

§§1-21 - T&E
§22 - Approp.
§23 - Note to
§§1-22

P.L. 2007, CHAPTER 60, *approved March 28, 2007*
Assembly, No. 100 (Fourth Reprint)

1 AN ACT creating a pilot project for the public financing of
2 candidates seeking election to the offices of member of the
3 Legislature in three districts in 2007, and making an
4 appropriation.

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

8
9 1. This act shall be known and may be cited as “The 2007 New
10 Jersey Fair and Clean Elections Pilot Project Act.”

11
12 2. The Legislature finds and declares that:

13 a. On August 11, 2004, P.L.2004, c.121 was enacted into law,
14 creating the “New Jersey Fair and Clean Elections Pilot Project.”

15 b. The pilot project was based on similar programs in Arizona
16 and Maine and it sought to have candidates for election to the office
17 of member of the General Assembly in two legislative districts seek
18 office with equal financial resources.

19 c. This project was a milestone in the political history of this
20 State that sought to halt the erosion in public confidence in the
21 political process by instituting a voluntary, publicly funded
22 campaign finance system for legislative office designed to remove
23 access to monied contributors as a major determinant of a citizen’s
24 influence within the political process.

25 d. The pilot project was a success in the sense that all the
26 candidates in each of the selected districts sought election as “clean
27 elections” candidates, though only two candidates were actually
28 certified as such, and the project raised public awareness about a
29 proven method of campaign finance that allows candidates to
30 compete for election on the basis of issues without reliance on how
31 much money they raise and spend.

32 e. The New Jersey Citizens’ Clean Elections Commission
33 (NJCCEC), which was created by P.L.2004, c.121 to monitor the
34 project and report to the Legislature, found that the project was
35 worth continuing and, with some adjustments, was ready to be used
36 in elections for the office of member of the Senate and the office of
37 member of the General Assembly in 2007, as provided for in the
38 act.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ASG committee amendments adopted December 7, 2006.

²Assembly floor amendments adopted December 11, 2006.

³Senate SSG committee amendments adopted January 29, 2007.

⁴Senate floor amendments adopted February 22, 2007.

1 f. P.L. , c. (pending before the Legislature as this bill)
2 embodies changes to P.L.2004, c.121 suggested by participants in
3 the pilot project, legislators and the members of interest groups who
4 monitored the program, and the members of the NJCCEC.

5 g. As with P.L.2004, c.121, the 2007 pilot project's goal is to
6 improve the unfavorable opinion that many residents of this State
7 have toward the political process and to strengthen the integrity of
8 that process and improve access to it by many individuals and
9 groups who have traditionally not been part of it.

10
11 3. As used in this act:

12 "Candidate intending to become certified" means a candidate
13 from a participating district, as designated by section 6 of this act,
14 who seeks election to the office of member of the Senate or the
15 office of member of the General Assembly pursuant to this act and
16 is seeking certification pursuant to section 9 of this act.

17 "Certified candidate" means a candidate seeking election to the
18 office of member of the Senate or the office of member of the
19 General Assembly who has chosen to seek such office pursuant to
20 the provisions of this act, P.L. , c. (pending before the
21 Legislature as this bill), and is certified pursuant to section 9 of this
22 act.

23 "Commission" means the Election Law Enforcement
24 Commission, established pursuant to section 5 of P.L.1973, c.83
25 (C.19:44A-5).

26 "Department" means the Department of the Treasury.

27 "Fund" means the New Jersey Fair and Clean Elections Fund,
28 established pursuant to section 5 of this act.

29 "Non-certified candidate" means a candidate seeking election to
30 the office of member of the Senate or member of the General
31 Assembly who does not seek office pursuant to the provisions of
32 this act and is not certified pursuant to section 9 of this act.

33 "Political party committee" has the same meaning as provided in
34 subsection p. of section 3 of P.L.1973, c.83 (C.19:44A-3).

35 "Qualifying contribution" means a contribution of \$10 given to a
36 candidate intending to become certified by an individual who is
37 registered to vote and resides in the district the candidate seeks to
38 represent that is contributed during the qualifying period, with at
39 least 400 such contributions needed to receive the minimum amount
40 of public funding and at least 800 such contributions needed to
41 receive the maximum amount of public funding, pursuant to section
42 11 of this act.

43 "Qualifying period" means the period during which both seed
44 money contributions and qualifying contributions can be collected,
45 beginning on April ⁴ **[10]** 23⁴, 2007 and ending on September 30,
46 2007.

47 "Seed money contribution" means a contribution of money of no
48 more than \$500 from any individual registered to vote in this State,

1 including the candidate and candidate's immediate family, but not
2 from a candidate committee, joint candidates committee, political
3 committee, continuing political committee, political party
4 committee or legislative leadership committee, up to a limit of
5 \$10,000 in the aggregate.

6
7 4. There is established a pilot project for the public financing
8 of the campaigns of candidates seeking election to the office of
9 member of the Senate or seeking election to the office of member of
10 the General Assembly from three legislative districts in 2007,
11 pursuant to section 6 of this act. The pilot project shall be open to
12 candidates for those offices in those districts who are nominated
13 directly by petition. Candidates participating in this pilot project
14 shall comply with the applicable provisions of the "The New Jersey
15 Campaign Contributions and Expenditures Reporting Act,"
16 P.L.1973, c.83 (C.19:44A-1 et seq.), unless otherwise provided by
17 this act.

18
19 5. a. There is established in the Department of the Treasury a
20 fund to be known as the "New Jersey Fair and Clean Elections
21 Fund," hereafter referred to as the fund, to be held separate and
22 apart from all other funds of the State. The department shall
23 administer the fund and moneys in the fund shall be used to finance
24 the election campaigns of certified candidates. All moneys on
25 deposit pursuant to this section shall be appropriated for the fiscal
26 year in which there is an election to elect members of the Senate
27 and members of the General Assembly.

28 b. Moneys from the following sources shall be deposited in the
29 fund:

30 (1) voluntary donations made directly to the fund;

31 (2) all earnings received from the investment of money in the
32 fund;

33 (3) fines and penalties collected by the State Treasurer or by the
34 commission, pursuant to section 19 of this act;

35 (4) money returned to the fund by candidates who withdraw from
36 being certified candidates, pursuant to section 10 of this act; and

37 (5) money appropriated to the fund, pursuant to section 22 of this
38 act.

39
40 6. Three legislative districts shall be selected to participate in
41 "The 2007 New Jersey Fair and Clean Elections Pilot Project."
42 They shall be selected as follows:

43 a. The President of the Senate and the Speaker of the General
44 Assembly shall together select one legislative district in which the
45 member of the Senate and the members of the General Assembly
46 are each members of the political party whose candidate for the
47 office of Governor received the largest number of votes in the most
48 recent gubernatorial election.

1 b. The Minority Leader of the Senate and the Minority Leader
2 of the General Assembly shall together select one legislative district
3 in which the member of the Senate and the members of the General
4 Assembly are each members of the political party whose candidate
5 for the office of Governor received the next largest number of votes
6 in the most recent gubernatorial election.

7 c. The President of the Senate and the Minority Leader of the
8 Senate, and the Speaker of the General Assembly and the Minority
9 Leader of the General Assembly, shall together select one
10 legislative district in which no more than two members of the
11 Legislature are members of the same political party as the other
12 member of the Legislature.

13 d. The selections required by subsections a., b., and c. of this
14 section shall take into account geographic diversity in this State and
15 shall be made no later than ⁴~~March~~ April⁴ 9, 2007.

16 e. In the event that the President of the Senate and the Minority
17 Leader of the Senate, and the Speaker of the General Assembly and
18 the Minority Leader of the General Assembly refuse to make one or
19 more such selections by ⁴~~March 16~~ April 11⁴, 2007, an
20 alternative selection committee shall be established to make the
21 selection. The committee shall consist of a total of five individuals,
22 four members of the public, one appointed by the President of the
23 Senate, one appointed by the Minority Leader of the Senate, one
24 appointed by the Speaker of the General Assembly and one
25 appointed by the Minority Leader of the General Assembly, and one
26 former Governor of this State appointed jointly by the Senate
27 President and the Speaker. No more than three members of the
28 committee shall be members of the same political party. The
29 committee shall select the districts to participate in the pilot project
30 no later than ⁴~~March 23~~ April 16⁴, 2007.

31 f. The legislative districts selected to participate in the pilot
32 project shall be those districts approved by the Apportionment
33 Commission on April 11, 2001 and described in the corrected plan
34 for legislative districts filed with the New Jersey Secretary of State
35 on April 17, 2001.

36
37 7. a. Following the selection of districts pursuant to section 6
38 of this act, each candidate who becomes a candidate intending to
39 become certified shall:

40 (1) sign and file a declaration of intent to seek certification and
41 to comply with the requirements of this act, which shall be filed
42 with the commission at any time during the qualifying period, using
43 the forms and procedures developed by the commission pursuant to
44 section 20 of this act;

45 (2) begin to accept seed money contributions and qualifying
46 contributions under section 8 of this act; and

47 (3) except as permitted by section 8 of this act, suspend for the
48 time the candidate is a candidate intending to become certified all

1 access that candidate has to the funds of the candidate committee of
2 that candidate, including those that the candidate has as part of a
3 joint candidates committee, which have been raised prior to
4 becoming a candidate intending to become certified.

5 b. (1) Candidates intending to become certified who are
6 seeking election to the office of member of the General Assembly
7 from the same legislative district and are members of the same
8 political party shall be required to become certified candidates
9 together and shall seek election together. A candidate intending to
10 become certified who is seeking election to the office of member of
11 the Senate shall not be required to become certified at the same time
12 as candidates for election to the office of member of the General
13 Assembly from the same political party and in the same legislative
14 district, nor shall candidates for the office of member of the General
15 Assembly be required to seek election together with a candidate for
16 the office of member of the Senate from the same political party
17 and in the same legislative district. Such candidates, however, may
18 coordinate their campaigns pursuant to section 9 of this act.

19 Any candidate intending to become certified who does not file a
20 declaration of intent to seek certification during the qualifying
21 period shall be considered a noncertified candidate and precluded
22 from becoming a certified candidate in the 2007 general election.

23

24 8. After filing a declaration of intent, and prior to certification
25 as a certified candidate, a candidate intending to become certified
26 shall collect **'[only]'** seed money contributions and qualifying
27 contributions, starting on April **4[10] 23⁴**, 2007 and continuing for
28 the remainder of the qualifying period. All moneys **'[collected]'**
29 that a candidate collects' during that time 'as a participant in the
30 pilot project created by this' act shall be separate from, and in no
31 way infringe on, the collection of money in which the candidate
32 may be engaged as a candidate for nomination for election in the
33 legislative district the candidate seeks to represent.

34 a. (1) A candidate intending to become certified shall obtain
35 seed money contributions in amounts of no more than \$500 per
36 individual, up to a maximum of \$10,000 in the aggregate. Such
37 funds shall be raised and spent by a candidate during the qualifying
38 period while the candidate seeks the required number of qualifying
39 contributions. Except as provided in paragraph (2) of this
40 subsection, no seed money contributions shall be accepted from an
41 individual who is not a registered voter in this State, nor from a
42 candidate committee, joint candidates committee, political
43 committee, continuing political committee or legislative leadership
44 committee.

45 (2) A candidate intending to become certified may use funds
46 raised and reported to the commission pursuant to P.L.1973, c.83
47 (C.19:44A-1 et seq.) prior to becoming such a candidate as part of

1 the seed money collected by a candidate intending to become
2 certified, but only to the extent that such money can be attributable
3 to contributions of \$500 or less from individuals who are registered
4 to vote in this State.

5 (3) Seed money contributions shall be in the form of cash, check,
6 money order, electronic check, debit card, or credit card payable to
7 one or more candidates intending to become certified.

8 (4) Seed money contributions shall be deposited by the candidate
9 or an individual associated with his or her campaign as soon as
10 possible into an account separate from all other accounts but in the
11 name of the candidate in a banking institution holding a State or
12 federal charter. No such funds shall be transferred subsequently
13 into an investment account of any type or used by the candidate for
14 the purpose of gambling. The candidate shall file a report with the
15 commission on the amount of seed money contributions collected at
16 the same time as the candidate files reports on the number of
17 qualifying contributions collected, as required by this section. The
18 report shall be made on the forms required by this subsection.

19 (5) De-minimus, in-kind contributions of seed money that have a
20 fair market value of \$200 or less per individual per year shall be
21 permitted and not counted toward the \$10,000 seed money
22 maximum. Pursuant to section 20 of this act, the commission shall
23 use current Federal Election Commission regulations to define what
24 constitutes a de-minimus, in-kind contribution of seed money,
25 especially with respect to events held in an individual's home to
26 raise qualifying contributions.

27 (6) Each seed money contribution shall be accompanied by a
28 form developed by the commission. The form for non-cash
29 contributions shall: (a) be as clear, concise and easy to use as
30 possible; (b) serve as the acknowledgement of one or more
31 contributions by one or more individuals to a single candidate; and
32 (c) include such other identifying information deemed appropriate
33 by the commission. The form for cash contributions shall: (a) be as
34 clear, concise and easy to use as possible; (b) include the
35 contributors name, mailing address, contact telephone number and
36 the date of the contribution; (c) be signed by the individual; (d)
37 include an affirmation that the contribution is made without
38 knowing intention to commit fraud; and (e) include such additional
39 information deemed appropriate by the commission.

40 b. (1) A candidate intending to become certified shall obtain
41 qualifying contributions of \$10 per individual during the qualifying
42 period from at least 400 registered voters residing in the district the
43 candidate is seeking to represent. Such individuals may include the
44 candidate and the candidate's immediate family. No such funds
45 shall be spent by a candidate during the qualifying period. No
46 qualifying contributions shall be accepted from a candidate
47 committee, joint candidates committee, political committee,
48 continuing political committee or legislative leadership committee.

1 (2) Qualifying contributions shall be in the form of cash, check,
2 money order, electronic check, debit card, or credit card payable to
3 the one or more candidate intending to become certified. No such
4 contribution shall be in the form of an in-kind contribution.

5 (3) All qualifying contributions shall be deposited by the
6 candidate or an individual associated with his or her campaign as
7 soon as possible into an account separate from all other accounts
8 but in the name of the candidate in a banking institution holding a
9 State or federal charter. No such funds shall be transferred
10 subsequently into an investment account of any type or used by the
11 candidate for the purpose of gambling. The candidate shall notify
12 the commission within three business days when he or she has
13 received at least 400 qualifying contributions, and thereafter shall
14 file a report each week listing the number and aggregate dollar
15 amount of qualifying contributions received to date and such other
16 information about the contributions as may be required by the
17 commission including after 800 qualifying contributions have been
18 received.

19 (4) Each qualifying contribution shall be accompanied by a form
20 developed by the commission. The form for non-cash contributions
21 shall: (a) be as clear, concise and easy to use as possible; (b) serve
22 as the acknowledgement of one or more contributions by one or
23 more individuals to a single candidate; and (c) include such other
24 identifying information deemed appropriate by the commission,
25 except that such information shall not include the name and mailing
26 address of the employer of the individual. The form for cash
27 contributions shall: (a) be as clear, concise and easy to use as
28 possible; (b) include the contributors name, mailing address, contact
29 number and the date of the contribution; (c) be signed by the
30 individual; (d) include an affirmation that the contribution is made
31 without knowing intention to commit fraud; and (e) include such
32 additional information deemed appropriate by the commission,
33 except that such information shall not include the name and mailing
34 address of the employer of the individual.

35 c. Each candidate intending to become certified shall be
36 permitted to create and use a qualifying contribution form, based on
37 the requirements established by this act and the commission, to mail
38 to potential contributors, provided the candidate submits a draft of
39 the form to the commission and the commission does not
40 disapprove of the draft form within 24 hours of its receipt.

41 d. An individual shall be permitted to make both a seed money
42 contribution and a qualifying contribution to one or more candidates
43 intending to become certified.

44 e. Joint checking account holders shall be permitted to make a
45 qualifying contribution, a seed money contribution, or both, using
46 one check that is signed by one account holder; however, if both
47 persons holding a joint checking account wish to make a seed
48 money contribution, a qualifying contribution, or both, the check

1 must include the signature of each person and each such individual
2 shall sign the contribution form required by this section.

3 f. The following activities shall be permitted and not counted
4 as an in-kind contribution on behalf of a certified candidate or a
5 candidate intending to become certified:

6 (1) personal services performed by an individual, a political
7 party committee or another association, organization or group on a
8 voluntary, non-compensated basis for the purpose of collecting seed
9 money contributions, qualifying contributions, or both, and the
10 collection of signatures on petitions of nomination;

11 (2) communications in writing, or delivered via telephone or the
12 Internet, in support of or in opposition to the election of any
13 candidate by a labor organization or membership organization or
14 other such association to its members and their families, or by any
15 association, group or organization, other than a labor organization,
16 to its members and their families; and

17 (3) communications to the general public in any form by any
18 means undertaken by any organization, group, association or
19 business that seeks to disseminate information in any form about
20 this act that is neither in support of, or in opposition to, the election
21 of any candidate.

22 g. Except as provided otherwise by this act, all cash
23 contributions shall be subject to the provisions of P.L.1973, c.82
24 (C.19:44A-1 et seq.), as amended and supplemented.

25 h. (1) Unless the candidate has already begun reporting as
26 required by subsection b. of this section, starting on May ⁴~~10~~ 23⁴,
27 2007 and continuing each week thereafter, each candidate intending
28 to become certified who has been nominated by the voters of a
29 political party and has signed and filed a declaration of intent to
30 become certified shall file with the commission a report listing the
31 number and aggregate dollar amount of qualifying contributions
32 received to date and such other information about the contributions
33 as may be required by the commission. Nothing in this subsection
34 shall preclude a candidate intending to become certified from
35 becoming certified before May ⁴~~10~~ 23⁴, 2007.

36 (2) Each candidate intending to become certified who is
37 nominated by direct petition filed with the Attorney General
38 pursuant to chapter 13 of Title 19 of the Revised Statutes may start
39 collecting seed money and qualifying contributions after his or her
40 petitions of nomination are filed with the Attorney General,
41 provided the candidate does so during the qualifying period. Unless
42 the candidate has already begun reporting as required by subsection
43 b. of this section, starting on the 30th day after the candidate signs
44 and files a declaration of intent to become a certified candidate, and
45 each week thereafter, such a candidate intending to become
46 certified shall file with the commission a report listing the number
47 and aggregate dollar amount of qualifying contributions received to
48 date and such other information about the contributions as may be

1 required by the commission. Nothing in this subsection shall
2 preclude a candidate intending to become certified from becoming
3 certified before the 30th day after the candidate signs and files a
4 declaration of intent to become certified.

5 i. Notwithstanding any law, rule or regulation to the contrary,
6 no candidate intending to become certified shall collect
7 contributions or make expenditures as part of the candidate's
8 campaign for nomination for election and election at the general
9 election in 2007 at the same event where the candidate intending to
10 become certified is seeking to collect seed money or qualifying
11 contributions.

12 j. In addition to the types of contributions provided for in this
13 section, an individual shall be permitted to make a seed money
14 contribution, a qualifying contribution, or both, to a candidate by
15 means of the Internet. Such a contribution shall be accompanied by
16 an electronic version of the forms required by this section and may
17 be made on the website of the candidate if such a site is established.
18 The commission shall establish a ³[location] link³ on its own
19 website ³[for the collection of] to other websites collecting³ such
20 contributions and shall be responsible for providing technical
21 assistance to candidates seeking to collect contributions by means
22 of the Internet.

23 k. The commission shall ensure the rapid transmission and
24 public access to the reports required by this section and, wherever
25 possible, shall use electronic means for receiving, reporting, storing
26 and displaying such information.

27

28 9. a. The commission shall certify a candidate intending to
29 become certified if he or she has:

30 (1) received at least 400 qualifying contributions by September
31 30, 2007 from registered voters residing within the candidate's
32 district, pursuant to section 8 of this act;

33 (2) not accepted other contributions, except for seed money
34 contributions, and otherwise complied with the contribution
35 restrictions of this act;

36 (3) in the case of a candidate seeking election to the office of
37 member of the Senate or election to the office of member of the
38 General Assembly by direct nomination, submitted to the Attorney
39 General a petition for such pursuant to chapter 13 of Title 19 of the
40 Revised Statutes; and

41 (4) otherwise met the requirements to be considered a certified
42 candidate pursuant to this act.

43 b. The commission shall certify a candidate intending to
44 become certified as soon as possible, and in any case no later than
45 three days after the candidate makes his or her final submission of
46 qualifying contributions. A certified candidate shall comply with
47 the provisions of this act after certification and through the general
48 election.

1 c. After certification, a candidate shall limit his or her
2 campaign expenditures and obligations, including outstanding
3 obligations, to the moneys in the candidate's qualifying
4 contribution account, including qualifying contributions and
5 moneys distributed to the candidate from the fund and shall not
6 accept any other contributions, including seed money, unless
7 specifically authorized by this act or the commission. All such
8 funds distributed to certified candidates from the fund shall be used
9 only for the purposes provided in section 17 of P.L.1993, c.65
10 (C.19:44A-11.2).

11 d. If a candidate intending to become certified or a certified
12 candidate is not nominated for election at the primary election
13 preceding the general election held in 2007, the candidate shall
14 either return all seed money and qualifying contributions collected
15 prior to the day of the primary election for the general election to
16 contributors thereof on a pro-rata basis or remit such moneys to the
17 fund; and shall, if in receipt of moneys from the fund pursuant to
18 sections 11 or 12 of this act, return to the fund the full amount of
19 such moneys received.

20 e. In the event that the candidates for the office of member of
21 the General Assembly from the same legislative district are certified
22 and are members of the same political party and the candidate for
23 the member of the Senate from the same legislative district is a
24 member of the same political party and is also certified, nothing in
25 this act shall prevent such candidates from coordinating their
26 campaigns for election to office in the general election. In the
27 event, however, that either the candidates for the office of member
28 of the General Assembly or the candidate for the member of the
29 Senate does not become certified, the certified candidate or
30 candidates shall not be permitted to coordinate his or her campaign
31 with the noncertified candidate or candidates. The failure by either
32 the certified candidates or the noncertified candidates to comply
33 with this restriction shall constitute an illegal contribution and both
34 candidates shall be liable for the penalty provided by subsection a.
35 of section 19 of this act.

36 f. Notwithstanding any law, rule or regulation to the contrary,
37 each candidate who is certified no later than August 17, 2007 shall:

38 (1) have included with his or her name on the general election
39 ballot the slogan "Clean Elections Candidate" in such size and type
40 face as to be easily readable to the voter and in addition to the name
41 of the political party of which the candidate is a member; and

42 (2) be permitted to submit to the commission a statement of no
43 more than 250 words for inclusion with the sample ballot mailed to
44 registered voters in the district the candidate is seeking office prior
45 to the election pursuant to R.S.19:14-21, et al.

46

47 10. a. (1) If a certified candidate wishes to withdraw from the
48 pilot project and become a noncertified candidate because the

1 noncertified opponent of the candidate has spent substantially more
2 than the certified candidate has been provided pursuant to sections
3 11 and 12 of this act; or if a certified candidate wishes to withdraw
4 from the pilot project and no longer seek election to either the
5 office of member of the Senate or the office of member of the
6 General Assembly at the 2007 general election, the candidate may
7 do so after transmitting written notification to the commission. The
8 commission shall provide the candidate with a receipt of the
9 notification within 24 hours of receiving the notification and shall,
10 as soon as possible thereafter, make a public announcement noting
11 the withdrawal, and as part of the announcement, inform available
12 electronic news media and at least three newspapers that circulate
13 within at least three counties in this State, including the district the
14 candidate seeks to represent, that the candidate who has withdrawn
15 is no longer a certified candidate. Upon the receipt of the
16 notification, the candidate shall: (a) immediately suspend all
17 activity on the qualifying contribution and seed money accounts
18 established and used by the candidate; (b) within 24 hours
19 thereafter, make and certify an accounting of the moneys remaining
20 in the accounts, including any money received from the fund; and
21 (c) within 24 hours thereafter, return to the commission for deposit
22 into the fund all moneys remaining in the accounts. As used in this
23 paragraph “substantially more” means an expenditure by a
24 noncertified candidate that exceeds by 100 percent or more of the
25 maximum allowable amount of money provided to a certified
26 candidate pursuant to sections 11 and 12 of this act.

27 (2) If a certified candidate wishes to withdraw from being such
28 and become a noncertified candidate, although the opponent of that
29 candidates is a certified candidate who is continuing in the program;
30 or if a certified candidate leaves or is forced out of the pilot project
31 due to his or her criminal misconduct, the candidate shall do so
32 pursuant to the provisions of this paragraph. The candidate shall
33 transmit written notification to the commission and it shall provide
34 the candidate with a receipt of the notification within 24 hours of
35 receiving the notification. It shall also, as soon as possible
36 thereafter, make a public announcement noting the withdrawal, and
37 as part of the announcement, inform available electronic news
38 media and at least three newspapers that circulate within at least
39 three counties in this State, including the district the candidate seeks
40 to represent, that the candidate who has withdrawn is no longer a
41 certified candidate. Upon the receipt of the notification, the
42 candidate shall: (a) immediately suspend all activity on the
43 qualifying contribution and seed money accounts established and
44 used by the candidate; (b) within 24 hours thereafter, make and
45 certify an accounting of the moneys remaining in the accounts,
46 including any money received from the fund; **‘[and]’**¹ (c) within 24
47 hours thereafter, return to the commission for deposit into the fund
48 all moneys remaining in the accounts ¹; and (d) return to the

1 commission for deposit into the fund an amount equal to all moneys
2 the candidate already spent from public funds he or she received
3 pursuant to section 11 or section 12, or both, of this act by such
4 time as shall be determined by the commission, based on the
5 circumstances of the withdrawal¹. ²In addition to these
6 requirements, any certified candidate who wishes to withdraw and
7 become a noncertified candidate, although the opponent of that
8 candidate is a certified candidate who is continuing, shall not be
9 permitted to do so until the request is reviewed and decided by a
10 special committee identical to the one established by subsection e.
11 of section 6 of this act. The members of the committee shall be
12 appointed within three days after the candidate informs the
13 commission that the candidate seeks to withdraw and the
14 commission so informs the respective appointing authorities.
15 Within three days after the appointment of its members, the
16 committee shall notify the candidate and the commission of their
17 decision whether or not to permit the candidate ³to³ withdraw from
18 being a certified candidate.²

19 (3) In the event that a candidate who has become certified no
20 later than August 17, 2007 wishes to withdraw from being certified
21 and become a noncertified candidate for any reason, or wishes to
22 withdraw from the pilot project and no longer seek election to any
23 office, the commission shall ³[notify by mail each registered voter
24 in the district of the candidate as soon as possible after the
25 commission receives such notification that the candidate is no
26 longer certified] make a public announcement noting the
27 withdrawal, and as part of the announcement, inform available
28 electronic news media and at least three newspapers that circulate
29 within at least three counties in this State, including the district the
30 candidate seeks to represent, that the candidate who has withdrawn
31 is no longer a certified candidate³ and the designation “Clean
32 Elections Candidate,” provided for by section 9 of this act, is no
33 longer valid.

34 b. If a candidate intending to become certified chooses not to
35 become ³[a]³ certified and becomes instead a noncertified
36 candidate at any time prior to the last day of the qualifying period,
37 the candidate shall rescind his or her declaration of intent by
38 notifying the commission as soon as possible. The commission
39 shall acknowledge this decision as soon as possible, but in any
40 event no later than three business days after receipt of the request.
41 Once the candidates receives the acknowledgement, the candidate
42 shall be permitted to raise and spend campaign contributions
43 pursuant to the provisions of P.L.1973, c.83 (C.19:44A-1 et seq.).
44 The qualifying contributions in the account of such a candidate
45 shall be remitted to the fund as soon as possible, but in no event no
46 later than three days following receipt of the acknowledgement. If
47 a candidate intending to become certified fails to qualify because he

1 or she did not receive sufficient qualifying contributions by the last
2 date of the qualifying period for the general election, the candidate
3 shall be permitted to retain and expend those qualifying
4 contributions as well as any remaining seed money that been
5 collected.

6 c. Each certified candidate who is defeated in a general
7 election in 2007 shall, upon the filing of a final report relative to the
8 election, return to the commission for deposit into the fund all
9 unspent fund moneys.

10

11 11. a. (1) Upon collecting and depositing at least 400 qualifying
12 contributions prior to the end of the qualifying period, and
13 certification by the commission that such amount has been received
14 by the candidate, a certified candidate who has been nominated by
15 voters who are members of a political party shall be provided with
16 \$50,000 from the fund to seek election to either the office of
17 member of the Senate or the office of member of the General
18 Assembly; except that, if such a candidate is not opposed by any
19 other candidate seeking election to the office of member of the
20 Senate or the office of member of the General Assembly from the
21 same district, the candidate shall be provided with \$25,000 from the
22 fund. Thereafter, a certified candidate who has been nominated by
23 voters who are members of a political party shall be provided with
24 money from the fund in equal proportion to the number of
25 remaining qualifying contributions the candidate receives, up to a
26 maximum of 800 contributions, calculated to the nearest dollar, up
27 to an amount equal to the initial amount provided by the fund, to (a)
28 a maximum of \$100,000 for candidates from districts selected
29 pursuant to subsections a. and b. of section 6 of this act; or (b) for
30 candidates in a district selected pursuant to subsection c. of section
31 6 of this act, to a maximum of the average amount of money
32 expended by all candidates for the office of member of the General
33 Assembly and the office of member of the Senate in that legislative
34 district in the two immediately preceding general elections for those
35 offices. These amounts shall be in addition to the money provided
36 to candidates pursuant to section 12 of this act.

37 (2) Upon collecting and depositing at least 400 qualifying
38 contributions prior to the end of the qualifying period, and
39 certification by the commission that such amount has been received
40 by the candidate, a certified candidate who has been nominated by
41 direct nomination by petition filed with the Attorney General
42 pursuant to chapter 13 of Title 19 of the Revised Statutes shall be
43 provided with \$25,000 from the fund to seek election to either the
44 office of member of the Senate or the office of member of the
45 General Assembly; except that, if such a candidate is not opposed
46 by any other candidate seeking election to the office of member of
47 the Senate or the office of member of the General Assembly from
48 the same district, the candidate shall be provided with \$12,500 from

1 the fund. Thereafter, a certified candidate who has been nominated
2 by direct nomination by petition filed with the Attorney General
3 pursuant to chapter 13 of Title 19 of the Revised Statutes shall be
4 provided with money from the fund in equal number to the
5 percentage of remaining qualifying contributions they receive, up to
6 a maximum of 800 contributions, calculated to the nearest dollar, up
7 to an amount equal to the initial amount provided by the fund, up to
8 a maximum of \$50,000.

9 b. No later than the third day following the candidate's
10 certification, the commission shall determine the amount of
11 qualifying contribution money in the candidate's account and shall
12 authorize the department to transmit to the candidate from the fund
13 as soon as possible the amount of money provided for by this
14 section, less the amount of qualifying contributions received by the
15 candidate.

16
17 12. a. (1) If a campaign report of a noncertified candidate shows
18 that the aggregate amount of the contributions, alone or in
19 conjunction with money raised on behalf of such a candidate in a
20 general election by a person or a political committee, continuing
21 political committee, political party committee, candidate committee,
22 joint candidates committee or legislative leadership committee not
23 acting in concert with that noncertified candidate, exceeds the
24 amount of money provided to an opposing candidate certified
25 pursuant to section 11 of this act, the commission shall within 24
26 hours of the receipt of the report authorize the issuance from the
27 fund to each opposing certified candidate in the same district as the
28 noncertified candidate, an additional amount of money equivalent to
29 the excess amount, up to a maximum of \$100,000. The additional
30 amount of money shall be known as rescue money and shall be
31 issued as each increment of \$1,000 is reported by the noncertified
32 candidate.

33 (2) If a campaign report of a noncertified candidate shows that
34 the aggregate amount of the contributions, alone or in conjunction
35 with money raised on behalf of such a candidate in a general
36 election by a person or a political committee, continuing political
37 committee, political party committee, candidate committee, joint
38 candidates committee or legislative leadership committee not acting
39 in concert with that noncertified candidate, exceeds the amount of
40 money provided pursuant to section 11 of this act to an opposing
41 certified candidate who has been nominated by direct nomination
42 by petition filed with the Attorney General, the commission shall
43 within 24 hours of the receipt of the report authorize the issuance
44 from the fund to each opposing certified candidate in the same
45 district as the noncertified candidate, an additional amount of
46 money equivalent to the excess amount, up to a maximum of
47 \$50,000. The additional amount of money shall be known as rescue

1 money and shall be issued as each increment of \$500 is reported by
2 the noncertified candidate.

3 b. (1) If, based on a written and certified complaint that is filed
4 by a certified candidate, the commission determines that a
5 noncertified candidate is benefiting from money spent
6 independently on behalf of such a candidate or that a certified
7 candidate is the subject of unfavorable campaign publicity or
8 advertisements by a person or a political committee, continuing
9 political committee, political party committee, candidate committee,
10 joint candidates committee or legislative leadership committee not
11 acting in concert with that opposing noncertified candidate, the
12 commission shall within 24 hours of either determination authorize
13 the issuance from the fund to the opposing certified candidate in the
14 same legislative district who is not benefiting from such an
15 expenditure, an additional amount of money up to a maximum of
16 \$100,000. The additional amount of money shall also be known as
17 rescue money and shall be issued as each increment of \$1,000 is
18 reported by the noncertified candidate.

19 (2) If, based on a written and certified complaint that is filed by a
20 certified candidate who has been nominated by direct nomination
21 by petition filed with the Attorney General, the commission
22 determines that a noncertified candidate is benefiting from money
23 spent independently on behalf of such a candidate or that a certified
24 candidate is the subject of unfavorable campaign publicity or
25 advertisements by a person or a political committee, continuing
26 political committee, political party committee, candidate committee,
27 joint candidates committee or legislative leadership committee not
28 acting in concert with that opposing noncertified candidate, the
29 commission shall within 24 hours of either determination authorize
30 the issuance from the fund to the opposing certified candidate
31 nominated by direct nomination by petition in the same legislative
32 district who is not benefiting from such an expenditure, an
33 additional amount of money up to a maximum of \$50,000. The
34 additional amount of money shall also be known as rescue money
35 and shall be issued as each increment of \$500 is reported by the
36 noncertified candidate.

37 c. Notwithstanding any law, rule or regulation to the contrary,
38 for the purposes of subsections a. and b. of this section,
39 communications on any subject by a corporation to its stockholders
40 and their families, or by a labor organization, partnership,
41 membership organization or other association to its members and
42 their families, shall not be considered to be an independent
43 expenditure in aid of, or in opposition to, the candidacy of a
44 noncertified candidate or a certified candidate.

45 d. The amounts of money provided to a certified candidate
46 pursuant to this section shall be in addition to the money from the
47 fund provided to a certified candidate pursuant to section 11 of this
48 act.

1 13. For a candidate who is seeking election to the office of
2 member of the Senate or the office of member of the General
3 Assembly by direct nomination by petition, pursuant to chapter 13
4 of Title 19 of the Revised Statutes, to become a certified candidate,
5 the candidate shall meet the requirements to become certified
6 provided in section 9 of this act. If the candidate meets those
7 requirements and becomes certified, the candidate shall be eligible
8 for the money from the fund provided by sections 11 and 12 of this
9 act.

10
11 14. The commission shall undertake a comprehensive program
12 to inform the voters in each participating district and the general
13 public about the provisions of this act. The program shall include,
14 but need not be limited to, the following elements:

15 a. The commission shall be the primary government source of
16 information for the general public and candidates intending to
17 become certified about the provisions of “The 2007 New Jersey Fair
18 and Clean Elections Pilot Project Act.” This information shall be
19 both of a general and technical nature, and include such aspects of
20 campaign finance law and regulations in this State as deemed
21 appropriate by the commission. To facilitate the dissemination of
22 such information, the commission shall, at a minimum: (1) feature it
23 in a prominent location on its website and allocate sufficient space
24 thereon to explain the pilot project fully; (2) respond to questions
25 received by telephone, via the Internet or any other means that are
26 asked by the candidates and the general public about the pilot
27 project; and (3) have information available to each registered voter
28 in each participating district explaining the pilot project and notify
29 the voter where additional information is available and how it may
30 be accessed.

31 b. The commission shall be authorized to contract for the
32 services it deems necessary to inform the voters in the districts
33 selected to participate in “The 2007 New Jersey Fair and Clean
34 Elections Pilot Project Act” about its provisions. ¹ ²【Such】 After
35 an expedited review and determination by the Division of Purchase
36 and Property in the Department of the Treasury that such services
37 cannot be provided by, or are not available already in, the Executive
38 Branch of State government, such² a contract may be awarded
39 ²【without publicly advertising for bids pursuant to chapter 34 of
40 Title 52 of the Revised Statutes】 pursuant to the public exigency
41 provisions of subsection b. of section 5 of P.L.1954, c.48 (C.52:34-
42 10)² , but ²the contract shall be awarded² in accordance with such
43 requirements as the director of the commission deems appropriate.¹
44 The transmission shall occur by such means as the vendor and the
45 commission deems appropriate, including but not limited to,
46 Statewide or local electronic media, public service announcements
47 broadcast by such media, special mailings to each voter registered

1 in each participating district, and paid advertisements in newspapers
2 or publications circulating in the counties and municipalities in
3 which the districts are located. Nothing in this section shall
4 preclude a vendor from providing information about the pilot
5 project to registered voters who reside in districts other than
6 participating districts.

7 c. The commission shall prepare a voter's guide for the general
8 public for each district in which certified candidates are seeking
9 election to public office. The guide shall list the name of each
10 candidate seeking election to public office. The guide shall identify
11 the candidates that are candidates intending to become certified, the
12 candidates that are certified candidates, and the candidates that are
13 noncertified candidates. Copies of the guide shall be posted on the
14 web site of the commission no later than the date provided for the
15 mailing of absentee ballots by section 11 of P.L.1953, c.211
16 (C.19:57-11). The commission shall also encourage the clerk and
17 elections officials in each county that contains a district in which a
18 certified candidates is seeking election to reproduce and distribute
19 copies of the guide to as many publicly accessible, county-owned or
20 operated facilities as possible.

21 d. Notwithstanding any law, rule or regulation to the contrary,
22 the commission shall notify the clerk of each county in which a
23 certified candidate is seeking election that for each candidate
24 certified no later than August 17, 2007: (1) the name of the
25 candidate on the general election ballot shall be accompanied by the
26 slogan "Clean Elections Candidate" in a such size and type face as
27 to be easily readable to the voter; and (2) a statement by the
28 candidate of no more than 250 words shall be included with the
29 sample ballot mailed to registered voters in the district the
30 candidate is seeking office prior to the election pursuant to
31 R.S.19:14-21, et al. The statements shall be administered and
32 distributed by the commission in the same manner as the
33 commission administers and distributes the statements printed and
34 mailed with the sample ballot for candidates seeking election to the
35 office of Governor, pursuant to section 12 of P.L.1974, c.26
36 (C.19:44A-37).

37 e. The commission shall undertake any other actions it deems
38 necessary to inform the voters in the participating districts about the
39 provisions of this act.

40

41 15. In addition to the assistance it shall give to candidates
42 pursuant to section 14 of this act, the commission shall assign one
43 member of its staff to serve as the primary liaison to each of the
44 districts selected to participate in this act. The liaisons need not be
45 located physically in the district, but shall be responsible for
46 receiving and bringing to the attention of the commission any issue
47 raised by a candidate that concerns the commission with respect to
48 this act. In addition, the liaisons shall:

1 a. be available to provide information to certified candidates,
2 noncertified candidates and candidates intending to become
3 certified about the provisions of this act and any regulations
4 adopted by the commission that pertain to it;

5 b. receive and review any complaints from the candidates
6 regarding the actions or activities of another candidate, especially
7 where such actions are alleged to be in violation of this act,
8 rendering a decision as to the legitimacy of such complaints within
9 48 hours after the receipt thereof; and

10 c. receive and review requests for rescue money, as provided
11 by section 12 of this act, and if deemed appropriate, authorize the
12 distribution of such moneys from the fund to the certified candidate
13 as the certified candidate is entitled to pursuant to section 12 of this
14 act.

15

16 16. Whenever any certified candidate makes, incurs, or
17 authorizes an expenditure to finance a communication aiding or
18 promoting the election of the candidate alone or in conjunction with
19 another certified candidate who is a member of the same political
20 party and seeking the office of member of the Senate or the office
21 of member of the General Assembly from the same legislative
22 district, or the defeat of such candidates' opponent or opponents, the
23 communication shall include:

24 (a) in the case of radio, an audio statement in the candidate's
25 own voice, or if in conjunction with another certified candidate in
26 each candidate's own voice, that identifies the candidate, the office
27 the candidate is seeking, and that the candidate has approved the
28 communication; or

29 (b) in the case of television, the Internet or any other similar
30 form of communication containing audio and visual images, a
31 statement in the candidate's own voice, or if in conjunction with
32 another certified candidate in each candidate's own voice, that
33 identifies the candidate, the office the candidate is seeking, and that
34 the candidate has approved the communication, that is either spoken
35 by the candidate during an unobscured full-screen view of the
36 candidate or through a voice-over by the candidate accompanied by
37 a clearly identifiable photograph or similar image of the candidate
38 that occupies at least eighty percent of the vertical screen height,
39 and includes the candidate's statement at the end of the
40 communication in clearly readable writing in letters equal to at least
41 four percent of the vertical picture height and visible for at least
42 four seconds, except that an Internet communication consisting of
43 printed material only, with or without photographs, shall include the
44 written statement described above; or

45 (c) in the case of any other form of communication, the
46 communication shall include the written statement described in
47 paragraph (b) above.

1 A certified candidate, alone or in conjunction with the any other
2 certified candidate who is seeking election to the office of member
3 of the Senate or the office of member of the General Assembly from
4 the same legislative district, may include in any communication
5 made pursuant to this section a statement that he or she is a certified
6 candidate.

7
8 17. a. A candidate who has been denied certification by the
9 commission, or a person who opposes a candidate who has been
10 certified, may challenge a certification decision by the commission
11 as follows.

12 A candidate or an opponent may appeal to the commission
13 within three days of the decision to grant or deny a certification.
14 The appeal shall be in writing and shall set forth the reasons for the
15 appeal.

16 Within five days after an appeal is filed, the commission shall
17 hold a hearing thereon after notice is given of the hearing to the
18 challenger. The challenger has the burden of providing evidence to
19 demonstrate that the decision of the commission to certify, or to
20 deny certification of, the candidate was improper. The commission
21 shall rule on the appeal within three days after the completion of the
22 hearing.

23 A challenger may appeal to the Appellate Division of the
24 Superior Court a decision on an appeal rendered by the commission
25 pursuant to this section and the court shall hear the appeal and
26 render a decision thereon in an expedited manner.

27 b. Any candidate whose certification by the commission is
28 revoked as a result of an appeal to the Appellate Division of the
29 Superior Court shall return to the commission for deposit into the
30 fund any unspent moneys received to date from the fund.

31 c. If the commission or the court finds that an appeal was made
32 frivolously or to cause delay or hardship, the commission or court
33 may require the challenger to pay the expenses of the commission,
34 the court and the challenged candidate, if any such expenses have
35 been incurred.

36
37 18. The candidates shall select the sponsors, and arrange among
38 themselves, for at least two interactive debates prior to the general
39 election. All certified candidates shall be required to participate in
40 the debates, the first of which shall occur on or after October 1,
41 2007 and on or before October 15, 2007 and the second of which
42 shall occur on or after October 16, 2007 and on or before October
43 30, 2007. The sponsorship and arrangement of such debates shall
44 be subject to review and certification by the commission, and these
45 arrangements shall be revised thereby if the commission deems it
46 appropriate to insure maximum fairness to the candidates and
47 access to the public. The candidates shall submit their plans for
48 debates in writing to the commission no later than October 3, 2007

1 and the commission shall respond in writing to the candidates no
2 later than October 7, 2007. At each debate, each certified
3 candidates shall be identified as such and the meaning of that
4 certification shall be explained in a manner to be determined by the
5 commission. The candidates shall invite and permit noncertified
6 candidates to participate in the debates. Any certified candidate
7 who refuses to participate in the debates shall be liable for the
8 return of moneys received previously from the fund in the same
9 manner as the commission is authorized to seek the return of funds
10 from gubernatorial candidates who received public financing and
11 fail or refuse to participate in interactive debates required pursuant
12 to P.L.1989, c.4 (C.19:44A-46 et seq.). The commission shall
13 determine whether reasonable circumstances existed to prevent a
14 debate from being scheduled and whether a certified candidate has a
15 reasonable justification to refuse participate in the debates.

16

17 19. a. (1) Any person, including any candidate, treasurer or
18 other official associated with the campaign of a candidate intending
19 to become certified or a certified candidate, with the responsibility
20 for the preparation, certification, filing or retention of any reports,
21 records, notices or other documents in paper or electronic form,
22 who, knowingly and willfully, fails, neglects or omits to prepare,
23 certify, file or retain any such report, record, notice or document at
24 the time or during the time period, as the case may be, and in the
25 manner prescribed by law, or who, knowingly and willfully, omits
26 or incorrectly states or certifies any of the information required by
27 law to be included in such report, record, notice or document, and
28 any other person who in any way knowingly and willfully violates
29 any of the provisions of this act, shall, in addition to any other
30 penalty provided by law, be liable to a penalty of not more than
31 \$6,000 for the first offense and not more than \$12,000 for the
32 second and each subsequent offense. Upon receiving evidence of a
33 violation, the commission shall use the procedure provided in
34 section 22 of P.L.1973, c.83 (C.19:44A-22) for investigating the
35 violation and assessing a penalty, if deemed appropriate.

36 (2) The fine imposed for a violation of paragraph (1) of this
37 subsection shall, upon payment to the commission, be deposited in
38 the fund.

39 b. Any individual found to have knowingly and willfully given
40 any amount of money to another person for the purpose of having
41 that other person give such money, or a part thereof, to a candidate
42 intending to become certified as a seed money contribution or
43 qualifying contribution is guilty of a crime of the fourth degree.

44 c. (1) Any person, including any candidate, treasurer or other
45 official associated with the campaign of a certified candidate or
46 candidate intending to become certified, who knowingly and
47 willfully makes a false statement or knowingly or willfully files a

1 false report, record, notice or document in paper or electronic form
2 is guilty of a crime of the third degree.

3 (2) If an individual is found to be in violation of paragraph (1)
4 of this subsection, the candidate shall remit in an expedited manner
5 to the commission for deposit into the fund all moneys distributed
6 to the candidate since he or she became certified for the election
7 cycle in which the offense occurred.

8 d. In addition to the penalties imposed by this section, any
9 certified candidate or candidate intending to become certified who
10 is investigated and found by the commission to have purposefully,
11 knowingly and willfully violated this act shall be disqualified as a
12 candidate for the public office sought or shall forfeit such office if
13 elected.

14 e. All investigations undertaken by the commission pursuant to
15 this section shall be carried out in full compliance with the existing
16 requirements of due process of law, and shall be conducted and
17 completed on an expedited basis.

18 f. Two hundred and fifty dollars shall be added to each fine
19 and penalty imposed and collected through a court under authority
20 of any law for any violation of the provisions of chapters 27 or 30
21 of Title 2C of the New Jersey Statutes, chapters 34 or 44A of Title
22 19 of the Revised Statutes, or chapter 13D of Title 52 of the
23 Revised Statutes and shall be forwarded by the person to whom the
24 same are paid to the State Treasurer. The State Treasurer shall upon
25 receipt deposit those moneys so forwarded into the account of the
26 commission for use to effectuate the public information
27 requirements established in subsection a. of section 14 of this act,
28 up to a maximum of \$600,000. The State Treasurer shall deposit
29 any moneys over that amount received pursuant to this section into
30 the fund.

31

32 20. a. The commission shall promulgate such rules and
33 regulations as it deems necessary to implement the provisions of
34 this act ³, except that, notwithstanding any provision of the
35 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
36 seq.), to the contrary, the commission may adopt, immediately upon
37 so filing with the Office of Administrative Law, such rules and
38 regulations as the commission deems necessary to implement the
39 provisions of this act. Those rules and regulations shall be effective
40 for a period not to exceed 18 months following the effective date of
41 this act and may thereafter be amended, adopted or readopted by the
42 commission pursuant to the requirements of P.L.1968. c.410³.
43 These rules and regulations shall include, but not be limited to,
44 procedures for obtaining seed money and qualifying contributions,
45 obtaining certification as a certified candidate, the distribution of
46 fund moneys to certified candidates, the return of unspent
47 distributed fund monies from certified candidates, the electronic

1 filing of campaign reports, and such other matters delegated to it or
2 required of it by this act.

3 b. Within one year after the effective date of this act, the
4 commission shall issue a report to the President of the Senate, the
5 Minority Leader of the Senate, the Speaker of the General
6 Assembly and the Minority Leader of the General Assembly on the
7 pilot project created by this act. The report shall be strictly fact-
8 based and shall contain no recommendations with respect to any
9 future pilot project similar to the one created by this act.

10 c. The county clerks and municipal clerks of this State shall
11 provide to the commission, at no cost to the commission, the current
12 voter registration information and any additional election or voter
13 information the commission may require to comply with the
14 provisions of this act.

15

16 ³[²21. There is established, in but not of, the Election Law
17 Enforcement Commission within the Department of Law and Public
18 Safety, a Clean Elections Advisory Committee. The committee
19 shall have five members: one appointed by the Governor, one
20 appointed by the President of the Senate, one appointed by the
21 Speaker of the General Assembly, one appointed by the President of
22 the Senate on the recommendation of the Minority Leader of the
23 Senate and one appointed by the Speaker on the recommendation of
24 the Minority Leader of the General Assembly. The members of the
25 committee shall be selected no later than 30 days following the
26 effective date of this act and they shall hold their organizational
27 meeting no later than 14 days thereafter. The committee shall elect
28 a chair and a vice chair from among its members. The purpose of
29 the committee shall be to: 1) provide advice to the commission on
30 the administration of the pilot project, especially in the event that
31 new rules or procedures are needed to implement this act; 2) act as
32 the advocate for the pilot project created by this act; and 3) meet at
33 least bi-monthly in public session to review the current status of the
34 pilot project established by this act. The committee shall hold a
35 public hearing no later than 60 days following the day of the
36 general election in 2007, at which time a draft evaluation of the
37 2007 pilot project shall be made available to the public. Within 30
38 days after that date, the committee's final report shall be presented
39 to the Governor, the President of the Senate, the Minority Leader of
40 the Senate, the Speaker of the General Assembly, the Minority
41 Leader of the General Assembly and the general public.²]³

42

43 ²[21.] ³[^{22.}²] ^{21.}³ The New Jersey Fair and Clean Elections
44 Pilot Project established by this act shall be reauthorized by the
45 Legislature and the Governor in sufficient time for elections in 2009
46 to include:

- 1 a. candidates seeking election to the office of member of the
2 Senate and candidates seeking election to the office of member of
3 the General Assembly candidates;
- 4 b. candidates seeking nomination for election to the office of
5 member of the Senate and candidates seeking nomination for
6 election to the office of member of the General Assembly, if this act
7 is deemed a success; and
- 8 c. for any candidate nominated by direct petition pursuant to
9 chapter 13 of Title 19 of the Revised Statutes, the same amount of
10 funding as any candidate who is a member of a political party
11 whose candidate for Governor received the greatest or next great
12 number of votes in the most recent gubernatorial election, provided
13 that: (1) a candidate nominated by direct petition who is a member
14 of a political organization received 10 percent or more of the total
15 number of votes cast in the legislative district from which the
16 candidate sought to be elected in the general election held in 2007;
17 or (2) a candidate independent of any such political organization or
18 political party received 10 percent or more of the total number of
19 votes cast in the legislative district from which the candidate sought
20 to be elected in the general election held in 2007 and is also a
21 candidate in 2009.

22 As used in this section, “success” means that at least 50 percent
23 of the candidates who were members of political parties and were
24 seeking election for either the office of member of the Senate or the
25 office of member of the General Assembly became certified
26 candidates and did not withdraw from that designation.
27

28 ²[22.] ³[23.²] 22.³ There is appropriated from the General Fund
29 to the Election Law Enforcement Commission \$600,000 to
30 effectuate the public information requirements in subsection a. of
31 section 14 of this act, \$75,000 to effectuate the voter’s guide
32 requirements in subsection c. of section 14 of this act and \$250,000
33 to fund the expenses incurred by the commission as a result of
34 administering this act. There is appropriated from the General Fund
35 to the Department of the Treasury for deposit into the New Jersey
36 Fair and Clean Elections Fund, established pursuant to section 5 of
37 this act, \$6,750,000 for the other purposes of this act.
38

39 ²[23.] ³[24.²] 23.³ This act shall take effect immediately ¹and
40 shall expire on the 180th day following the date of the general
41 election held in 2007¹.
42
43
44

45
46 Creates “The 2007 New Jersey Fair and Clean Elections Pilot
47 Project Act”; appropriates \$7.675 million.