission shall have the authority to provide, by
14 regulation, that a communication need not include the address of the
15 committee, group or person financing the communication in
16 circumstances where the name of a committee, group or person would
17 be sufficient to identify it from the commission's records.

18 (cf: P.L.2004, c.30, s.1)

19

20 11. (New section) To determine whether a person, candidate
21 committee, joint candidates committee, continuing political
22 committee, or independent expenditure committee has made a
23 coordinated expenditure with any candidate or political party, the
24 Election Law Enforcement Commission shall consider whether the
25 candidate or political party, the candidate committee, or any staff
26 member or agent thereof:

27 a. cooperated with, consented to, authorized, or exercised
28 control over the production or circulation of the communication
29 expenditure;

30 b. requested or suggested that the communication expenditure
31 be made;

32 c. provided information to the person or entity making the
33 communication expenditure with regard to the content, timing,
34 location, mode, intended audience, distribution, or placement of the
35 television, radio, direct mail, or other form of communication;

36 d. discussed or negotiated with the purchaser, creator,
37 producer, or distributor of the communication concerning the
38 content, timing, location, mode, intended audience, distribution, or
39 placement of the communication;

40 e. shared information or held discussions on campaign or
41 media strategy with the person or entity making the communication
42 expenditure or with the purchaser, creator, producer, or distributor
43 of the communication;

44 f. shared its polling or other research with the person or entity
45 making the communication expenditure or whether or not the
46 person or entity making the communication expenditure shared its
47 polling or other research with the candidate, candidate committee,
48 or with any agent of the candidate or candidate committee; or

1 g. engaged in any other activity the Election Law Enforcement
2 Commission determines, by regulation, constitutes a coordinated
3 expenditure.

4
5 12. (New section) If any provision of this act, P.L. , c. (pending
6 before the Legislature as this bill), or the application thereof to any
7 person or circumstance is held invalid, such invalidity shall not affect
8 other provisions or applications which can be given effect without the
9 invalid provisions or applications, and to this end the provisions of this
10 act are declared to be severable.

11
12 13. This act shall take effect on the first date, following
13 enactment, that occurs after July 16, 2019 by which a quarterly
14 report would be required to be filed pursuant to paragraph (1) of
15 subsection d. of section 8 of P.L.1973, c.83 (C.19:44A-8), but the
16 first such report shall not be required to be filed until the next
17 quarterly report filing deadline thereafter as specified in that
18 paragraph and shall include only those reportable items which occur
19 after the effective date of this act.

20
21
22 STATEMENT

23
24 This bill revises “The New Jersey Campaign Contributions and
25 Expenditures Reporting Act” to institute new reporting
26 requirements on certain organizations.

27 The bill requires disclosure by any “independent expenditure
28 committee,” defined as any person organized under section 527 or
29 paragraph (4) of subsection (c) of section 501 of the federal Internal
30 Revenue Code that engages in influencing or attempting to
31 influence the outcome of any election or the nomination, election,
32 or defeat of any person to any State or local elective public office or
33 the passage or defeat of any public question, legislation, or
34 regulation, or in providing political information on any candidate or
35 public question, legislation, or regulation, and raises or expends
36 \$3,000 or more for any such purpose. The bill requires these
37 committees to report contributions in excess of \$10,000 and
38 expenditures in excess of \$3,000 to the Election Law Enforcement
39 Commission (ELEC), and prohibits a candidate or holder of public
40 office from establishing, authorizing the establishment of,
41 maintaining, or participating directly or indirectly, in the
42 management or control of any independent expenditure committee.
43 Under R.S.1:1-2, the term “person” includes corporations,
44 companies, associations, societies, firms, partnerships and joint
45 stock companies as well as individuals.

46 The bill defines “electioneering communication” as any
47 communication made from January 1 of an election year and the
48 date of the election and refers to: 1) a clearly identified candidate

1 for office and promotes or supports a candidate for that office or
2 opposes a candidate for that office, regardless of whether the
3 communication expressly advocates a vote for or against a
4 candidate; or 2) a public question, and promotes or supports the
5 passage or defeat of that question, regardless of whether the
6 communication expressly advocates a vote for or against the
7 passage of the question. The term includes communications
8 published in any newspaper or periodical; or broadcast on radio,
9 television, the Internet or digital media, or any public address
10 system; placed on any billboard, outdoor facility, button, motor
11 vehicle, window display, poster, card, pamphlet, leaflet, flyer, or
12 other circular; or contained in any direct mailing, robotic phone
13 calls, or mass e-mails.

14 The bill defines “independent expenditure” as an expenditure by
15 a person expressly advocating, or the functional equivalent thereof,
16 the election or defeat of: 1) a clearly identified candidate that is not
17 made in concert or cooperation with or at the request or suggestion
18 of the candidate, the candidate’s committee, a political party
19 committee, or an agent thereof; or 2) a public question, legislation,
20 or regulation, that is not made in concert or cooperation with or at
21 the request or suggestion of the sponsors, organizers, or committee
22 supporting or opposing the question, legislation, or regulation, a
23 political party, or agents thereof. The “functional equivalent” of
24 expressly advocating means specific advocacy that can be
25 interpreted by a reasonable person as advocating the election or
26 defeat of a candidate, or the passage or defeat of a public question,
27 legislation, or regulation, taking into account whether the
28 communication involved mentions a candidate, a political party, or
29 a challenger to a candidate, or takes a position on a candidate’s
30 character, qualifications, or fitness for office, or that can be
31 interpreted by a reasonable person as taking a position on the merits
32 of a public question, legislation, or regulation, or taking a position
33 in favor or against the passage or defeat of the public question,
34 legislation, or regulation.

35 The bill codifies the criteria used by ELEC to determine when
36 coordination with a candidate or political party has occurred, and
37 allows ELEC to issue additional criteria by regulation. Under the
38 bill, foreign entities would be prohibited from registering as
39 independent expenditure committees for the purpose of making
40 independent expenditures in any State or local election. The bill
41 explicitly includes Internet and digital advertisement in the
42 definitions of “political information,” “electioneering
43 communication,” and “communication.” It further requires persons
44 who accept compensation from any committee, group, or individual
45 for the placement of communication to be disseminated to the
46 electorate to require such committee, group, or individual to file a
47 copy of their statement of registration they filed with ELEC.

1 Under the bill, independent expenditure committees would file
2 quarterly reports of contributions received in excess of \$10,000 and
3 expenditures made in excess of \$3,000. The bill requires
4 independent expenditure committees to also report within 48 hours
5 any contribution received or expenditure made in excess of \$500
6 and \$800, respectively, when such is received or made after the
7 final day of a quarterly reporting period and on or before an election
8 which occurs after that final day but before the final day of the next
9 reporting period.

10 The provisions of the bill are severable. The bill would take
11 effect on the first date, following enactment, that occurs after July
12 16, 2019 by which a quarterly report would be required to be filed
13 pursuant to N.J.S.A.19:44A-8(d)(1). The bill specifies that the first
14 of those reports will not be required to be filed until the next
15 quarterly report filing deadline as specified in that paragraph and
16 specifies that the report need only include those reportable items
17 which occur after the effective date of the bill.

ASSEMBLY, No. 100

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 10, 2019

Sponsored by:

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblyman Bramnick

SYNOPSIS

Concerns disclosure requirements by independent expenditure committees.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning campaign finance disclosures and limits and
2 amending various parts of the statutory law.

3

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

6

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

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

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

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

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

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

36 e. The term "election" means any election described in section
37 4 of this act.

38 f. The term "paid personal services" means personal, clerical,
39 administrative or professional services of every kind and nature
40 including, without limitation, public relations, research, legal,
41 canvassing, telephone, speech writing or other such services,
42 performed other than on a voluntary basis, the salary, cost or
43 consideration for which is paid, borne or provided by someone
44 other than the committee, candidate or organization for whom such
45 services are rendered. In determining the value, for the purpose of

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

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

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

37 i. The term "political committee" means any two or more
38 persons acting jointly, or any corporation, partnership, or any other
39 incorporated or unincorporated association which is organized to, or
40 does, aid or promote the nomination, election or defeat of any
41 candidate or candidates for public office, or which is organized to,
42 or does, aid or promote the passage or defeat of a public question in
43 any election, if the persons, corporation, partnership or incorporated
44 or unincorporated association raises or expends ~~【\$1,000.00】~~ \$2,400
45 or more to so aid or promote the nomination, election or defeat of a
46 candidate or candidates or the passage or defeat of a public
47 question; provided that for the purposes of this act, the term
48 "political committee" shall not include a "continuing political

1 committee," as defined by subsection n. of this section, a "political
2 party committee," as defined by subsection p. of this section, a
3 "candidate committee," as defined by subsection q. of this section, a
4 "joint candidates committee," as defined by subsection r. of this
5 section **[or]**, a "legislative leadership committee," as defined by
6 subsection s. of this section, or an "independent expenditure
7 committee," as defined by subsection t. of this section.

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

26 k. The term "testimonial affair" means an affair of any kind or
27 nature including, without limitation, cocktail parties, breakfasts,
28 luncheons, dinners, dances, picnics or similar affairs directly or
29 indirectly intended to raise campaign funds in behalf of a person
30 who holds, or who is or was a candidate for nomination or election
31 to a public office in this State, or directly or indirectly intended to
32 raise funds in behalf of any political party committee or in behalf of
33 a political committee, continuing political committee, candidate
34 committee, joint candidates committee, independent expenditure
35 committee, or legislative leadership committee.

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

39 m. The term "qualified candidate" means:

40 (1) Joint candidates for election to the offices of Governor and
41 Lieutenant Governor whose names appear on the general election
42 ballot; who have deposited and expended \$150,000.00 pursuant to
43 section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than
44 September 1 preceding a general election in which the offices of
45 Governor and Lieutenant Governor are to be filled, (a) notify the
46 Election Law Enforcement Commission in writing that the
47 candidates intend that application will be made on the candidates'
48 behalf for monies for general election campaign expenses under

1 subsection b. of section 8 of P.L.1974, c.26 (C.19:44A-33), and (b)
2 sign a statement of agreement, in a form to be prescribed by the
3 commission, to participate in interactive gubernatorial election
4 debates under the provisions of sections 9 through 11 of P.L.1989,
5 c.4 (C.19:44A-45 through C.19:44A-47); or

6 (2) Joint candidates for election to the offices of Governor and
7 Lieutenant Governor whose names do not appear on the general
8 election ballot; who have deposited and expended \$150,000.00
9 pursuant to section 7 of P.L.1974, c.26 (C.19:44A-32); and who,
10 not later than September 1 preceding a general election in which the
11 offices of Governor and Lieutenant Governor are to be filled, (a)
12 notify the Election Law Enforcement Commission in writing that
13 the candidates intend that application will be made on the
14 candidates' behalf for monies for general election campaign
15 expenses under subsection b. of section 8 of P.L.1974, c.26
16 (C.19:44A-33), and (b) sign a statement of agreement, in a form to
17 be prescribed by the commission, to participate in interactive
18 gubernatorial election debates under the provisions of sections 9
19 through 11 of P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47);
20 or

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

36 (4) Any candidate for nomination for election to the office of
37 Governor whose name does not appear on the primary election
38 ballot; who has deposited and expended \$150,000.00 pursuant to
39 section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than
40 the last day for filing petitions to nominate candidates to be voted
41 upon in a primary election for a general election in which the office
42 of Governor is to be filled, (a) notifies the Election Law
43 Enforcement Commission in writing that the candidate intends that
44 application will be made on the candidate's behalf for monies for
45 primary election campaign expenses under subsection a. of section
46 8 of P.L.1974, c.26 (C.19:44A-33), and (b) signs a statement of
47 agreement, in a form to be prescribed by the commission, to
48 participate in two interactive gubernatorial primary debates under

1 the provisions of sections 9 through 11 of P.L.1989, c.4 (C.19:44A-
2 45 through C.19:44A-47).

3 n. The term "continuing political committee" means any group
4 of two or more persons acting jointly, or any corporation,
5 partnership, or any other incorporated or unincorporated
6 association, including a political club, political action committee,
7 civic association or other organization, which in any calendar year
8 contributes or expects to contribute at least ~~【\$2,500.00】~~ \$5,500 to
9 the aid or promotion of the candidacy of an individual, or of the
10 candidacies of individuals, for elective public office, or the passage
11 or defeat of a public question or public questions, and which may be
12 expected to make contributions toward such aid or promotion or
13 passage or defeat during a subsequent election, provided that the
14 group, corporation, partnership, association or other organization
15 has been determined to be a continuing political committee under
16 subsection b. of section 8 of P.L.1973, c.83 (C.19:44A-8); provided
17 that for the purposes of this act, the term "continuing political
18 committee" shall not include a "political party committee," as
19 defined by subsection p. of this section, ~~【or】~~ a "legislative
20 leadership committee," as defined by subsection s. of this section,
21 or an "independent expenditure committee," as defined by
22 subsection t. of this section.

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

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

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

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

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

27 t. The term "independent expenditure committee" means a
28 person organized under section 527 of the federal Internal Revenue
29 Code (26 U.S.C. s.527) or under paragraph (4) of subsection (c) of
30 section 501 of the federal Internal Revenue Code (26 U.S.C. s.501)
31 that does not fall within the definition of any other organization
32 subject to the provisions of P.L.1973, c.83 (C.19:44A-1 et seq.),
33 that engages in influencing or attempting to influence the outcome
34 of any election or the nomination, election, or defeat of any person
35 to any State or local elective public office, or the passage or defeat
36 of any public question, legislation, or regulation, or in providing
37 political information on any candidate or public question,
38 legislation, or regulation, and raises or expends \$3,000 or more in
39 the aggregate for any such purpose annually, but does not
40 coordinate its activities with any candidate or political party as
41 determined by the Election Law Enforcement Commission pursuant
42 to the provisions of section 11 of P.L. , c. (C.) (pending before
43 the Legislature as this bill).

44 u. The term "electioneering communication" means any
45 communication made within the period beginning on January 1 of
46 an election year and the date of the election and refers to: (1) a
47 clearly identified candidate for office and promotes or supports a
48 candidate for that office or opposes a candidate for that office,

1 regardless of whether the communication expressly advocates a
2 vote for or against a candidate; or (2) a public question and
3 promotes or supports the passage or defeat of that question,
4 regardless of whether the communication expressly advocates a
5 vote for or against the passage of the question. The term includes
6 communications published in any newspaper or periodical;
7 broadcast on radio, television, or the Internet or digital media , or
8 any public address system; placed on any billboard, outdoor
9 facility, button, motor vehicle, window display, poster, card,
10 pamphlet, leaflet, flyer, or other circular; or contained in any direct
11 mailing, robotic phone calls, or mass e-mails.

12 v. The term “independent expenditure” means an expenditure
13 by a person expressly advocating, or the functional equivalent
14 thereof, the election or defeat of: (1) a clearly identified candidate
15 that is not made in concert or cooperation with or at the request or
16 suggestion of the candidate, the candidate’s committee, a political
17 party committee, or an agent thereof; or (2) a public question,
18 legislation, or regulation, that is not made in concert or cooperation
19 with or at the request or suggestion of the sponsors, organizers, or
20 committee supporting or opposing the question, legislation, or
21 regulation, a political party, or agents thereof. The “functional
22 equivalent” of expressly advocating means specific advocacy that
23 can be interpreted by a reasonable person as advocating the election
24 or defeat of a candidate, or the passage or defeat of a public
25 question, legislation, or regulation, taking into account whether the
26 communication involved mentions a candidate, a political party, or
27 a challenger to a candidate, or takes a position on a candidate’s
28 character, qualifications, or fitness for office, or that can be
29 interpreted by a reasonable person as taking a position on the merits
30 of a public question, legislation, or regulation, or taking a position
31 in favor or against the passage or defeat of a public question,
32 legislation, or regulation.

33 (cf: P.L.2009, c.66, s.5)

34

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

37 8. a. (1) Each political committee shall make a full cumulative
38 report, upon a form prescribed by the Election Law Enforcement
39 Commission, of all contributions in the form of moneys, loans, paid
40 personal services, or other things of value made to it and all
41 expenditures made, incurred, or authorized by it in furtherance of
42 the nomination, election, or defeat of any candidate, or in aid of the
43 passage or defeat of any public question, or to provide political
44 information on any candidate or public question, during the period
45 ending 48 hours preceding the date of the report and beginning on
46 the date on which the first of those contributions was received or
47 the first of those expenditures was made, whichever occurred first.
48 The cumulative report, except as hereinafter provided, shall contain

1 the name and mailing address of each person or group from whom
2 moneys, loans, paid personal services or other things of value have
3 been contributed since 48 hours preceding the date on which the
4 previous such report was made and the amount contributed by each
5 person or group, and where the contributor is an individual, the
6 report shall indicate the occupation of the individual and the name
7 and mailing address of the individual's employer. In the case of any
8 loan reported pursuant to this subsection, the report shall contain
9 the name and mailing address of each person who has cosigned such
10 loan since 48 hours preceding the date on which the previous such
11 report was made, and where an individual has cosigned such loans,
12 the report shall indicate the occupation of the individual and the
13 name and mailing address of the individual's employer. The
14 cumulative report shall also contain the name and address of each
15 person, firm or organization to whom expenditures have been paid
16 since 48 hours preceding the date on which the previous such report
17 was made and the amount and purpose of each such expenditure.
18 The cumulative report shall be filed with the Election Law
19 Enforcement Commission on the dates designated in section 16
20 hereof.

21 The campaign treasurer of the political committee reporting shall
22 certify to the correctness of each report.

23 Each campaign treasurer of a political committee shall file
24 written notice with the commission of a contribution in excess of
25 \$500 received during the period between the 13th day prior to the
26 election and the date of the election, and of an expenditure of
27 money or other thing of value in excess of \$500 made, incurred or
28 authorized by the political committee to support or defeat a
29 candidate in an election, or to aid the passage or defeat of any
30 public question, during the period between the 13th day prior to the
31 election and the date of the election. The notice of a contribution
32 shall be filed in writing or by **[telegram]** electronic transmission
33 within 48 hours of the receipt of the contribution and shall set forth
34 the amount and date of the contribution, the name and mailing
35 address of the contributor, and where the contributor is an
36 individual, the individual's occupation and the name and mailing
37 address of the individual's employer. The notice of an expenditure
38 shall be filed in writing or by **[telegram]** electronic transmission
39 within 48 hours of the making, incurring or authorization of the
40 expenditure and shall set forth the name and mailing address of the
41 person, firm or organization to whom or which the expenditure was
42 paid and the amount and purpose of the expenditure.

43 (2) When a political committee or an individual seeking party
44 office makes or authorizes an expenditure on behalf of a candidate,
45 it shall provide immediate written notification to the candidate of
46 the expenditure.

47 b. (1) A group of two or more persons acting jointly, or any
48 corporation, partnership, or any other incorporated or

1 unincorporated association including a political club, political
2 action committee, civic association or other organization, which in
3 any calendar year contributes or expects to contribute at least
4 \$2,500.00 to the aid or promotion of the candidacy of an individual,
5 or of the candidacies of individuals, for elective public office or the
6 passage or defeat of a public question or public questions and which
7 expects to make contributions toward such aid or promotion, or
8 toward such passage or defeat, during a subsequent election shall
9 certify that fact to the commission, and the commission, upon
10 receiving that certification and on the basis of any information as it
11 may require of the group, corporation, partnership, association or
12 other organization, shall determine whether the group, corporation,
13 partnership, association or other organization is a continuing
14 political committee for the purposes of this act. If the commission
15 determines that the group, corporation, partnership, association or
16 other organization is a continuing political committee, it shall so
17 notify that continuing political committee.

18 No person serving as the chairman of a political party committee
19 or a legislative leadership committee shall be eligible to be
20 appointed or to serve as the chairman of a continuing political
21 committee.

22 (2) A continuing political committee shall file with the Election
23 Law Enforcement Commission, not later than April 15, July 15,
24 October 15 and January 15 of each calendar year, a cumulative
25 quarterly report of all moneys, loans, paid personal services or other
26 things of value contributed to it during the period ending on the
27 15th day preceding that date and commencing on January 1 of that
28 calendar year or, in the case of the cumulative quarterly report to be
29 filed not later than January 15, of the previous calendar year, and all
30 expenditures made, incurred, or authorized by it during the period,
31 whether or not such expenditures were made, incurred or authorized
32 in furtherance of the election or defeat of any candidate, or in aid of
33 the passage or defeat of any public question or to provide
34 information on any candidate or public question.

35 The cumulative quarterly report shall contain the name and
36 mailing address of each person or group from whom moneys, loans,
37 paid personal services or other things of value have been
38 contributed and the amount contributed by each person or group,
39 and where an individual has made such contributions, the report
40 shall indicate the occupation of the individual and the name and
41 mailing address of the individual's employer. In the case of any
42 loan reported pursuant to this subsection, the report shall contain
43 the name and address of each person who cosigns such loan, and
44 where an individual has cosigned such loans, the report shall
45 indicate the occupation of the individual and the name and mailing
46 address of the individual's employer. The report shall also contain
47 the name and address of each person, firm or organization to whom
48 expenditures have been paid and the amount and purpose of each

1 such expenditure. The treasurer of the continuing political
2 committee reporting shall certify to the correctness of each
3 cumulative quarterly report.

4 Each continuing political committee shall provide immediate
5 written notification to each candidate of all expenditures made or
6 authorized on behalf of the candidate.

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

28 A continuing political committee which ceases making
29 contributions toward the aiding or promoting of the candidacy of an
30 individual, or of the candidacies of individuals, for elective public
31 office in this State or the passage or defeat of a public question or
32 public questions in this State shall certify that fact in writing to the
33 commission, and that certification shall be accompanied by a final
34 accounting of any fund relating to such aiding or promoting
35 including the final disposition of any balance in such fund at the
36 time of dissolution. Until that certification has been filed, the
37 committee shall continue to file the quarterly reports as provided
38 under this subsection.

39 c. Each political party committee and each legislative
40 leadership committee shall file with the Election Law Enforcement
41 Commission, not later than April 15, July 15, October 15 and
42 January 15 of each calendar year, a cumulative quarterly report of
43 all moneys, loans, paid personal services or other things of value
44 contributed to it during the period ending on the 15th day preceding
45 that date and commencing on January 1 of that calendar year or, in
46 the case of the cumulative quarterly report to be filed not later than
47 January 15, of the previous calendar year, and all expenditures
48 made, incurred, or authorized by it during the period, whether or not

1 such expenditures were made, incurred or authorized in furtherance
2 of the election or defeat of any candidate, or in aid of the passage or
3 defeat of any public question or to provide information on any
4 candidate or public question.

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

22 **【If】** d. (1) Each independent expenditure committee shall file
23 with the Election Law Enforcement Commission, not later than
24 April 15, July 15, October 15 and January 15 of each calendar year,
25 a cumulative quarterly report, upon a form prescribed by the
26 Election Law Enforcement Commission, of all contributions
27 received in excess of \$10,000 in the form of moneys, loans, paid
28 personal services, or other things of value made to it, and of all
29 expenditures in excess of \$3,000 made, incurred, or authorized by it
30 in influencing or attempting to influence the outcome of any
31 election or the nomination, election, or defeat of any person to State
32 or local elective public office or the passage or defeat of any public
33 question, legislation, or regulation, or in providing political
34 information on any candidate or public question, legislation, or
35 regulation, during the period ending 48 hours preceding the date of
36 the report and beginning on the date on which the first of those
37 contributions was received or the first of those expenditures was
38 made, whichever occurred first. The quarterly report, except as
39 hereinafter provided, shall contain the name and mailing address of
40 each person or group from whom moneys, loans, paid personal
41 services or other things of value have been contributed since 48
42 hours preceding the date on which such previous report was made
43 and the amount contributed by each person or group in excess of
44 \$10,000, and when the contributor is an individual, the report shall
45 indicate the occupation of the individual and the name and mailing
46 address of the individual's employer. In the case of any loan
47 reported pursuant to this subsection, the report shall contain the
48 name and mailing address of each person who has cosigned such

1 loan since 48 hours preceding the date on which the previous such
2 report was made, and when an individual has cosigned such loans,
3 the report shall indicate the occupation of the individual and the
4 name and mailing address of the individual's employer. The
5 quarterly report shall also contain the name and address of each
6 person, firm, or organization to whom expenditures have been paid
7 since 48 hours preceding the date on which the previous such report
8 was made and the amount and purpose of each such expenditure.

9 (2) An independent expenditure committee shall disclose all
10 expenditures made by it in excess of \$3,000, including, but not
11 limited to, for electioneering communications, voter registration,
12 get-out-the-vote efforts, polling, and research. The disclosures
13 required by this paragraph shall be reported to the Election Law
14 Enforcement Commission on the same schedule as required for
15 continuing political committees pursuant to this section.

16 The treasurer of the reporting independent expenditure
17 committee shall certify the correctness of each report and shall
18 maintain all records of contributions and expenditures for a period
19 of not less than four years.

20 The \$10,000 contribution amount and the \$3,000 expenditure
21 amount established in this subsection shall remain as stated in this
22 subsection without further adjustment by the commission pursuant
23 to section 22 of P.L.1993, c.65 (C.19:44A-7.2).

24 e. When a political party committee [or a], legislative
25 leadership committee [submitting cumulative quarterly reports as
26 provided under this subsection] or independent expenditure
27 committee receives a contribution from a single source of more than
28 \$500 after the final day of a quarterly reporting period and on or
29 before a primary, general, municipal, school, or special election
30 which occurs after that final day but prior to the final day of the
31 next reporting period it shall, in writing or by [telegram] electronic
32 transmission, report that contribution to the commission within 48
33 hours of the receipt thereof, including in that report the amount and
34 date of the contribution; the name and mailing address of the
35 contributor; and where the contributor is an individual, the
36 individual's occupation and the name and mailing address of the
37 individual's employer. [If] When a political party committee
38 [or a], legislative leadership committee [submitting cumulative
39 quarterly reports as provided under this subsection] , or an
40 independent expenditure committee makes or authorizes an
41 expenditure of money or other thing of value in excess of \$800, or
42 incurs any obligation therefor, to support or defeat a candidate in an
43 election, or to aid the passage or defeat of any public question, or to
44 aid the passage or defeat of legislation or regulation in the case of
45 an independent expenditure committee, after March 31 and on or
46 before the day of the primary election, or after September 30 and on
47 or before the day of the general election, it shall, in writing or by

1 **【telegram】** electronic transmission, report that expenditure to the
2 commission within 48 hours of the making, authorizing or incurring
3 thereof.

4 **【d.】** f. In any report filed pursuant to the provisions of this
5 section the organization or committee reporting may exclude from
6 the report the name of and other information relating to any
7 contributor whose contributions during the period covered by the
8 report did not exceed \$300, provided, however, that (1) such
9 exclusion is unlawful if any person responsible for the preparation
10 or filing of the report knew that it was made with respect to any
11 person whose contributions relating to the same election or issue
12 and made to the reporting organization or committee aggregate, in
13 combination with the contribution in respect of which such
14 exclusion is made, more than \$300 and (2) any person who
15 knowingly prepares, assists in preparing, files or acquiesces in the
16 filing of any report from which the identification of a contributor
17 has been excluded contrary to the provisions of this section is
18 subject to the provisions of section 21 of **【this act】** P.L.1973, c.83
19 (C.19:44A-21), but (3) nothing in this proviso shall be construed as
20 requiring any committee or organization reporting pursuant to this
21 act to report the amounts, dates or other circumstantial data
22 regarding contributions made to any other organization or political
23 committee, political party committee or campaign organization of a
24 candidate.

25 g. Any report filed pursuant to the provisions of this section
26 shall include an itemized accounting of all receipts and
27 expenditures relative to any testimonial affairs held since the date
28 of the most recent report filed, which accounting shall include the
29 name and mailing address of each contributor in excess of \$300 to
30 such testimonial affair and the amount contributed by each; in the
31 case of an individual contributor, the occupation of the individual
32 and the name and mailing address of the individual's employer; the
33 expenses incurred; and the disposition of the proceeds of such
34 testimonial affair.

35 The \$300 limit established in this subsection shall remain as
36 stated in this subsection without further adjustment by the
37 commission in the manner prescribed by section 22 of P.L.1993,
38 c.65 (C.19:44A-7.2).

39 (cf: P.L.2004, c.33, s.1)

40

41 3. Section 21 of P.L.1993, c.65 (C.19:44A-8.1) is amended to
42 read as follows:

43 21. a. Each political committee, as defined in subsection i. of
44 section 3 of P.L.1973, c.83 (C.19:44A-3), which aids or promotes
45 the nomination for election or the election of a candidate or the
46 passage or defeat of a public question, each independent
47 expenditure committee, as defined in subsection t. of section 3 of
48 P.L.1973, c.83 (C.19:44A-3), each continuing political committee

1 as defined in subsection n. of section 3 of P.L.1973, c.83, and each
2 legislative leadership committee as defined in subsection s. of
3 section 3 of P.L.1973, c.83, shall submit to the commission a
4 statement of registration which includes:

5 (1) the complete name or identifying title of the committee and
6 the general category of entity or entities, including but not limited
7 to business organizations, labor organizations, professional or trade
8 associations, candidate for or holder of public office, political party,
9 ideological grouping or civic association, the interests of which are
10 shared by the leadership, members, or financial supporters of the
11 committee;

12 (2) the mailing address of the committee and the name and
13 resident address of a resident of this State who shall have been
14 designated by the committee as its agent to accept service of
15 process; and

16 (3) a descriptive statement prepared by the organizers or officers
17 of the committee that identifies (a) the names and mailing addresses
18 of the persons having control over the affairs of the committee,
19 including but not limited to persons in whose name or at whose
20 direction or suggestion the committee solicits funds, and persons
21 participating in any decision to make a contribution of such funds to
22 any candidate, political committee or continuing political
23 committee and, in the case of an independent expenditure
24 committee, any decision to expend funds for the purpose of
25 influencing or attempting to influence the outcome of any election
26 or the nomination, election, or defeat of any person to State or local
27 elective public office or the passage or defeat of any public
28 question, legislation, or regulation, or in providing political
29 information on any candidate or public question, legislation, or
30 regulation; (b) the name and mailing address of any person not
31 included among the persons identified under subparagraph (a) of
32 this paragraph who, directly or through an agent, participated in the
33 initial organization of the committee; (c) in the case of any person
34 identified under subparagraph (a) or subparagraph (b) who is an
35 individual, the occupation of that individual, the individual's home
36 address, and the name and mailing address of the individual's
37 employer, or, in the case of any such person which is a corporation,
38 partnership, unincorporated association, or other organization, the
39 name and mailing address of the organization; and (d) any other
40 information which the Election Law Enforcement Commission may,
41 under such regulations as it shall adopt pursuant to the provisions of
42 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
43 seq.), require as being material to the fullest possible disclosure of
44 the economic, political and other particular interests and objectives
45 which the committee has been organized to or does advance. The
46 commission shall be informed, in writing, of any change in the
47 information required by this paragraph within three days of the
48 occurrence of the change. Legislative leadership committees shall

1 be exempt from the requirements of subparagraphs (a), (b) and (c)
2 of this paragraph.

3 b. After submission of a statement of registration to the
4 commission pursuant to this section, the committee shall use the
5 complete name or identifying title on all documents submitted to
6 the commission, in all solicitations for contributions, in all paid
7 media advertisements purchased or paid for by the committee in
8 support of or in opposition to any candidate or public question, and
9 in all contributions made by the committee to candidates or other
10 committees and, in the case of an independent expenditure
11 committee, any decision to expend funds for the purpose of
12 influencing or attempting to influence the outcome of any election
13 or the selection, nomination, election, or defeat of any person to
14 State or local elective public office or the passage or defeat of any
15 public question, legislation, or regulation, or in providing political
16 information on any candidate or public question, legislation, or
17 regulation.

18 c. Each report of contributions under section 8 of P.L.1973,
19 c.83 (C.19:44A-8) by a political committee, continuing political
20 committee, independent expenditure committee, or legislative
21 leadership committee required under subsection a. of this section to
22 submit a statement of registration shall include, in the case of each
23 contributor who is an individual, the home address of the individual
24 if different from the individual's mailing address, or, in the case of
25 any contributor which is an organization, any information, in
26 addition to that otherwise required, which the Election Law
27 Enforcement Commission may, under such regulations as it shall
28 adopt pursuant to the provisions of the "Administrative Procedure
29 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), require as being
30 material to the fullest possible disclosure of the economic, political
31 and other particular interests and objectives which the contributing
32 organization has been organized to or does advance.

33 d. Any political committee, continuing political committee,
34 independent expenditure committee, or legislative leadership
35 committee may at any time apply to the commission for approval of
36 an abbreviation or acronym of its complete, official name or title for
37 its exclusive use on documents which it shall submit to the
38 commission. Upon verification that the abbreviation or acronym
39 has not been approved for such use by any other political
40 committee, continuing political committee, independent expenditure
41 committee, or legislative leadership committee, the commission
42 shall approve the abbreviation or acronym for such use by the
43 applicant committee, and the committee, and any individual,
44 corporation, partnership, membership organization or incorporated
45 or unincorporated association which, under the provisions of
46 P.L.1973, c.83 (C.19:44A-1 et al.), submits any documents to the
47 commission containing a reference to that committee, shall
48 thereafter use that approved abbreviation or acronym in documents

1 submitted to the commission. The commission shall, during its
2 regular office hours, maintain for public inspection in its offices a
3 current alphabetically arranged list of all such approved
4 abbreviations and acronyms, indicating for each the name of the
5 committee for which it stands, and shall make copies of the list
6 available upon request.

7 e. No foreign national, government, instrumentality, or agent
8 may register as an independent expenditure committee for the purpose
9 of making independent expenditures in any State or local election.
10 (cf: P.L.1993, c.65, s.21)

11

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

14 10. Each political party committee shall, on or before July 1 in
15 each year, designate a single organizational treasurer and an
16 organizational depository and shall, not later than the tenth day after
17 the designation of the organizational depository file the name and
18 address of that depository, and of the organizational treasurer, with
19 the Election Law Enforcement Commission.

20 Every political committee may designate a chairman of the
21 committee, but no person serving as the chairman of a political
22 party committee or a legislative leadership committee shall be
23 eligible to be appointed or to serve as the chairman of a political
24 committee. Every political committee shall, not later than the date
25 on which it first receives any contribution or makes or incurs any
26 expenditure in the furtherance or aid of the election or defeat of any
27 candidate or the passage or defeat of any public question, appoint a
28 single campaign treasurer and designate a campaign depository, but
29 no person serving as the chairman of a political party committee or
30 a legislative leadership committee shall be eligible to be appointed
31 or to serve as the campaign treasurer of a political committee. Not
32 later than the tenth day after the initial designation of the campaign
33 depository, the committee shall file the name and address of the
34 depository, and of the campaign treasurer, with the Election Law
35 Enforcement Commission.

36 Every independent expenditure committee may designate a
37 chairman of the committee, but no person serving as the chairman
38 of a political party committee or a legislative leadership committee
39 shall be eligible to be appointed or to serve as the chairman of an
40 independent expenditure committee. No candidate or holder of
41 public office, directly or indirectly, shall establish, authorize the
42 establishment of, maintain, or participate in the management or
43 control of any independent expenditure committee. Every
44 independent expenditure committee, not later than the date on
45 which it first receives any contribution or makes or incurs any
46 expenditure for the purpose of influencing or attempting to
47 influence the outcome of any election or the nomination, election,
48 or defeat of any person to State or local elective public office or the

1 passage or defeat of any public question, legislation, or regulation,
2 or providing political information on any candidate or public
3 question, legislation, or regulation, shall appoint a single
4 organizational treasurer and designate an organizational depository,
5 but no person serving as the chairman of a political party committee
6 or a legislative leadership committee shall be eligible to be
7 appointed or to serve as the organizational treasurer of an
8 independent expenditure committee. Not later than the 10th day
9 after the initial designation of the organizational depository, the
10 committee shall file the name and address of the depository, and of
11 the organizational treasurer, with the Election Law Enforcement
12 Commission.

13 Every continuing political committee shall, not later than the
14 date on which it first receives any contribution or makes or incurs
15 any expenditure in the furtherance or aid of the election or defeat of
16 any candidate or the passage or defeat of any public question,
17 appoint a single organizational treasurer and designate an
18 organizational depository, provided that no person who is the
19 chairman of a political party committee or a legislative leadership
20 committee shall be eligible to be appointed or to serve as the
21 organizational treasurer of a continuing political committee. Not
22 later than the tenth day after the initial designation of the
23 organizational depository, the committee shall file the name and
24 address of the depository, and of the organizational treasurer, with
25 the Election Law Enforcement Commission.

26 Every legislative leadership committee shall, not later than the
27 date on which it first receives any contribution or makes or incurs
28 any expenditure in the furtherance or aid of the election or defeat of
29 any candidate or the passage or defeat of any public question,
30 appoint a single organizational treasurer and designate an
31 organizational depository. Not later than the tenth day after the
32 initial designation of the organizational depository, the committee
33 shall file the name and address of the depository, and of the
34 organizational treasurer, with the Election Law Enforcement
35 Commission.

36 Each organizational treasurer of a State political party committee
37 or a legislative leadership committee shall be a trained treasurer,
38 pursuant to subsection g. of section 6 of P.L.1973, c.83 (C.19:44A-
39 6), or shall acquire such training within 90 days of appointment as
40 an organizational treasurer. An organizational treasurer of any
41 other political party committee or a continuing political committee
42 or an independent expenditure committee and a campaign treasurer
43 of a political committee may be a trained treasurer.

44 An organizational treasurer of a political party committee, a
45 continuing political committee, an independent expenditure
46 committee, or a legislative leadership committee and a campaign
47 treasurer of a political committee may appoint deputy
48 organizational or campaign treasurers as may be required and may

1 designate additional organizational or campaign depositories. Such
2 committees shall file the names and addresses of such deputy
3 treasurers and additional depositories with the Election Law
4 Enforcement Commission not later than the fifth day after their
5 appointment or designation, respectively.

6 Any political party committee, any political committee, any
7 independent expenditure committee, any continuing political
8 committee, and any legislative leadership committee may remove
9 its organizational or campaign treasurer or deputy treasurer. In the
10 case of the death, resignation or removal of its organizational or
11 campaign treasurer, the committee shall appoint a successor as soon
12 as practicable and shall file his name and address with the Election
13 Law Enforcement Commission within three days.

14 (cf: P.L.2004, c.22, s.3)

15

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

18 11. No contribution of money or other thing of value, nor
19 obligation therefor, including but not limited to contributions, loans
20 or obligations of a candidate himself or of his family, shall be made
21 or received, and no expenditure of money or other thing of value,
22 nor obligation therefor, including expenditures, loans or obligations
23 of a candidate himself or of his family, shall be made or incurred,
24 directly or indirectly, to support or defeat a candidate in any
25 election, or to aid the passage or defeat of any public question, or to
26 aid the passage or defeat of legislation or regulation in the case of an
27 independent expenditure committee, except through:

28 a. The duly appointed campaign treasurer or deputy campaign
29 treasurers of the candidate committee or joint candidates
30 committee;

31 b. The duly appointed organizational treasurer or deputy
32 organizational treasurers of a political party committee or a
33 continuing political committee;

34 c. The duly appointed campaign treasurer or deputy campaign
35 treasurers of a political committee; **[or]**

36 d. The duly appointed organizational treasurer or deputy
37 organizational treasurer of a legislative leadership committee; or

38 e. The duly appointed organizational treasurer or deputy
39 organizational treasurer of an independent expenditure committee.

40 It shall be lawful, however, for any person, not acting in concert
41 with any other person or group, to expend personally from his own
42 funds a sum which is not to be repaid to him for any purpose not
43 prohibited by law, or to contribute his own personal services and
44 personal traveling expenses, to support or defeat a candidate or to
45 aid the passage or defeat of a public question; provided, however,
46 that any person making such expenditure shall be required to report
47 his or her name and mailing address and the amount of all such
48 expenditures and expenses, except personal traveling expenses, if

1 the total of the money so expended, exclusive of such traveling
2 expenses, exceeds \$500, and also, where the person is an individual,
3 to report the individual's occupation and the name and mailing
4 address of the individual's employer, to the Election Law
5 Enforcement Commission at the same time and in the same manner
6 as a political committee subject to the provisions of section 8 of
7 **【this act】** P.L.1973, c.83 (C.19:44A-8). Such expenditure made
8 during the period between the 13th day prior to the election and the
9 date of the election shall be filed in writing or by telegram within
10 48 hours of the making, incurring or authorization of the
11 expenditure and shall set forth the name and mailing address of the
12 person, firm or organization to whom or which the expenditure was
13 paid and the amount and purpose of the expenditure.

14 No contribution of money shall be made in currency, except
15 contributions in response to a public solicitation, provided that
16 cumulative currency contributions of up to \$200 may be made to a
17 candidate committee or joint candidates committee, a political
18 committee, a continuing political committee, an independent
19 expenditure committee, a legislative leadership committee or a
20 political party committee if the contributor submits with the
21 currency contribution a written statement of a form as prescribed by
22 the commission, indicating the contributor's name, mailing address
23 and occupation and the amount of the contribution, including the
24 contributor's signature and the name and mailing address of the
25 contributor's employer. Adjustments to the \$200 limit established in
26 this paragraph which have been made by the Election Law
27 Enforcement Commission, pursuant to section 22 of P.L.1993, c.65
28 (C.19:44A-7.2), prior to the effective date of P.L.2004, c.28 are
29 rescinded. The \$200 limit established in this paragraph shall remain
30 as stated in this paragraph without further adjustment by the
31 commission in the manner prescribed by section 22 of P.L.1993,
32 c.65 (C.19:44A-7.2).

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

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

48 (cf: P.L.2004, c.33, s.2)

1 6. Section 12 of P.L.1973, c.83 (C.19:44A-12) is amended to
2 read as follows:

3 12. An organizational or campaign treasurer or deputy
4 organizational or campaign treasurer of a candidate committee or
5 joint candidates committee, a political committee, a continuing
6 political committee, an independent expenditure committee, a
7 political party committee or a legislative leadership committee shall
8 make a written record of all funds which he receives as
9 contributions to the candidate committee, joint candidates
10 committee, political committee, continuing political committee,
11 independent expenditure committee, political party committee or
12 legislative leadership committee, including in that record the name
13 and mailing address of the contributor, the amount and date of the
14 contribution, and where the contributor is an individual, the
15 occupation of the individual and the name and mailing address of
16 the individual's employer. The organizational or campaign treasurer
17 shall retain that record for a period of not less than four years. All
18 funds so received shall be deposited by the campaign or
19 organizational treasurer or deputy campaign or organizational
20 treasurer in a campaign depository of the candidate committee or
21 joint candidates committee, the continuing political committee,
22 political committee, independent expenditure committee, political
23 party committee or legislative leadership committee no later than
24 the tenth calendar day following receipt of such funds; except that
25 any such treasurer or deputy treasurer may, when authorized by the
26 candidate, candidates or committee of which he is the campaign or
27 organizational treasurer or deputy campaign or organizational
28 treasurer, transfer any such funds to the duly designated campaign
29 or organizational treasurer or deputy campaign or organizational
30 treasurer of another candidate or committee, for inclusion in the
31 campaign depository thereof, without first so depositing them;
32 provided, however, that the amount so transferred shall not be in
33 excess of the amount that may be contributed by one candidate to
34 another candidate in an election pursuant to section 18 of P.L.1993,
35 c.65 (C.19:44A-11.3), but this proviso shall not be construed to
36 prohibit a county or municipal committee of a political party from
37 making a contribution or contributions, or from transferring funds
38 as hereinabove authorized, to any candidate, candidate committee,
39 joint candidates committee, political committee, continuing political
40 committee, independent expenditure committee, political party
41 committee, or legislative leadership committee. A record of all
42 nondeposited funds so transferred shall be attached to the statement
43 required under this section, identifying them as to source and
44 amount in the same manner as deposited funds.

45 (cf: P.L.1995, c.178, s.1)

46

47 7. Section 18 of P.L.1973, c.83 (C.19:44A-18) is amended to
48 read as follows:

1 18. If any former candidate or any political committee or any
2 person or association of persons in behalf of such political
3 committee or former candidate shall receive any contributions or
4 make any expenditures with relation to any election after the date
5 set in section 16 of **[this act]** P.L.1973, c.83 (C.19:44A-16) for the
6 final report subsequent to such election, or shall conduct any
7 testimonial affair or public solicitation for the purpose of raising
8 funds to cover any part of the expenses of a candidate **[or]**,
9 political committee, independent expenditure committee, or other
10 organization in such election, all such contributions, expenditures,
11 testimonial affairs or public solicitations shall be reported to the
12 Election Law Enforcement Commission by the person or persons
13 receiving such contributions or making such expenditures or
14 conducting such testimonial affairs or public solicitations. Such
15 report shall be made by any person receiving any such contribution
16 or contributions, or making any such expenditure or expenditures,
17 which in the aggregate total more than \$100.00, or conducting any
18 testimonial affair or public solicitation of which the net proceeds
19 exceed \$100.00; and shall be made within 20 days from the date
20 upon which the aggregate of such contributions, expenditures or
21 proceeds exceed \$100.00 for the period commencing with the 19th
22 day following such election or with the date upon which any
23 previous report was made pursuant to this section, whichever is
24 sooner. Such report shall be made in the same form and shall
25 contain the same detail prescribed for any other report made
26 pursuant to section 8 or 16 of **[this act]** P.L.1973, c.83 (C.19:44A-8
27 or C.19:44A-16).

28 (cf: P.L.1983, c.579, s.17)

29
30 8. Section 19 of P.L.1973, c.83 (C.19:44A-19) is amended to
31 read as follows:

32 19. a. No person shall conduct any public solicitation as defined
33 in this act except (1) upon written authorization of the campaign or
34 organizational treasurer of the candidate committee or joint
35 candidates committee, political committee, continuing political
36 committee, political party committee, independent expenditure
37 committee, or legislative leadership committee on whose behalf
38 such solicitation is conducted, or (2) in accordance with the
39 provisions of subsection c. of this section. A person with such
40 written authorization may employ and accept the services of others
41 as solicitors, and shall be responsible for reporting to the treasurer
42 the information required under subsection b. of this section and for
43 delivery to the treasurer the net proceeds of such solicitation in
44 compliance with section 11 of **[this act]** P.L.1973, c.83 (C.19:44A-
45 11). A contribution made through donation or purchase in response
46 to a public solicitation conducted pursuant to written authorization
47 of a treasurer shall be deemed to have been made through such
48 treasurer.

1 b. Whenever a public solicitation has been authorized by a
2 treasurer during a period covered by a report required to be filed
3 under sections 8 and 16 of **[this act]** P.L.1973, c.83 (C.19:44A-8
4 and C.19:44A-16), there shall be filed with such report and as a part
5 thereof an itemized report on any such solicitation of which the net
6 proceeds exceed \$200, in such form and detail as required by the
7 rules of the Election Law Enforcement Commission, which report
8 shall include:

9 (1) The name and mailing address of the person authorized to
10 conduct such solicitation, the method of solicitation and, where the
11 person is an individual, the occupation of the individual and the
12 name and mailing address of the individual's employer;

13 (2) The gross receipts and expenses involved in the solicitation
14 including the actual amount paid for any items purchased for resale
15 in connection with the solicitation, or, if such items or any portion
16 of the cost thereof was donated, the estimated actual value thereof
17 and the actual amount paid therefor, and the names and addresses of
18 any such donors. If it is not practicable for such itemized report to
19 be completed in time to be included with the report due under
20 sections 8 and 16 of **[this act]** P.L.1973, c.83 (C.19:44A-8 and
21 C.19:44A-16) for the period during which such solicitation was
22 held, then such itemized report may be omitted from said report and
23 if so omitted shall be included in the report for the next succeeding
24 period.

25 Adjustments to the \$200 limit established in this subsection
26 which have been made by the Election Law Enforcement
27 Commission, pursuant to section 22 of P.L.1993, c.65 (C.19:44A-
28 7.2), prior to the effective date of P.L.2004, c.28 are rescinded. The
29 \$200 limit established in this subsection shall remain as stated in
30 this subsection without further adjustment by the commission in the
31 manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2).

32 c. Notwithstanding the provisions of subsection b. of this
33 section, it shall be lawful for any natural person, not acting in
34 concert with any other person or group, to make personally a public
35 solicitation the entire proceeds of which, without deduction for the
36 expenses of solicitation, are to be expended by him personally or
37 under his personal direction to finance any lawful activity in
38 support of or opposition to any candidate or public question or to
39 provide political information on any candidate or public question or
40 to seek to influence the content, introduction, passage or defeat of
41 legislation; provided, however, that any individual making such
42 solicitation who receives gross contributions exceeding \$200 in
43 respect to activities relating to any one election shall be required to
44 make a report stating (1) the amount so collected, (2) the method of
45 solicitation, (3) the purpose or purposes for which the funds so
46 collected were expended and the amount expended for each such
47 purpose and (4) the individual's name and mailing address, the
48 individual's occupation and the name and mailing address of the

1 individual's employer. Adjustments to the \$200 limit established in
2 this subsection which have been made by the Election Law
3 Enforcement Commission, pursuant to section 22 of P.L.1993, c.65
4 (C.19:44A-7.2), prior to the effective date of P.L.2004, c.28 are
5 rescinded. The \$200 limit established in this subsection shall
6 remain as stated in this subsection without further adjustment by the
7 commission in the manner prescribed by section 22 of P.L.1993,
8 c.65 (C.19:44A-7.2).

9 Such report shall be made to the Election Law Enforcement
10 Commission at the same time and in the same manner as a political
11 committee, continuing political committee, political party
12 committee, independent expenditure committee, or a legislative
13 leadership committee subject to the provisions of section 8 of **[this**
14 **act]** P.L.1973, c.83 (C.19:44A-8).

15 d. Contributions or purchases made in response to a public
16 solicitation conducted in conformity with the requirements and
17 conditions of **[this act]** P.L.1973, c.83 (C.19:44A-1 et seq.) shall
18 not be deemed anonymous within the meaning of sections 11 and 20
19 of **[this]** the act.

20 e. No person contributing in good faith to a public solicitation
21 not duly authorized in compliance with the provisions of **[this act]**
22 P.L.1973, c.83 (C.19:44A-1 et seq.) shall be liable to any penalty
23 under **[this]** the act by reason of having made such contribution.
24 (cf: P.L.2004, c.28, s.6)

25

26 9. Section 20 of P.L.1973, c.83 (C.19:44A-20) is amended to
27 read as follows:

28 20. No contribution of money or other thing of value, nor
29 obligation therefor, shall be made, and no expenditure of money or
30 other thing of value, nor obligation therefor, shall be made or
31 incurred whether anonymously, in a fictitious name, or by one
32 person or group in the name of another, to support or defeat a
33 candidate in an election or to aid the passage or defeat of any public
34 question or to provide political information on any candidate or
35 public question or to seek to influence the content, introduction,
36 passage or defeat of legislation.

37 No individual, either alone or jointly with one or more other
38 individuals, and no corporation, partnership, membership
39 organization or other incorporated or unincorporated association
40 shall loan or advance to any individual, group of individuals,
41 corporation, partnership, membership organization or other
42 incorporated or unincorporated association any money or other
43 thing of value expressly for the purpose of inducing the recipient
44 thereof, or any other individual, group, corporation, partnership,
45 organization or association, to make a contribution, either directly
46 or indirectly, of money or other thing of value to a candidate or the
47 candidate committee or joint candidates committee of a candidate.

1 No person shall contribute, or purport to contribute, to any
2 candidate, candidate committee or joint candidates committee,
3 political committee, continuing political committee, independent
4 expenditure committee, political party committee or legislative
5 leadership committee funds or property which does not actually
6 belong to him and is not in his full custody and control; which has
7 been given or furnished to him by any other person or group for the
8 purpose of making a contribution thereof, except in the case of
9 group contributions by persons who are members of the
10 contributing group; or which has been loaned or advanced expressly
11 for the purpose of inducing the making of a contribution to a
12 candidate, candidate committee or joint candidates committee.

13 No treasurer, candidate or member of a candidate committee,
14 joint candidates committee, political committee, continuing political
15 committee, independent expenditure committee, political party
16 committee or legislative leadership committee shall solicit or
17 knowingly accept, agree to accept or concur in or abet the
18 solicitation or acceptance of any contribution contrary to the
19 provisions of this section.

20 (cf: P.L.1993, c.65, s.11)

21

22 10. Section 2 of P.L.1995, c.391 (C.19:44A-22.3) is amended to
23 read as follows:

24 2. a. Whenever a candidate committee, joint candidates
25 committee, political committee, continuing political committee,
26 independent expenditure committee, political party committee or
27 legislative leadership committee, or any group other than such a
28 committee, or any person makes, incurs or authorizes an expenditure
29 for the purpose of financing a communication aiding or promoting the
30 nomination, election or defeat of any candidate or providing political
31 information on any candidate which is an expenditure that the
32 committee, group or person is required to report to the Election Law
33 Enforcement Commission pursuant to P.L.1973, c.83 (C.19:44A-1 et
34 seq.), the communication shall clearly state the name and business or
35 residence address of the committee, group or person, as that
36 information appears on reports filed with the commission, and that the
37 communication has been financed by that committee, group or person.

38 b. Whenever a candidate committee, joint candidates committee,
39 political committee, continuing political committee, independent
40 expenditure committee, political party committee or legislative
41 leadership committee, or any group other than such a committee, or
42 any person makes, incurs or authorizes an expenditure for the purpose
43 of financing a communication aiding the passage or defeat of any
44 public question or providing political information on any public
45 question, or aiding the passage or defeat of legislation or regulation in
46 the case of an independent expenditure committee, which is an
47 expenditure that the committee, group or person is required to report to
48 the Election Law Enforcement Commission pursuant to P.L.1973, c.83

1 (C.19:44A-1 et seq.), the communication shall clearly state the name
2 and business or residence address of the committee, group or person,
3 as that information appears on reports filed with the commission, and
4 that the communication has been financed by that committee, group or
5 person.

6 c. A communication that is financed by an independent
7 expenditure committee or by any person, not acting in concert with a
8 candidate or any person or committee acting on behalf of a candidate,
9 shall contain a clear and conspicuous statement that the expenditure
10 was not made with the cooperation or prior consent of, or in
11 consultation with or at the request or suggestion of, any such
12 candidate, person or committee.

13 d. Any person who accepts compensation from a committee,
14 group or individual described in subsection a. or b. of this section for
15 the purpose of printing, broadcasting, or otherwise disseminating to
16 the electorate a communication shall require the committee, group, or
17 individual to file a copy of the statement of registration required to be
18 filed with the Election Law Enforcement Commission pursuant to
19 section 21 of P.L.1993, c.65 (C.19:44A-8.1) and shall maintain a
20 record of the transaction which shall include an exact copy of the
21 communication and a statement of the number of copies made or the
22 dates and times that the communication was broadcast or otherwise
23 transmitted, and the name and address of the committee, group or
24 individual paying for the communication. The record shall be
25 maintained on file at the principal office of the person accepting the
26 communication for at least two years and shall be available for public
27 inspection during normal business hours.

28 e. As used in this section, "communication" means a press
29 release, pamphlet, flyer, form letter, sign, billboard, paid advertisement
30 printed in any newspaper or other publication or broadcast on radio or
31 television, or telephone call featuring a recorded message, or any other
32 form of advertising , including Internet and digital advertising,
33 directed to the electorate.

34 f. The provisions of this section shall not be construed to apply to
35 any bona fide news item or editorial contained in any publication of
36 bona fide general circulation.

37 g. (1) A person who violates a provision of this section shall be
38 subject to the civil penalties provided in section 22 of P.L.1973, c.83
39 (C.19:44A-22).

40 (2) A person who, with intent to injure anyone or to conceal
41 wrongdoing, purposely falsifies, conceals or misrepresents information
42 required by this section to be disclosed or maintained on file is guilty
43 of a crime of the fourth degree.

44 h. The Election Law Enforcement Commission shall promulgate
45 rules and regulations pursuant to the "Administrative Procedure Act,"
46 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purpose of this
47 section. The commission may, by regulation, exempt from the
48 provisions of this section small, tangible items of de minimis value

1 which are commonly used in campaigns to convey a political message,
2 including, but not limited to, buttons, combs, and nail files. The
3 commission may also, by regulation, exempt from the provisions of
4 this section advertising space purchased by a candidate committee,
5 joint candidates committee, political committee, continuing political
6 committee, political party committee, legislative leadership committee
7 or other person, in a political program book distributed at a fund-
8 raising event if the financial transaction is otherwise subject to
9 disclosure. An exemption granted by the commission with respect to
10 any item shall not relieve the committee, group or individual making
11 an expenditure therefor from any applicable campaign finance
12 reporting requirements.

13 In addition, the commission shall have the authority to provide, by
14 regulation, that a communication need not include the address of the
15 committee, group or person financing the communication in
16 circumstances where the name of a committee, group or person would
17 be sufficient to identify it from the commission's records.

18 (cf: P.L.2004, c.30, s.1)

19

20 11. (New section) To determine whether a person, candidate
21 committee, joint candidates committee, continuing political
22 committee, or independent expenditure committee has made a
23 coordinated expenditure with any candidate or political party, the
24 Election Law Enforcement Commission shall consider whether the
25 candidate or political party, the candidate committee, or any staff
26 member or agent thereof:

27 a. cooperated with, consented to, authorized, or exercised
28 control over the production or circulation of the communication
29 expenditure;

30 b. requested or suggested that the communication expenditure
31 be made;

32 c. provided information to the person or entity making the
33 communication expenditure with regard to the content, timing,
34 location, mode, intended audience, distribution, or placement of the
35 television, radio, direct mail, or other form of communication;

36 d. discussed or negotiated with the purchaser, creator,
37 producer, or distributor of the communication concerning the
38 content, timing, location, mode, intended audience, distribution, or
39 placement of the communication;

40 e. shared information or held discussions on campaign or
41 media strategy with the person or entity making the communication
42 expenditure or with the purchaser, creator, producer, or distributor
43 of the communication;

44 f. shared its polling or other research with the person or entity
45 making the communication expenditure or whether or not the
46 person or entity making the communication expenditure shared its
47 polling or other research with the candidate, candidate committee,
48 or with any agent of the candidate or candidate committee; or

1 g. engaged in any other activity the Election Law Enforcement
2 Commission determines, by regulation, constitutes a coordinated
3 expenditure.

4
5 12. (New section) If any provision of this act, P.L. , c. (pending
6 before the Legislature as this bill), or the application thereof to any
7 person or circumstance is held invalid, such invalidity shall not affect
8 other provisions or applications which can be given effect without the
9 invalid provisions or applications, and to this end the provisions of this
10 act are declared to be severable.

11
12 13. This act shall take effect on the first date, following
13 enactment, that occurs after July 16, 2019 by which a quarterly
14 report would be required to be filed pursuant to paragraph (1) of
15 subsection d. of section 8 of P.L.1973, c.83 (C.19:44A-8), but the
16 first such report shall not be required to be filed until the next
17 quarterly report filing deadline thereafter as specified in that
18 paragraph and shall include only those reportable items which occur
19 after the effective date of this act.

20 21 22 STATEMENT

23
24 This bill revises “The New Jersey Campaign Contributions and
25 Expenditures Reporting Act” to institute new reporting
26 requirements on certain organizations.

27 The bill requires disclosure by any “independent expenditure
28 committee,” defined as any person organized under section 527 or
29 paragraph (4) of subsection (c) of section 501 of the federal Internal
30 Revenue Code that engages in influencing or attempting to
31 influence the outcome of any election or the nomination, election,
32 or defeat of any person to any State or local elective public office or
33 the passage or defeat of any public question, legislation, or
34 regulation, or in providing political information on any candidate or
35 public question, legislation, or regulation, and raises or expends
36 \$3,000 or more for any such purpose. The bill requires these
37 committees to report contributions in excess of \$10,000 and
38 expenditures in excess of \$3,000 to the Election Law Enforcement
39 Commission (ELEC), and prohibits a candidate or holder of public
40 office from establishing, authorizing the establishment of,
41 maintaining, or participating directly or indirectly, in the
42 management or control of any independent expenditure committee.
43 Under R.S.1:1-2, the term “person” includes corporations,
44 companies, associations, societies, firms, partnerships and joint
45 stock companies as well as individuals.

46 The bill defines “electioneering communication” as any
47 communication made from January 1 of an election year and the
48 date of the election and refers to: 1) a clearly identified candidate

1 for office and promotes or supports a candidate for that office or
2 opposes a candidate for that office, regardless of whether the
3 communication expressly advocates a vote for or against a
4 candidate; or 2) a public question, and promotes or supports the
5 passage or defeat of that question, regardless of whether the
6 communication expressly advocates a vote for or against the
7 passage of the question. The term includes communications
8 published in any newspaper or periodical; or broadcast on radio,
9 television, the Internet or digital media, or any public address
10 system; placed on any billboard, outdoor facility, button, motor
11 vehicle, window display, poster, card, pamphlet, leaflet, flyer, or
12 other circular; or contained in any direct mailing, robotic phone
13 calls, or mass e-mails.

14 The bill defines “independent expenditure” as an expenditure by
15 a person expressly advocating, or the functional equivalent thereof,
16 the election or defeat of: 1) a clearly identified candidate that is not
17 made in concert or cooperation with or at the request or suggestion
18 of the candidate, the candidate’s committee, a political party
19 committee, or an agent thereof; or 2) a public question, legislation,
20 or regulation, that is not made in concert or cooperation with or at
21 the request or suggestion of the sponsors, organizers, or committee
22 supporting or opposing the question, legislation, or regulation, a
23 political party, or agents thereof. The “functional equivalent” of
24 expressly advocating means specific advocacy that can be
25 interpreted by a reasonable person as advocating the election or
26 defeat of a candidate, or the passage or defeat of a public question,
27 legislation, or regulation, taking into account whether the
28 communication involved mentions a candidate, a political party, or
29 a challenger to a candidate, or takes a position on a candidate’s
30 character, qualifications, or fitness for office, or that can be
31 interpreted by a reasonable person as taking a position on the merits
32 of a public question, legislation, or regulation, or taking a position
33 in favor or against the passage or defeat of the public question,
34 legislation, or regulation.

35 The bill codifies the criteria used by ELEC to determine when
36 coordination with a candidate or political party has occurred, and
37 allows ELEC to issue additional criteria by regulation. Under the
38 bill, foreign entities would be prohibited from registering as
39 independent expenditure committees for the purpose of making
40 independent expenditures in any State or local election. The bill
41 explicitly includes Internet and digital advertisement in the
42 definitions of “political information,” “electioneering
43 communication,” and “communication.” It further requires persons
44 who accept compensation from any committee, group, or individual
45 for the placement of communication to be disseminated to the
46 electorate to require such committee, group, or individual to file a
47 copy of their statement of registration they filed with ELEC.

1 Under the bill, independent expenditure committees would file
2 quarterly reports of contributions received in excess of \$10,000 and
3 expenditures made in excess of \$3,000. The bill requires
4 independent expenditure committees to also report within 48 hours
5 any contribution received or expenditure made in excess of \$500
6 and \$800, respectively, when such is received or made after the
7 final day of a quarterly reporting period and on or before an election
8 which occurs after that final day but before the final day of the next
9 reporting period.

10 The provisions of the bill are severable. The bill would take
11 effect on the first date, following enactment, that occurs after July
12 16, 2019 by which a quarterly report would be required to be filed
13 pursuant to N.J.S.A.19:44A-8(d)(1). The bill specifies that the first
14 of those reports will not be required to be filed until the next
15 quarterly report filing deadline as specified in that paragraph and
16 specifies that the report need only include those reportable items
17 which occur after the effective date of the bill.

SENATE, No. 1500

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senators Gopal, Weinberg and Thompson

SYNOPSIS

Requires disclosure by independent expenditure committees; raises certain campaign contribution limits; repeals ban on certain intraparty fund transfers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/18/2019)

S1500 SINGLETON, GREENSTEIN

2

1 AN ACT concerning campaign finance disclosures and limits,
2 amending various parts of the statutory law and repealing section
3 13 of P.L.2004, c.19.

4

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

7

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

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

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

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

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

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

37 e. The term "election" means any election described in section
38 4 of this act.

39 f. The term "paid personal services" means personal, clerical,
40 administrative or professional services of every kind and nature
41 including, without limitation, public relations, research, legal,
42 canvassing, telephone, speech writing or other such services,
43 performed other than on a voluntary basis, the salary, cost or
44 consideration for which is paid, borne or provided by someone
45 other than the committee, candidate or organization for whom such

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

Matter underlined thus is new matter.

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

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

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

37 i. The term "political committee" means any two or more
38 persons acting jointly, or any corporation, partnership, or any other
39 incorporated or unincorporated association which is organized to, or
40 does, aid or promote the nomination, election or defeat of any
41 candidate or candidates for public office, or which is organized to,
42 or does, aid or promote the passage or defeat of a public question in
43 any election, if the persons, corporation, partnership or incorporated
44 or unincorporated association raises or expends ~~【\$1,000.00】~~ \$2,400
45 or more to so aid or promote the nomination, election or defeat of a
46 candidate or candidates or the passage or defeat of a public
47 question; provided that for the purposes of this act, the term
48 "political committee" shall not include a "continuing political

1 committee," as defined by subsection n. of this section, a "political
2 party committee," as defined by subsection p. of this section, a
3 "candidate committee," as defined by subsection q. of this section, a
4 "joint candidates committee," as defined by subsection r. of this
5 section **[or]**, a "legislative leadership committee," as defined by
6 subsection s. of this section, or an "independent expenditure
7 committee," as defined by subsection t. of this section.

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

26 k. The term "testimonial affair" means an affair of any kind or
27 nature including, without limitation, cocktail parties, breakfasts,
28 luncheons, dinners, dances, picnics or similar affairs directly or
29 indirectly intended to raise campaign funds in behalf of a person
30 who holds, or who is or was a candidate for nomination or election
31 to a public office in this State, or directly or indirectly intended to
32 raise funds in behalf of any political party committee or in behalf of
33 a political committee, continuing political committee, candidate
34 committee, joint candidates committee, independent expenditure
35 committee, or legislative leadership committee.

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

39 m. The term "qualified candidate" means:

40 (1) Joint candidates for election to the offices of Governor and
41 Lieutenant Governor whose names appear on the general election
42 ballot; who have deposited and expended \$150,000.00 pursuant to
43 section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than
44 September 1 preceding a general election in which the offices of
45 Governor and Lieutenant Governor are to be filled, (a) notify the
46 Election Law Enforcement Commission in writing that the
47 candidates intend that application will be made on the candidates'
48 behalf for monies for general election campaign expenses under

1 subsection b. of section 8 of P.L.1974, c.26 (C.19:44A-33), and (b)
2 sign a statement of agreement, in a form to be prescribed by the
3 commission, to participate in interactive gubernatorial election
4 debates under the provisions of sections 9 through 11 of P.L.1989,
5 c.4 (C.19:44A-45 through C.19:44A-47); or

6 (2) Joint candidates for election to the offices of Governor and
7 Lieutenant Governor whose names do not appear on the general
8 election ballot; who have deposited and expended \$150,000.00
9 pursuant to section 7 of P.L.1974, c.26 (C.19:44A-32); and who,
10 not later than September 1 preceding a general election in which the
11 offices of Governor and Lieutenant Governor are to be filled, (a)
12 notify the Election Law Enforcement Commission in writing that
13 the candidates intend that application will be made on the
14 candidates' behalf for monies for general election campaign
15 expenses under subsection b. of section 8 of P.L.1974, c.26
16 (C.19:44A-33), and (b) sign a statement of agreement, in a form to
17 be prescribed by the commission, to participate in interactive
18 gubernatorial election debates under the provisions of sections 9
19 through 11 of P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47);
20 or

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

36 (4) Any candidate for nomination for election to the office of
37 Governor whose name does not appear on the primary election
38 ballot; who has deposited and expended \$150,000.00 pursuant to
39 section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than
40 the last day for filing petitions to nominate candidates to be voted
41 upon in a primary election for a general election in which the office
42 of Governor is to be filled, (a) notifies the Election Law
43 Enforcement Commission in writing that the candidate intends that
44 application will be made on the candidate's behalf for monies for
45 primary election campaign expenses under subsection a. of section
46 8 of P.L.1974, c.26 (C.19:44A-33), and (b) signs a statement of
47 agreement, in a form to be prescribed by the commission, to
48 participate in two interactive gubernatorial primary debates under

1 the provisions of sections 9 through 11 of P.L.1989, c.4 (C.19:44A-
2 45 through C.19:44A-47).

3 n. The term "continuing political committee" means any group
4 of two or more persons acting jointly, or any corporation,
5 partnership, or any other incorporated or unincorporated
6 association, including a political club, political action committee,
7 civic association or other organization, which in any calendar year
8 contributes or expects to contribute at least ~~[\$2,500.00]~~ \$5,500 to
9 the aid or promotion of the candidacy of an individual, or of the
10 candidacies of individuals, for elective public office, or the passage
11 or defeat of a public question or public questions, and which may be
12 expected to make contributions toward such aid or promotion or
13 passage or defeat during a subsequent election, provided that the
14 group, corporation, partnership, association or other organization
15 has been determined to be a continuing political committee under
16 subsection b. of section 8 of P.L.1973, c.83 (C.19:44A-8); provided
17 that for the purposes of this act, the term "continuing political
18 committee" shall not include a "political party committee," as
19 defined by subsection p. of this section, **[or]** a "legislative
20 leadership committee," as defined by subsection s. of this section,
21 or an "independent expenditure committee," as defined by
22 subsection t. of this section.

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

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

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

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

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

27 t. The term "independent expenditure committee" means a
28 person, a group of two or more persons, or an organization
29 organized under section 527 of the federal Internal Revenue Code
30 (26 U.S.C. s.527) or under paragraph (4) of subsection c. of section
31 501 of the federal Internal Revenue Code (26 U.S.C. s.501) that
32 does not fall within the definition of any other organization subject
33 to the provisions of P.L.1973, c.83 (C.19:44A-1 et seq.), that
34 engages in influencing or attempting to influence the outcome of
35 any election or the nomination, election, or defeat of any person to
36 any State or local elective public office, or the passage or defeat of
37 any public question, or in providing political information on any
38 candidate or public question, and raises or expends \$3,000 or more
39 in the aggregate for any such purpose annually, but does not
40 coordinate its activities with any candidate or political party.

41 u. The term "electioneering communication" means any
42 communication that has a value of at least \$10,000 and refers to: (1)
43 a clearly identified candidate for office and promotes or supports a
44 candidate for that office or opposes a candidate for that office,
45 regardless of whether the communication expressly advocates a
46 vote for or against a candidate; or (2) a public question and
47 promotes or supports the passage or defeat of that question,
48 regardless of whether the communication expressly advocates a

1 vote for or against the passage of the question. The term includes
2 communications published in any newspaper or periodical;
3 broadcast on radio, television, or the Internet, or any public address
4 system; placed on any billboard, outdoor facility, button, motor
5 vehicle, window display, poster, card, pamphlet, leaflet, flyer, or
6 other circular; or contained in any direct mailing, robotic phone
7 calls, or mass e-mails.

8 v. The term “independent expenditure” means an expenditure
9 by a person expressly advocating, or the functional equivalent
10 thereof, the election or defeat of: (1) a clearly identified candidate
11 that is not made in concert or cooperation with or at the request or
12 suggestion of the candidate, the candidate’s committee, a political
13 party committee, or an agent thereof; or (2) a public question that is
14 not made in concert or cooperation with or at the request or
15 suggestion of the sponsors, organizers, or committee supporting or
16 opposing the question, a political party, or agents thereof. The
17 “functional equivalent” of expressly advocating means specific
18 advocacy that can be interpreted by a reasonable person as
19 advocating the election or defeat of a candidate, or the passage or
20 defeat of a public question, taking into account whether the
21 communication involved mentions a candidate, a political party, or
22 a challenger to a candidate, or takes a position on a candidate’s
23 character, qualifications, or fitness for office, or that can be
24 interpreted by a reasonable person as taking a position on the merits
25 of a public question or taking a position in favor or against the
26 passage or defeat of a public question.

27 (cf: P.L.2009, c.66, s.5)

28
29 2. Section 8 of P.L.1973, c.83 (C.19:44A-8) is amended to read
30 as follows:

31 8. a. (1) Each political committee shall make a full cumulative
32 report, upon a form prescribed by the Election Law Enforcement
33 Commission, of all contributions in the form of moneys, loans, paid
34 personal services, or other things of value made to it and all
35 expenditures made, incurred, or authorized by it in furtherance of
36 the nomination, election, or defeat of any candidate, or in aid of the
37 passage or defeat of any public question, or to provide political
38 information on any candidate or public question, during the period
39 ending 48 hours preceding the date of the report and beginning on
40 the date on which the first of those contributions was received or
41 the first of those expenditures was made, whichever occurred first.
42 The cumulative report, except as hereinafter provided, shall contain
43 the name and mailing address of each person or group from whom
44 moneys, loans, paid personal services or other things of value have
45 been contributed since 48 hours preceding the date on which the
46 previous such report was made and the amount contributed by each
47 person or group, and where the contributor is an individual, the
48 report shall indicate the occupation of the individual and the name

1 and mailing address of the individual's employer. In the case of any
2 loan reported pursuant to this subsection, the report shall contain
3 the name and mailing address of each person who has cosigned such
4 loan since 48 hours preceding the date on which the previous such
5 report was made, and where an individual has cosigned such loans,
6 the report shall indicate the occupation of the individual and the
7 name and mailing address of the individual's employer. The
8 cumulative report shall also contain the name and address of each
9 person, firm or organization to whom expenditures have been paid
10 since 48 hours preceding the date on which the previous such report
11 was made and the amount and purpose of each such expenditure.
12 The cumulative report shall be filed with the Election Law
13 Enforcement Commission on the dates designated in section 16
14 hereof.

15 The campaign treasurer of the political committee reporting shall
16 certify to the correctness of each report.

17 Each campaign treasurer of a political committee shall file
18 written notice with the commission of a contribution in excess of
19 ~~[\$500]~~ \$1,400 received during the period between the 13th day
20 prior to the election and the date of the election, and of an
21 expenditure of money or other thing of value in excess of ~~[\$500]~~
22 \$1,400 made, incurred or authorized by the political committee to
23 support or defeat a candidate in an election, or to aid the passage or
24 defeat of any public question, during the period between the 13th
25 day prior to the election and the date of the election. The notice of
26 a contribution shall be filed in writing or by ~~[telegram]~~ electronic
27 transmission within 48 hours of the receipt of the contribution and
28 shall set forth the amount and date of the contribution, the name and
29 mailing address of the contributor, and where the contributor is an
30 individual, the individual's occupation and the name and mailing
31 address of the individual's employer. The notice of an expenditure
32 shall be filed in writing or by ~~[telegram]~~ electronic transmission
33 within 48 hours of the making, incurring or authorization of the
34 expenditure and shall set forth the name and mailing address of the
35 person, firm or organization to whom or which the expenditure was
36 paid and the amount and purpose of the expenditure.

37 (2) When a political committee or an individual seeking party
38 office makes or authorizes an expenditure on behalf of a candidate,
39 it shall provide immediate written notification to the candidate of
40 the expenditure.

41 b. (1) A group of two or more persons acting jointly, or any
42 corporation, partnership, or any other incorporated or
43 unincorporated association including a political club, political
44 action committee, civic association or other organization, which in
45 any calendar year contributes or expects to contribute at least
46 ~~[\$2,500.00]~~ \$5,500 to the aid or promotion of the candidacy of an
47 individual, or of the candidacies of individuals, for elective public

1 office or the passage or defeat of a public question or public
2 questions and which expects to make contributions toward such aid
3 or promotion, or toward such passage or defeat, during a subsequent
4 election shall certify that fact to the commission, and the
5 commission, upon receiving that certification and on the basis of
6 any information as it may require of the group, corporation,
7 partnership, association or other organization, shall determine
8 whether the group, corporation, partnership, association or other
9 organization is a continuing political committee for the purposes of
10 this act. If the commission determines that the group, corporation,
11 partnership, association or other organization is a continuing
12 political committee, it shall so notify that continuing political
13 committee.

14 No person serving as the chairman of a political party committee
15 or a legislative leadership committee shall be eligible to be
16 appointed or to serve as the chairman of a continuing political
17 committee.

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

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

1 Each continuing political committee shall provide immediate
2 written notification to each candidate of all expenditures made or
3 authorized on behalf of the candidate.

4 If any continuing political committee submitting cumulative
5 quarterly reports as provided under this subsection receives a
6 contribution from a single source of more than ~~[\$500]~~ \$1,400 after
7 the final day of a quarterly reporting period and on or before a
8 primary, general, municipal, school or special election which occurs
9 after that final day but prior to the final day of the next reporting
10 period it shall, in writing or by ~~[telegram]~~ electronic transmission,
11 report that contribution to the commission within 48 hours of the
12 receipt thereof, including in that report the amount and date of the
13 contribution; the name and mailing address of the contributor; and
14 where the contributor is an individual, the individual's occupation
15 and the name and mailing address of the individual's employer. If
16 any continuing political committee makes or authorizes an
17 expenditure of money or other thing of value in excess of ~~[\$500]~~
18 \$1,400, or incurs any obligation therefor, to support or defeat a
19 candidate in an election, or to aid the passage or defeat of any
20 public question, after March 31 and on or before the day of the
21 primary election, or after September 30 and on or before the day of
22 the general election, it shall, in writing or by ~~[telegram]~~ electronic
23 transmission, report that expenditure to the commission within 48
24 hours of the making, authorizing or incurring thereof.

25 A continuing political committee which ceases making
26 contributions toward the aiding or promoting of the candidacy of an
27 individual, or of the candidacies of individuals, for elective public
28 office in this State or the passage or defeat of a public question or
29 public questions in this State shall certify that fact in writing to the
30 commission, and that certification shall be accompanied by a final
31 accounting of any fund relating to such aiding or promoting
32 including the final disposition of any balance in such fund at the
33 time of dissolution. Until that certification has been filed, the
34 committee shall continue to file the quarterly reports as provided
35 under this subsection.

36 c. Each political party committee ~~[and each]~~, legislative
37 leadership committee, and independent expenditure committee shall
38 file with the Election Law Enforcement Commission, not later than
39 April 15, July 15, October 15 and January 15 of each calendar year,
40 a cumulative quarterly report of all moneys, loans, paid personal
41 services or other things of value contributed to it during the period
42 ending on the 15th day preceding that date and commencing on
43 January 1 of that calendar year or, in the case of the cumulative
44 quarterly report to be filed not later than January 15, of the previous
45 calendar year, and all expenditures made, incurred, or authorized by
46 it during the period, whether or not such expenditures were made,
47 incurred or authorized in furtherance of the election or defeat of any

1 candidate, or in aid of the passage or defeat of any public question
2 or to provide information on any candidate or public question.

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

20 **【If】** d. (1) Each independent expenditure committee shall make
21 a full cumulative report, upon a form prescribed by the Election
22 Law Enforcement Commission, of all contributions received in
23 excess of \$300 in the form of moneys, loans, paid personal services,
24 or other things of value made to it, and of all expenditures in excess
25 of \$300 made, incurred, or authorized by it in influencing or
26 attempting to influence the outcome of any election or the
27 nomination, election, or defeat of any person to State or local
28 elective public office or the passage or defeat of any public
29 question, or in providing political information on any candidate or
30 public question, during the period ending 48 hours preceding the
31 date of the report and beginning on the date on which the first of
32 those contributions was received or the first of those expenditures
33 was made, whichever occurred first. The cumulative report, except
34 as hereinafter provided, shall contain the name and mailing address
35 of each person or group from whom moneys, loans, paid personal
36 services or other things of value have been contributed since 48
37 hours preceding the date on which such previous report was made
38 and the amount contributed by each person or group in excess of
39 \$300, and when the contributor is an individual, the report shall
40 indicate the occupation of the individual and the name and mailing
41 address of the individual's employer. In the case of any loan
42 reported pursuant to this subsection, the report shall contain the
43 name and mailing address of each person who has cosigned such
44 loan since 48 hours preceding the date on which the previous such
45 report was made, and when an individual has cosigned such loans,
46 the report shall indicate the occupation of the individual and the
47 name and mailing address of the individual's employer. The
48 cumulative report shall also contain the name and address of each

1 person, firm, or organization to whom expenditures have been paid
2 since 48 hours preceding the date on which the previous such report
3 was made and the amount and purpose of each such expenditure.
4 The cumulative report shall be filed with the Election Law
5 Enforcement Commission on the dates designated in section 16 of
6 P.L.1973, c.83 (C.19:44A-16).

7 (2) An independent expenditure committee shall disclose all
8 expenditures made by it in excess of \$300, including, but not
9 limited to, for electioneering communications, voter registration,
10 get-out-the-vote efforts, polling, and research. The disclosures
11 required by this paragraph shall be reported to the Election Law
12 Enforcement Commission on the same schedule as required for
13 political committees and continuing political committees pursuant
14 to this section.

15 The treasurer of the reporting independent expenditure
16 committee shall certify the correctness of each report and shall
17 maintain all records of contributions and expenditures for a period
18 of not less than four years.

19 e. When a political party committee [or a], legislative
20 leadership committee [submitting cumulative quarterly reports as
21 provided under this subsection] or independent expenditure
22 committee receives a contribution from a single source of more than
23 [\$500] \$1,400 after the final day of a quarterly reporting period
24 and on or before a primary, general, municipal, school, or special
25 election which occurs after that final day but prior to the final day
26 of the next reporting period it shall, in writing or by [telegram]
27 electronic transmission, report that contribution to the commission
28 within 48 hours of the receipt thereof, including in that report the
29 amount and date of the contribution; the name and mailing address
30 of the contributor; and where the contributor is an individual, the
31 individual's occupation and the name and mailing address of the
32 individual's employer. [If] When a political party committee [or
33 a], legislative leadership committee [submitting cumulative
34 quarterly reports as provided under this subsection] , or an
35 independent expenditure committee makes or authorizes an
36 expenditure of money or other thing of value in excess of [\$800]
37 \$1,400, or incurs any obligation therefor, to support or defeat a
38 candidate in an election, or to aid the passage or defeat of any
39 public question, after March 31 and on or before the day of the
40 primary election, or after September 30 and on or before the day of
41 the general election, it shall, in writing or by [telegram] electronic
42 transmission, report that expenditure to the commission within 48
43 hours of the making, authorizing or incurring thereof.

44 [d.] f. In any report filed pursuant to the provisions of this
45 section the organization or committee reporting may exclude from
46 the report the name of and other information relating to any
47 contributor whose contributions during the period covered by the

1 report did not exceed \$300, provided, however, that (1) such
2 exclusion is unlawful if any person responsible for the preparation
3 or filing of the report knew that it was made with respect to any
4 person whose contributions relating to the same election or issue
5 and made to the reporting organization or committee aggregate, in
6 combination with the contribution in respect of which such
7 exclusion is made, more than \$300 and (2) any person who
8 knowingly prepares, assists in preparing, files or acquiesces in the
9 filing of any report from which the identification of a contributor
10 has been excluded contrary to the provisions of this section is
11 subject to the provisions of section 21 of **[this act]** P.L.1973, c.83
12 (C.19:44A-21), but (3) nothing in this proviso shall be construed as
13 requiring any committee or organization reporting pursuant to this
14 act to report the amounts, dates or other circumstantial data
15 regarding contributions made to any other organization or political
16 committee, political party committee or campaign organization of a
17 candidate.

18 g. Any report filed pursuant to the provisions of this section
19 shall include an itemized accounting of all receipts and
20 expenditures relative to any testimonial affairs held since the date
21 of the most recent report filed, which accounting shall include the
22 name and mailing address of each contributor in excess of \$300 to
23 such testimonial affair and the amount contributed by each; in the
24 case of an individual contributor, the occupation of the individual
25 and the name and mailing address of the individual's employer; the
26 expenses incurred; and the disposition of the proceeds of such
27 testimonial affair.

28 The \$300 limit established in this subsection shall remain as
29 stated in this subsection without further adjustment by the
30 commission in the manner prescribed by section 22 of P.L.1993,
31 c.65 (C.19:44A-7.2).

32 (cf: P.L.2004, c.33, s.1)

33

34 3. Section 21 of P.L.1993, c.65 (C.19:44A-8.1) is amended to
35 read as follows:

36 21. a. Each political committee, as defined in subsection i. of
37 section 3 of P.L.1973, c.83 (C.19:44A-3), which aids or promotes
38 the nomination for election or the election of a candidate or the
39 passage or defeat of a public question, each independent
40 expenditure committee, as defined in subsection t. of section 3 of
41 P.L.1973, c.83 (C.19:44A-3), each continuing political committee
42 as defined in subsection n. of section 3 of P.L.1973, c.83, and each
43 legislative leadership committee as defined in subsection s. of
44 section 3 of P.L.1973, c.83, shall submit to the commission a
45 statement of registration which includes:

46 (1) the complete name or identifying title of the committee and
47 the general category of entity or entities, including but not limited
48 to business organizations, labor organizations, professional or trade

1 associations, candidate for or holder of public office, political party,
2 ideological grouping or civic association, the interests of which are
3 shared by the leadership, members, or financial supporters of the
4 committee;

5 (2) the mailing address of the committee and the name and
6 resident address of a resident of this State who shall have been
7 designated by the committee as its agent to accept service of
8 process; and

9 (3) a descriptive statement prepared by the organizers or officers
10 of the committee that identifies (a) the names and mailing addresses
11 of the persons having control over the affairs of the committee,
12 including but not limited to persons in whose name or at whose
13 direction or suggestion the committee solicits funds, and persons
14 participating in any decision to make a contribution of such funds to
15 any candidate, political committee or continuing political
16 committee and, in the case of an independent expenditure
17 committee, any decision to expend funds for the purpose of
18 influencing or attempting to influence the outcome of any election
19 or the nomination, election, or defeat of any person to State or local
20 elective public office or the passage or defeat of any public
21 question, or in providing political information on any candidate or
22 public question; (b) the name and mailing address of any person not
23 included among the persons identified under subparagraph (a) of
24 this paragraph who, directly or through an agent, participated in the
25 initial organization of the committee; (c) in the case of any person
26 identified under subparagraph (a) or subparagraph (b) who is an
27 individual, the occupation of that individual, the individual's home
28 address, and the name and mailing address of the individual's
29 employer, or, in the case of any such person which is a corporation,
30 partnership, unincorporated association, or other organization, the
31 name and mailing address of the organization; and (d) any other
32 information which the Election Law Enforcement Commission may,
33 under such regulations as it shall adopt pursuant to the provisions of
34 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
35 seq.), require as being material to the fullest possible disclosure of
36 the economic, political and other particular interests and objectives
37 which the committee has been organized to or does advance. The
38 commission shall be informed, in writing, of any change in the
39 information required by this paragraph within three days of the
40 occurrence of the change. Legislative leadership committees shall
41 be exempt from the requirements of subparagraphs (a), (b) and (c)
42 of this paragraph.

43 b. After submission of a statement of registration to the
44 commission pursuant to this section, the committee shall use the
45 complete name or identifying title on all documents submitted to
46 the commission, in all solicitations for contributions, in all paid
47 media advertisements purchased or paid for by the committee in
48 support of or in opposition to any candidate or public question, and

1 in all contributions made by the committee to candidates or other
2 committees and, in the case of an independent expenditure
3 committee, any decision to expend funds for the purpose of
4 influencing or attempting to influence the outcome of any election
5 or the selection, nomination, election, or defeat of any person to
6 State or local elective public office or the passage or defeat of any
7 public question, or in providing political information on any
8 candidate or public question.

9 c. Each report of contributions under section 8 of P.L.1973,
10 c.83 (C.19:44A-8) by a political committee, continuing political
11 committee, independent expenditure committee, or legislative
12 leadership committee required under subsection a. of this section to
13 submit a statement of registration shall include, in the case of each
14 contributor who is an individual, the home address of the individual
15 if different from the individual's mailing address, or, in the case of
16 any contributor which is an organization, any information, in
17 addition to that otherwise required, which the Election Law
18 Enforcement Commission may, under such regulations as it shall
19 adopt pursuant to the provisions of the "Administrative Procedure
20 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), require as being
21 material to the fullest possible disclosure of the economic, political
22 and other particular interests and objectives which the contributing
23 organization has been organized to or does advance.

24 d. Any political committee, continuing political committee,
25 independent expenditure committee, or legislative leadership
26 committee may at any time apply to the commission for approval of
27 an abbreviation or acronym of its complete, official name or title for
28 its exclusive use on documents which it shall submit to the
29 commission. Upon verification that the abbreviation or acronym
30 has not been approved for such use by any other political
31 committee, continuing political committee, independent expenditure
32 committee, or legislative leadership committee, the commission
33 shall approve the abbreviation or acronym for such use by the
34 applicant committee, and the committee, and any individual,
35 corporation, partnership, membership organization or incorporated
36 or unincorporated association which, under the provisions of
37 P.L.1973, c.83 (C.19:44A-1 et al.), submits any documents to the
38 commission containing a reference to that committee, shall
39 thereafter use that approved abbreviation or acronym in documents
40 submitted to the commission. The commission shall, during its
41 regular office hours, maintain for public inspection in its offices a
42 current alphabetically arranged list of all such approved
43 abbreviations and acronyms, indicating for each the name of the
44 committee for which it stands, and shall make copies of the list
45 available upon request.

46 (cf: P.L.1993, c.65, s.21)

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

3 10. Each political party committee shall, on or before July 1 in
4 each year, designate a single organizational treasurer and an
5 organizational depository and shall, not later than the tenth day after
6 the designation of the organizational depository file the name and
7 address of that depository, and of the organizational treasurer, with
8 the Election Law Enforcement Commission.

9 Every political committee may designate a chairman of the
10 committee, but no person serving as the chairman of a political
11 party committee or a legislative leadership committee shall be
12 eligible to be appointed or to serve as the chairman of a political
13 committee. Every political committee shall, not later than the date
14 on which it first receives any contribution or makes or incurs any
15 expenditure in the furtherance or aid of the election or defeat of any
16 candidate or the passage or defeat of any public question, appoint a
17 single campaign treasurer and designate a campaign depository, but
18 no person serving as the chairman of a political party committee or
19 a legislative leadership committee shall be eligible to be appointed
20 or to serve as the campaign treasurer of a political committee. Not
21 later than the tenth day after the initial designation of the campaign
22 depository, the committee shall file the name and address of the
23 depository, and of the campaign treasurer, with the Election Law
24 Enforcement Commission.

25 Every independent expenditure committee may designate a
26 chairman of the committee, but no person serving as the chairman
27 of a political party committee or a legislative leadership committee
28 shall be eligible to be appointed or to serve as the chairman of an
29 independent expenditure committee. No candidate, directly or
30 indirectly, shall establish, authorize the establishment of, maintain,
31 or participate in the management or control of any independent
32 expenditure committee. Every independent expenditure committee,
33 not later than the date on which it first receives any contribution or
34 makes or incurs any expenditure for the purpose of influencing or
35 attempting to influence the outcome of any election or the
36 nomination, election, or defeat of any person to State or local
37 elective public office or the passage or defeat of any public question
38 or providing political information on any candidate or public
39 question, shall appoint a single organizational treasurer and
40 designate an organizational depository, but no person serving as the
41 chairman of a political party committee or a legislative leadership
42 committee shall be eligible to be appointed or to serve as the
43 organizational treasurer of an independent expenditure committee.
44 Not later than the 10th day after the initial designation of the
45 organizational depository, the committee shall file the name and
46 address of the depository, and of the organizational treasurer, with
47 the Election Law Enforcement Commission.

1 Every continuing political committee shall, not later than the
2 date on which it first receives any contribution or makes or incurs
3 any expenditure in the furtherance or aid of the election or defeat of
4 any candidate or the passage or defeat of any public question,
5 appoint a single organizational treasurer and designate an
6 organizational depository, provided that no person who is the
7 chairman of a political party committee or a legislative leadership
8 committee shall be eligible to be appointed or to serve as the
9 organizational treasurer of a continuing political committee. Not
10 later than the tenth day after the initial designation of the
11 organizational depository, the committee shall file the name and
12 address of the depository, and of the organizational treasurer, with
13 the Election Law Enforcement Commission.

14 Every legislative leadership committee shall, not later than the
15 date on which it first receives any contribution or makes or incurs
16 any expenditure in the furtherance or aid of the election or defeat of
17 any candidate or the passage or defeat of any public question,
18 appoint a single organizational treasurer and designate an
19 organizational depository. Not later than the tenth day after the
20 initial designation of the organizational depository, the committee
21 shall file the name and address of the depository, and of the
22 organizational treasurer, with the Election Law Enforcement
23 Commission.

24 Each organizational treasurer of a State political party committee
25 or a legislative leadership committee shall be a trained treasurer,
26 pursuant to subsection g. of section 6 of P.L.1973, c.83 (C.19:44A-
27 6), or shall acquire such training within 90 days of appointment as
28 an organizational treasurer. An organizational treasurer of any
29 other political party committee or a continuing political committee
30 or an independent expenditure committee and a campaign treasurer
31 of a political committee may be a trained treasurer.

32 An organizational treasurer of a political party committee, a
33 continuing political committee, an independent expenditure
34 committee, or a legislative leadership committee and a campaign
35 treasurer of a political committee may appoint deputy
36 organizational or campaign treasurers as may be required and may
37 designate additional organizational or campaign depositories. Such
38 committees shall file the names and addresses of such deputy
39 treasurers and additional depositories with the Election Law
40 Enforcement Commission not later than the fifth day after their
41 appointment or designation, respectively.

42 Any political party committee, any political committee, any
43 independent expenditure committee, any continuing political
44 committee, and any legislative leadership committee may remove
45 its organizational or campaign treasurer or deputy treasurer. In the
46 case of the death, resignation or removal of its organizational or
47 campaign treasurer, the committee shall appoint a successor as soon

1 as practicable and shall file his name and address with the Election
2 Law Enforcement Commission within three days.

3 (cf: P.L.2004, c.22, s.3)

4

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

7 11. No contribution of money or other thing of value, nor
8 obligation therefor, including but not limited to contributions, loans
9 or obligations of a candidate himself or of his family, shall be made
10 or received, and no expenditure of money or other thing of value,
11 nor obligation therefor, including expenditures, loans or obligations
12 of a candidate himself or of his family, shall be made or incurred,
13 directly or indirectly, to support or defeat a candidate in any
14 election, or to aid the passage or defeat of any public question,
15 except through:

16 a. The duly appointed campaign treasurer or deputy campaign
17 treasurers of the candidate committee or joint candidates
18 committee;

19 b. The duly appointed organizational treasurer or deputy
20 organizational treasurers of a political party committee or a
21 continuing political committee;

22 c. The duly appointed campaign treasurer or deputy campaign
23 treasurers of a political committee; **[or]**

24 d. The duly appointed organizational treasurer or deputy
25 organizational treasurer of a legislative leadership committee; or

26 e. The duly appointed organizational treasurer or deputy
27 organizational treasurer of an independent expenditure committee.

28 It shall be lawful, however, for any person, not acting in concert
29 with any other person or group, to expend personally from his own
30 funds a sum which is not to be repaid to him for any purpose not
31 prohibited by law, or to contribute his own personal services and
32 personal traveling expenses, to support or defeat a candidate or to
33 aid the passage or defeat of a public question; provided, however,
34 that any person making such expenditure shall be required to report
35 his or her name and mailing address and the amount of all such
36 expenditures and expenses, except personal traveling expenses, if
37 the total of the money so expended, exclusive of such traveling
38 expenses, exceeds \$500, and also, where the person is an individual,
39 to report the individual's occupation and the name and mailing
40 address of the individual's employer, to the Election Law
41 Enforcement Commission at the same time and in the same manner
42 as a political committee subject to the provisions of section 8 of
43 **[this act]** P.L.1973, c.83 (C.19:44A-8). Such expenditure made
44 during the period between the 13th day prior to the election and the
45 date of the election shall be filed in writing or by telegram within
46 48 hours of the making, incurring or authorization of the
47 expenditure and shall set forth the name and mailing address of the

1 person, firm or organization to whom or which the expenditure was
2 paid and the amount and purpose of the expenditure.

3 No contribution of money shall be made in currency, except
4 contributions in response to a public solicitation, provided that
5 cumulative currency contributions of up to \$200 may be made to a
6 candidate committee or joint candidates committee, a political
7 committee, a continuing political committee, an independent
8 expenditure committee, a legislative leadership committee or a
9 political party committee if the contributor submits with the
10 currency contribution a written statement of a form as prescribed by
11 the commission, indicating the contributor's name, mailing address
12 and occupation and the amount of the contribution, including the
13 contributor's signature and the name and mailing address of the
14 contributor's employer. Adjustments to the \$200 limit established
15 in this paragraph which have been made by the Election Law
16 Enforcement Commission, pursuant to section 22 of P.L.1993, c.65
17 (C.19:44A-7.2), prior to the effective date of P.L.2004, c.28 are
18 rescinded. The \$200 limit established in this paragraph shall
19 remain as stated in this paragraph without further adjustment by the
20 commission in the manner prescribed by section 22 of P.L.1993,
21 c.65 (C.19:44A-7.2).

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

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

37 (cf: P.L.2004, c.33, s.2)

38

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

41 18. a. No individual, other than an individual who is a
42 candidate, no corporation of any kind organized and incorporated
43 under the laws of this State or any other state or any country other
44 than the United States, no labor organization of any kind which
45 exists or is constituted for the purpose, in whole or in part, of
46 collective bargaining, or of dealing with employers concerning the
47 grievances, terms or conditions of employment, or of other mutual
48 aid or protection in connection with employment, or any group

1 shall: (1) pay or make any contribution of money or other thing of
2 value to a candidate who has established only a candidate
3 committee, his campaign treasurer, deputy campaign treasurer or
4 candidate committee which in the aggregate exceeds **【\$2,600】**
5 \$3,000 per election, or (2) pay or make any contribution of money
6 or other thing of value to candidates who have established only a
7 joint candidates committee, their campaign treasurer, deputy
8 campaign treasurer, or joint candidates committee, which in the
9 aggregate exceeds **【\$2,600】** \$3,000 per election per candidate, or
10 (3) pay or make any contribution of money or other thing of value
11 to a candidate who has established both a candidate committee and
12 a joint candidates committee, the campaign treasurers, deputy
13 campaign treasurers, or candidate committee or joint candidates
14 committee, which in the aggregate exceeds **【\$2,600】** \$3,000 per
15 election. No candidate who has established only a candidate
16 committee, his campaign treasurer, deputy campaign treasurer or
17 candidate committee shall knowingly accept from an individual,
18 other than an individual who is a candidate, a corporation of any
19 kind organized and incorporated under the laws of this State or any
20 other state or any country other than the United States, a labor
21 organization of any kind which exists or is constituted for the
22 purpose, in whole or in part, of collective bargaining, or of dealing
23 with employers concerning the grievances, terms or conditions of
24 employment, or of other mutual aid or protection in connection with
25 employment, or any group any contribution of money or other thing
26 of value which in the aggregate exceeds **【\$2,600】** \$3,000 per
27 election, and no candidates who have established only a joint
28 candidates committee, or their campaign treasurer, deputy campaign
29 treasurer, or joint candidates committee, shall knowingly accept
30 from any such source any contribution of money or other thing of
31 value which in the aggregate exceeds **【\$2,600】** \$3,000 per election
32 per candidate, and no candidate who has established both a
33 candidate committee and a joint candidates committee, the
34 campaign treasurers, deputy campaign treasurers, or candidate
35 committee or joint candidates committee shall knowingly accept
36 from any such source any contribution of money or other thing of
37 value which in the aggregate exceeds **【\$2,600】** \$3,000 per election.

38 b. (1) No political committee or continuing political
39 committee shall: (a) pay or make any contribution of money or
40 other thing of value to a candidate who has established only a
41 candidate committee, his campaign treasurer, deputy campaign
42 treasurer or candidate committee, other than a candidate for
43 nomination for election for the office of Governor or candidates for
44 election for the offices of Governor and Lieutenant Governor,
45 which in the aggregate exceeds **【\$8,200】** \$9,300 per election, or (b)
46 pay or make any contribution of money or other thing of value to
47 candidates who have established only a joint candidates committee,

1 their campaign treasurer or deputy campaign treasurer, or the joint
2 candidates committee, which in the aggregate exceeds ~~[\$8,200]~~
3 \$9,300 per election per candidate, or (c) pay or make any
4 contribution of money or other thing of value to a candidate who
5 has established both a candidate committee and a joint candidates
6 committee, the campaign treasurers, deputy campaign treasurers, or
7 candidate committee or joint candidates committee, which in the
8 aggregate exceeds ~~[\$8,200]~~ \$9,300 per election. No candidate who
9 has established only a candidate committee, his campaign treasurer,
10 deputy campaign treasurer or candidate committee, other than a
11 candidate for nomination for election for the office of Governor or
12 candidates for election for the offices of Governor and Lieutenant
13 Governor, shall knowingly accept from any political committee or
14 continuing political committee any contribution of money or other
15 thing of value which in the aggregate exceeds ~~[\$8,200]~~ \$9,300 per
16 election, and no candidates who have established only a joint
17 candidates committee, their campaign treasurer, deputy campaign
18 treasurer, or joint candidates committee, shall knowingly accept
19 from any such source any contribution of money or other thing of
20 value which in the aggregate exceeds ~~[\$8,200]~~ \$9,300 per election
21 per candidate, and no candidate who has established both a
22 candidate committee and a joint candidates committee, the
23 campaign treasurers, deputy campaign treasurers, or candidate
24 committee or joint candidates committee shall knowingly accept
25 from any such source any contribution of money or other thing of
26 value which in the aggregate exceeds ~~[\$8,200]~~ \$9,300 per election.

27 (2) The limitation upon the knowing acceptance by a candidate,
28 campaign treasurer, deputy campaign treasurer, candidate
29 committee or joint candidates committee of any contribution of
30 money or other thing of value from a political committee or
31 continuing political committee under the provisions of paragraph
32 (1) of this subsection shall also be applicable to the knowing
33 acceptance of any such contribution from the county committee of a
34 political party by a candidate or the campaign treasurer, deputy
35 campaign treasurer, candidate committee or joint candidates
36 committee of a candidate for any elective public office in another
37 county or, in the case of a candidate for nomination for election or
38 for election to the office of member of the Legislature, in a
39 legislative district in which, according to the federal decennial
40 census upon the basis of which legislative districts shall have been
41 established, less than 20% of the population resides within the
42 county of that county committee. In addition, all contributor
43 reporting requirements and other restrictions and regulations
44 applicable to a contribution of money or other thing of value by a
45 political committee or continuing political committee under the
46 provisions of P.L.1973, c.83 (C.19:44A-1 et al.) shall likewise be

1 applicable to the making or payment of such a contribution by such
2 a county committee.

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

26 With respect to the limitations in this paragraph, the Legislature
27 finds and declares that:

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

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

37 (c) Furthermore, the risk of actual or perceived corruption is
38 raised by the potential for contributors to circumvent limits on
39 contributions to candidates by funneling money to candidates
40 through county committees;

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

46 (e) It is, therefore, reasonable for the State to promote this
47 compelling interest by limiting the amount a county committee may
48 give to a legislative candidate based upon the degree to which the

1 population of the legislative district overlaps with the population of
2 that county.

3 c. (1) No candidate who has established only a candidate
4 committee, his campaign treasurer, deputy treasurer or candidate
5 committee shall (a) pay or make any contribution of money or other
6 thing of value to another candidate who has established only a
7 candidate committee, his campaign treasurer, deputy campaign
8 treasurer or candidate committee, other than a candidate for
9 nomination for election for the office of Governor or candidates for
10 election for the offices of Governor and Lieutenant Governor,
11 which in the aggregate exceeds ~~【\$8,200】~~ \$9,300 per election, or (b)
12 pay or make any contribution of money or other thing of value to
13 candidates who have established only a joint candidates committee,
14 their campaign treasurer, deputy campaign treasurer, or joint
15 candidates committee, which in the aggregate exceeds ~~【\$8,200】~~
16 \$9,300 per election per candidate in the recipient committee, or (c)
17 pay or make any contribution of money or other thing of value to a
18 candidate who has established both a candidate committee and a
19 joint candidates committee, the campaign treasurers, deputy
20 campaign treasurers, or candidate committee or joint candidates
21 committee, which in the aggregate exceeds ~~【\$8,200】~~ \$9,300 per
22 election. No candidate who has established only a candidate
23 committee, his campaign treasurer, deputy campaign treasurer or
24 candidate committee, other than a candidate for nomination for
25 election for the office of Governor or candidates for election to the
26 offices of the Governor and Lieutenant Governor, shall knowingly
27 accept from another candidate who has established only a candidate
28 committee, his campaign treasurer, deputy campaign treasurer or
29 candidate committee, any contribution of money or other thing of
30 value which in the aggregate exceeds ~~【\$8,200】~~ \$9,300 per election,
31 and no candidates who have established only a joint candidates
32 committee, their campaign treasurer, deputy campaign treasurer, or
33 joint candidates committee, shall knowingly accept from any such
34 source any contribution of money or other thing of value which in
35 the aggregate exceeds ~~【\$8,200】~~ \$9,300 per election per candidate in
36 the recipient committee, and no candidate who has established both
37 a candidate committee and a joint candidates committee, the
38 campaign treasurers, deputy campaign treasurers, or candidate
39 committee or joint candidates committee, shall knowingly accept
40 from any such source any contribution of money or other thing of
41 value which in the aggregate exceeds ~~【\$8,200】~~ \$9,300 per election.

42 (2) No candidates who have established only a joint candidates
43 committee, their campaign treasurer, deputy campaign treasurer, or
44 joint candidates committee shall (a) pay or make any contribution
45 of money or other thing of value to another candidate who has
46 established only a candidate committee, his campaign treasurer,
47 deputy campaign treasurer or candidate committee, other than a

1 candidate for nomination for election for the office of Governor or
2 candidates for election for the offices of Governor and Lieutenant
3 Governor, which in the aggregate exceeds, on the basis of each
4 candidate in the contributing joint candidates committee, **【\$8,200】**
5 \$9,300 per election, or (b) pay or make any contribution of money
6 or other thing of value to candidates who have established only a
7 joint candidates committee, their campaign treasurer, deputy
8 campaign treasurer or joint candidates committee, which in the
9 aggregate exceeds, on the basis of each candidate in the
10 contributing joint candidates committee, **【\$8,200】** \$9,300 per
11 election per candidate in the recipient joint candidates committee,
12 or (c) pay or make any contribution of money or other thing of
13 value to a candidate who has established both a candidate
14 committee and a joint candidates committee, the campaign
15 treasurers, deputy campaign treasurers or candidate committee or
16 joint candidates committee, which in the aggregate exceeds, on the
17 basis of each candidate in the contributing joint candidates
18 committee, **【\$8,200】** \$9,300 per election. No candidate who has
19 established only a candidate committee, his campaign treasurer,
20 deputy campaign treasurer, or candidate committee, other than a
21 candidate for nomination for election for the office of Governor or
22 candidates for election for the offices of Governor and Lieutenant
23 Governor, shall knowingly accept from other candidates who have
24 established only a joint candidates committee, their campaign
25 treasurer, deputy campaign treasurer or joint candidates committee,
26 any contribution of money or other thing of value which in the
27 aggregate exceeds, on the basis of each candidate in the
28 contributing committee, **【\$8,200】** \$9,300 per election, and no
29 candidates who have established only a joint candidates committee,
30 their campaign treasurer, deputy campaign treasurer, or joint
31 candidates committee, shall knowingly accept from any such source
32 any contribution of money or other thing of value which in the
33 aggregate exceeds, on the basis of each candidate in the
34 contributing joint candidates committee, **【\$8,200】** \$9,300 per
35 election per candidate in the recipient joint candidates committee,
36 and no candidate who has established both a candidate committee
37 and a joint candidates committee, the campaign treasurers, deputy
38 campaign treasurers, or candidate committee or joint candidates
39 committee, shall knowingly accept from any such source any
40 contribution of money or other thing of value which in the
41 aggregate exceeds, on the basis of each candidate in the
42 contributing joint candidates committee, **【\$8,200】** \$9,300 per
43 election.

44 (3) No candidate who has established both a candidate
45 committee and a joint candidates committee, the campaign
46 treasurers, deputy campaign treasurers, or candidate committee or
47 joint candidates committee shall (a) pay or make any contribution

1 of money or other thing of value to another candidate who has
2 established only a candidate committee, his campaign treasurer,
3 deputy campaign treasurer or candidate committee, other than a
4 candidate for nomination for election for the office of Governor or
5 candidates for election for the offices of Governor and Lieutenant
6 Governor, which in the aggregate exceeds ~~【\$8,200】~~ \$9,300 per
7 election, or (b) pay or make any contribution of money or other
8 thing of value to candidates who have established only a joint
9 candidates committee, their campaign treasurer, deputy campaign
10 treasurer or joint candidates committee, which in the aggregate
11 exceeds ~~【\$8,200】~~ \$9,300 per election per candidate in the recipient
12 joint candidates committee, or (c) pay or make any contribution of
13 money or other thing of value to a candidate who has established
14 both a candidate committee and a joint candidates committee, the
15 campaign treasurers, deputy campaign treasurers, or candidate
16 committee or joint candidates committee, which in the aggregate
17 exceeds ~~【\$8,200】~~ \$9,300 per election. No candidate who has
18 established only a candidate committee, his campaign treasurer,
19 deputy campaign treasurer, or candidate committee, other than a
20 candidate for nomination for election for the office of Governor or
21 candidates for election for the offices of Governor and Lieutenant
22 Governor, shall knowingly accept from a candidate who has
23 established both a candidate committee and a joint candidates
24 committee, the campaign treasurers, deputy campaign treasurers, or
25 candidate committee or joint candidates committee, any
26 contribution of money or other thing of value which in the
27 aggregate exceeds ~~【\$8,200】~~ \$9,300 per election, and no candidates
28 who have established only a joint candidates committee, their
29 campaign treasurer, deputy campaign treasurer, or joint candidates
30 committee, shall knowingly accept from any such source any
31 contribution of money or other thing of value which in the
32 aggregate exceeds ~~【\$8,200】~~ \$9,300 per election per candidate in the
33 recipient joint candidates committee, and no candidate who has
34 established both a candidate committee and a joint candidates
35 committee, the campaign treasurers, deputy campaign treasurers, or
36 candidate committee or joint candidates committee shall knowingly
37 accept from any such source any contribution of money or other
38 thing of value which in the aggregate exceeds ~~【\$8,200】~~ \$9,300 per
39 election.

40 (4) Expenditures by a candidate for nomination for election or
41 for election to the office of member of the Legislature or to an
42 office of a political subdivision of the State, or by the campaign
43 treasurer, deputy treasurer, candidate committee or joint candidates
44 committee of such a candidate, which are made in furtherance of the
45 nomination or election, respectively, of another candidate for the
46 same office in the same legislative district or the same political
47 subdivision shall not be construed to be subject to any limitation

1 under this subsection; for the purposes of this sentence, the offices
2 of member of the State Senate and member of the General
3 Assembly shall be deemed to be the same office.

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

9 e. For the purpose of determining the amount of a contribution
10 to be attributed as given to or by each candidate in a joint
11 candidates committee, the amount of the contribution to or by such
12 a committee shall be divided equally among all the candidates in the
13 committee.

14 (cf: P.L.2009, c.66, s.12)

15

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

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

1 protection in connection with employment, a political committee, a
2 continuing political committee, a candidate committee or a joint
3 candidates committee or any other group, any contribution of
4 money or other thing of value which in the aggregate exceeds
5 **【\$25,000】** \$28,000 per year, or in the case of a joint candidates
6 committee when that is the only committee established by the
7 candidates, **【\$25,000】** \$28,000 per year per candidate in the joint
8 candidates committee, or in the case of a candidate committee and a
9 joint candidates committee when both are established by a
10 candidate, **【\$25,000】** \$28,000 per year from that candidate.

11 (2) No national committee of a political party shall pay or make
12 any contribution of money or other thing of value to the campaign
13 treasurer, deputy treasurer or other representative of the State
14 committee of a political party which in the aggregate exceeds
15 **【\$72,000】** \$82,000 per year, and no campaign treasurer, deputy
16 campaign treasurer or other representative of the State committee of
17 a political party shall knowingly accept from the national committee
18 of a political party any contribution of money or other thing of
19 value which in the aggregate exceeds **【\$72,000】** \$82,000 per year.

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

1 or any other group, any contribution of money or other thing of
2 value which in the aggregate exceeds **[\$37,000]** \$42,000 per year,
3 or in the case of a joint candidates committee when that is the only
4 committee established by the candidates, **[\$37,000]** \$42,000 per
5 year per candidate in the joint candidates committee, or in the case
6 of a candidate committee and a joint candidates committee when
7 both are established by a candidate, **[\$37,000]** \$42,000 per year
8 from that candidate.

9 c. No individual, no corporation of any kind organized and
10 incorporated under the laws of this State or any other state or any
11 country other than the United States, no labor organization of any
12 kind which exists or is constituted for the purpose, in whole or in
13 part, of collective bargaining, or of dealing with employers
14 concerning the grievances, terms or conditions of employment, or
15 of other mutual aid or protection in connection with employment,
16 no political committee, continuing political committee, candidate
17 committee or joint candidates committee or any other group shall
18 pay or make any contribution of money or other thing of value to
19 any municipal committee of a political party, which in the aggregate
20 exceeds **[\$7,200]** \$8,200 per year, or in the case of a joint
21 candidates committee when that is the only committee established
22 by the candidates, **[\$7,200]** \$8,200 per year per candidate in the
23 joint candidates committee, or in the case of a candidate committee
24 and a joint candidates committee when both are established by a
25 candidate, **[\$7,200]** \$8,200 per year from that candidate. No
26 campaign treasurer, deputy campaign treasurer or other
27 representative of a municipal committee of a political party shall
28 knowingly accept from an individual, a corporation of any kind
29 organized and incorporated under the laws of this State or any other
30 state or any country other than the United States, a labor
31 organization of any kind which exists or is constituted for the
32 purpose, in whole or in part, of collective bargaining, or of dealing
33 with employers concerning the grievances, terms or conditions of
34 employment, or of other mutual aid or protection in connection with
35 employment, a political committee, a continuing political
36 committee, a candidate committee or a joint candidates committee
37 or any other group, any contribution of money or other thing of
38 value which in the aggregate exceeds **[\$7,200]** \$8,200 per year, or
39 in the case of a joint candidates committee when that is the only
40 committee established by the candidates, **[\$7,200]** \$8,200 per year
41 per candidate in the joint candidates committee, or in the case of a
42 candidate committee and a joint candidates committee when both
43 are established by a candidate, **[\$7,200]** \$8,200 per year from that
44 candidate.

45 No county committee of a political party in any county shall pay
46 or make any contribution of money or other thing of value to a
47 municipal committee of a political party in a municipality not

1 located in that county which in the aggregate exceeds the amount of
2 aggregate contributions which, under this subsection, a continuing
3 political committee is permitted to pay or make to a municipal
4 committee of a political party. No campaign treasurer, deputy
5 campaign treasurer or other representative of a municipal committee
6 of a political party in any municipality shall knowingly accept from
7 any county committee of a political party in any county other than
8 the county in which the municipality is located any contribution of
9 money or other thing of value which in the aggregate exceeds the
10 amount of contributions permitted to be so paid or made under that
11 subsection.

12 d. For the purpose of determining the amount of a contribution
13 to be attributed as given by each candidate in a joint candidates
14 committee, the amount of the contribution by such a committee
15 shall be divided equally among all the candidates in the committee.
16 (cf: P.L.2004, c.174, s.4)

17

18 8. Section 20 of P.L.1993, c.65 (C.19:44A-11.5) is amended to
19 read as follows:

20 20. a. No candidate who has established only a candidate
21 committee, his campaign treasurer, deputy treasurer or candidate
22 committee shall pay or make any contribution of money or other
23 thing of value to a political committee, other than a political
24 committee which is organized to, or does, aid or promote the
25 passage or defeat of a public question in any election, or a
26 continuing political committee, which in the aggregate exceeds, in
27 the case of such a political committee, **[\$7,200]** \$8,200 per
28 election, or in the case of a continuing political committee,
29 **[\$7,200]** \$8,200 per year, and no candidates who have established
30 only a joint candidates committee, their campaign treasurer, deputy
31 campaign treasurer or joint candidates committee shall pay or make
32 any contribution of money or other thing of value to such a political
33 committee or continuing political committee which in the aggregate
34 exceeds, in the case of such a political committee, **[\$7,200]** \$8,200
35 per election per candidate in the joint candidates committee, or in
36 the case of a continuing political committee, **[\$7,200]** \$8,200 per
37 year per candidate in the joint candidates committee, and no
38 candidate who has established both a candidate committee and a
39 joint candidates committee shall pay or make any contribution of
40 money or other thing of value which in the aggregate exceeds, in
41 the case of such a political committee, **[\$7,200]** \$8,200 per election
42 from that candidate, or in the case of a continuing political
43 committee, **[\$7,200]** \$8,200 per year from that candidate. No
44 political committee, other than a political committee which is
45 organized to, or does, aid or promote the passage or defeat of a
46 public question in any election, or a continuing political committee,
47 shall knowingly accept from a candidate who has established only a

1 candidate committee, his campaign treasurer, deputy treasurer or
2 candidate committee, any contribution of money or other thing of
3 value which in the aggregate exceeds, in the case of such a political
4 committee, **[\$7,200]** \$8,200 per election, or in the case of a
5 continuing political committee, **[\$7,200]** \$8,200 per year, and no
6 such political committee or continuing political committee shall
7 knowingly accept from candidates who have established only a joint
8 candidates committee, their campaign treasurer, deputy campaign
9 treasurer, or joint candidates committee, any contribution of money
10 or other thing of value which in the aggregate exceeds, in the case
11 of such a political committee, **[\$7,200]** \$8,200 per election per
12 candidate in the joint candidates committee, or in the case of a
13 continuing political committee, **[\$7,200]** \$8,200 per year per
14 candidate in the joint candidates committee, and no such political
15 committee or continuing political committee shall knowingly accept
16 from a candidate who has established both a candidate committee
17 and a joint candidates committee any contribution of money or
18 other thing of value which in the aggregate exceeds, in the case of
19 such a political committee, **[\$7,200]** \$8,200 per election from that
20 candidate, or in the case of a continuing political committee,
21 **[\$7,200]** \$8,200 per year from that candidate. For the purpose of
22 determining the amount of a contribution to be attributed as given
23 by each candidate in a joint candidates committee, the amount of
24 the contribution by such a committee shall be divided equally
25 among all the candidates in the committee.

26 b. No political committee, other than a political committee
27 which is organized to, or does, aid or promote the passage or defeat
28 of a public question in any election, and no continuing political
29 committee shall pay or make any contribution of money or other
30 thing of value to another political committee, other than a political
31 committee which is organized to, or does, aid or promote the
32 passage or defeat of a public question in any election, or another
33 continuing political committee which in the aggregate exceeds, in
34 the case of a recipient continuing political committee, **[\$7,200]**
35 \$8,200 per year, or in the case of a recipient political committee,
36 **[\$7,200]** \$8,200 per election. No political committee, other than a
37 political committee which is organized to, or does, aid or promote
38 the passage or defeat of a public question in any election, and no
39 continuing political committee shall knowingly accept from another
40 political committee, other than a political committee which is
41 organized to, or does, aid or promote the passage or defeat of a
42 public question in any election, or another continuing political
43 committee any contribution of money or other thing of value which
44 in the aggregate exceeds, in the case of a recipient continuing
45 political committee, **[\$7,200]** \$8,200 per year, or in the case of a
46 recipient political committee, **[\$7,200]** \$8,200 per election.

1 c. No individual, no corporation of any kind organized and
2 incorporated under the laws of this State or any other state or any
3 country other than the United States, no labor organization of any
4 kind which exists or is constituted for the purpose, in whole or in
5 part, of collective bargaining, or of dealing with employees
6 concerning the grievances, terms or conditions of employment, or
7 of other mutual aid or protection in connection with employment,
8 nor any other group, shall pay or make any contribution of money
9 or other thing of value to a political committee, other than a
10 political committee which is organized to, or does, aid or promote
11 the passage or defeat of a public question in any election, or a
12 continuing political committee, which in the aggregate exceeds, in
13 the case of such a political committee, **[\$7,200]** \$8,200 per
14 election, or in the case of a continuing political committee,
15 **[\$7,200]** \$8,200 per year, and no such political committee or
16 continuing political committee shall knowingly accept any
17 contribution in excess of those amounts from an individual or from
18 such corporation, labor organization, or other group.
19 (cf: P.L.2001, c.384, s.3)

20

21 9. Section 12 of P.L.1973, c.83 (C.19:44A-12) is amended to
22 read as follows:

23 12. An organizational or campaign treasurer or deputy
24 organizational or campaign treasurer of a candidate committee or
25 joint candidates committee, a political committee, a continuing
26 political committee, an independent expenditure committee, a
27 political party committee or a legislative leadership committee shall
28 make a written record of all funds which he receives as
29 contributions to the candidate committee, joint candidates
30 committee, political committee, continuing political committee,
31 independent expenditure committee, political party committee or
32 legislative leadership committee, including in that record the name
33 and mailing address of the contributor, the amount and date of the
34 contribution, and where the contributor is an individual, the
35 occupation of the individual and the name and mailing address of
36 the individual's employer. The organizational or campaign treasurer
37 shall retain that record for a period of not less than four years. All
38 funds so received shall be deposited by the campaign or
39 organizational treasurer or deputy campaign or organizational
40 treasurer in a campaign depository of the candidate committee or
41 joint candidates committee, the continuing political committee,
42 political committee, independent expenditure committee, political
43 party committee or legislative leadership committee no later than
44 the tenth calendar day following receipt of such funds; except that
45 any such treasurer or deputy treasurer may, when authorized by the
46 candidate, candidates or committee of which he is the campaign or
47 organizational treasurer or deputy campaign or organizational
48 treasurer, transfer any such funds to the duly designated campaign

1 or organizational treasurer or deputy campaign or organizational
2 treasurer of another candidate or committee, for inclusion in the
3 campaign depository thereof, without first so depositing them;
4 provided, however, that the amount so transferred shall not be in
5 excess of the amount that may be contributed by one candidate to
6 another candidate in an election pursuant to section 18 of P.L.1993,
7 c.65 (C.19:44A-11.3), but this proviso shall not be construed to
8 prohibit a county or municipal committee of a political party from
9 making a contribution or contributions, or from transferring funds
10 as hereinabove authorized, to any candidate, candidate committee,
11 joint candidates committee, political committee, continuing political
12 committee, independent expenditure committee, political party
13 committee, or legislative leadership committee. A record of all
14 nondeposited funds so transferred shall be attached to the statement
15 required under this section, identifying them as to source and
16 amount in the same manner as deposited funds.

17 (cf: P.L.1995, c.178, s.1)

18

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

21 16. a. The campaign treasurer of each candidate committee and
22 joint candidates committee shall make a full cumulative report,
23 upon a form prescribed by the Election Law Enforcement
24 Commission, of all contributions in the form of moneys, loans, paid
25 personal services or other things of value, made to him or to the
26 deputy campaign treasurers of the candidate committee or joint
27 candidates committee, and all expenditures paid out of the election
28 fund of the candidate or candidates, during the period ending with
29 the second day preceding the date of the cumulative report and
30 beginning on the date of the first of those contributions, the date of
31 the first of those expenditures, or the date of the appointment of the
32 campaign treasurer, whichever occurred first. The report shall also
33 contain the name and mailing address of each person or group from
34 whom moneys, loans, paid personal services or other things of value
35 were contributed after the second day preceding the date of the
36 previous cumulative report and the amount contributed by each
37 person or group, and where an individual has made such
38 contributions, the report shall indicate the occupation of the
39 individual and the name and mailing address of the individual's
40 employer. In the case of any loan reported pursuant to this section,
41 the report shall further contain the name and mailing address of
42 each person who cosigns such loan, the occupation of the person
43 and the name and mailing address of the person's employer. If no
44 moneys, loans, paid personal services or other things of value were
45 contributed, the report shall so indicate, and if no expenditures were
46 paid or incurred, the report shall likewise so indicate. The
47 campaign treasurer and the candidate or several candidates shall
48 certify the correctness of the report.

1 b. During the period between the appointment of the campaign
2 treasurer and the election with respect to which contributions are
3 accepted or expenditures made by him, the campaign treasurer shall
4 file his cumulative campaign report (1) on the 29th day preceding
5 the election, and (2) on the 11th day preceding the election; and
6 after the election he shall file his report on the 20th day following
7 such election. Concurrent with the report filed on the 20th day
8 following an election, or at any time thereafter, the campaign
9 treasurer of a candidate committee or joint candidates committee
10 may certify to the Election Law Enforcement Commission that the
11 election fund of such candidate committee or joint candidates
12 committee has wound up its business and been dissolved, or that
13 business regarding the late election has been wound up but the
14 candidate committee or joint candidates committee will continue for
15 the deposit and use of contributions in accordance with section 17
16 of P.L.1993, c.65 (C.19:44A-11.2). Certification shall be
17 accompanied by a final accounting of such election fund, or of the
18 transactions relating to such election, including the final disposition
19 of any balance remaining in such fund at the time of dissolution or
20 the arrangements which have been made for the discharge of any
21 obligations remaining unpaid at the time of dissolution. Until the
22 candidate committee or joint candidates committee is dissolved,
23 each such treasurer shall continue to file reports in the form and
24 manner herein prescribed.

25 The Election Law Enforcement Commission shall promulgate
26 regulations providing for the termination of post-election campaign
27 reporting requirements applicable to political committees, candidate
28 committees and joint candidates committees. The requirements to
29 file quarterly reports after the first post-election report may be
30 waived by the commission, notwithstanding that the certification
31 has not been filed, if the commission determines under any
32 regulations so promulgated that the outstanding obligations of the
33 political committee, candidate committee or joint candidates
34 committee do not exceed 10% of the expenditures of the campaign
35 fund with respect to the election or \$1,000.00, whichever is less, or
36 are likely to be discharged or forgiven.

37 A candidate committee or joint candidates committee shall file
38 with the Election Law Enforcement Commission, not later than
39 April 15, July 15, October 15 of each calendar year in which the
40 candidate or candidates in control of the committee does or do not
41 run for election or reelection and January 15 of each calendar year
42 in which the candidate or candidates does or do run for election or
43 reelection, a cumulative quarterly report of all moneys, loans, paid
44 personal services or other things of value contributed to it or to the
45 candidate or candidates during the period ending on the 15th day
46 preceding that date and commencing on January 1 of that calendar
47 year or, in the case of the cumulative quarterly report to be filed not
48 later than January 15, of the previous calendar year, and all

1 expenditures made, incurred, or authorized by it or the candidate or
2 candidates during the period, whether or not such expenditures were
3 made, incurred or authorized in furtherance of the election or defeat
4 of any candidate, or in aid of the passage or defeat of any public
5 question or to provide information on any candidate or public
6 question. The commission may by regulation require any such
7 candidate committee or joint candidates committee to file during
8 any calendar year one or more additional cumulative reports of such
9 contributions received and expenditures made as may be necessary
10 to ensure that no more than five months shall elapse between the
11 last day of a period covered by one such report and the last day of
12 the period covered by the next such report.

13 The commission, on any form it shall prescribe for the reporting
14 of expenditures by a candidate committee or joint candidates
15 committee, shall provide for the grouping together of all
16 expenditures under the category of "campaign expenses" under
17 paragraph (1) of subsection a. of section 17 of P.L.1993, c.65,
18 identified as such, and for the grouping together, separately, of all
19 other expenditures under the categories prescribed by paragraphs
20 (2) through (6) of that subsection. The cumulative quarterly report
21 due on April 15 in a year immediately after the year in which the
22 candidate or candidates does or do run for election or reelection
23 shall contain a report of all of the contributions received and
24 expenditures made by the candidate or candidates since the 18th day
25 after that election.

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

43 c. No candidate for elective public office shall be required to
44 file a duplicate copy of the campaign treasurer's report with the
45 county clerk of the county in which the candidate resides.

46 d. There shall be no obligation to file the reports required by
47 this section on behalf of a candidate if such candidate files with the
48 Election Law Enforcement Commission a sworn statement to the

1 effect that the total amount to be expended in behalf of his
2 candidacy by the candidate committee, by any political party
3 committee, by any political committee, or by any person shall not in
4 the aggregate exceed \$2,000.00 or \$4,000 for any joint candidates
5 committee containing two candidates or \$6,000 for any joint
6 candidates committee containing three or more candidates. The
7 sworn statement may be submitted at the time when the name and
8 address of the campaign treasurer and depository is filed with the
9 Election Law Enforcement Commission, provided that in any case
10 the sworn statement is filed no later than the 29th day before an
11 election. If a candidate who has filed such a sworn statement
12 receives contributions from any one source aggregating more than
13 \$300 he shall forthwith make report of the same, including the name
14 and mailing address of the source and the aggregate total of
15 contributions therefrom, and where the source is an individual, the
16 occupation of the individual and the name and mailing address of
17 the individual's employer, to the Election Law Enforcement
18 Commission. The \$300 limit established in this subsection shall
19 remain as stated in this subsection without further adjustment by the
20 commission in the manner prescribed by section 22 of P.L.1993,
21 c.65 (C.19:44A-7.2).

22 e. There shall be no obligation imposed upon a candidate
23 seeking election to a public office of a school district to file either
24 the reports required under subsection b. of this section or the sworn
25 statement referred to in subsection d. of this section, if the total
26 amount expended and to be expended in behalf of his candidacy by
27 the candidate committee, any political committee, any continuing
28 political committee, or a political party committee or by any person,
29 does not in the aggregate exceed \$2,000.00 per election or \$4,000
30 for any joint candidates committee containing two candidates or
31 \$6,000 for any joint candidates committee containing three or more
32 candidates; provided, that if such candidate receives contributions
33 from any one source aggregating more than \$300, he shall forthwith
34 make a report of the same, including the name and mailing address
35 of the source, the aggregate total of contributions therefrom, and
36 where the source is an individual, the occupation of the individual
37 and the name and mailing address of the individual's employer, to
38 the commission.

39 The \$300 limit established in this subsection shall remain as
40 stated in this subsection without further adjustment by the
41 commission in the manner prescribed by section 22 of P.L.1993,
42 c.65 (C.19:44A-7.2).

43 f. In any report filed pursuant to the provisions of this section,
44 the names and addresses of contributors whose contributions during
45 the period covered by the report did not exceed \$300 may be
46 excluded; provided, however, that (1) such exclusion is unlawful if
47 any person responsible for the preparation or filing of the report
48 knew that such exclusion was made with respect to any person

1 whose total contributions relating to the same election and made to
2 the reporting candidate or to an allied campaign organization or
3 organizations aggregate, in combination with the total contributions
4 in respect of which such exclusion is made, more than \$300, and (2)
5 any person who knowingly prepares, assists in preparing, files or
6 acquiesces in the filing of any report from which the identity of any
7 contributor has been excluded contrary to the provisions of this
8 section is subject to the provisions of section 21 of this act, but (3)
9 nothing in this proviso shall be construed as requiring any candidate
10 committee or joint candidates committee reporting pursuant to this
11 act to report the amounts, dates or other circumstantial data
12 regarding contributions made to any other candidate committee,
13 joint candidates committee, political committee, continuing political
14 committee, political party committee or legislative leadership
15 committee.

16 The \$300 limit established in this subsection shall remain as
17 stated in this subsection without further adjustment by the
18 commission in the manner prescribed by section 22 of P.L.1993,
19 c.65 (C.19:44A-7.2).

20 g. Any report filed pursuant to the provisions of this section
21 shall include an itemized accounting of all receipts and
22 expenditures relative to any testimonial affair held since the date of
23 the most recent report filed, which accounting shall include the
24 name and mailing address of each contributor in excess of \$300 to
25 such testimonial affair and the amount contributed by each; in the
26 case of any individual contributor, the occupation of the individual
27 and the name and mailing address of the individual's employer; the
28 expenses incurred; and the disposition of the proceeds of such
29 testimonial affair.

30 The \$300 limit established in this subsection shall remain as
31 stated in this subsection without further adjustment by the
32 commission in the manner prescribed by section 22 of P.L.1993,
33 c.65 (C.19:44A-7.2).

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

35 i. Each campaign treasurer of a candidate committee or joint
36 candidates committee shall file written notice with the commission
37 of a contribution in excess of ~~【\$500】~~ \$1,400 received during the
38 period between the 13th day prior to the election and the date of the
39 election and of an expenditure of money or other thing of value in
40 excess of ~~【\$800】~~ \$1,400 made, incurred or authorized by the
41 candidate committee or joint candidates committee to support or
42 defeat a candidate in an election, or to aid the passage or defeat of
43 any public question, during the period between the 13th day prior to
44 the election and the date of the election, provided that a candidate
45 shall not be required to file written notice pursuant to this
46 subsection of an expenditure made to support his or her own
47 candidacy, or to support or defeat a candidate for the same office in
48 an election. For the purposes of this subsection, the offices of

1 member of the Senate and member of the General Assembly shall
2 be deemed to be the same office in a legislative district; the offices
3 of member of the board of chosen freeholders and county executive
4 shall be deemed to be the same office in a county; and the offices of
5 mayor and member of the municipal governing body shall be
6 deemed to be the same office in a municipality.

7 The notice of a contribution shall be filed in writing or by
8 telegram within 48 hours of the receipt of the contribution and shall
9 set forth the amount and date of the contribution, the name and
10 mailing address of the contributor, and where the contributor is an
11 individual, the occupation of the individual and the name and
12 mailing address of the individual's employer. The notice of an
13 expenditure shall be filed in writing or by telegram within 48 hours
14 of the making, incurring or authorization of the expenditure and
15 shall set forth the name and mailing address of the person, firm or
16 organization to whom or which the expenditure was paid and the
17 amount and purpose of the expenditure.

18 j. Each county shall provide on its Internet site a link to the
19 Internet site for the Election Law Enforcement Commission for the
20 purpose of providing public access to the reports that are required to
21 be submitted to the commission pursuant to this section.

22 (cf: P.L.2014, c.58, s.1)

23

24 11. Section 18 of P.L.1973, c.83 (C.19:44A-18) is amended to
25 read as follows:

26 18. If any former candidate or any political committee or any
27 person or association of persons in behalf of such political
28 committee, or any independent expenditure committee, or former
29 candidate shall receive any contributions or make any expenditures
30 with relation to any election after the date set in section 16 of **[this**
31 **act]** P.L.1973, c.83 (C.19:44A-16) for the final report subsequent to
32 such election, or shall conduct any testimonial affair or public
33 solicitation for the purpose of raising funds to cover any part of the
34 expenses of a candidate **[or]**, political committee, independent
35 expenditure committee, or other organization in such election, all
36 such contributions, expenditures, testimonial affairs or public
37 solicitations shall be reported to the Election Law Enforcement
38 Commission by the person or persons receiving such contributions
39 or making such expenditures or conducting such testimonial affairs
40 or public solicitations. Such report shall be made by any person
41 receiving any such contribution or contributions, or making any
42 such expenditure or expenditures, which in the aggregate total
43 more than \$100.00, or conducting any testimonial affair or public
44 solicitation of which the net proceeds exceed \$100.00; and shall be
45 made within 20 days from the date upon which the aggregate of
46 such contributions, expenditures or proceeds exceed \$100.00 for
47 the period commencing with the 19th day following such election
48 or with the date upon which any previous report was made pursuant

1 to this section, whichever is sooner. Such report shall be made in
2 the same form and shall contain the same detail prescribed for any
3 other report made pursuant to section 8 or 16 of **[this act]**
4 P.L.1973, c.83 (C.19:44A-8 or C.19:44A-16).
5 (cf: P.L.1983, c.579, s.17)
6

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

9 19. a. No person shall conduct any public solicitation as defined
10 in this act except (1) upon written authorization of the campaign or
11 organizational treasurer of the candidate committee or joint
12 candidates committee, political committee, continuing political
13 committee, political party committee, independent expenditure
14 committee, or legislative leadership committee on whose behalf
15 such solicitation is conducted, or (2) in accordance with the
16 provisions of subsection c. of this section. A person with such
17 written authorization may employ and accept the services of others
18 as solicitors, and shall be responsible for reporting to the treasurer
19 the information required under subsection b. of this section and for
20 delivery to the treasurer the net proceeds of such solicitation in
21 compliance with section 11 of **[this act]** P.L.1973, c.83 (C.19:44A-
22 11). A contribution made through donation or purchase in response
23 to a public solicitation conducted pursuant to written authorization
24 of a treasurer shall be deemed to have been made through such
25 treasurer.

26 b. Whenever a public solicitation has been authorized by a
27 treasurer during a period covered by a report required to be filed
28 under sections 8 and 16 of **[this act]** P.L.1973, c.83 (C.19:44A-8
29 and C.19:44A-16), there shall be filed with such report and as a part
30 thereof an itemized report on any such solicitation of which the net
31 proceeds exceed \$200, in such form and detail as required by the
32 rules of the Election Law Enforcement Commission, which report
33 shall include:

34 (1) The name and mailing address of the person authorized to
35 conduct such solicitation, the method of solicitation and, where the
36 person is an individual, the occupation of the individual and the
37 name and mailing address of the individual's employer;

38 (2) The gross receipts and expenses involved in the solicitation
39 including the actual amount paid for any items purchased for resale
40 in connection with the solicitation, or, if such items or any portion
41 of the cost thereof was donated, the estimated actual value thereof
42 and the actual amount paid therefor, and the names and addresses of
43 any such donors. If it is not practicable for such itemized report to
44 be completed in time to be included with the report due under
45 sections 8 and 16 of **[this act]** P.L.1973, c.83 (C.19:44A-8 and
46 C.19:44A-16) for the period during which such solicitation was
47 held, then such itemized report may be omitted from said report and

1 if so omitted shall be included in the report for the next succeeding
2 period.

3 Adjustments to the \$200 limit established in this subsection
4 which have been made by the Election Law Enforcement
5 Commission, pursuant to section 22 of P.L.1993, c.65 (C.19:44A-
6 7.2), prior to the effective date of P.L.2004, c.28 are rescinded. The
7 \$200 limit established in this subsection shall remain as stated in
8 this subsection without further adjustment by the commission in the
9 manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2).

10 c. Notwithstanding the provisions of subsection b. of this
11 section, it shall be lawful for any natural person, not acting in
12 concert with any other person or group, to make personally a public
13 solicitation the entire proceeds of which, without deduction for the
14 expenses of solicitation, are to be expended by him personally or
15 under his personal direction to finance any lawful activity in
16 support of or opposition to any candidate or public question or to
17 provide political information on any candidate or public question or
18 to seek to influence the content, introduction, passage or defeat of
19 legislation; provided, however, that any individual making such
20 solicitation who receives gross contributions exceeding \$200 in
21 respect to activities relating to any one election shall be required to
22 make a report stating (1) the amount so collected, (2) the method of
23 solicitation, (3) the purpose or purposes for which the funds so
24 collected were expended and the amount expended for each such
25 purpose and (4) the individual's name and mailing address, the
26 individual's occupation and the name and mailing address of the
27 individual's employer. Adjustments to the \$200 limit established in
28 this subsection which have been made by the Election Law
29 Enforcement Commission, pursuant to section 22 of P.L.1993, c.65
30 (C.19:44A-7.2), prior to the effective date of P.L.2004, c.28 are
31 rescinded. The \$200 limit established in this subsection shall
32 remain as stated in this subsection without further adjustment by the
33 commission in the manner prescribed by section 22 of P.L.1993,
34 c.65 (C.19:44A-7.2).

35 Such report shall be made to the Election Law Enforcement
36 Commission at the same time and in the same manner as a political
37 committee, continuing political committee, political party
38 committee, independent expenditure committee, or a legislative
39 leadership committee subject to the provisions of section 8 of **[this**
40 **act]** P.L.1973, c.83 (C.19:44A-8).

41 d. Contributions or purchases made in response to a public
42 solicitation conducted in conformity with the requirements and
43 conditions of **[this act]** P.L.1973, c.83 (C.19:44A-1 et seq.) shall
44 not be deemed anonymous within the meaning of sections 11 and 20
45 of **[this]** the act.

46 e. No person contributing in good faith to a public solicitation
47 not duly authorized in compliance with the provisions of **[this act]**

1 P.L.1973, c.83 (C.19:44A-1 et seq.) shall be liable to any penalty
2 under **[this]** the act by reason of having made such contribution.
3 (cf: P.L.2004, c.28, s.6)

4

5 13. Section 20 of P.L.1973, c.83 (C.19:44A-20) is amended to
6 read as follows:

7 20. No contribution of money or other thing of value, nor
8 obligation therefor, shall be made, and no expenditure of money or
9 other thing of value, nor obligation therefor, shall be made or
10 incurred whether anonymously, in a fictitious name, or by one
11 person or group in the name of another, to support or defeat a
12 candidate in an election or to aid the passage or defeat of any public
13 question or to provide political information on any candidate or
14 public question or to seek to influence the content, introduction,
15 passage or defeat of legislation.

16 No individual, either alone or jointly with one or more other
17 individuals, and no corporation, partnership, membership
18 organization or other incorporated or unincorporated association
19 shall loan or advance to any individual, group of individuals,
20 corporation, partnership, membership organization or other
21 incorporated or unincorporated association any money or other
22 thing of value expressly for the purpose of inducing the recipient
23 thereof, or any other individual, group, corporation, partnership,
24 organization or association, to make a contribution, either directly
25 or indirectly, of money or other thing of value to a candidate or the
26 candidate committee or joint candidates committee of a candidate.

27 No person shall contribute, or purport to contribute, to any
28 candidate, candidate committee or joint candidates committee,
29 political committee, continuing political committee, independent
30 expenditure committee, political party committee or legislative
31 leadership committee funds or property which does not actually
32 belong to him and is not in his full custody and control; which has
33 been given or furnished to him by any other person or group for the
34 purpose of making a contribution thereof, except in the case of
35 group contributions by persons who are members of the
36 contributing group; or which has been loaned or advanced expressly
37 for the purpose of inducing the making of a contribution to a
38 candidate, candidate committee or joint candidates committee.

39 No treasurer, candidate or member of a candidate committee,
40 joint candidates committee, political committee, continuing political
41 committee, independent expenditure committee, political party
42 committee or legislative leadership committee shall solicit or
43 knowingly accept, agree to accept or concur in or abet the
44 solicitation or acceptance of any contribution contrary to the
45 provisions of this section.

46 (cf: P.L.1993, c.65, s.11)

47

48 14. Section 13 of P.L.2004, c.19 (C.19:44A-11.3a) is repealed

1 15. This act shall take effect on the January 1 next following the
2 date of enactment.

3

4

5

STATEMENT

6

7 This bill revises "The New Jersey Campaign Contributions and
8 Expenditures Reporting Act" to institute new reporting
9 requirements on certain organizations, and increase the limits on the
10 amount of money that may be contributed by individuals,
11 candidates, and committees to other candidates and committees.

12 Specifically, the bill would require disclosure by any
13 independent expenditure committee. Such a committee is defined
14 as any organization organized under section 527, or under
15 paragraph (4) of subsection c. of section 501, of the federal Internal
16 Revenue Code that engages in influencing or attempting to
17 influence the outcome of any election or the nomination, election,
18 or defeat of any person to any State or local elective public office or
19 the passage or defeat of any public question, or in providing
20 political information on any candidate or public question, and raises
21 or expends \$3,000 or more for any such purpose. It would require
22 these committees to report contribution and expenditure information
23 in excess of \$300 to the Election Law Enforcement Commission
24 (ELEC). The bill would prohibit a candidate from establishing,
25 authorizing the establishment of, maintaining, or participating
26 directly or indirectly, in the management or control of any
27 independent expenditure committee.

28 The bill defines the term "electioneering communication" to
29 mean any communication that has a value of at least \$10,000 and
30 refers to: 1) a clearly identified candidate for office and promotes or
31 supports a candidate for that office or opposes a candidate for that
32 office, regardless of whether the communication expressly
33 advocates a vote for or against a candidate; or 2) a public question
34 and promotes or supports the passage or defeat of that question,
35 regardless of whether the communication expressly advocates a
36 vote for or against the passage of the question. The term includes
37 communications published in any newspaper or periodical; or
38 broadcast on radio, television, the Internet, or any public address
39 system; placed on any billboard, outdoor facility, button, motor
40 vehicle, window display, poster, card, pamphlet, leaflet, flyer, or
41 other circular; or contained in any direct mailing, robotic phone
42 calls, or mass e-mails.

43 The term "independent expenditure" is defined in the bill to
44 mean an expenditure by a person expressly advocating, or the
45 functional equivalent thereof, the election or defeat of: 1) a clearly
46 identified candidate that is not made in concert or cooperation with
47 or at the request or suggestion of the candidate, the candidate's
48 committee, a political party committee, or an agent thereof; or 2) a

1 public question that is not made in concert or cooperation with or at
2 the request or suggestion of the sponsors, organizers, or committee
3 supporting or opposing the question, a political party, or agents
4 thereof. The “functional equivalent” of expressly advocating means
5 specific advocacy that can be interpreted by a reasonable person as
6 advocating the election or defeat of a candidate, or the passage or
7 defeat of a public question, taking into account whether the
8 communication involved mentions a candidate, a political party, or
9 a challenger to a candidate, or takes a position on a candidate’s
10 character, qualifications, or fitness for office, or that can be
11 interpreted by a reasonable person as taking a position on the merits
12 of a public question or taking a position in favor or against the
13 passage or defeat of the public question.

14 In addition the bill would:

15 1) increase the amount of money that can be contributed by an
16 individual, a corporation or union, or a group to a candidate
17 committee from \$2,600 to \$3,000 per election;

18 2) increase the amount of money that can be contributed by a
19 political committee or a continuing political committee to a
20 candidate committee from \$8,200 to \$9,300 per election;

21 3) increase the amount of money that can be contributed by an
22 individual, a corporation or union, political committee, continuing
23 political committee, candidate committee or joint candidates
24 committee or any other group to: a) the State committee of a
25 political party from \$25,000 to \$28,000 per year; b) a county
26 committee of a political party from \$37,000 to \$42,000 per year;
27 and c) a municipal committee of a political party from \$7,200 to
28 \$8,200 per year;

29 4) increase the amount of money that the national committee of
30 a political party can contribute to the State committee of a political
31 party from \$72,000 to \$82,000 per year;

32 5) increase the amount of money that can be contributed by the
33 candidate committee of one candidate to the candidate committee of
34 another candidate from \$8,200 to \$9,300 per election; and

35 6) increase the amount of money that can be contributed to a
36 political committee, or that one political committee or continuing
37 political committee can contribute to another political committee or
38 continuing political committee, from \$7,200 to \$8,200 per election
39 or per year, as the case may be.

40 The bill also repeals the current prohibition on the transfer of
41 funds between county political party committees between January
42 1st and June 30th of each year.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Third Reprint]

SENATE, No. 1500

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 18, 2019

The Assembly Appropriations Committee reports favorably and with committee amendments Senate Bill No. 1500 (3R).

As amended, this bill revises “The New Jersey Campaign Contributions and Expenditures Reporting Act” to institute new reporting requirements on certain organizations.

The bill, as amended, requires disclosure by any “independent expenditure committee,” defined as any person organized under section 527 or paragraphs (4) or (6) of subsection (c) of section 501 of the federal Internal Revenue Code that engages in influencing or attempting to influence the outcome of any election or the nomination, election, or defeat of any person to any State or local elective public office or the passage or defeat of any public question, legislation, or regulation, or in providing political information on any candidate or public question, legislation, or regulation, and raises or expends \$3,000 or more for any such purpose. The bill requires these committees to report contributions in excess of \$10,000 and expenditures in excess of \$3,000 to the Election Law Enforcement Commission (ELEC), and prohibits a candidate or holder of public office from establishing, authorizing the establishment of, maintaining, or participating directly or indirectly, in the management or control of any independent expenditure committee. Under R.S.1:1-2, the term “person” includes corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals.

The bill defines “electioneering communication” as any communication made from January 1 of an election year and the date of the election and refers to: 1) a clearly identified candidate for office and promotes or supports a candidate for that office or opposes a candidate for that office, regardless of whether the communication expressly advocates a vote for or against a candidate; or 2) a public question, and promotes or supports the passage or defeat of that question, regardless of whether the communication expressly advocates a vote for or against the passage of the question. The term includes communications published in any newspaper or periodical; or broadcast on radio, television, the Internet or digital media, or any

public address system; placed on any billboard, outdoor facility, button, motor vehicle, window display, poster, card, pamphlet, leaflet, flyer, or other circular; or contained in any direct mailing, robotic phone calls, or mass e-mails.

The bill defines “independent expenditure” as an expenditure by a person expressly advocating, or the functional equivalent thereof, the election or defeat of: 1) a clearly identified candidate that is not made in concert or cooperation with or at the request or suggestion of the candidate, the candidate’s committee, a political party committee, or an agent thereof; or 2) a public question, legislation, or regulation, that is not made in concert or cooperation with or at the request or suggestion of the sponsors, organizers, or committee supporting or opposing the question, legislation, or regulation, a political party, or agents thereof. The “functional equivalent” of expressly advocating means specific advocacy that can be interpreted by a reasonable person as advocating the election or defeat of a candidate, or the passage or defeat of a public question, legislation, or regulation, taking into account whether the communication involved mentions a candidate, a political party, or a challenger to a candidate, or takes a position on a candidate’s character, qualifications, or fitness for office, or that can be interpreted by a reasonable person as taking a position on the merits of a public question, legislation, or regulation, or taking a position in favor or against the passage or defeat of the public question, legislation, or regulation.

The bill codifies the criteria used by ELEC to determine when coordination with a candidate or political party has occurred, and allows ELEC to issue additional criteria by regulation. Under the bill, foreign entities would be prohibited from registering as independent expenditure committees for the purpose of making independent expenditures in any State or local election. The bill explicitly includes Internet and digital advertisement in the definitions of “political information,” “electioneering communication,” and “communication.” It further requires persons who accept compensation from any committee, group, or individual for the placement of communication to be disseminated to the electorate to require such committee, group, or individual to file a copy of their statement of registration they filed with ELEC.

Under the bill, independent expenditure committees would file quarterly reports of contributions received in excess of \$10,000 and expenditures made in excess of \$3,000. The bill requires independent expenditure committees to also report within 48 hours any contribution received or expenditure made in excess of \$500 and \$800, respectively, when such is received or made after the final day of a quarterly reporting period and on or before an election which occurs after that final day but before the final day of the next reporting period.

The provisions of the bill are severable. The bill would take effect on the first date, following enactment, that occurs after July 16, 2019

by which a quarterly report would be required to be filed pursuant to N.J.S.A.19:44A-8(d)(1). The bill specifies that the first of those reports will not be required to be filed until the next quarterly report filing deadline as specified in that paragraph and specifies that the report need only include those reportable items which occur after the effective date of the bill.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) eliminate, thereby leaving those amounts unchanged from current law, the increase in the amount of money that may be contributed:

- by individuals, corporations, unions, candidate committees, political committees, and continuing political committees to candidate committees;
- by the national committee of a political party to the State committee of a political party;
- by an individual, a corporation, union, political committee, continuing political committee, candidate committee or joint candidates committee or any other group to the State committee, a county committee of a political party, or a municipal committee of a political party;
- by one political committee or continuing political committee to another political committee or continuing political committee; and
- to a political committee;

(2) remove the phrase “a group of two or more persons, or an organization” from the definition of “independent expenditure committee”;

(3) include 501(c)(6) organizations within the purview of the bill; and

(4) provide that the bill would take effect on the first date, following enactment, that occurs after July 16, 2019 by which a quarterly report would be required to be filed pursuant to N.J.S.A.19:44A-8(d)(1). The bill specifies that the first of those reports will not be required to be filed until the next quarterly report filing deadline as specified in that paragraph and specifies that the report need include only those reportable items which occur after the effective date of the bill.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1500

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 17, 2019

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1500, with committee amendments.

This bill, as amended, revises “The New Jersey Campaign Contributions and Expenditures Reporting Act” to institute new reporting requirements on certain organizations, and increase the limits on the amount of money that may be contributed by individuals, candidates, and committees to other candidates and committees.

The bill requires disclosure by any “independent expenditure committee,” defined as any organization organized under section 527 or paragraph (4) of subsection (c) of section 501 of the federal Internal Revenue Code that engages in influencing or attempting to influence the outcome of any election or the nomination, election, or defeat of any person to any State or local elective public office or the passage or defeat of any public question, legislation, or regulation, or in providing political information on any candidate or public question, legislation, or regulation, and raises or expends \$3,000 or more for any such purpose. The bill requires these committees to report contributions in excess of \$10,000 and expenditures in excess of \$3,000 to the Election Law Enforcement Commission (ELEC), and prohibits a candidate from establishing, authorizing the establishment of, maintaining, or participating directly or indirectly, in the management or control of any independent expenditure committee.

The bill, as amended, defines “electioneering communication” as any communication made from January 1 of an election year and the date of the election and refers to: 1) a clearly identified candidate for office and promotes or supports a candidate for that office or opposes a candidate for that office, regardless of whether the communication expressly advocates a vote for or against a candidate; or 2) a public question, and promotes or supports the passage or defeat of that question, regardless of whether the communication expressly advocates a vote for or against the passage of the question. The term includes communications published in any newspaper or periodical; or broadcast on radio, television, the Internet or digital media, or any public address system; placed on any billboard, outdoor facility, button, motor vehicle, window display, poster, card, pamphlet, leaflet,

flyer, or other circular; or contained in any direct mailing, robotic phone calls, or mass e-mails.

The bill, as amended, defines “independent expenditure” as an expenditure by a person expressly advocating, or the functional equivalent thereof, the election or defeat of: 1) a clearly identified candidate that is not made in concert or cooperation with or at the request or suggestion of the candidate, the candidate’s committee, a political party committee, or an agent thereof; or 2) a public question, legislation, or regulation, that is not made in concert or cooperation with or at the request or suggestion of the sponsors, organizers, or committee supporting or opposing the question, legislation, or regulation, a political party, or agents thereof. The “functional equivalent” of expressly advocating means specific advocacy that can be interpreted by a reasonable person as advocating the election or defeat of a candidate, or the passage or defeat of a public question, legislation, or regulation, taking into account whether the communication involved mentions a candidate, a political party, or a challenger to a candidate, or takes a position on a candidate’s character, qualifications, or fitness for office, or that can be interpreted by a reasonable person as taking a position on the merits of a public question, legislation, or regulation, or taking a position in favor or against the passage or defeat of the public question, legislation, or regulation.

As amended, the bill codifies the criteria used by ELEC to determine when coordination with a candidate or political party has occurred, and allows ELEC to issue additional criteria by regulation.

Under the bill, as amended, independent expenditure committees would file quarterly reports of contributions received in excess of \$10,000 and expenditures made in excess of \$3,000. The bill requires independent expenditure committees to also report within 48 hours any contribution received or expenditure made in excess of \$1,400 when such is received or made after the final day of a quarterly reporting period and on or before an election which occurs after that final day but before the final day of the next reporting period.

In addition, the bill increases the amount of money:

1) that can be contributed by an individual, a corporation or union, or a group to a candidate committee from \$2,600 to \$3,000 per election;

2) that can be contributed by a political committee or a continuing political committee to a candidate committee from \$8,200 to \$9,300 per election;

3) that can be contributed by an individual, a corporation or union, political committee, continuing political committee, candidate committee or joint candidates committee or any other group to: a) the State committee of a political party from \$25,000 to \$28,000 per year; b) a county committee of a political party from \$37,000 to \$42,000 per year; and c) a municipal committee of a political party from \$7,200 to \$8,200 per year;

4) that the national committee of a political party can contribute to the State committee of a political party from \$72,000 to \$82,000 per year;

5) that can be contributed by the candidate committee of one candidate to the candidate committee of another candidate from \$8,200 to \$9,300 per election; and

6) that can be contributed to a political committee, or that one political committee or continuing political committee can contribute to another political committee or continuing political committee, from \$7,200 to \$8,200 per election or per year, as the case may be.

The bill also repeals the current prohibition on the transfer of funds between county political party committees between January 1st and June 30th of each year.

As amended by the committee, the bill would take effect immediately and be retroactive to January 1, 2018.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) require independent expenditure committees to also disclose their activities concerning the passage or defeat of legislation or regulation;

(2) codify ELEC regulations concerning the criteria to determine whether coordination with a candidate or political party has occurred, and allows ELEC to specify further criteria by regulation;

(3) remove the \$10,000 value threshold from the definition of “electioneering communication,” and define such communication as made within the temporal window beginning on January 1 of an election year and the date of the election;

(4) require an independent expenditure committee to file quarterly reports of all contributions received in excess of \$10,000 and all expenditures made in excess of \$3,000, instead of \$300;

(5) prohibit foreign entities from registering as independent expenditure committees for the purpose of making independent expenditures in any State or local election;

(6) explicitly include Internet and digital advertisement in the definitions of “political information,” “electioneering communication,” and “communication;”

(7) require persons who accept compensation from any committee, group, or individual for the placement of communication to be disseminated to the electorate to require such committee, group, or individual to file a copy of their statement of registration they filed with ELEC;

(8) include a severability clause; and

(9) provide that the bill would take effect immediately, and be retroactive to January 1, 2018.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1500

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 28, 2019

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1500 (1R), with committee amendments.

The Senate Budget and Appropriations Committee reports favorably, with committee amendments, Senate Bill No. 1500 (1R).

This bill revises “The New Jersey Campaign Contributions and Expenditures Reporting Act” to institute new reporting requirements on certain organizations, and increase the limits on the amount of money that may be contributed by individuals, candidates, and committees to other candidates and committees.

The bill, as amended, requires disclosure by any “independent expenditure committee,” defined as any organization organized under section 527 or paragraph (4) of subsection (c) of section 501 of the federal Internal Revenue Code that engages in influencing or attempting to influence the outcome of any election or the nomination, election, or defeat of any person to any State or local elective public office or the passage or defeat of any public question, legislation, or regulation, or in providing political information on any candidate or public question, legislation, or regulation, and raises or expends \$3,000 or more for any such purpose. The bill requires these committees to report contributions in excess of \$10,000 and expenditures in excess of \$3,000 to the Election Law Enforcement Commission (ELEC), and prohibits a candidate from establishing, authorizing the establishment of, maintaining, or participating directly or indirectly, in the management or control of any independent expenditure committee.

The bill defines “electioneering communication” as any communication made from January 1 of an election year and the date of the election and refers to: 1) a clearly identified candidate for office and promotes or supports a candidate for that office or opposes a candidate for that office, regardless of whether the communication expressly advocates a vote for or against a candidate; or 2) a public question, and promotes or supports the passage or defeat of that question, regardless of whether the communication expressly advocates a vote for or against the passage of the question. The term

includes communications published in any newspaper or periodical; or broadcast on radio, television, the Internet or digital media, or any public address system; placed on any billboard, outdoor facility, button, motor vehicle, window display, poster, card, pamphlet, leaflet, flyer, or other circular; or contained in any direct mailing, robotic phone calls, or mass e-mails.

The bill defines “independent expenditure” as an expenditure by a person expressly advocating, or the functional equivalent thereof, the election or defeat of: 1) a clearly identified candidate that is not made in concert or cooperation with or at the request or suggestion of the candidate, the candidate’s committee, a political party committee, or an agent thereof; or 2) a public question, legislation, or regulation, that is not made in concert or cooperation with or at the request or suggestion of the sponsors, organizers, or committee supporting or opposing the question, legislation, or regulation, a political party, or agents thereof. The “functional equivalent” of expressly advocating means specific advocacy that can be interpreted by a reasonable person as advocating the election or defeat of a candidate, or the passage or defeat of a public question, legislation, or regulation, taking into account whether the communication involved mentions a candidate, a political party, or a challenger to a candidate, or takes a position on a candidate’s character, qualifications, or fitness for office, or that can be interpreted by a reasonable person as taking a position on the merits of a public question, legislation, or regulation, or taking a position in favor or against the passage or defeat of the public question, legislation, or regulation.

The bill codifies the criteria used by ELEC to determine when coordination with a candidate or political party has occurred, and allows ELEC to issue additional criteria by regulation. Under the bill, foreign entities would be prohibited from registering as independent expenditure committees for the purpose of making independent expenditures in any State or local election. The bill explicitly includes Internet and digital advertisement in the definitions of “political information,” “electioneering communication,” and “communication.” It further requires persons who accept compensation from any committee, group, or individual for the placement of communication to be disseminated to the electorate to require such committee, group, or individual to file a copy of their statement of registration they filed with ELEC.

Under the bill, independent expenditure committees would file quarterly reports of contributions received in excess of \$10,000 and expenditures made in excess of \$3,000. The bill requires independent expenditure committees to also report within 48 hours any contribution received or expenditure made in excess of \$1,400 when such is received or made after the final day of a quarterly reporting period and on or before an election which occurs after that final day but before the final day of the next reporting period.

In addition, the bill increases the amount of money:

1) that can be contributed by an individual, a corporation or union, or a group to a candidate committee from \$2,600 to \$3,000 per election;

2) that can be contributed by a political committee or a continuing political committee to a candidate committee from \$8,200 to \$9,300 per election;

3) that can be contributed by an individual, a corporation or union, political committee, continuing political committee, candidate committee or joint candidates committee or any other group to: a) the State committee of a political party from \$25,000 to \$28,000 per year; b) a county committee of a political party from \$37,000 to \$42,000 per year; and c) a municipal committee of a political party from \$7,200 to \$8,200 per year;

4) that the national committee of a political party can contribute to the State committee of a political party from \$72,000 to \$82,000 per year;

5) that can be contributed by the candidate committee of one candidate to the candidate committee of another candidate from \$8,200 to \$9,300 per election; and

6) that can be contributed to a political committee, or that one political committee or continuing political committee can contribute to another political committee or continuing political committee, from \$7,200 to \$8,200 per election or per year, as the case may be.

The provisions of the bill are severable. The bill would take effect immediately and be retroactive to January 1, 2018.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) delete the provision that would have repealed the current ban on the transfer of funds between county political party committees between January 1st and June 30th of each year, thereby keeping that ban in the current law;

(2) delete an inconsistent reference to independent expenditure committee reports required to be filed after an election, as the reports are filed on a quarterly basis; and

(3) delete from the list of coordination criteria the use of the same consultants, employees, staff, or agents as the person or entity making the communication expenditure to create, target, or place the communication.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

STATEMENT TO
[Second Reprint]
SENATE, No. 1500

with Senate Floor Amendments
(Proposed by Senator SINGLETON)

ADOPTED: JANUARY 31, 2019

These Senate Amendments prohibit a holder of public office, directly or indirectly, from establishing, authorizing the establishment of, maintaining, or participating in the management or control of any independent expenditure committee. This restriction already applies to candidates under the bill.

STATEMENT TO
[Fourth Reprint]
SENATE, No. 1500

with Senate Floor Amendments
(Proposed by Senator SINGLETON)

ADOPTED: MARCH 25, 2019

These Senate amendments remove from the bill persons organized under paragraph (6) of subsection (c) of section 501 of the federal Internal Revenue Code (26 U.S.C. s.501), which had been added by amendments in the General Assembly.

ASSEMBLY, No. 1524

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Co-Sponsored by:

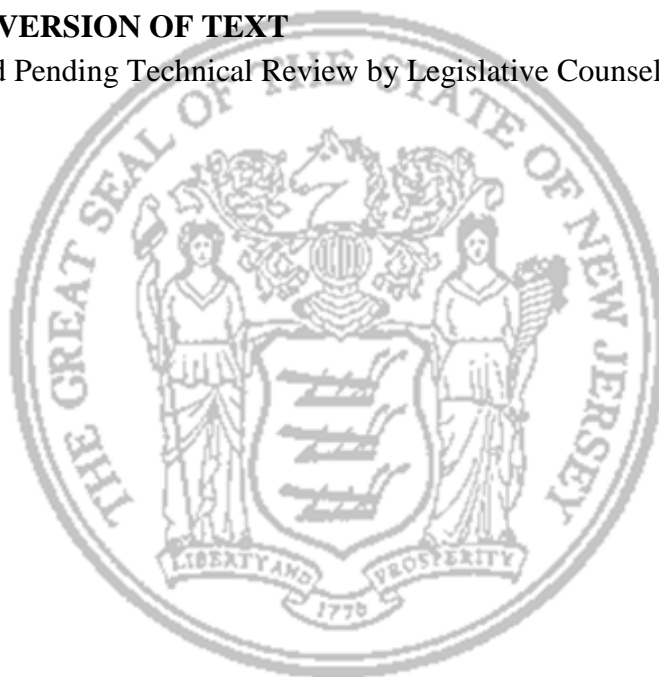
Assemblymen DeAngelo, Mukherji, Chiaravalloti, Assemblywoman Schepisi and Assemblyman Johnson

SYNOPSIS

Requires disclosure by independent expenditure committees; raises certain campaign contribution limits; repeals ban on certain intraparty fund transfers.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/19/2019)

A1524 ZWICKER, BENSON

2

1 AN ACT concerning campaign finance disclosures and limits,
2 amending various parts of the statutory law and repealing section
3 13 of P.L.2004, c.19.

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

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

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

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

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

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

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

37 e. The term "election" means any election described in section
38 4 of this act.

39 f. The term "paid personal services" means personal, clerical,
40 administrative or professional services of every kind and nature
41 including, without limitation, public relations, research, legal,
42 canvassing, telephone, speech writing or other such services,
43 performed other than on a voluntary basis, the salary, cost or
44 consideration for which is paid, borne or provided by someone
45 other than the committee, candidate or organization for whom such

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

Matter underlined thus is new matter.

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

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

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

37 i. The term "political committee" means any two or more
38 persons acting jointly, or any corporation, partnership, or any other
39 incorporated or unincorporated association which is organized to, or
40 does, aid or promote the nomination, election or defeat of any
41 candidate or candidates for public office, or which is organized to,
42 or does, aid or promote the passage or defeat of a public question in
43 any election, if the persons, corporation, partnership or incorporated
44 or unincorporated association raises or expends ~~【\$1,000.00】~~ \$2,400
45 or more to so aid or promote the nomination, election or defeat of a
46 candidate or candidates or the passage or defeat of a public
47 question; provided that for the purposes of this act, the term
48 "political committee" shall not include a "continuing political

1 committee," as defined by subsection n. of this section, a "political
2 party committee," as defined by subsection p. of this section, a
3 "candidate committee," as defined by subsection q. of this section, a
4 "joint candidates committee," as defined by subsection r. of this
5 section **[or]**, a "legislative leadership committee," as defined by
6 subsection s. of this section, or an "independent expenditure
7 committee," as defined by subsection t. of this section.

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

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

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

38 m. The term "qualified candidate" means:

39 (1) Joint candidates for election to the offices of Governor and
40 Lieutenant Governor whose names appear on the general election
41 ballot; who have deposited and expended \$150,000.00 pursuant to
42 section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than
43 September 1 preceding a general election in which the offices of
44 Governor and Lieutenant Governor are to be filled, (a) notify the
45 Election Law Enforcement Commission in writing that the
46 candidates intend that application will be made on the candidates'
47 behalf for monies for general election campaign expenses under
48

1 subsection b. of section 8 of P.L.1974, c.26 (C.19:44A-33), and (b)
2 sign a statement of agreement, in a form to be prescribed by the
3 commission, to participate in interactive gubernatorial election
4 debates under the provisions of sections 9 through 11 of P.L.1989,
5 c.4 (C.19:44A-45 through C.19:44A-47); or

6 (2) Joint candidates for election to the offices of Governor and
7 Lieutenant Governor whose names do not appear on the general
8 election ballot; who have deposited and expended \$150,000.00
9 pursuant to section 7 of P.L.1974, c.26 (C.19:44A-32); and who,
10 not later than September 1 preceding a general election in which the
11 offices of Governor and Lieutenant Governor are to be filled, (a)
12 notify the Election Law Enforcement Commission in writing that
13 the candidates intend that application will be made on the
14 candidates' behalf for monies for general election campaign
15 expenses under subsection b. of section 8 of P.L.1974, c.26
16 (C.19:44A-33), and (b) sign a statement of agreement, in a form to
17 be prescribed by the commission, to participate in interactive
18 gubernatorial election debates under the provisions of sections 9
19 through 11 of P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47);
20 or

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

36 (4) Any candidate for nomination for election to the office of
37 Governor whose name does not appear on the primary election
38 ballot; who has deposited and expended \$150,000.00 pursuant to
39 section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than
40 the last day for filing petitions to nominate candidates to be voted
41 upon in a primary election for a general election in which the office
42 of Governor is to be filled, (a) notifies the Election Law
43 Enforcement Commission in writing that the candidate intends that
44 application will be made on the candidate's behalf for monies for
45 primary election campaign expenses under subsection a. of section
46 8 of P.L.1974, c.26 (C.19:44A-33), and (b) signs a statement of
47 agreement, in a form to be prescribed by the commission, to
48 participate in two interactive gubernatorial primary debates under

1 the provisions of sections 9 through 11 of P.L.1989, c.4 (C.19:44A-
2 45 through C.19:44A-47).

3 n. The term "continuing political committee" means any group
4 of two or more persons acting jointly, or any corporation,
5 partnership, or any other incorporated or unincorporated
6 association, including a political club, political action committee,
7 civic association or other organization, which in any calendar year
8 contributes or expects to contribute at least ~~【\$2,500.00】~~ \$5,500 to
9 the aid or promotion of the candidacy of an individual, or of the
10 candidacies of individuals, for elective public office, or the passage
11 or defeat of a public question or public questions, and which may be
12 expected to make contributions toward such aid or promotion or
13 passage or defeat during a subsequent election, provided that the
14 group, corporation, partnership, association or other organization
15 has been determined to be a continuing political committee under
16 subsection b. of section 8 of P.L.1973, c.83 (C.19:44A-8); provided
17 that for the purposes of this act, the term "continuing political
18 committee" shall not include a "political party committee," as
19 defined by subsection p. of this section, **【or】** a "legislative
20 leadership committee," as defined by subsection s. of this section,
21 or an "independent expenditure committee," as defined by
22 subsection t. of this section.

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

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

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

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

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

27 t. The term "independent expenditure committee" means a
28 person, a group of two or more persons, or an organization
29 organized under section 527 of the federal Internal Revenue Code
30 (26 U.S.C. s.527) or under paragraph (4) of subsection c. of section
31 501 of the federal Internal Revenue Code (26 U.S.C. s.501) that
32 does not fall within the definition of any other organization subject
33 to the provisions of P.L.1973, c.83 (C.19:44A-1 et seq.), that
34 engages in influencing or attempting to influence the outcome of
35 any election or the nomination, election, or defeat of any person to
36 any State or local elective public office, or the passage or defeat of
37 any public question, or in providing political information on any
38 candidate or public question, and raises or expends \$3,000 or more
39 in the aggregate for any such purpose annually, but does not
40 coordinate its activities with any candidate or political party.

41 u. The term "electioneering communication" means any
42 communication that has a value of at least \$10,000 and refers to: (1)
43 a clearly identified candidate for office and promotes or supports a
44 candidate for that office or opposes a candidate for that office,
45 regardless of whether the communication expressly advocates a
46 vote for or against a candidate; or (2) a public question and
47 promotes or supports the passage or defeat of that question,
48 regardless of whether the communication expressly advocates a

1 vote for or against the passage of the question. The term includes
2 communications published in any newspaper or periodical;
3 broadcast on radio, television, or the Internet, or any public address
4 system; placed on any billboard, outdoor facility, button, motor
5 vehicle, window display, poster, card, pamphlet, leaflet, flyer, or
6 other circular; or contained in any direct mailing, robotic phone
7 calls, or mass e-mails.

8 v. The term “independent expenditure” means an expenditure
9 by a person expressly advocating, or the functional equivalent
10 thereof, the election or defeat of: (1) a clearly identified candidate
11 that is not made in concert or cooperation with or at the request or
12 suggestion of the candidate, the candidate’s committee, a political
13 party committee, or an agent thereof; or (2) a public question that is
14 not made in concert or cooperation with or at the request or
15 suggestion of the sponsors, organizers, or committee supporting or
16 opposing the question, a political party, or agents thereof. The
17 “functional equivalent” of expressly advocating means specific
18 advocacy that can be interpreted by a reasonable person as
19 advocating the election or defeat of a candidate, or the passage or
20 defeat of a public question, taking into account whether the
21 communication involved mentions a candidate, a political party, or
22 a challenger to a candidate, or takes a position on a candidate’s
23 character, qualifications, or fitness for office, or that can be
24 interpreted by a reasonable person as taking a position on the merits
25 of a public question or taking a position in favor or against the
26 passage or defeat of a public question.

27 (cf: P.L.2009, c.66, s.5)

28
29 2. Section 8 of P.L.1973, c.83 (C.19:44A-8) is amended to read
30 as follows:

31 8. a. (1) Each political committee shall make a full cumulative
32 report, upon a form prescribed by the Election Law Enforcement
33 Commission, of all contributions in the form of moneys, loans, paid
34 personal services, or other things of value made to it and all
35 expenditures made, incurred, or authorized by it in furtherance of
36 the nomination, election, or defeat of any candidate, or in aid of the
37 passage or defeat of any public question, or to provide political
38 information on any candidate or public question, during the period
39 ending 48 hours preceding the date of the report and beginning on
40 the date on which the first of those contributions was received or
41 the first of those expenditures was made, whichever occurred first.
42 The cumulative report, except as hereinafter provided, shall contain
43 the name and mailing address of each person or group from whom
44 moneys, loans, paid personal services or other things of value have
45 been contributed since 48 hours preceding the date on which the
46 previous such report was made and the amount contributed by each
47 person or group, and where the contributor is an individual, the
48 report shall indicate the occupation of the individual and the name

1 and mailing address of the individual's employer. In the case of any
2 loan reported pursuant to this subsection, the report shall contain
3 the name and mailing address of each person who has cosigned such
4 loan since 48 hours preceding the date on which the previous such
5 report was made, and where an individual has cosigned such loans,
6 the report shall indicate the occupation of the individual and the
7 name and mailing address of the individual's employer. The
8 cumulative report shall also contain the name and address of each
9 person, firm or organization to whom expenditures have been paid
10 since 48 hours preceding the date on which the previous such report
11 was made and the amount and purpose of each such expenditure.
12 The cumulative report shall be filed with the Election Law
13 Enforcement Commission on the dates designated in section 16
14 hereof.

15 The campaign treasurer of the political committee reporting shall
16 certify to the correctness of each report.

17 Each campaign treasurer of a political committee shall file
18 written notice with the commission of a contribution in excess of
19 **[\$500]** \$1,400 received during the period between the 13th day
20 prior to the election and the date of the election, and of an
21 expenditure of money or other thing of value in excess of **[\$500]**
22 \$1,400 made, incurred or authorized by the political committee to
23 support or defeat a candidate in an election, or to aid the passage or
24 defeat of any public question, during the period between the 13th
25 day prior to the election and the date of the election. The notice of
26 a contribution shall be filed in writing or by **[telegram]** electronic
27 transmission within 48 hours of the receipt of the contribution and
28 shall set forth the amount and date of the contribution, the name and
29 mailing address of the contributor, and where the contributor is an
30 individual, the individual's occupation and the name and mailing
31 address of the individual's employer. The notice of an expenditure
32 shall be filed in writing or by **[telegram]** electronic transmission
33 within 48 hours of the making, incurring or authorization of the
34 expenditure and shall set forth the name and mailing address of the
35 person, firm or organization to whom or which the expenditure was
36 paid and the amount and purpose of the expenditure.

37 (2) When a political committee or an individual seeking party
38 office makes or authorizes an expenditure on behalf of a candidate,
39 it shall provide immediate written notification to the candidate of
40 the expenditure.

41 b. (1) A group of two or more persons acting jointly, or any
42 corporation, partnership, or any other incorporated or
43 unincorporated association including a political club, political
44 action committee, civic association or other organization, which in
45 any calendar year contributes or expects to contribute at least
46 **[\$2,500.00]** \$5,500 to the aid or promotion of the candidacy of an
47 individual, or of the candidacies of individuals, for elective public

1 office or the passage or defeat of a public question or public
2 questions and which expects to make contributions toward such aid
3 or promotion, or toward such passage or defeat, during a subsequent
4 election shall certify that fact to the commission, and the
5 commission, upon receiving that certification and on the basis of
6 any information as it may require of the group, corporation,
7 partnership, association or other organization, shall determine
8 whether the group, corporation, partnership, association or other
9 organization is a continuing political committee for the purposes of
10 this act. If the commission determines that the group, corporation,
11 partnership, association or other organization is a continuing
12 political committee, it shall so notify that continuing political
13 committee.

14 No person serving as the chairman of a political party committee
15 or a legislative leadership committee shall be eligible to be
16 appointed or to serve as the chairman of a continuing political
17 committee.

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

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

1 Each continuing political committee shall provide immediate
2 written notification to each candidate of all expenditures made or
3 authorized on behalf of the candidate.

4 If any continuing political committee submitting cumulative
5 quarterly reports as provided under this subsection receives a
6 contribution from a single source of more than ~~【\$500】~~ \$1,400 after
7 the final day of a quarterly reporting period and on or before a
8 primary, general, municipal, school or special election which occurs
9 after that final day but prior to the final day of the next reporting
10 period it shall, in writing or by ~~【telegram】~~ electronic transmission,
11 report that contribution to the commission within 48 hours of the
12 receipt thereof, including in that report the amount and date of the
13 contribution; the name and mailing address of the contributor; and
14 where the contributor is an individual, the individual's occupation
15 and the name and mailing address of the individual's employer. If
16 any continuing political committee makes or authorizes an
17 expenditure of money or other thing of value in excess of ~~【\$500】~~
18 \$1,400, or incurs any obligation therefor, to support or defeat a
19 candidate in an election, or to aid the passage or defeat of any
20 public question, after March 31 and on or before the day of the
21 primary election, or after September 30 and on or before the day of
22 the general election, it shall, in writing or by ~~【telegram】~~ electronic
23 transmission, report that expenditure to the commission within 48
24 hours of the making, authorizing or incurring thereof.

25 A continuing political committee which ceases making
26 contributions toward the aiding or promoting of the candidacy of an
27 individual, or of the candidacies of individuals, for elective public
28 office in this State or the passage or defeat of a public question or
29 public questions in this State shall certify that fact in writing to the
30 commission, and that certification shall be accompanied by a final
31 accounting of any fund relating to such aiding or promoting
32 including the final disposition of any balance in such fund at the
33 time of dissolution. Until that certification has been filed, the
34 committee shall continue to file the quarterly reports as provided
35 under this subsection.

36 c. Each political party committee ~~【and each】~~, legislative
37 leadership committee, and independent expenditure committee shall
38 file with the Election Law Enforcement Commission, not later than
39 April 15, July 15, October 15 and January 15 of each calendar year,
40 a cumulative quarterly report of all moneys, loans, paid personal
41 services or other things of value contributed to it during the period
42 ending on the 15th day preceding that date and commencing on
43 January 1 of that calendar year or, in the case of the cumulative
44 quarterly report to be filed not later than January 15, of the previous
45 calendar year, and all expenditures made, incurred, or authorized by
46 it during the period, whether or not such expenditures were made,
47 incurred or authorized in furtherance of the election or defeat of any

1 candidate, or in aid of the passage or defeat of any public question
2 or to provide information on any candidate or public question.

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

20 **[If]** d. (1) Each independent expenditure committee shall
21 make a full cumulative report, upon a form prescribed by the
22 Election Law Enforcement Commission, of all contributions
23 received in excess of \$300 in the form of moneys, loans, paid
24 personal services, or other things of value made to it, and of all
25 expenditures in excess of \$300 made, incurred, or authorized by it
26 in influencing or attempting to influence the outcome of any
27 election or the nomination, election, or defeat of any person to State
28 or local elective public office or the passage or defeat of any public
29 question, or in providing political information on any candidate or
30 public question, during the period ending 48 hours preceding the
31 date of the report and beginning on the date on which the first of
32 those contributions was received or the first of those expenditures
33 was made, whichever occurred first. The cumulative report, except
34 as hereinafter provided, shall contain the name and mailing address
35 of each person or group from whom moneys, loans, paid personal
36 services or other things of value have been contributed since 48
37 hours preceding the date on which such previous report was made
38 and the amount contributed by each person or group in excess of
39 \$300, and when the contributor is an individual, the report shall
40 indicate the occupation of the individual and the name and mailing
41 address of the individual's employer. In the case of any loan
42 reported pursuant to this subsection, the report shall contain the
43 name and mailing address of each person who has cosigned such
44 loan since 48 hours preceding the date on which the previous such
45 report was made, and when an individual has cosigned such loans,
46 the report shall indicate the occupation of the individual and the
47 name and mailing address of the individual's employer. The
48 cumulative report shall also contain the name and address of each

1 person, firm, or organization to whom expenditures have been paid
2 since 48 hours preceding the date on which the previous such report
3 was made and the amount and purpose of each such expenditure.
4 The cumulative report shall be filed with the Election Law
5 Enforcement Commission on the dates designated in section 16 of
6 P.L.1973, c.83 (C.19:44A-16).

7 (2) An independent expenditure committee shall disclose all
8 expenditures made by it in excess of \$300, including, but not
9 limited to, for electioneering communications, voter registration,
10 get-out-the-vote efforts, polling, and research. The disclosures
11 required by this paragraph shall be reported to the Election Law
12 Enforcement Commission on the same schedule as required for
13 political committees and continuing political committees pursuant
14 to this section.

15 The treasurer of the reporting independent expenditure
16 committee shall certify the correctness of each report and shall
17 maintain all records of contributions and expenditures for a period
18 of not less than four years.

19 e. When a political party committee [or a], legislative
20 leadership committee [submitting cumulative quarterly reports as
21 provided under this subsection] or independent expenditure
22 committee receives a contribution from a single source of more than
23 [\$500] \$1,400 after the final day of a quarterly reporting period
24 and on or before a primary, general, municipal, school, or special
25 election which occurs after that final day but prior to the final day
26 of the next reporting period it shall, in writing or by [telegram]
27 electronic transmission, report that contribution to the commission
28 within 48 hours of the receipt thereof, including in that report the
29 amount and date of the contribution; the name and mailing address
30 of the contributor; and where the contributor is an individual, the
31 individual's occupation and the name and mailing address of the
32 individual's employer. [If] When a political party committee [or
33 a], legislative leadership committee [submitting cumulative
34 quarterly reports as provided under this subsection] , or an
35 independent expenditure committee makes or authorizes an
36 expenditure of money or other thing of value in excess of [\$800]
37 \$1,400, or incurs any obligation therefor, to support or defeat a
38 candidate in an election, or to aid the passage or defeat of any
39 public question, after March 31 and on or before the day of the
40 primary election, or after September 30 and on or before the day of
41 the general election, it shall, in writing or by [telegram] electronic
42 transmission, report that expenditure to the commission within 48
43 hours of the making, authorizing or incurring thereof.

44 [d.] f. In any report filed pursuant to the provisions of this
45 section the organization or committee reporting may exclude from
46 the report the name of and other information relating to any
47 contributor whose contributions during the period covered by the

1 report did not exceed \$300, provided, however, that (1) such
2 exclusion is unlawful if any person responsible for the preparation
3 or filing of the report knew that it was made with respect to any
4 person whose contributions relating to the same election or issue
5 and made to the reporting organization or committee aggregate, in
6 combination with the contribution in respect of which such
7 exclusion is made, more than \$300 and (2) any person who
8 knowingly prepares, assists in preparing, files or acquiesces in the
9 filing of any report from which the identification of a contributor
10 has been excluded contrary to the provisions of this section is
11 subject to the provisions of section 21 of **[this act]** P.L.1973, c.83
12 (C.19:44A-21), but (3) nothing in this proviso shall be construed as
13 requiring any committee or organization reporting pursuant to this
14 act to report the amounts, dates or other circumstantial data
15 regarding contributions made to any other organization or political
16 committee, political party committee or campaign organization of a
17 candidate.

18 g. Any report filed pursuant to the provisions of this section
19 shall include an itemized accounting of all receipts and
20 expenditures relative to any testimonial affairs held since the date
21 of the most recent report filed, which accounting shall include the
22 name and mailing address of each contributor in excess of \$300 to
23 such testimonial affair and the amount contributed by each; in the
24 case of an individual contributor, the occupation of the individual
25 and the name and mailing address of the individual's employer; the
26 expenses incurred; and the disposition of the proceeds of such
27 testimonial affair.

28 The \$300 limit established in this subsection shall remain as
29 stated in this subsection without further adjustment by the
30 commission in the manner prescribed by section 22 of P.L.1993,
31 c.65 (C.19:44A-7.2).

32 (cf: P.L.2004, c.33, s.1)

33

34 3. Section 21 of P.L.1993, c.65 (C.19:44A-8.1) is amended to
35 read as follows:

36 21. a. Each political committee, as defined in subsection i. of
37 section 3 of P.L.1973, c.83 (C.19:44A-3), which aids or promotes
38 the nomination for election or the election of a candidate or the
39 passage or defeat of a public question, each independent
40 expenditure committee, as defined in subsection t. of section 3 of
41 P.L.1973, c.83 (C.19:44A-3), each continuing political committee
42 as defined in subsection n. of section 3 of P.L.1973, c.83, and each
43 legislative leadership committee as defined in subsection s. of
44 section 3 of P.L.1973, c.83, shall submit to the commission a
45 statement of registration which includes:

46 (1) the complete name or identifying title of the committee and
47 the general category of entity or entities, including but not limited
48 to business organizations, labor organizations, professional or trade

1 associations, candidate for or holder of public office, political party,
2 ideological grouping or civic association, the interests of which are
3 shared by the leadership, members, or financial supporters of the
4 committee;

5 (2) the mailing address of the committee and the name and
6 resident address of a resident of this State who shall have been
7 designated by the committee as its agent to accept service of
8 process; and

9 (3) a descriptive statement prepared by the organizers or officers
10 of the committee that identifies (a) the names and mailing addresses
11 of the persons having control over the affairs of the committee,
12 including but not limited to persons in whose name or at whose
13 direction or suggestion the committee solicits funds, and persons
14 participating in any decision to make a contribution of such funds to
15 any candidate, political committee or continuing political
16 committee and, in the case of an independent expenditure
17 committee, any decision to expend funds for the purpose of
18 influencing or attempting to influence the outcome of any election
19 or the nomination, election, or defeat of any person to State or local
20 elective public office or the passage or defeat of any public
21 question, or in providing political information on any candidate or
22 public question; (b) the name and mailing address of any person not
23 included among the persons identified under subparagraph (a) of
24 this paragraph who, directly or through an agent, participated in the
25 initial organization of the committee; (c) in the case of any person
26 identified under subparagraph (a) or subparagraph (b) who is an
27 individual, the occupation of that individual, the individual's home
28 address, and the name and mailing address of the individual's
29 employer, or, in the case of any such person which is a corporation,
30 partnership, unincorporated association, or other organization, the
31 name and mailing address of the organization; and (d) any other
32 information which the Election Law Enforcement Commission may,
33 under such regulations as it shall adopt pursuant to the provisions of
34 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
35 seq.), require as being material to the fullest possible disclosure of
36 the economic, political and other particular interests and objectives
37 which the committee has been organized to or does advance. The
38 commission shall be informed, in writing, of any change in the
39 information required by this paragraph within three days of the
40 occurrence of the change. Legislative leadership committees shall
41 be exempt from the requirements of subparagraphs (a), (b) and (c)
42 of this paragraph.

43 b. After submission of a statement of registration to the
44 commission pursuant to this section, the committee shall use the
45 complete name or identifying title on all documents submitted to
46 the commission, in all solicitations for contributions, in all paid
47 media advertisements purchased or paid for by the committee in
48 support of or in opposition to any candidate or public question, and

1 in all contributions made by the committee to candidates or other
2 committees and, in the case of an independent expenditure
3 committee, any decision to expend funds for the purpose of
4 influencing or attempting to influence the outcome of any election
5 or the selection, nomination, election, or defeat of any person to
6 State or local elective public office or the passage or defeat of any
7 public question, or in providing political information on any
8 candidate or public question.

9 c. Each report of contributions under section 8 of P.L.1973,
10 c.83 (C.19:44A-8) by a political committee, continuing political
11 committee, independent expenditure committee, or legislative
12 leadership committee required under subsection a. of this section to
13 submit a statement of registration shall include, in the case of each
14 contributor who is an individual, the home address of the individual
15 if different from the individual's mailing address, or, in the case of
16 any contributor which is an organization, any information, in
17 addition to that otherwise required, which the Election Law
18 Enforcement Commission may, under such regulations as it shall
19 adopt pursuant to the provisions of the "Administrative Procedure
20 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), require as being
21 material to the fullest possible disclosure of the economic, political
22 and other particular interests and objectives which the contributing
23 organization has been organized to or does advance.

24 d. Any political committee, continuing political committee,
25 independent expenditure committee, or legislative leadership
26 committee may at any time apply to the commission for approval of
27 an abbreviation or acronym of its complete, official name or title for
28 its exclusive use on documents which it shall submit to the
29 commission. Upon verification that the abbreviation or acronym
30 has not been approved for such use by any other political
31 committee, continuing political committee, independent expenditure
32 committee, or legislative leadership committee, the commission
33 shall approve the abbreviation or acronym for such use by the
34 applicant committee, and the committee, and any individual,
35 corporation, partnership, membership organization or incorporated
36 or unincorporated association which, under the provisions of
37 P.L.1973, c.83 (C.19:44A-1 et al.), submits any documents to the
38 commission containing a reference to that committee, shall
39 thereafter use that approved abbreviation or acronym in documents
40 submitted to the commission. The commission shall, during its
41 regular office hours, maintain for public inspection in its offices a
42 current alphabetically arranged list of all such approved
43 abbreviations and acronyms, indicating for each the name of the
44 committee for which it stands, and shall make copies of the list
45 available upon request.

46 (cf: P.L.1993, c.65, s.21)

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

3 10. Each political party committee shall, on or before July 1 in
4 each year, designate a single organizational treasurer and an
5 organizational depository and shall, not later than the tenth day after
6 the designation of the organizational depository file the name and
7 address of that depository, and of the organizational treasurer, with
8 the Election Law Enforcement Commission.

9 Every political committee may designate a chairman of the
10 committee, but no person serving as the chairman of a political
11 party committee or a legislative leadership committee shall be
12 eligible to be appointed or to serve as the chairman of a political
13 committee. Every political committee shall, not later than the date
14 on which it first receives any contribution or makes or incurs any
15 expenditure in the furtherance or aid of the election or defeat of any
16 candidate or the passage or defeat of any public question, appoint a
17 single campaign treasurer and designate a campaign depository, but
18 no person serving as the chairman of a political party committee or
19 a legislative leadership committee shall be eligible to be appointed
20 or to serve as the campaign treasurer of a political committee. Not
21 later than the tenth day after the initial designation of the campaign
22 depository, the committee shall file the name and address of the
23 depository, and of the campaign treasurer, with the Election Law
24 Enforcement Commission.

25 Every independent expenditure committee may designate a
26 chairman of the committee, but no person serving as the chairman
27 of a political party committee or a legislative leadership committee
28 shall be eligible to be appointed or to serve as the chairman of an
29 independent expenditure committee. No candidate, directly or
30 indirectly, shall establish, authorize the establishment of, maintain,
31 or participate in the management or control of any independent
32 expenditure committee. Every independent expenditure committee,
33 not later than the date on which it first receives any contribution or
34 makes or incurs any expenditure for the purpose of influencing or
35 attempting to influence the outcome of any election or the
36 nomination, election, or defeat of any person to State or local
37 elective public office or the passage or defeat of any public question
38 or providing political information on any candidate or public
39 question, shall appoint a single organizational treasurer and
40 designate an organizational depository, but no person serving as the
41 chairman of a political party committee or a legislative leadership
42 committee shall be eligible to be appointed or to serve as the
43 organizational treasurer of an independent expenditure committee.
44 Not later than the 10th day after the initial designation of the
45 organizational depository, the committee shall file the name and
46 address of the depository, and of the organizational treasurer, with
47 the Election Law Enforcement Commission.

1 Every continuing political committee shall, not later than the
2 date on which it first receives any contribution or makes or incurs
3 any expenditure in the furtherance or aid of the election or defeat of
4 any candidate or the passage or defeat of any public question,
5 appoint a single organizational treasurer and designate an
6 organizational depository, provided that no person who is the
7 chairman of a political party committee or a legislative leadership
8 committee shall be eligible to be appointed or to serve as the
9 organizational treasurer of a continuing political committee. Not
10 later than the tenth day after the initial designation of the
11 organizational depository, the committee shall file the name and
12 address of the depository, and of the organizational treasurer, with
13 the Election Law Enforcement Commission.

14 Every legislative leadership committee shall, not later than the
15 date on which it first receives any contribution or makes or incurs
16 any expenditure in the furtherance or aid of the election or defeat of
17 any candidate or the passage or defeat of any public question,
18 appoint a single organizational treasurer and designate an
19 organizational depository. Not later than the tenth day after the
20 initial designation of the organizational depository, the committee
21 shall file the name and address of the depository, and of the
22 organizational treasurer, with the Election Law Enforcement
23 Commission.

24 Each organizational treasurer of a State political party committee
25 or a legislative leadership committee shall be a trained treasurer,
26 pursuant to subsection g. of section 6 of P.L.1973, c.83 (C.19:44A-
27 6), or shall acquire such training within 90 days of appointment as
28 an organizational treasurer. An organizational treasurer of any
29 other political party committee or a continuing political committee
30 or an independent expenditure committee and a campaign treasurer
31 of a political committee may be a trained treasurer.

32 An organizational treasurer of a political party committee, a
33 continuing political committee, an independent expenditure
34 committee, or a legislative leadership committee and a campaign
35 treasurer of a political committee may appoint deputy
36 organizational or campaign treasurers as may be required and may
37 designate additional organizational or campaign depositories. Such
38 committees shall file the names and addresses of such deputy
39 treasurers and additional depositories with the Election Law
40 Enforcement Commission not later than the fifth day after their
41 appointment or designation, respectively.

42 Any political party committee, any political committee, any
43 independent expenditure committee, any continuing political
44 committee, and any legislative leadership committee may remove
45 its organizational or campaign treasurer or deputy treasurer. In the
46 case of the death, resignation or removal of its organizational or
47 campaign treasurer, the committee shall appoint a successor as soon

1 as practicable and shall file his name and address with the Election
2 Law Enforcement Commission within three days.
3 (cf: P.L.2004, c.22, s.3)
4

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

7 11. No contribution of money or other thing of value, nor
8 obligation therefor, including but not limited to contributions, loans
9 or obligations of a candidate himself or of his family, shall be made
10 or received, and no expenditure of money or other thing of value,
11 nor obligation therefor, including expenditures, loans or obligations
12 of a candidate himself or of his family, shall be made or incurred,
13 directly or indirectly, to support or defeat a candidate in any
14 election, or to aid the passage or defeat of any public question,
15 except through:

16 a. The duly appointed campaign treasurer or deputy campaign
17 treasurers of the candidate committee or joint candidates
18 committee;

19 b. The duly appointed organizational treasurer or deputy
20 organizational treasurers of a political party committee or a
21 continuing political committee;

22 c. The duly appointed campaign treasurer or deputy campaign
23 treasurers of a political committee; **【or】**

24 d. The duly appointed organizational treasurer or deputy
25 organizational treasurer of a legislative leadership committee; or

26 e. The duly appointed organizational treasurer or deputy
27 organizational treasurer of an independent expenditure committee.

28 It shall be lawful, however, for any person, not acting in concert
29 with any other person or group, to expend personally from his own
30 funds a sum which is not to be repaid to him for any purpose not
31 prohibited by law, or to contribute his own personal services and
32 personal traveling expenses, to support or defeat a candidate or to
33 aid the passage or defeat of a public question; provided, however,
34 that any person making such expenditure shall be required to report
35 his or her name and mailing address and the amount of all such
36 expenditures and expenses, except personal traveling expenses, if
37 the total of the money so expended, exclusive of such traveling
38 expenses, exceeds \$500, and also, where the person is an individual,
39 to report the individual's occupation and the name and mailing
40 address of the individual's employer, to the Election Law
41 Enforcement Commission at the same time and in the same manner
42 as a political committee subject to the provisions of section 8 of
43 **【this act】** P.L.1973, c.83 (C.19:44A-8). Such expenditure made
44 during the period between the 13th day prior to the election and the
45 date of the election shall be filed in writing or by telegram within
46 48 hours of the making, incurring or authorization of the
47 expenditure and shall set forth the name and mailing address of the

1 person, firm or organization to whom or which the expenditure was
2 paid and the amount and purpose of the expenditure.

3 No contribution of money shall be made in currency, except
4 contributions in response to a public solicitation, provided that
5 cumulative currency contributions of up to \$200 may be made to a
6 candidate committee or joint candidates committee, a political
7 committee, a continuing political committee, an independent
8 expenditure committee, a legislative leadership committee or a
9 political party committee if the contributor submits with the
10 currency contribution a written statement of a form as prescribed by
11 the commission, indicating the contributor's name, mailing address
12 and occupation and the amount of the contribution, including the
13 contributor's signature and the name and mailing address of the
14 contributor's employer. Adjustments to the \$200 limit established
15 in this paragraph which have been made by the Election Law
16 Enforcement Commission, pursuant to section 22 of P.L.1993, c.65
17 (C.19:44A-7.2), prior to the effective date of P.L.2004, c.28 are
18 rescinded. The \$200 limit established in this paragraph shall
19 remain as stated in this paragraph without further adjustment by the
20 commission in the manner prescribed by section 22 of P.L.1993,
21 c.65 (C.19:44A-7.2).

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

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

37 (cf: P.L.2004, c.33, s.2)

38

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

41 18. a. No individual, other than an individual who is a
42 candidate, no corporation of any kind organized and incorporated
43 under the laws of this State or any other state or any country other
44 than the United States, no labor organization of any kind which
45 exists or is constituted for the purpose, in whole or in part, of
46 collective bargaining, or of dealing with employers concerning the
47 grievances, terms or conditions of employment, or of other mutual
48 aid or protection in connection with employment, or any group

1 shall: (1) pay or make any contribution of money or other thing of
2 value to a candidate who has established only a candidate
3 committee, his campaign treasurer, deputy campaign treasurer or
4 candidate committee which in the aggregate exceeds **[\$2,600]**
5 \$3,000 per election, or (2) pay or make any contribution of money
6 or other thing of value to candidates who have established only a
7 joint candidates committee, their campaign treasurer, deputy
8 campaign treasurer, or joint candidates committee, which in the
9 aggregate exceeds **[\$2,600]** \$3,000 per election per candidate, or
10 (3) pay or make any contribution of money or other thing of value
11 to a candidate who has established both a candidate committee and
12 a joint candidates committee, the campaign treasurers, deputy
13 campaign treasurers, or candidate committee or joint candidates
14 committee, which in the aggregate exceeds **[\$2,600]** \$3,000 per
15 election. No candidate who has established only a candidate
16 committee, his campaign treasurer, deputy campaign treasurer or
17 candidate committee shall knowingly accept from an individual,
18 other than an individual who is a candidate, a corporation of any
19 kind organized and incorporated under the laws of this State or any
20 other state or any country other than the United States, a labor
21 organization of any kind which exists or is constituted for the
22 purpose, in whole or in part, of collective bargaining, or of dealing
23 with employers concerning the grievances, terms or conditions of
24 employment, or of other mutual aid or protection in connection with
25 employment, or any group any contribution of money or other thing
26 of value which in the aggregate exceeds **[\$2,600]** \$3,000 per
27 election, and no candidates who have established only a joint
28 candidates committee, or their campaign treasurer, deputy campaign
29 treasurer, or joint candidates committee, shall knowingly accept
30 from any such source any contribution of money or other thing of
31 value which in the aggregate exceeds **[\$2,600]** \$3,000 per election
32 per candidate, and no candidate who has established both a
33 candidate committee and a joint candidates committee, the
34 campaign treasurers, deputy campaign treasurers, or candidate
35 committee or joint candidates committee shall knowingly accept
36 from any such source any contribution of money or other thing of
37 value which in the aggregate exceeds **[\$2,600]** \$3,000 per election.

38 b. (1) No political committee or continuing political
39 committee shall: (a) pay or make any contribution of money or
40 other thing of value to a candidate who has established only a
41 candidate committee, his campaign treasurer, deputy campaign
42 treasurer or candidate committee, other than a candidate for
43 nomination for election for the office of Governor or candidates for
44 election for the offices of Governor and Lieutenant Governor,
45 which in the aggregate exceeds **[\$8,200]** \$9,300 per election, or (b)
46 pay or make any contribution of money or other thing of value to
47 candidates who have established only a joint candidates committee,

1 their campaign treasurer or deputy campaign treasurer, or the joint
2 candidates committee, which in the aggregate exceeds ~~【\$8,200】~~
3 \$9,300 per election per candidate, or (c) pay or make any
4 contribution of money or other thing of value to a candidate who
5 has established both a candidate committee and a joint candidates
6 committee, the campaign treasurers, deputy campaign treasurers, or
7 candidate committee or joint candidates committee, which in the
8 aggregate exceeds ~~【\$8,200】~~ \$9,300 per election. No candidate who
9 has established only a candidate committee, his campaign treasurer,
10 deputy campaign treasurer or candidate committee, other than a
11 candidate for nomination for election for the office of Governor or
12 candidates for election for the offices of Governor and Lieutenant
13 Governor, shall knowingly accept from any political committee or
14 continuing political committee any contribution of money or other
15 thing of value which in the aggregate exceeds ~~【\$8,200】~~ \$9,300 per
16 election, and no candidates who have established only a joint
17 candidates committee, their campaign treasurer, deputy campaign
18 treasurer, or joint candidates committee, shall knowingly accept
19 from any such source any contribution of money or other thing of
20 value which in the aggregate exceeds ~~【\$8,200】~~ \$9,300 per election
21 per candidate, and no candidate who has established both a
22 candidate committee and a joint candidates committee, the
23 campaign treasurers, deputy campaign treasurers, or candidate
24 committee or joint candidates committee shall knowingly accept
25 from any such source any contribution of money or other thing of
26 value which in the aggregate exceeds ~~【\$8,200】~~ \$9,300 per election.

27 (2) The limitation upon the knowing acceptance by a candidate,
28 campaign treasurer, deputy campaign treasurer, candidate
29 committee or joint candidates committee of any contribution of
30 money or other thing of value from a political committee or
31 continuing political committee under the provisions of paragraph
32 (1) of this subsection shall also be applicable to the knowing
33 acceptance of any such contribution from the county committee of a
34 political party by a candidate or the campaign treasurer, deputy
35 campaign treasurer, candidate committee or joint candidates
36 committee of a candidate for any elective public office in another
37 county or, in the case of a candidate for nomination for election or
38 for election to the office of member of the Legislature, in a
39 legislative district in which, according to the federal decennial
40 census upon the basis of which legislative districts shall have been
41 established, less than 20% of the population resides within the
42 county of that county committee. In addition, all contributor
43 reporting requirements and other restrictions and regulations
44 applicable to a contribution of money or other thing of value by a
45 political committee or continuing political committee under the
46 provisions of P.L.1973, c.83 (C.19:44A-1 et al.) shall likewise be

1 applicable to the making or payment of such a contribution by such
2 a county committee.

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

26 With respect to the limitations in this paragraph, the Legislature
27 finds and declares that:

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

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

37 (c) Furthermore, the risk of actual or perceived corruption is
38 raised by the potential for contributors to circumvent limits on
39 contributions to candidates by funneling money to candidates
40 through county committees;

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

46 (e) It is, therefore, reasonable for the State to promote this
47 compelling interest by limiting the amount a county committee may
48 give to a legislative candidate based upon the degree to which the

1 population of the legislative district overlaps with the population of
2 that county.

3 c. (1) No candidate who has established only a candidate
4 committee, his campaign treasurer, deputy treasurer or candidate
5 committee shall (a) pay or make any contribution of money or other
6 thing of value to another candidate who has established only a
7 candidate committee, his campaign treasurer, deputy campaign
8 treasurer or candidate committee, other than a candidate for
9 nomination for election for the office of Governor or candidates for
10 election for the offices of Governor and Lieutenant Governor,
11 which in the aggregate exceeds ~~【\$8,200】~~ \$9,300 per election, or (b)
12 pay or make any contribution of money or other thing of value to
13 candidates who have established only a joint candidates committee,
14 their campaign treasurer, deputy campaign treasurer, or joint
15 candidates committee, which in the aggregate exceeds ~~【\$8,200】~~
16 \$9,300 per election per candidate in the recipient committee, or (c)
17 pay or make any contribution of money or other thing of value to a
18 candidate who has established both a candidate committee and a
19 joint candidates committee, the campaign treasurers, deputy
20 campaign treasurers, or candidate committee or joint candidates
21 committee, which in the aggregate exceeds ~~【\$8,200】~~ \$9,300 per
22 election. No candidate who has established only a candidate
23 committee, his campaign treasurer, deputy campaign treasurer or
24 candidate committee, other than a candidate for nomination for
25 election for the office of Governor or candidates for election to the
26 offices of the Governor and Lieutenant Governor, shall knowingly
27 accept from another candidate who has established only a candidate
28 committee, his campaign treasurer, deputy campaign treasurer or
29 candidate committee, any contribution of money or other thing of
30 value which in the aggregate exceeds ~~【\$8,200】~~ \$9,300 per election,
31 and no candidates who have established only a joint candidates
32 committee, their campaign treasurer, deputy campaign treasurer, or
33 joint candidates committee, shall knowingly accept from any such
34 source any contribution of money or other thing of value which in
35 the aggregate exceeds ~~【\$8,200】~~ \$9,300 per election per candidate in
36 the recipient committee, and no candidate who has established both
37 a candidate committee and a joint candidates committee, the
38 campaign treasurers, deputy campaign treasurers, or candidate
39 committee or joint candidates committee, shall knowingly accept
40 from any such source any contribution of money or other thing of
41 value which in the aggregate exceeds ~~【\$8,200】~~ \$9,300 per election.

42 (2) No candidates who have established only a joint candidates
43 committee, their campaign treasurer, deputy campaign treasurer, or
44 joint candidates committee shall (a) pay or make any contribution
45 of money or other thing of value to another candidate who has
46 established only a candidate committee, his campaign treasurer,
47 deputy campaign treasurer or candidate committee, other than a

1 candidate for nomination for election for the office of Governor or
2 candidates for election for the offices of Governor and Lieutenant
3 Governor, which in the aggregate exceeds, on the basis of each
4 candidate in the contributing joint candidates committee, **[\$8,200]**
5 \$9,300 per election, or (b) pay or make any contribution of money
6 or other thing of value to candidates who have established only a
7 joint candidates committee, their campaign treasurer, deputy
8 campaign treasurer or joint candidates committee, which in the
9 aggregate exceeds, on the basis of each candidate in the
10 contributing joint candidates committee, **[\$8,200]** \$9,300 per
11 election per candidate in the recipient joint candidates committee,
12 or (c) pay or make any contribution of money or other thing of
13 value to a candidate who has established both a candidate
14 committee and a joint candidates committee, the campaign
15 treasurers, deputy campaign treasurers or candidate committee or
16 joint candidates committee, which in the aggregate exceeds, on the
17 basis of each candidate in the contributing joint candidates
18 committee, **[\$8,200]** \$9,300 per election. No candidate who has
19 established only a candidate committee, his campaign treasurer,
20 deputy campaign treasurer, or candidate committee, other than a
21 candidate for nomination for election for the office of Governor or
22 candidates for election for the offices of Governor and Lieutenant
23 Governor, shall knowingly accept from other candidates who have
24 established only a joint candidates committee, their campaign
25 treasurer, deputy campaign treasurer or joint candidates committee,
26 any contribution of money or other thing of value which in the
27 aggregate exceeds, on the basis of each candidate in the
28 contributing committee, **[\$8,200]** \$9,300 per election, and no
29 candidates who have established only a joint candidates committee,
30 their campaign treasurer, deputy campaign treasurer, or joint
31 candidates committee, shall knowingly accept from any such source
32 any contribution of money or other thing of value which in the
33 aggregate exceeds, on the basis of each candidate in the
34 contributing joint candidates committee, **[\$8,200]** \$9,300 per
35 election per candidate in the recipient joint candidates committee,
36 and no candidate who has established both a candidate committee
37 and a joint candidates committee, the campaign treasurers, deputy
38 campaign treasurers, or candidate committee or joint candidates
39 committee, shall knowingly accept from any such source any
40 contribution of money or other thing of value which in the
41 aggregate exceeds, on the basis of each candidate in the
42 contributing joint candidates committee, **[\$8,200]** \$9,300 per
43 election.

44 (3) No candidate who has established both a candidate
45 committee and a joint candidates committee, the campaign
46 treasurers, deputy campaign treasurers, or candidate committee or
47 joint candidates committee shall (a) pay or make any contribution

1 of money or other thing of value to another candidate who has
2 established only a candidate committee, his campaign treasurer,
3 deputy campaign treasurer or candidate committee, other than a
4 candidate for nomination for election for the office of Governor or
5 candidates for election for the offices of Governor and Lieutenant
6 Governor, which in the aggregate exceeds ~~【\$8,200】~~ \$9,300 per
7 election, or (b) pay or make any contribution of money or other
8 thing of value to candidates who have established only a joint
9 candidates committee, their campaign treasurer, deputy campaign
10 treasurer or joint candidates committee, which in the aggregate
11 exceeds ~~【\$8,200】~~ \$9,300 per election per candidate in the recipient
12 joint candidates committee, or (c) pay or make any contribution of
13 money or other thing of value to a candidate who has established
14 both a candidate committee and a joint candidates committee, the
15 campaign treasurers, deputy campaign treasurers, or candidate
16 committee or joint candidates committee, which in the aggregate
17 exceeds ~~【\$8,200】~~ \$9,300 per election. No candidate who has
18 established only a candidate committee, his campaign treasurer,
19 deputy campaign treasurer, or candidate committee, other than a
20 candidate for nomination for election for the office of Governor or
21 candidates for election for the offices of Governor and Lieutenant
22 Governor, shall knowingly accept from a candidate who has
23 established both a candidate committee and a joint candidates
24 committee, the campaign treasurers, deputy campaign treasurers, or
25 candidate committee or joint candidates committee, any
26 contribution of money or other thing of value which in the
27 aggregate exceeds ~~【\$8,200】~~ \$9,300 per election, and no candidates
28 who have established only a joint candidates committee, their
29 campaign treasurer, deputy campaign treasurer, or joint candidates
30 committee, shall knowingly accept from any such source any
31 contribution of money or other thing of value which in the
32 aggregate exceeds ~~【\$8,200】~~ \$9,300 per election per candidate in the
33 recipient joint candidates committee, and no candidate who has
34 established both a candidate committee and a joint candidates
35 committee, the campaign treasurers, deputy campaign treasurers, or
36 candidate committee or joint candidates committee shall knowingly
37 accept from any such source any contribution of money or other
38 thing of value which in the aggregate exceeds ~~【\$8,200】~~ \$9,300 per
39 election.

40 (4) Expenditures by a candidate for nomination for election or
41 for election to the office of member of the Legislature or to an
42 office of a political subdivision of the State, or by the campaign
43 treasurer, deputy treasurer, candidate committee or joint candidates
44 committee of such a candidate, which are made in furtherance of the
45 nomination or election, respectively, of another candidate for the
46 same office in the same legislative district or the same political
47 subdivision shall not be construed to be subject to any limitation

1 under this subsection; for the purposes of this sentence, the offices
2 of member of the State Senate and member of the General
3 Assembly shall be deemed to be the same office.

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

9 e. For the purpose of determining the amount of a contribution
10 to be attributed as given to or by each candidate in a joint
11 candidates committee, the amount of the contribution to or by such
12 a committee shall be divided equally among all the candidates in the
13 committee.

14 (cf: P.L.2009, c.66, s.12)

15

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

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

1 protection in connection with employment, a political committee, a
2 continuing political committee, a candidate committee or a joint
3 candidates committee or any other group, any contribution of
4 money or other thing of value which in the aggregate exceeds
5 **【\$25,000】** \$28,000 per year, or in the case of a joint candidates
6 committee when that is the only committee established by the
7 candidates, **【\$25,000】** \$28,000 per year per candidate in the joint
8 candidates committee, or in the case of a candidate committee and a
9 joint candidates committee when both are established by a
10 candidate, **【\$25,000】** \$28,000 per year from that candidate.

11 (2) No national committee of a political party shall pay or make
12 any contribution of money or other thing of value to the campaign
13 treasurer, deputy treasurer or other representative of the State
14 committee of a political party which in the aggregate exceeds
15 **【\$72,000】** \$82,000 per year, and no campaign treasurer, deputy
16 campaign treasurer or other representative of the State committee of
17 a political party shall knowingly accept from the national committee
18 of a political party any contribution of money or other thing of
19 value which in the aggregate exceeds **【\$72,000】** \$82,000 per year.

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

1 or any other group, any contribution of money or other thing of
2 value which in the aggregate exceeds **[\$37,000]** \$42,000 per year,
3 or in the case of a joint candidates committee when that is the only
4 committee established by the candidates, **[\$37,000]** \$42,000 per
5 year per candidate in the joint candidates committee, or in the case
6 of a candidate committee and a joint candidates committee when
7 both are established by a candidate, **[\$37,000]** \$42,000 per year
8 from that candidate.

9 c. No individual, no corporation of any kind organized and
10 incorporated under the laws of this State or any other state or any
11 country other than the United States, no labor organization of any
12 kind which exists or is constituted for the purpose, in whole or in
13 part, of collective bargaining, or of dealing with employers
14 concerning the grievances, terms or conditions of employment, or
15 of other mutual aid or protection in connection with employment,
16 no political committee, continuing political committee, candidate
17 committee or joint candidates committee or any other group shall
18 pay or make any contribution of money or other thing of value to
19 any municipal committee of a political party, which in the aggregate
20 exceeds **[\$7,200]** \$8,200 per year, or in the case of a joint
21 candidates committee when that is the only committee established
22 by the candidates, **[\$7,200]** \$8,200 per year per candidate in the
23 joint candidates committee, or in the case of a candidate committee
24 and a joint candidates committee when both are established by a
25 candidate, **[\$7,200]** \$8,200 per year from that candidate. No
26 campaign treasurer, deputy campaign treasurer or other
27 representative of a municipal committee of a political party shall
28 knowingly accept from an individual, a corporation of any kind
29 organized and incorporated under the laws of this State or any other
30 state or any country other than the United States, a labor
31 organization of any kind which exists or is constituted for the
32 purpose, in whole or in part, of collective bargaining, or of dealing
33 with employers concerning the grievances, terms or conditions of
34 employment, or of other mutual aid or protection in connection with
35 employment, a political committee, a continuing political
36 committee, a candidate committee or a joint candidates committee
37 or any other group, any contribution of money or other thing of
38 value which in the aggregate exceeds **[\$7,200]** \$8,200 per year, or
39 in the case of a joint candidates committee when that is the only
40 committee established by the candidates, **[\$7,200]** \$8,200 per year
41 per candidate in the joint candidates committee, or in the case of a
42 candidate committee and a joint candidates committee when both
43 are established by a candidate, **[\$7,200]** \$8,200 per year from that
44 candidate.

45 No county committee of a political party in any county shall pay
46 or make any contribution of money or other thing of value to a
47 municipal committee of a political party in a municipality not

1 located in that county which in the aggregate exceeds the amount of
2 aggregate contributions which, under this subsection, a continuing
3 political committee is permitted to pay or make to a municipal
4 committee of a political party. No campaign treasurer, deputy
5 campaign treasurer or other representative of a municipal committee
6 of a political party in any municipality shall knowingly accept from
7 any county committee of a political party in any county other than
8 the county in which the municipality is located any contribution of
9 money or other thing of value which in the aggregate exceeds the
10 amount of contributions permitted to be so paid or made under that
11 subsection.

12 d. For the purpose of determining the amount of a contribution
13 to be attributed as given by each candidate in a joint candidates
14 committee, the amount of the contribution by such a committee
15 shall be divided equally among all the candidates in the committee.
16 (cf: P.L.2004, c.174, s.4)

17

18 8. Section 20 of P.L.1993, c.65 (C.19:44A-11.5) is amended to
19 read as follows:

20 20. a. No candidate who has established only a candidate
21 committee, his campaign treasurer, deputy treasurer or candidate
22 committee shall pay or make any contribution of money or other
23 thing of value to a political committee, other than a political
24 committee which is organized to, or does, aid or promote the
25 passage or defeat of a public question in any election, or a
26 continuing political committee, which in the aggregate exceeds, in
27 the case of such a political committee, **[\$7,200]** \$8,200 per
28 election, or in the case of a continuing political committee,
29 **[\$7,200]** \$8,200 per year, and no candidates who have established
30 only a joint candidates committee, their campaign treasurer, deputy
31 campaign treasurer or joint candidates committee shall pay or make
32 any contribution of money or other thing of value to such a political
33 committee or continuing political committee which in the aggregate
34 exceeds, in the case of such a political committee, **[\$7,200]** \$8,200
35 per election per candidate in the joint candidates committee, or in
36 the case of a continuing political committee, **[\$7,200]** \$8,200 per
37 year per candidate in the joint candidates committee, and no
38 candidate who has established both a candidate committee and a
39 joint candidates committee shall pay or make any contribution of
40 money or other thing of value which in the aggregate exceeds, in
41 the case of such a political committee, **[\$7,200]** \$8,200 per election
42 from that candidate, or in the case of a continuing political
43 committee, **[\$7,200]** \$8,200 per year from that candidate. No
44 political committee, other than a political committee which is
45 organized to, or does, aid or promote the passage or defeat of a
46 public question in any election, or a continuing political committee,
47 shall knowingly accept from a candidate who has established only a

1 candidate committee, his campaign treasurer, deputy treasurer or
2 candidate committee, any contribution of money or other thing of
3 value which in the aggregate exceeds, in the case of such a political
4 committee, **[\$7,200]** \$8,200 per election, or in the case of a
5 continuing political committee, **[\$7,200]** \$8,200 per year, and no
6 such political committee or continuing political committee shall
7 knowingly accept from candidates who have established only a joint
8 candidates committee, their campaign treasurer, deputy campaign
9 treasurer, or joint candidates committee, any contribution of money
10 or other thing of value which in the aggregate exceeds, in the case
11 of such a political committee, **[\$7,200]** \$8,200 per election per
12 candidate in the joint candidates committee, or in the case of a
13 continuing political committee, **[\$7,200]** \$8,200 per year per
14 candidate in the joint candidates committee, and no such political
15 committee or continuing political committee shall knowingly accept
16 from a candidate who has established both a candidate committee
17 and a joint candidates committee any contribution of money or
18 other thing of value which in the aggregate exceeds, in the case of
19 such a political committee, **[\$7,200]** \$8,200 per election from that
20 candidate, or in the case of a continuing political committee,
21 **[\$7,200]** \$8,200 per year from that candidate. For the purpose of
22 determining the amount of a contribution to be attributed as given
23 by each candidate in a joint candidates committee, the amount of
24 the contribution by such a committee shall be divided equally
25 among all the candidates in the committee.

26 b. No political committee, other than a political committee
27 which is organized to, or does, aid or promote the passage or defeat
28 of a public question in any election, and no continuing political
29 committee shall pay or make any contribution of money or other
30 thing of value to another political committee, other than a political
31 committee which is organized to, or does, aid or promote the
32 passage or defeat of a public question in any election, or another
33 continuing political committee which in the aggregate exceeds, in
34 the case of a recipient continuing political committee, **[\$7,200]**
35 \$8,200 per year, or in the case of a recipient political committee,
36 **[\$7,200]** \$8,200 per election. No political committee, other than a
37 political committee which is organized to, or does, aid or promote
38 the passage or defeat of a public question in any election, and no
39 continuing political committee shall knowingly accept from another
40 political committee, other than a political committee which is
41 organized to, or does, aid or promote the passage or defeat of a
42 public question in any election, or another continuing political
43 committee any contribution of money or other thing of value which
44 in the aggregate exceeds, in the case of a recipient continuing
45 political committee, **[\$7,200]** \$8,200 per year, or in the case of a
46 recipient political committee, **[\$7,200]** \$8,200 per election.

1 c. No individual, no corporation of any kind organized and
2 incorporated under the laws of this State or any other state or any
3 country other than the United States, no labor organization of any
4 kind which exists or is constituted for the purpose, in whole or in
5 part, of collective bargaining, or of dealing with employees
6 concerning the grievances, terms or conditions of employment, or
7 of other mutual aid or protection in connection with employment,
8 nor any other group, shall pay or make any contribution of money
9 or other thing of value to a political committee, other than a
10 political committee which is organized to, or does, aid or promote
11 the passage or defeat of a public question in any election, or a
12 continuing political committee, which in the aggregate exceeds, in
13 the case of such a political committee, **[\$7,200]** \$8,200 per
14 election, or in the case of a continuing political committee,
15 **[\$7,200]** \$8,200 per year, and no such political committee or
16 continuing political committee shall knowingly accept any
17 contribution in excess of those amounts from an individual or from
18 such corporation, labor organization, or other group.
19 (cf: P.L.2001, c.384, s.3)

20

21 9. Section 12 of P.L.1973, c.83 (C.19:44A-12) is amended to
22 read as follows:

23 12. An organizational or campaign treasurer or deputy
24 organizational or campaign treasurer of a candidate committee or
25 joint candidates committee, a political committee, a continuing
26 political committee, an independent expenditure committee, a
27 political party committee or a legislative leadership committee shall
28 make a written record of all funds which he receives as
29 contributions to the candidate committee, joint candidates
30 committee, political committee, continuing political committee,
31 independent expenditure committee, political party committee or
32 legislative leadership committee, including in that record the name
33 and mailing address of the contributor, the amount and date of the
34 contribution, and where the contributor is an individual, the
35 occupation of the individual and the name and mailing address of
36 the individual's employer. The organizational or campaign treasurer
37 shall retain that record for a period of not less than four years. All
38 funds so received shall be deposited by the campaign or
39 organizational treasurer or deputy campaign or organizational
40 treasurer in a campaign depository of the candidate committee or
41 joint candidates committee, the continuing political committee,
42 political committee, independent expenditure committee, political
43 party committee or legislative leadership committee no later than
44 the tenth calendar day following receipt of such funds; except that
45 any such treasurer or deputy treasurer may, when authorized by the
46 candidate, candidates or committee of which he is the campaign or
47 organizational treasurer or deputy campaign or organizational
48 treasurer, transfer any such funds to the duly designated campaign

1 or organizational treasurer or deputy campaign or organizational
2 treasurer of another candidate or committee, for inclusion in the
3 campaign depository thereof, without first so depositing them;
4 provided, however, that the amount so transferred shall not be in
5 excess of the amount that may be contributed by one candidate to
6 another candidate in an election pursuant to section 18 of P.L.1993,
7 c.65 (C.19:44A-11.3), but this proviso shall not be construed to
8 prohibit a county or municipal committee of a political party from
9 making a contribution or contributions, or from transferring funds
10 as hereinabove authorized, to any candidate, candidate committee,
11 joint candidates committee, political committee, continuing political
12 committee, independent expenditure committee, political party
13 committee, or legislative leadership committee. A record of all
14 nondeposited funds so transferred shall be attached to the statement
15 required under this section, identifying them as to source and
16 amount in the same manner as deposited funds.

17 (cf: P.L.1995, c.178, s.1)

18

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

21 16. a. The campaign treasurer of each candidate committee and
22 joint candidates committee shall make a full cumulative report,
23 upon a form prescribed by the Election Law Enforcement
24 Commission, of all contributions in the form of moneys, loans, paid
25 personal services or other things of value, made to him or to the
26 deputy campaign treasurers of the candidate committee or joint
27 candidates committee, and all expenditures paid out of the election
28 fund of the candidate or candidates, during the period ending with
29 the second day preceding the date of the cumulative report and
30 beginning on the date of the first of those contributions, the date of
31 the first of those expenditures, or the date of the appointment of the
32 campaign treasurer, whichever occurred first. The report shall also
33 contain the name and mailing address of each person or group from
34 whom moneys, loans, paid personal services or other things of value
35 were contributed after the second day preceding the date of the
36 previous cumulative report and the amount contributed by each
37 person or group, and where an individual has made such
38 contributions, the report shall indicate the occupation of the
39 individual and the name and mailing address of the individual's
40 employer. In the case of any loan reported pursuant to this section,
41 the report shall further contain the name and mailing address of
42 each person who cosigns such loan, the occupation of the person
43 and the name and mailing address of the person's employer. If no
44 moneys, loans, paid personal services or other things of value were
45 contributed, the report shall so indicate, and if no expenditures were
46 paid or incurred, the report shall likewise so indicate. The
47 campaign treasurer and the candidate or several candidates shall
48 certify the correctness of the report.

1 b. During the period between the appointment of the campaign
2 treasurer and the election with respect to which contributions are
3 accepted or expenditures made by him, the campaign treasurer shall
4 file his cumulative campaign report (1) on the 29th day preceding
5 the election, and (2) on the 11th day preceding the election; and
6 after the election he shall file his report on the 20th day following
7 such election. Concurrent with the report filed on the 20th day
8 following an election, or at any time thereafter, the campaign
9 treasurer of a candidate committee or joint candidates committee
10 may certify to the Election Law Enforcement Commission that the
11 election fund of such candidate committee or joint candidates
12 committee has wound up its business and been dissolved, or that
13 business regarding the late election has been wound up but the
14 candidate committee or joint candidates committee will continue for
15 the deposit and use of contributions in accordance with section 17
16 of P.L.1993, c.65 (C.19:44A-11.2). Certification shall be
17 accompanied by a final accounting of such election fund, or of the
18 transactions relating to such election, including the final disposition
19 of any balance remaining in such fund at the time of dissolution or
20 the arrangements which have been made for the discharge of any
21 obligations remaining unpaid at the time of dissolution. Until the
22 candidate committee or joint candidates committee is dissolved,
23 each such treasurer shall continue to file reports in the form and
24 manner herein prescribed.

25 The Election Law Enforcement Commission shall promulgate
26 regulations providing for the termination of post-election campaign
27 reporting requirements applicable to political committees, candidate
28 committees and joint candidates committees. The requirements to
29 file quarterly reports after the first post-election report may be
30 waived by the commission, notwithstanding that the certification
31 has not been filed, if the commission determines under any
32 regulations so promulgated that the outstanding obligations of the
33 political committee, candidate committee or joint candidates
34 committee do not exceed 10% of the expenditures of the campaign
35 fund with respect to the election or \$1,000.00, whichever is less, or
36 are likely to be discharged or forgiven.

37 A candidate committee or joint candidates committee shall file
38 with the Election Law Enforcement Commission, not later than
39 April 15, July 15, October 15 of each calendar year in which the
40 candidate or candidates in control of the committee does or do not
41 run for election or reelection and January 15 of each calendar year
42 in which the candidate or candidates does or do run for election or
43 reelection, a cumulative quarterly report of all moneys, loans, paid
44 personal services or other things of value contributed to it or to the
45 candidate or candidates during the period ending on the 15th day
46 preceding that date and commencing on January 1 of that calendar
47 year or, in the case of the cumulative quarterly report to be filed not
48 later than January 15, of the previous calendar year, and all

1 expenditures made, incurred, or authorized by it or the candidate or
2 candidates during the period, whether or not such expenditures were
3 made, incurred or authorized in furtherance of the election or defeat
4 of any candidate, or in aid of the passage or defeat of any public
5 question or to provide information on any candidate or public
6 question. The commission may by regulation require any such
7 candidate committee or joint candidates committee to file during
8 any calendar year one or more additional cumulative reports of such
9 contributions received and expenditures made as may be necessary
10 to ensure that no more than five months shall elapse between the
11 last day of a period covered by one such report and the last day of
12 the period covered by the next such report.

13 The commission, on any form it shall prescribe for the reporting
14 of expenditures by a candidate committee or joint candidates
15 committee, shall provide for the grouping together of all
16 expenditures under the category of "campaign expenses" under
17 paragraph (1) of subsection a. of section 17 of P.L.1993, c.65,
18 identified as such, and for the grouping together, separately, of all
19 other expenditures under the categories prescribed by paragraphs
20 (2) through (6) of that subsection. The cumulative quarterly report
21 due on April 15 in a year immediately after the year in which the
22 candidate or candidates does or do run for election or reelection
23 shall contain a report of all of the contributions received and
24 expenditures made by the candidate or candidates since the 18th day
25 after that election.

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

43 c. No candidate for elective public office shall be required to
44 file a duplicate copy of the campaign treasurer's report with the
45 county clerk of the county in which the candidate resides.

46 d. There shall be no obligation to file the reports required by
47 this section on behalf of a candidate if such candidate files with the
48 Election Law Enforcement Commission a sworn statement to the

1 effect that the total amount to be expended in behalf of his
2 candidacy by the candidate committee, by any political party
3 committee, by any political committee, or by any person shall not in
4 the aggregate exceed \$2,000.00 or \$4,000 for any joint candidates
5 committee containing two candidates or \$6,000 for any joint
6 candidates committee containing three or more candidates. The
7 sworn statement may be submitted at the time when the name and
8 address of the campaign treasurer and depository is filed with the
9 Election Law Enforcement Commission, provided that in any case
10 the sworn statement is filed no later than the 29th day before an
11 election. If a candidate who has filed such a sworn statement
12 receives contributions from any one source aggregating more than
13 \$300 he shall forthwith make report of the same, including the name
14 and mailing address of the source and the aggregate total of
15 contributions therefrom, and where the source is an individual, the
16 occupation of the individual and the name and mailing address of
17 the individual's employer, to the Election Law Enforcement
18 Commission. The \$300 limit established in this subsection shall
19 remain as stated in this subsection without further adjustment by the
20 commission in the manner prescribed by section 22 of P.L.1993,
21 c.65 (C.19:44A-7.2).

22 e. There shall be no obligation imposed upon a candidate
23 seeking election to a public office of a school district to file either
24 the reports required under subsection b. of this section or the sworn
25 statement referred to in subsection d. of this section, if the total
26 amount expended and to be expended in behalf of his candidacy by
27 the candidate committee, any political committee, any continuing
28 political committee, or a political party committee or by any person,
29 does not in the aggregate exceed \$2,000.00 per election or \$4,000
30 for any joint candidates committee containing two candidates or
31 \$6,000 for any joint candidates committee containing three or more
32 candidates; provided, that if such candidate receives contributions
33 from any one source aggregating more than \$300, he shall forthwith
34 make a report of the same, including the name and mailing address
35 of the source, the aggregate total of contributions therefrom, and
36 where the source is an individual, the occupation of the individual
37 and the name and mailing address of the individual's employer, to
38 the commission.

39 The \$300 limit established in this subsection shall remain as
40 stated in this subsection without further adjustment by the
41 commission in the manner prescribed by section 22 of P.L.1993,
42 c.65 (C.19:44A-7.2).

43 f. In any report filed pursuant to the provisions of this section,
44 the names and addresses of contributors whose contributions during
45 the period covered by the report did not exceed \$300 may be
46 excluded; provided, however, that (1) such exclusion is unlawful if
47 any person responsible for the preparation or filing of the report
48 knew that such exclusion was made with respect to any person

1 whose total contributions relating to the same election and made to
2 the reporting candidate or to an allied campaign organization or
3 organizations aggregate, in combination with the total contributions
4 in respect of which such exclusion is made, more than \$300, and (2)
5 any person who knowingly prepares, assists in preparing, files or
6 acquiesces in the filing of any report from which the identity of any
7 contributor has been excluded contrary to the provisions of this
8 section is subject to the provisions of section 21 of this act, but (3)
9 nothing in this proviso shall be construed as requiring any candidate
10 committee or joint candidates committee reporting pursuant to this
11 act to report the amounts, dates or other circumstantial data
12 regarding contributions made to any other candidate committee,
13 joint candidates committee, political committee, continuing political
14 committee, political party committee or legislative leadership
15 committee.

16 The \$300 limit established in this subsection shall remain as
17 stated in this subsection without further adjustment by the
18 commission in the manner prescribed by section 22 of P.L.1993,
19 c.65 (C.19:44A-7.2).

20 g. Any report filed pursuant to the provisions of this section
21 shall include an itemized accounting of all receipts and
22 expenditures relative to any testimonial affair held since the date of
23 the most recent report filed, which accounting shall include the
24 name and mailing address of each contributor in excess of \$300 to
25 such testimonial affair and the amount contributed by each; in the
26 case of any individual contributor, the occupation of the individual
27 and the name and mailing address of the individual's employer; the
28 expenses incurred; and the disposition of the proceeds of such
29 testimonial affair.

30 The \$300 limit established in this subsection shall remain as
31 stated in this subsection without further adjustment by the
32 commission in the manner prescribed by section 22 of P.L.1993,
33 c.65 (C.19:44A-7.2).

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

35 i. Each campaign treasurer of a candidate committee or joint
36 candidates committee shall file written notice with the commission
37 of a contribution in excess of ~~【\$500】~~ \$1,400 received during the
38 period between the 13th day prior to the election and the date of the
39 election and of an expenditure of money or other thing of value in
40 excess of ~~【\$800】~~ \$1,400 made, incurred or authorized by the
41 candidate committee or joint candidates committee to support or
42 defeat a candidate in an election, or to aid the passage or defeat of
43 any public question, during the period between the 13th day prior to
44 the election and the date of the election, provided that a candidate
45 shall not be required to file written notice pursuant to this
46 subsection of an expenditure made to support his or her own
47 candidacy, or to support or defeat a candidate for the same office in
48 an election. For the purposes of this subsection, the offices of

1 member of the Senate and member of the General Assembly shall
2 be deemed to be the same office in a legislative district; the offices
3 of member of the board of chosen freeholders and county executive
4 shall be deemed to be the same office in a county; and the offices of
5 mayor and member of the municipal governing body shall be
6 deemed to be the same office in a municipality.

7 The notice of a contribution shall be filed in writing or by
8 telegram within 48 hours of the receipt of the contribution and shall
9 set forth the amount and date of the contribution, the name and
10 mailing address of the contributor, and where the contributor is an
11 individual, the occupation of the individual and the name and
12 mailing address of the individual's employer. The notice of an
13 expenditure shall be filed in writing or by telegram within 48 hours
14 of the making, incurring or authorization of the expenditure and
15 shall set forth the name and mailing address of the person, firm or
16 organization to whom or which the expenditure was paid and the
17 amount and purpose of the expenditure.

18 j. Each county shall provide on its Internet site a link to the
19 Internet site for the Election Law Enforcement Commission for the
20 purpose of providing public access to the reports that are required to
21 be submitted to the commission pursuant to this section.

22 (cf: P.L.2014, c.58, s.1)

23

24 11. Section 18 of P.L.1973, c.83 (C.19:44A-18) is amended to
25 read as follows:

26 18. If any former candidate or any political committee or any
27 person or association of persons in behalf of such political
28 committee, or any independent expenditure committee, or former
29 candidate shall receive any contributions or make any expenditures
30 with relation to any election after the date set in section 16 of **[this**
31 **act]** P.L.1973, c.83 (C.19:44A-16) for the final report subsequent to
32 such election, or shall conduct any testimonial affair or public
33 solicitation for the purpose of raising funds to cover any part of the
34 expenses of a candidate **[or]**, political committee, independent
35 expenditure committee, or other organization in such election, all
36 such contributions, expenditures, testimonial affairs or public
37 solicitations shall be reported to the Election Law Enforcement
38 Commission by the person or persons receiving such contributions
39 or making such expenditures or conducting such testimonial affairs
40 or public solicitations. Such report shall be made by any person
41 receiving any such contribution or contributions, or making any
42 such expenditure or expenditures, which in the aggregate total
43 more than \$100.00, or conducting any testimonial affair or public
44 solicitation of which the net proceeds exceed \$100.00; and shall be
45 made within 20 days from the date upon which the aggregate of
46 such contributions, expenditures or proceeds exceed \$100.00 for
47 the period commencing with the 19th day following such election
48 or with the date upon which any previous report was made pursuant

1 to this section, whichever is sooner. Such report shall be made in
2 the same form and shall contain the same detail prescribed for any
3 other report made pursuant to section 8 or 16 of **[this act]**
4 P.L.1973, c.83 (C.19:44A-8 or C.19:44A-16).
5 (cf: P.L.1983, c.579, s.17)
6

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

9 19. a. No person shall conduct any public solicitation as defined
10 in this act except (1) upon written authorization of the campaign or
11 organizational treasurer of the candidate committee or joint
12 candidates committee, political committee, continuing political
13 committee, political party committee, independent expenditure
14 committee, or legislative leadership committee on whose behalf
15 such solicitation is conducted, or (2) in accordance with the
16 provisions of subsection c. of this section. A person with such
17 written authorization may employ and accept the services of others
18 as solicitors, and shall be responsible for reporting to the treasurer
19 the information required under subsection b. of this section and for
20 delivery to the treasurer the net proceeds of such solicitation in
21 compliance with section 11 of **[this act]** P.L.1973, c.83 (C.19:44A-
22 11). A contribution made through donation or purchase in response
23 to a public solicitation conducted pursuant to written authorization
24 of a treasurer shall be deemed to have been made through such
25 treasurer.

26 b. Whenever a public solicitation has been authorized by a
27 treasurer during a period covered by a report required to be filed
28 under sections 8 and 16 of **[this act]** P.L.1973, c.83 (C.19:44A-8
29 and C.19:44A-16), there shall be filed with such report and as a part
30 thereof an itemized report on any such solicitation of which the net
31 proceeds exceed \$200, in such form and detail as required by the
32 rules of the Election Law Enforcement Commission, which report
33 shall include:

34 (1) The name and mailing address of the person authorized to
35 conduct such solicitation, the method of solicitation and, where the
36 person is an individual, the occupation of the individual and the
37 name and mailing address of the individual's employer;

38 (2) The gross receipts and expenses involved in the solicitation
39 including the actual amount paid for any items purchased for resale
40 in connection with the solicitation, or, if such items or any portion
41 of the cost thereof was donated, the estimated actual value thereof
42 and the actual amount paid therefor, and the names and addresses of
43 any such donors. If it is not practicable for such itemized report to
44 be completed in time to be included with the report due under
45 sections 8 and 16 of **[this act]** P.L.1973, c.83 (C.19:44A-8 and
46 C.19:44A-16) for the period during which such solicitation was
47 held, then such itemized report may be omitted from said report and

1 if so omitted shall be included in the report for the next succeeding
2 period.

3 Adjustments to the \$200 limit established in this subsection
4 which have been made by the Election Law Enforcement
5 Commission, pursuant to section 22 of P.L.1993, c.65 (C.19:44A-
6 7.2), prior to the effective date of P.L.2004, c.28 are rescinded. The
7 \$200 limit established in this subsection shall remain as stated in
8 this subsection without further adjustment by the commission in the
9 manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2).

10 c. Notwithstanding the provisions of subsection b. of this
11 section, it shall be lawful for any natural person, not acting in
12 concert with any other person or group, to make personally a public
13 solicitation the entire proceeds of which, without deduction for the
14 expenses of solicitation, are to be expended by him personally or
15 under his personal direction to finance any lawful activity in
16 support of or opposition to any candidate or public question or to
17 provide political information on any candidate or public question or
18 to seek to influence the content, introduction, passage or defeat of
19 legislation; provided, however, that any individual making such
20 solicitation who receives gross contributions exceeding \$200 in
21 respect to activities relating to any one election shall be required to
22 make a report stating (1) the amount so collected, (2) the method of
23 solicitation, (3) the purpose or purposes for which the funds so
24 collected were expended and the amount expended for each such
25 purpose and (4) the individual's name and mailing address, the
26 individual's occupation and the name and mailing address of the
27 individual's employer. Adjustments to the \$200 limit established in
28 this subsection which have been made by the Election Law
29 Enforcement Commission, pursuant to section 22 of P.L.1993, c.65
30 (C.19:44A-7.2), prior to the effective date of P.L.2004, c.28 are
31 rescinded. The \$200 limit established in this subsection shall
32 remain as stated in this subsection without further adjustment by the
33 commission in the manner prescribed by section 22 of P.L.1993,
34 c.65 (C.19:44A-7.2).

35 Such report shall be made to the Election Law Enforcement
36 Commission at the same time and in the same manner as a political
37 committee, continuing political committee, political party
38 committee, independent expenditure committee, or a legislative
39 leadership committee subject to the provisions of section 8 of **[this**
40 **act]** P.L.1973, c.83 (C.19:44A-8).

41 d. Contributions or purchases made in response to a public
42 solicitation conducted in conformity with the requirements and
43 conditions of **[this act]** P.L.1973, c.83 (C.19:44A-1 et seq.) shall
44 not be deemed anonymous within the meaning of sections 11 and 20
45 of **[this]** the act.

46 e. No person contributing in good faith to a public solicitation
47 not duly authorized in compliance with the provisions of **[this act]**

1 P.L.1973, c.83 (C.19:44A-1 et seq.) shall be liable to any penalty
2 under **【this】** the act by reason of having made such contribution.
3 (cf: P.L.2004, c.28, s.6)

4
5 13. Section 20 of P.L.1973, c.83 (C.19:44A-20) is amended to
6 read as follows:

7 20. No contribution of money or other thing of value, nor
8 obligation therefor, shall be made, and no expenditure of money or
9 other thing of value, nor obligation therefor, shall be made or
10 incurred whether anonymously, in a fictitious name, or by one
11 person or group in the name of another, to support or defeat a
12 candidate in an election or to aid the passage or defeat of any public
13 question or to provide political information on any candidate or
14 public question or to seek to influence the content, introduction,
15 passage or defeat of legislation.

16 No individual, either alone or jointly with one or more other
17 individuals, and no corporation, partnership, membership
18 organization or other incorporated or unincorporated association
19 shall loan or advance to any individual, group of individuals,
20 corporation, partnership, membership organization or other
21 incorporated or unincorporated association any money or other
22 thing of value expressly for the purpose of inducing the recipient
23 thereof, or any other individual, group, corporation, partnership,
24 organization or association, to make a contribution, either directly
25 or indirectly, of money or other thing of value to a candidate or the
26 candidate committee or joint candidates committee of a candidate.

27 No person shall contribute, or purport to contribute, to any
28 candidate, candidate committee or joint candidates committee,
29 political committee, continuing political committee, independent
30 expenditure committee, political party committee or legislative
31 leadership committee funds or property which does not actually
32 belong to him and is not in his full custody and control; which has
33 been given or furnished to him by any other person or group for the
34 purpose of making a contribution thereof, except in the case of
35 group contributions by persons who are members of the
36 contributing group; or which has been loaned or advanced expressly
37 for the purpose of inducing the making of a contribution to a
38 candidate, candidate committee or joint candidates committee.

39 No treasurer, candidate or member of a candidate committee,
40 joint candidates committee, political committee, continuing political
41 committee, independent expenditure committee, political party
42 committee or legislative leadership committee shall solicit or
43 knowingly accept, agree to accept or concur in or abet the
44 solicitation or acceptance of any contribution contrary to the
45 provisions of this section.

46 (cf: P.L.1993, c.65, s.11)

1 14. Section 13 of P.L.2004, c.19 (C.19:44A-11.3a) is repealed

2

3 15. This act shall take effect on the January 1 next following the
4 date of enactment.

5

6

7

STATEMENT

8

9 This bill revises "The New Jersey Campaign Contributions and
10 Expenditures Reporting Act" to institute new reporting
11 requirements on certain organizations, and increase the limits on the
12 amount of money that may be contributed by individuals,
13 candidates, and committees to other candidates and committees.

14 Specifically, the bill would require disclosure by any
15 independent expenditure committee. Such a committee is defined
16 as any organization organized under section 527, or under
17 paragraph (4) of subsection c. of section 501, of the federal Internal
18 Revenue Code that engages in influencing or attempting to
19 influence the outcome of any election or the nomination, election,
20 or defeat of any person to any State or local elective public office or
21 the passage or defeat of any public question, or in providing
22 political information on any candidate or public question, and raises
23 or expends \$3,000 or more for any such purpose. It would require
24 these committees to report contribution and expenditure information
25 in excess of \$300 to the Election Law Enforcement Commission
26 (ELEC). The bill would prohibit a candidate from establishing,
27 authorizing the establishment of, maintaining, or participating
28 directly or indirectly, in the management or control of any
29 independent expenditure committee.

30 The bill defines the term "electioneering communication" to
31 mean any communication that has a value of at least \$10,000 and
32 refers to: 1) a clearly identified candidate for office and promotes or
33 supports a candidate for that office or opposes a candidate for that
34 office, regardless of whether the communication expressly
35 advocates a vote for or against a candidate; or 2) a public question
36 and promotes or supports the passage or defeat of that question,
37 regardless of whether the communication expressly advocates a
38 vote for or against the passage of the question. The term includes
39 communications published in any newspaper or periodical; or
40 broadcast on radio, television, the Internet, or any public address
41 system; placed on any billboard, outdoor facility, button, motor
42 vehicle, window display, poster, card, pamphlet, leaflet, flyer, or
43 other circular; or contained in any direct mailing, robotic phone
44 calls, or mass e-mails.

45 The term "independent expenditure" is defined in the bill to
46 mean an expenditure by a person expressly advocating, or the
47 functional equivalent thereof, the election or defeat of: 1) a clearly
48 identified candidate that is not made in concert or cooperation with

1 or at the request or suggestion of the candidate, the candidate's
2 committee, a political party committee, or an agent thereof; or 2) a
3 public question that is not made in concert or cooperation with or at
4 the request or suggestion of the sponsors, organizers, or committee
5 supporting or opposing the question, a political party, or agents
6 thereof. The "functional equivalent" of expressly advocating means
7 specific advocacy that can be interpreted by a reasonable person as
8 advocating the election or defeat of a candidate, or the passage or
9 defeat of a public question, taking into account whether the
10 communication involved mentions a candidate, a political party, or
11 a challenger to a candidate, or takes a position on a candidate's
12 character, qualifications, or fitness for office, or that can be
13 interpreted by a reasonable person as taking a position on the merits
14 of a public question or taking a position in favor or against the
15 passage or defeat of the public question.

16 In addition the bill would:

17 1) increase the amount of money that can be contributed by an
18 individual, a corporation or union, or a group to a candidate
19 committee from \$2,600 to \$3,000 per election;

20 2) increase the amount of money that can be contributed by a
21 political committee or a continuing political committee to a
22 candidate committee from \$8,200 to \$9,300 per election;

23 3) increase the amount of money that can be contributed by an
24 individual, a corporation or union, political committee, continuing
25 political committee, candidate committee or joint candidates
26 committee or any other group to: a) the State committee of a
27 political party from \$25,000 to \$28,000 per year; b) a county
28 committee of a political party from \$37,000 to \$42,000 per year;
29 and c) a municipal committee of a political party from \$7,200 to
30 \$8,200 per year;

31 4) increase the amount of money that the national committee of
32 a political party can contribute to the State committee of a political
33 party from \$72,000 to \$82,000 per year;

34 5) increase the amount of money that can be contributed by the
35 candidate committee of one candidate to the candidate committee of
36 another candidate from \$8,200 to \$9,300 per election; and

37 6) increase the amount of money that can be contributed to a
38 political committee, or that one political committee or continuing
39 political committee can contribute to another political committee or
40 continuing political committee, from \$7,200 to \$8,200 per election
41 or per year, as the case may be.

42 The bill also repeals the current prohibition on the transfer of
43 funds between county political party committees between January
44 1st and June 30th of each year.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1524

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 18, 2019

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 1524.

As amended, this bill revises “The New Jersey Campaign Contributions and Expenditures Reporting Act” to institute new reporting requirements on certain organizations.

The bill, as amended, requires disclosure by any “independent expenditure committee,” defined as any person organized under section 527 or paragraphs (4) or (6) of subsection (c) of section 501 of the federal Internal Revenue Code that engages in influencing or attempting to influence the outcome of any election or the nomination, election, or defeat of any person to any State or local elective public office or the passage or defeat of any public question, legislation, or regulation, or in providing political information on any candidate or public question, legislation, or regulation, and raises or expends \$3,000 or more for any such purpose. The bill requires these committees to report contributions in excess of \$10,000 and expenditures in excess of \$3,000 to the Election Law Enforcement Commission (ELEC), and prohibits a candidate or holder of public office from establishing, authorizing the establishment of, maintaining, or participating directly or indirectly, in the management or control of any independent expenditure committee. Under R.S.1:1-2, the term “person” includes corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals.

The bill defines “electioneering communication” as any communication made from January 1 of an election year and the date of the election and refers to: 1) a clearly identified candidate for office and promotes or supports a candidate for that office or opposes a candidate for that office, regardless of whether the communication expressly advocates a vote for or against a candidate; or 2) a public question, and promotes or supports the passage or defeat of that question, regardless of whether the communication expressly advocates a vote for or against the passage of the question. The term includes communications published in any newspaper or periodical; or broadcast on radio, television, the Internet or digital media, or any public address system; placed on any billboard, outdoor facility, button, motor vehicle, window display, poster, card, pamphlet, leaflet,

flyer, or other circular; or contained in any direct mailing, robotic phone calls, or mass e-mails.

The bill defines “independent expenditure” as an expenditure by a person expressly advocating, or the functional equivalent thereof, the election or defeat of: 1) a clearly identified candidate that is not made in concert or cooperation with or at the request or suggestion of the candidate, the candidate’s committee, a political party committee, or an agent thereof; or 2) a public question, legislation, or regulation, that is not made in concert or cooperation with or at the request or suggestion of the sponsors, organizers, or committee supporting or opposing the question, legislation, or regulation, a political party, or agents thereof. The “functional equivalent” of expressly advocating means specific advocacy that can be interpreted by a reasonable person as advocating the election or defeat of a candidate, or the passage or defeat of a public question, legislation, or regulation, taking into account whether the communication involved mentions a candidate, a political party, or a challenger to a candidate, or takes a position on a candidate’s character, qualifications, or fitness for office, or that can be interpreted by a reasonable person as taking a position on the merits of a public question, legislation, or regulation, or taking a position in favor or against the passage or defeat of the public question, legislation, or regulation.

The bill codifies the criteria used by ELEC to determine when coordination with a candidate or political party has occurred, and allows ELEC to issue additional criteria by regulation. Under the bill, foreign entities would be prohibited from registering as independent expenditure committees for the purpose of making independent expenditures in any State or local election. The bill explicitly includes Internet and digital advertisement in the definitions of “political information,” “electioneering communication,” and “communication.” It further requires persons who accept compensation from any committee, group, or individual for the placement of communication to be disseminated to the electorate to require such committee, group, or individual to file a copy of their statement of registration they filed with ELEC.

Under the bill, independent expenditure committees would file quarterly reports of contributions received in excess of \$10,000 and expenditures made in excess of \$3,000. The bill requires independent expenditure committees to also report within 48 hours any contribution received or expenditure made in excess of \$500 and \$800, respectively, when such is received or made after the final day of a quarterly reporting period and on or before an election which occurs after that final day but before the final day of the next reporting period.

The provisions of the bill are severable. The bill would take effect on the first date, following enactment, that occurs after July 16, 2019 by which a quarterly report would be required to be filed pursuant to N.J.S.A.19:44A-8(d)(1). The bill specifies that the first of those reports

will not be required to be filed until the next quarterly report filing deadline as specified in that paragraph and specifies that the report need only include those reportable items which occur after the effective date of the bill.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) eliminate, thereby leaving those amounts unchanged from current law, the increase in the amount of money that may be contributed:

- by individuals, corporations, unions, candidate committees, political committees, and continuing political committees to candidate committees;
- by the national committee of a political party to the State committee of a political party;
- by an individual, a corporation, union, political committee, continuing political committee, candidate committee or joint candidates committee or any other group to the State committee, a county committee of a political party, or a municipal committee of a political party;
- by one political committee or continuing political committee to another political committee or continuing political committee; and
- to a political committee;

(2) remove the phrase “a group of two or more persons, or an organization” from the definition of “independent expenditure committee”;

(3) include 501(c)(6) organizations within the purview of the bill;

(4) delete the provision that would have repealed the current ban on the transfer of funds between county political party committees between January 1st and June 30th of each year, thereby keeping that ban in the current law;

(5) delete an inconsistent reference to independent expenditure committee reports required to be filed after an election, as the reports are filed on a quarterly basis;

(6) prohibit a holder of public office, directly or indirectly, from establishing, authorizing the establishment of, maintaining, or participating in the management or control of any independent expenditure committee. This restriction already applies to candidates under the bill;

(7) require independent expenditure committees to also disclose their activities concerning the passage or defeat of legislation or regulation;

(8) codify ELEC regulations concerning the criteria to determine whether coordination with a candidate or political party has occurred, and allows ELEC to specify further criteria by regulation;

(9) remove the \$10,000 value threshold from the definition of “electioneering communication,” and define such communication as made within the temporal window beginning on January 1 of an election year and the date of the election;

(10) require an independent expenditure committee to file quarterly reports of all contributions received in excess of \$10,000 and all expenditures made in excess of \$3,000, instead of \$300;

(11) prohibit foreign entities from registering as independent expenditure committees for the purpose of making independent expenditures in any State or local election;

(12) explicitly include Internet and digital advertisement in the definitions of “political information,” “electioneering communication,” and “communication;”

(13) require persons who accept compensation from any committee, group, or individual for the placement of communication to be disseminated to the electorate to require such committee, group, or individual to file a copy of their statement of registration they filed with ELEC;

(14) include a severability clause; and

(15) provide that the bill would take effect on the first date, following enactment, that occurs after July 16, 2019 by which a quarterly report would be required to be filed pursuant to N.J.S.A.19:44A-8(d)(1). The bill specifies that the first of those reports will not be required to be filed until the next quarterly report filing deadline as specified in that paragraph and specifies that the report need include only those reportable items which occur after the effective date of the bill.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

SENATE BILL NO. 1500
(Fifth Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 1500 (Fifth Reprint) with my recommendations for reconsideration.

Governmental efforts to control the influence of money in politics date back to the early part of the last century. In 1907, President Theodore Roosevelt called for and signed the Tillman Act, the nation's first major campaign finance reform legislation. That law, which prohibited corporate contributions to some political campaigns, was soon followed by the first major campaign disclosure law, the Federal Corrupt Practices Act of 1910. More recently, the Federal Election Campaign Act ("FECA") was enacted in the early 1970s, forming the basis for our modern-day campaign finance regime. In its initial iteration, FECA focused primarily on disclosure but was subsequently amended to impose substantive limits on contributions and expenditures. In 2002, the Bipartisan Campaign Reform Act ("BCRA"), commonly referred to as the McCain-Feingold Act, further amended FECA to cover so-called "soft money" and issue advocacy. At the state level, New Jersey, in 1973, enacted the Campaign Contributions and Expenditures Reporting Act, which, among other things, established the New Jersey Election Law Enforcement Commission ("ELEC"). At the time of its enactment, the law was considered by many to be a national model for campaign finance reform.

Yet, for nearly as long as lawmakers have been endeavoring to regulate money in politics, state and federal courts have been imposing restrictions on these efforts. Indeed, the United

States Supreme Court had already invalidated elements of the earliest campaign finance laws before 1930. Thereafter, the Supreme Court found that FECA's expenditure limits violated the First Amendment of the United States Constitution because they "place[d] substantial and direct restrictions on the ability of candidates, citizens, and associations to engage in protected political expression." Buckley v. Valeo, 424 U.S. 1 (1976). The Supreme Court continued to roll back reform efforts in the early part of this century (see McConnell v. FEC, 540 U.S. 93 (2003) and FEC v. Wisconsin Right to Life, 551 U.S. 449 (2007)). But the biggest blow to campaign finance reform efforts came in the 2010 decision Citizens United v. FEC, 558 U.S. 310 (2010). Upending decades of campaign finance law, the Supreme Court found that BCRA's restrictions on corporate independent expenditures and electioneering communications violated a corporation's First Amendment right to free speech. To support its decision, the Court ruled that "independent expenditures do not lead to, or create the appearance of, quid pro quo corruption." As a result of Citizens United, corporations presently are free to spend limitless amounts of money on political advertisements that explicitly call for the election or defeat of candidates or refer to clearly identified candidates during the run-up to an election.

I strongly believe that, in the aftermath of Citizens United, robust disclosure of campaign spending is more critical than ever. I commend my colleagues in the Legislature for seeking to ensure that so-called "dark money" is brought out into the open. However, I am mindful that such efforts must be carefully balanced against constitutionally protected speech and association rights. Because certain provisions of Senate Bill

No. 1500 (Fifth Reprint) may infringe on both, and because the bill does not go far enough in mandating disclosures of political activity that can be constitutionally required, I cannot support it in its current form.

Beginning with Buckley, courts have consistently subjected campaign finance disclosure requirements to exacting scrutiny. This heightened level of review requires a "substantial relation between the disclosure requirement and a sufficiently important governmental interest." Campaign finance jurisprudence makes clear that the government's interest in an informed electorate is a sufficiently important - in fact, vitally important - governmental interest such that the exacting standard of scrutiny is satisfied. As a result, laws mandating disclosure of communications that are intended to influence a voter's decision on which candidate to support or whether to approve or disapprove a ballot initiative, have routinely survived legal challenge. See Human Life of Wash., Inc. v. Brumsickle, 624 F.3d 990, 1006 (9th Cir. 2010).

Senate Bill No. 1500 (Fifth Reprint), however, goes beyond requiring disclosure of expenditures of election-related advocacy, extending its disclosure requirements to also apply to advocacy in connection with legislation and regulations. Significantly, the bill covers all issue advocacy conducted at any time, regardless of whether the advocacy is connected to an issue before the electorate. As noted, courts review disclosure requirements with exacting scrutiny and compulsory disclosure is permissible in narrow instances where there is a genuine and vital need for the disclosure because the information demanded is important and material to the electorate. It is unclear whether disclosure requirements for communications that are not

connected to an election would withstand such judicial scrutiny.

In a similar manner, the Supreme Court has recognized the harm that overly broad disclosure requirements can cause to an organization, its mission, and its members. In NAACP v. Patterson, the Supreme Court found that Alabama could not force the NAACP to disclose its membership because doing so would violate the group's freedom to associate under the First Amendment. 357 U.S. 449 (1958). The Supreme Court found that privacy of group association is necessary to preserve freedom of association and protect effective advocacy, particularly when a group supports controversial positions. Without this privacy protection, the Court reasoned that the NAACP could be harmed in the form of diminished financial support and decreased membership. Indeed, past release of membership lists resulted in members being subjected to threats, economic reprisal, and loss of employment. Altogether, the Court found that compelled disclosure would undermine the NAACP's constitutionally protected right to advocate.

The concerns articulated by the Court in NAACP v. Patterson are as valid today as they were over half a century ago. Organizations that advocate on issues such as abortion rights, the Second Amendment, racial justice, and LGBTQ protections, to name just a few, remain polarizing and some individuals will be reluctant to contribute financially if those contributions are subject to widespread disclosure. As a result, broad disclosures such as those prescribed in this bill could significantly hinder the ability of organizations to advocate. Because I am not convinced that extending the bill's disclosure requirements to communications unrelated to an election will withstand constitutional challenge and because doing so could

significantly curtail the association rights of issue advocacy organizations, I am recommending revisions to eliminate the bill's references to legislation and regulation.

The bill's language prohibiting public officeholders from participating in the establishment and management of an independent election committee raises similar, fundamental constitutional concerns. The United States Constitution requires a state to have a sufficiently important government interest and employ closely drawn means in order to limit the First Amendment's speech and association protections. Buckley, supra, 424 U.S. at 25. The deterrence of actual or apparent quid pro quo corruption is a sufficiently important government interest to justify limiting associational rights in the political process. Cf. Citizens United, supra, 558 U.S. at 359. It is not clear, however, how a blanket ban on officeholders establishing or managing an independent expenditure committee will deter quid pro quo corruption or further any other sufficiently important government interest. Notably, the bill's prohibition applies even if the independent expenditure committee advocates for an issue over which the officeholder has no direct influence or involvement, further diminishing the likelihood that a court would find this provision to be sufficiently narrowly tailored. For these reasons, my recommendations would remove this prohibition.

In addition to the aforementioned constitutional concerns, the bill's definition of an independent expenditure committee does not include limited liability corporations ("LLCs") and other for-profit corporate forms. This oversight creates a loophole that could encourage the use of these entities to

circumvent the bill's registration and disclosure requirements. For example, instead of registering as a 527 or a 501(c)(4) organization, a group of individuals could form a corporation with the sole purpose of influencing an election or issue advocacy and avoid much of the disclosures prescribed in the bill. My recommended revisions would close this loophole by subjecting LLCs and other corporate forms to the bill's requirements.

The narrow definition of "independent expenditure committee" in the bill creates an additional loophole that would allow most groups that only engage in policy advocacy to easily circumvent the disclosure requirements set forth in the bill. An entity qualifies as an independent expenditure committee only if it does not coordinate its activities with any candidate or political party. Therefore, a 501(c)(4) organization could exempt itself from the provisions of the bill merely by coordinating its legislative and regulatory advocacy with a candidate.

I am also recommending two important additions to the bill that will strengthen it and further promote transparency. First, I am recommending the extension of pay-to-play disclosures to apply to independent expenditure committees. Under current law, business entities with \$50,000 or more in public contracts must annually file disclosure forms with ELEC if they have contributed to candidate committees, joint candidate committees, political party committees, or legislative leadership committees. These disclosures ensure that public contracts are the result of a fair and open process rather than political favors to prominent contributors. By extending the bill to business entities that contribute to independent

expenditure committees, my recommendations close a loophole that allows an entity that has benefited from large public contracts to entirely avoid disclosure by directing all of its contributions to independent expenditure committees, including 501(c)(4) organizations.

Second, I am recommending the addition of a provision that would require the recipients of economic development subsidies to disclose their contributions to candidates and groups that expend money to influence elections. This addition is a reasonable extension of the bill and will assure that the State's economic development programs operate transparently and without conflicts of interest. The provision is based on Senate Bill No. 2311 from the 2014-15 legislative session, sponsored by Senator Weinberg and former Senator Lesniak, which passed the Senate in 2015 without a single dissenting vote among Democrats. At the time, then-Senator Lesniak stated, "There is an appearance that there is a political price to be paid in order to get these incentives." Then-Senator Lesniak went on to say that such a perception could "put in jeopardy the entire program, and subject it to criticism that it's being exploited for political purposes." See "Senate passes bill that bars campaign contributions to tax break recipients," northjersey.com, September 25, 2015. I am incorporating a slightly modified version of the 2015 bill because I agree with then-Senator Lesniak; New Jersey's incentives programs need to work for everybody, not just for some.

Critics may contend that additional disclosure requirements for the recipients of economic development subsidies are unnecessary given that existing State laws and other provisions of this bill already require candidates and certain groups to

disclose the sources of large contributions. However, this specialized disclosure rule is critical as it will prevent businesses that receive economic development subsidies from hiding their contributions. For example, if an entity controlled by a business that received a subsidy makes a political contribution, the disclosure required under current law would only indicate information about that entity. Thus, someone examining the contribution would have to know that the entity is controlled by the business in order to detect any wrongdoing. To prevent such hidden contributions, I am recommending a provision similar to those found in our pay-to-play laws requiring that all contributions made by an entity controlled by a business that received a subsidy be deemed contributions of the business itself. Furthermore, the specialized and focused disclosure reports established in this provision will prevent the need for the public to sift through the lengthy campaign disclosure reports of various entities to determine whether a business benefitting from an economic development subsidy has made political contributions.

Finally, my recommended revisions correct multiple apparent drafting errors, including many with the potential to impact the bill's substantive effect and spawn time-consuming litigation. For example, the bill is inconsistent in its treatment of how independent expenditure committees are to make reports to ELEC. Additionally, the bill creates a unique reporting schedule for independent expenditure committees, but later requires independent expenditure committees to report on the same schedule as continuing political committees. This inconsistency may lead to uncertainty among filers and administrative difficulties for ELEC and the state and federal courts.

Although laudable in its intentions, I cannot support this bill as drafted because of the numerous legal issues it raises, its potential to stifle nonpartisan advocacy, and the presence of troubling loopholes.

Therefore, I herewith return Senate Bill No. 1500 (Fifth Reprint) and recommend that it be amended as follows:

- Page 2, Title, Line 1: Delete "and limits" and insert "by certain groups and business entities that receive government contracts or development subsidies"
- Page 2, Title, Line 2: After "and" insert "supplementing P.L.1973, c.83 (C.19:44A-1 et seq.) and"
- Page 6, Section 1, Line 10: Delete "\$5,500" and insert "\$2,500"
- Page 7, Section 1, Line 32: Delete "or" and insert ","
- Page 7, Section 1, Line 34: After "(26 U.S.C. s.501)" insert ", or under the "Revised Uniform Limited Liability Company Act," P.L.2012, c.50 (C.42:2C-1 et seq.)"
- Page 7, Section 1, Line 40: Delete "legislation, or regulation,"
- Page 7, Section 1, Line 41: Delete "legislation, or"
- Page 7, Section 1, Line 42: Delete "regulation,"
- Page 7, Section 1, Line 43: Delete "does not coordinate its activities"
- Page 7, Section 1, Line 44: Delete "with any candidate or political party as determined by the" and insert "which is restricted by law or regulation with regard to the coordination of its activities with any candidate or political party. The"
- Page 7, Section 1, Line 45: After "Commission" insert "shall determine whether a person, candidate committee, joint candidates committee, continuing political committee, or independent expenditure committee has coordinated its activities with any candidate or political party"
- Page 8, Section 1, Line 2: Delete "made within"

- Page 8, Section 1, Line 3: Delete in its entirety
- Page 8, Section 1, Line 4: Delete "of the election and refers to" and insert ", for which the direct costs of producing and disseminating exceed \$10,000 in the aggregate during any calendar year, that"
- Page 8, Section 1, Line 4: After "(1)" insert "refers to (a)"
- Page 8, Section 1, Line 8: Delete "(2)" and insert "(b)"
- Page 8, Section 1, Line 11: After "question" insert "; (2) is made within 60 days before a general, primary, or special election for the office sought by the candidate or, in the case of a public question, is made within 60 days before a general, primary, or special election at which the public question appears on the ballot; and (3) can be received by at least 10 percent of the electorate the candidate seeks to represent or, in the case of a public question, can be received by 10 percent of the electorate responsible for deciding the public question"
- Page 8, Section 1, Line 14: Delete ";" and insert ", except a communication appearing in a news story, commentary, or editorial provided that the medium of communication is not owned or controlled by a political party, political committee, or candidate. The term 'electioneering communication' also includes communications"
- Page 8, Section 1, Line 17: After "e-mails." insert "The term 'electioneering communication' shall not include communications presented in a candidate debate or forum conducted pursuant to regulations adopted by the Election Law Enforcement Commission, or which solely promote the debate or forum and made by or on behalf of a sponsor of the debate or forum, or communications by an organization exclusively to its members, stockholders, or

executive or administrative personnel."

Page 8, Section 1, Line 23: After "question" delete ","

Page 8, Section 1, Line 24: Delete "legislation, or regulation,"

Page 8, Section 1, Line 27: Delete "legislation, or regulation,"

Page 8, Section 1, Line 31: Delete "legislation, or regulation,"

Page 8, Section 1, Line 36: Delete ", legislation, or regulation,"

Page 8, Section 1, Line 38: Delete ", legislation, or regulation"

Page 12, Section 2, Line 33: Delete "(1)"

Page 12, Section 2, Line 40: After "it" insert "during the period ending on the 15th day preceding that date and commencing on January 1 of that calendar year or, in the case of the cumulative quarterly report to be filed not later than January 15, of the previous calendar year"

Page 12, Section 2, Line 40: After "all" insert "independent"

Page 12, Section 2, Line 41: After "it" insert "during the period, provided that if the committee makes any electioneering communication, the committee shall also include in its report all expenditures in excess of \$3,000 made, incurred, or authorized by it"

Page 12, Section 2, Line 45: Delete "legislation, or regulation,"

Page 12, Section 2, Line 46: Delete "legislation, or"

Page 12, Section 2, Line 47: Delete in its entirety

Page 13, Section 2, Lines 1-2: Delete in their entirety

Page 13, Section 2, Line 3: Delete "made, whichever occurred first" and insert ", including, but not limited to, for electioneering communications, voter registration, get-out-the-vote efforts, polling, and research"

Page 13, Section 2, Line 3: After "The" insert "cumulative"

<u>Page 13, Section 2, Line 7:</u>	Delete "since 48 hours preceding the date on which such"
<u>Page 13, Section 2, Line 8:</u>	Delete "previous report was made"
<u>Page 13, Section 2, Line 14:</u>	Delete "since 48 hours"
<u>Page 13, Section 2, Line 15:</u>	Delete "preceding the date on which the previous such report was made"
<u>Page 13, Section 2, Line 18:</u>	After "The" insert "cumulative"
<u>Page 13, Section 2, Line 20:</u>	Delete "since 48"
<u>Page 13, Section 2, Line 21:</u>	Delete in its entirety
<u>Page 13, Section 2, Line 22:</u>	Delete "made"
<u>Page 13, Section 2, Lines 26-33:</u>	Delete in their entirety
<u>Page 13, Section 2, Line 46:</u>	After "\$500" insert "in the case of a political party committee or legislative leadership committee, and more than \$10,000 in the case of an independent expenditure committee,"
<u>Page 14, Section 2, Line 13:</u>	After "\$800" insert "in the case of a political party committee or legislative leadership committee, and in excess of \$3,000 in the case of an independent expenditure committee"
<u>Page 14, Section 2, Line 15:</u>	Delete "or to aid the passage or defeat of legislation or"
<u>Page 14, Section 2, Line 16:</u>	Delete in its entirety
<u>Page 14, Section 2, Line 26:</u>	After "\$300," insert "or in excess of \$10,000 in the case of an independent expenditure committee;"
<u>Page 14, Section 2, Line 32:</u>	After "\$300" insert ", or in excess of \$10,000 in the case of an independent expenditure committee,"
<u>Page 15, Section 2, Line 1:</u>	After "affair" insert ", or in the case of an independent expenditure committee in excess of \$10,000,"
<u>Page 15, Section 2, Line 6:</u>	After "limit" insert "and \$10,000 limit"
<u>Page 15, Section 3, Line 47:</u>	Delete "legislation, or regulation,"
<u>Page 15, Section 3, Line 48:</u>	Delete ", legislation, or"

Page 16, Section 3, Line 1: Delete "regulation"

Page 16, Section 3, Line 34: Delete "legislation, or regulation,"

Page 16, Section 3, Line 35: Delete ", legislation, or"

Page 16, Section 3, Line 36: Delete "regulation"

Page 18, Section 4, Line 12: Delete "or holder of"

Page 18, Section 4, Line 13: Delete "public office"

Page 18, Section 4, Line 21: Delete ", legislation, or"

Page 18, Section 4, Line 22: Delete "regulation,"

Page 18, Section 4, Line 23: Delete "legislation, or regulation,"

Page 19, Section 5, Line 45: After "question," delete "or"

Page 19, Section 5, Line 46: Delete in its entirety

Page 19, Section 5, Line 47: Delete "independent expenditure committee,"

Page 43, Section 10, Line 2: Delete ", or aiding the passage or defeat of legislation or regulation in"

Page 43, Section 10, Line 3: Delete "the case of an independent expenditure committee,"

Page 45, Section 12, Line 13: After "12." insert "Section 3 of P.L.2005, c.271 (C.19:44A-20.27) is amended to read as follows:

3. a. Any business entity making a contribution of money or any other thing of value, including an in-kind contribution, or pledge to make a contribution of any kind to a candidate for or the holder of any public office having ultimate responsibility for the awarding of public contracts, or to a political party committee, legislative leadership committee, political committee, independent expenditure committee, or continuing political committee, which has received in any calendar year ~~[\$50,000]~~ \$17,500 or more in the aggregate through agreements or contracts with a public entity, shall file an annual disclosure statement with the New Jersey Election Law Enforcement

Commission, established pursuant to section 5 of P.L.1973, c.83 (C.19:44A-5), setting forth all such contributions made by the business entity during the 12 months prior to the reporting deadline.

b. The commission shall prescribe forms and procedures for the reporting required in subsection a. of this section which shall include, but not be limited to:

(1) the name and mailing address of the business entity making the contribution, and the amount contributed during the 12 months prior to the reporting deadline;

(2) the name of the candidate for or the holder of any public office having ultimate responsibility for the awarding of public contracts, candidate committee, joint candidates committee, political party committee, legislative leadership committee, political committee, independent expenditure committee, or continuing political committee receiving the contribution; and

(3) the amount of money the business entity received from the public entity through contract or agreement, the dates, and information identifying each contract or agreement and describing the goods, services or equipment provided or property sold.

c. The commission shall maintain a list of such reports for public inspection both at its office and through its Internet site.

d. When a business entity is a natural person, a contribution by that person's spouse, domestic partner, civil union partner, or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a

natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by: all principals, partners, officers, or directors of the business entity, or their spouses; any subsidiaries directly or indirectly controlled by the business entity; or any political organization organized under section 527 of the Internal Revenue Code or independent expenditure committee that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee, shall be deemed to be a contribution by the business entity.

e. As used in this section:

"business entity" means a for-profit entity that is a natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction; and

"interest" means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate.

[e.] f. Any business entity that fails to comply with the provisions of this section shall be subject to a fine imposed by the New Jersey Election Law Enforcement Commission in an amount to be determined by the commission which may be based upon the amount that the business entity failed to report.

(cf: P.L.2007, c.304, s.2)

13. (New section) a. As used in this section:

"Development subsidy" means the authorizing of or providing to a recipient entity an amount of funds by or from a State agency with a value of not less than \$25,000 for the purpose of stimulating economic development in New Jersey, including, but not limited to, any bond, grant, loan, loan guarantee, matching fund, or any tax expenditure. "Development subsidy" shall not mean: (1) any contract under which a State agency purchases or otherwise procures goods, services, or construction on an unsubsidized basis, including any contract solely for the construction or renovation of a facility owned by a State agency; or (2) any authorizing or providing of funds by or from a State agency to a recipient entity, including by means of a tax expenditure, for the exclusive purpose of the development or production of affordable housing, for the exclusive purpose of subsidizing site remediation, recycling, commuter transportation assistance, pollution reduction, energy conservation, or other programs to improve the environment, or for the exclusive purpose of providing benefits to employees of the recipient entity.

"Interest" means the ownership or control of more than 10 percent of the profits or assets of a recipient entity, including the control of assets in a nonprofit entity, or 10 percent of the stock in the case of a recipient entity that is a corporation for profit, as appropriate.

"Person" means any corporation, association, operation, organization, firm, partnership, trust or other form of business

association, as well as a natural person.

"Recipient entity" means any non-governmental person, business, corporation, association, operation, firm, limited liability company, partnership, limited partnership, trust, or other form of business association or other business entity, which (1) receives a development subsidy, or any benefit thereof, from a State agency; or (2) purchases, sells, or assigns a tax credit transfer certificate with a value of not less than \$25,000 pursuant to section 7 of P.L.2011, c.149 (C.34:1B-248), section 10 of P.L.2014, c.63 (C.34:1B-251), or paragraph (4) of subsection b. of P.L.2009, c.90 (C.52:27D-489f).

"State agency" means the State of New Jersey or any agency, instrumentality, or authority of the State that provides a development subsidy to a recipient entity and, in the case of a tax expenditure related to any tax paid to the State, "State agency" means the State Treasurer or the New Jersey Economic Development Authority, as applicable.

"Tax expenditure" means the amount of foregone tax collections due to any abatement, reduction, exemption, or credit against any State tax, including, but not limited to, taxes on raw materials, inventories or other assets, taxes on gross receipts, income, or sales, and any use, excise, or utility tax. "Tax expenditure" shall not mean any credit against any tax liability of an employee or any personal exemption, homestead rebate, credit, or deduction for the expenses of a household or individual, or other reduction of the tax liability of an individual or household.

b. A recipient entity making a contribution of money or any other thing of value,

including an in-kind contribution or pledge to make a contribution of any kind, to a candidate for, or a holder of, any public office or to a political party committee, legislative leadership committee, political committee, independent expenditure committee, or continuing political committee, shall file an annual disclosure statement with the New Jersey Election Law Enforcement Commission setting forth all such contributions made by the recipient entity during the 12 months prior to the reporting deadline.

c. The commission shall prescribe forms and procedures for the reporting required in subsection b. of this section which shall include, but not be limited to:

(1) the name and mailing address of the recipient entity making the contribution, and the amount contributed during the 12 months prior to the reporting deadline;

(2) the name of the candidate for, or the holder of, any public office, candidate committee, joint candidates committee, political party committee, legislative leadership committee, political committee, independent expenditure committee, or continuing political committee receiving the contribution;

(3) in the case of a recipient entity that purchases, sells, or assigns a tax credit transfer certificate, the amount of consideration the recipient entity paid or received for each tax credit transfer certificate purchased, sold, or assigned; the name of the transferrer; the name of the transferee; and the value of the tax credit transfer certificate; and

(4) in the case of a recipient entity that

receives a development subsidy, the value of the development subsidy, the State agency that awarded the subsidy, and the program under which the subsidy was awarded.

d. The commission shall maintain a list of such reports for public inspection both at its office and through its Internet site.

e. When a recipient entity is a natural person, a contribution by that person's spouse, domestic partner, civil union partner, or child, residing therewith, shall be deemed to be a contribution by the recipient entity. When a recipient entity is other than a natural person, a contribution by any person or other entity having an interest therein shall be deemed to be a contribution by the recipient entity. When a recipient entity is other than a natural person, a contribution by: all principals, partners, officers, or directors of the recipient entity, or their spouses; any subsidiaries directly or indirectly controlled by the recipient entity; or any political organization organized under section 527 of the Internal Revenue Code or independent expenditure committee that is directly or indirectly controlled by the recipient entity, other than a candidate committee, election fund, or political party committee, shall be deemed to be a contribution by the recipient entity.

f. A recipient entity that fails to comply with the provisions of this section shall be subject to a fine imposed by the New Jersey Election Law Enforcement Commission in an amount to be determined by the commission which may be based upon the amount that the recipient entity failed to report.

14."

Page 45, Section 13, Line 20:

Delete "13." and insert "15."

Page 45, Section 13, Line 24:

Delete "paragraph (1) of"

Page 45, Section 13, Line 28:

Delete "paragraph" and insert "subsection"

Page 45, Section 13, Line 29:

After "act." insert "Sections 12 and 13 of this act shall take effect on the first day of the 13th month next following the date of enactment."

Respectfully,

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

Governor Murphy Takes Action on Legislation

06/17/2019

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

S150 (Singleton, Greenstein/Zwicker, Benson, Sumter) - Concerns disclosure requirements by independent expenditure committees.

[Copy of Statement on S150](#)

S393 w/GR (Madden, Singleton/DeAngelo, Murphy, Verrelli) - Establishes Talent Network Program in DOLWD.

S844 w/GR (Turner, Cruz-Perez/Sumter, Mukherji, Pintor Marin, Wimberly) - Establishes a partial return to work TDI program.

S1967 w/GR (Sweeney, Madden/Jasey, Taliaferro, Benson) - Concerns certain workers' compensation supplemental benefits.

**GOVERNOR'S STATEMENT UPON SIGNING
SENATE BILL NO. 150**

Today I am signing Senate Bill No. 150, which revises "The New Jersey Campaign Contributions and Expenditures Reporting Act" to require independent expenditure committees to regularly disclose contributions and expenditures in excess of identified monetary thresholds to the Election Law Enforcement Commission (ELEC). I commend my colleagues in the Legislature for their continued efforts to ensure that so-called "dark money" is brought out into the light.

As I described at length in the message accompanying my conditional veto of Senate Bill No. 1500 (Fifth Reprint), I am concerned that extending the disclosure requirements to cover advocacy that is not connected to an issue before the electorate may infringe upon constitutionally protected speech and association rights. As detailed in my message, the United States Supreme Court has long recognized the harm that overly broad disclosure requirements can cause to an organization, its mission and its members. Additionally, I remain concerned that various apparent drafting errors in the bill may invite confusion among filers and could spawn time-consuming litigation.

I am therefore signing this bill based on an express commitment from my colleagues in the Legislature, including legislative leadership and the bill's prime sponsors, to introduce and swiftly pass legislation removing advocacy in connection with legislation and regulations from its parameters, thereby ensuring that the bill's disclosure requirements apply to election-related advocacy, and making previously recommended technical revisions in order to ensure its consistent application.

I thank the sponsors for their commitment to this important issue. I am confident that this bill, along with its agreed-upon companion, will bring greater transparency to our political process in a manner that is both legally and technically sound.

Date: June 17, 2019

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor