

ASSEMBLY, No. 100

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED JUNE 12, 2008

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Camden)

Assemblywoman AMY H. HANDLIN

District 13 (Middlesex and Monmouth)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Creates "The 2009 New Jersey Fair and Clean Elections Pilot Project Act."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/17/2008)

1 AN ACT creating a pilot project for the public financing of
2 candidates seeking nomination and election to the office of
3 member of the General Assembly in 2009.

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

7
8 1. This act shall be known and may be cited as "The 2009 New
9 Jersey Fair and Clean Elections Pilot Project Act."

10
11 2. The Legislature finds and declares that:

12 a. On March 28, 2007, P.L.2007, c.60 was enacted, creating the
13 "2007 New Jersey Fair and Clean Elections Pilot Project Act."

14 b. The 2007 pilot project was based on similar programs in
15 Arizona and Maine and the initial 2005 pilot project created by
16 P.L.2004, c.121, signed into law on August 11, 2004, which sought
17 to have candidates for election to the office of member of the
18 General Assembly in two legislative districts seek office with equal
19 financial resources.

20 c. The 2007 pilot project involved the election of members of
21 the Senate and General Assembly in three districts, one of which
22 had incumbents of one political party, another of which had
23 incumbents of another political party, and the third of which was
24 competitive between both parties.

25 d. It is generally agreed that this pilot project was a success
26 because in those districts, 20 candidates sought to participate in the
27 project and ultimately 16 did so by becoming certified clean
28 elections candidates.

29 e. The 2005 and 2007 projects have proven that the erosion in
30 public confidence in the political process can be countered by
31 establishing a voluntary, publicly funded campaign finance system
32 for legislative office that mitigates access to large financial
33 contributors as a major determining factor within the political
34 process.

35 f. P.L. , c. (pending before the Legislature as this bill)
36 embodies changes to the previous projects suggested by participants
37 in and observers of previous pilot projects, and it includes primary
38 and general elections for candidates seeking the office of member
39 of the General Assembly in eight districts in 2009.

40 g. The 2009 pilot project's goal is the same as that of previous
41 projects: to improve the unfavorable opinion that many residents of
42 this State have toward the political process, strengthen the integrity
43 of that process, and improve access to it by many individuals and
44 groups who have traditionally not been part of the political process
45 in New Jersey.

46 h. After the lessons of the 2009 pilot project have been carefully
47 evaluated by the public and the Legislature, it is the Legislature's
48 intention to enact a permanent, comprehensive, fully-functioning

1 clean elections program, based on the experiences of previous
2 projects, that will be available to every candidate for the offices of
3 member of the Senate and General Assembly in each of the State's
4 40 legislative districts.

5

6 3. As used in this act:

7 "Candidate intending to become certified" means a candidate
8 from a participating district, as designated by section 6 of this act,
9 who seeks nomination and election to the office of member of the
10 General Assembly pursuant to this act and is seeking certification
11 pursuant to section 10 of this act.

12 "Certified candidate" means a candidate seeking nomination and
13 election to the office of member of the General Assembly who has
14 chosen to seek such office pursuant to the provisions of this act, and
15 is certified pursuant to section 10 of this act.

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

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

21 "Noncertified candidate" means a candidate seeking nomination
22 and election to the office of member of the General Assembly in
23 participating districts who does not seek office pursuant to the
24 provisions of this act and is not certified pursuant to section 10 of
25 this act.

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

28 "Qualifying contribution" means a contribution of \$10 given by
29 an individual who is registered to vote and resides in the district the
30 candidate seeks to represent that is contributed during the
31 qualifying period to a candidate intending to become certified, with
32 at least 400 such contributions needed to receive the minimum
33 amount of public funding and at least 800 such contributions needed
34 to receive the maximum amount of public funding, pursuant to
35 section 12 of this act.

36 "Qualifying period" means the period during which both seed
37 money contributions and qualifying contributions can be collected,
38 for the primary election beginning February 16, 2009 and ending on
39 May 15, 2009, and for candidates who have not collected a
40 sufficient number of qualifying contributions to become certified
41 prior to the primary election, ending on August 14, 2009.

42 "Seed money contribution" means a contribution of money of no
43 more than \$500 given by any individual registered to vote in this
44 State, including the candidate and candidate's immediate family,
45 but not including a candidate committee, joint candidates
46 committee, political committee, continuing political committee,
47 political party committee or legislative leadership committee, to a

1 candidate intending to become certified, up to a limit of \$10,000 in
2 the aggregate.

3
4 4. There is established a pilot project for the public financing
5 of the campaigns of candidates seeking nomination and election to
6 the office of member of the General Assembly from eight
7 legislative districts in 2009, selected pursuant to section 6 of this
8 act. The pilot project shall also be open to candidates for election
9 to those offices in those districts who are nominated directly by
10 petition. Candidates participating in this pilot project shall comply
11 with the applicable provisions of the "The New Jersey Campaign
12 Contributions and Expenditures Reporting Act," P.L.1973, c.83
13 (C.19:44A-1 et seq.), unless otherwise provided by this act.

14
15 5. a. There is established in the Department of the Treasury a
16 special fund to be known as the "New Jersey Fair and Clean
17 Elections Fund," hereafter referred to as the fund, to be held
18 separate and apart from all other funds of the State.

19 b. Moneys from the following sources shall be deposited in the
20 fund:

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

22 (2) all earnings received from the investment of money in the
23 fund;

24 (3) fines and penalties collected by the commission pursuant to
25 section 20 of this act;

26 (4) money returned to the fund by candidates who withdraw from
27 being certified candidates, pursuant to section 11 of this act; and

28 (5) money returned or not disbursed pursuant to the statutes
29 establishing previous clean elections pilot projects.

30 c. The Legislature shall appropriate to the commission out of the
31 "New Jersey Fair and Clean Elections Fund" established by
32 subsection a. of this section, and if necessary, out of the General
33 Treasury of the State such sums as are necessary to carry out the
34 purposes of this act. The sums shall be used to finance the primary
35 and general election campaigns of certified candidates in 2009 in
36 such amounts and proportions as the Legislature shall direct the
37 appropriation to be distributed between each of the two elections, to
38 be regulated and distributed by the commission pursuant to this act.
39 Upon notice by the commission, the Legislature shall appropriate to
40 the commission out of the General Treasury such additional sums as
41 may be necessary to carry out the purposes of this act if the sums
42 first appropriated become inadequate.

43
44 6. Eight legislative districts shall be selected to participate in
45 the pilot project established by this act. They shall be selected as
46 follows.

47 a. The Speaker of the General Assembly shall select two
48 districts to participate in the pilot project established by this act

1 from among the following legislative districts: the 1st, 4th, 6th, 7th,
2 14th, 18th, 22nd, 36th, and 37th. The Minority Leader of the
3 General Assembly shall select two districts to participate in the
4 pilot project established by this act from among the following
5 legislative districts: the 2nd, 8th, 11th, 12th, 13th, 21st, 24th, 25th,
6 and 39th. The Speaker and the Minority Leader shall make their
7 selections and so notify in writing the chairs of the two political
8 parties whose candidates received the greatest and next greatest
9 number of votes in the most recent previous election to elect a
10 candidate for the office of Governor no later than February 2, 2009.

11 b. (1) The Speaker of the General Assembly and the Minority
12 Leader of the General Assembly shall each select one individual to
13 serve as a member of a district selection committee no later than
14 January 1, 2009. No individual selected shall hold office in a
15 political party or any elective public office as of the date of his or
16 her selection, though such a member may have held party or
17 elective public office prior to selection. The members of the
18 committee shall together select a member of the public to serve as
19 the third member and chair of the committee no later than January
20 8, 2009. In the event the members are unable to agree on the
21 selection of the third member by January 9, 2009, they shall so
22 notify the Chief Justice of the Supreme Court of New Jersey, who
23 shall appoint the third member no later than January 16, 2009. No
24 more than two members of the committee shall be members of the
25 same political party. Any vacancy among members of the
26 committee shall be filled in the same manner as the original
27 appointment was made.

28 (2) A slate of two candidates for the office of member of the
29 General Assembly in any legislative district other than a district
30 selected pursuant to subsection a. of this section may also seek to
31 have the district in which they are seeking nomination and election
32 participate in the pilot project by filing a request, in writing, with
33 the district selection committee no later than February 9, 2009. The
34 committee shall select by majority vote four such districts to
35 participate in the pilot project, unless there are fewer than four
36 applicants, in which case those districts shall be selected. If the
37 committee does need to choose among applying districts, it shall
38 consider the following criteria in the following order, as it pertains
39 to a district: (a) the number of candidates in the district seeking to
40 participate in the pilot project; (b) whether the district was one of
41 the 18 districts identified in subsection a. of this section but not
42 selected by either legislative leader to participate; and (c)
43 geographic diversity. The committee shall make its selections and
44 so notify in writing all candidates in the selected districts and chairs
45 of the two political parties whose candidates received the greatest
46 and next greatest number of votes in the most recent previous
47 election to elect a candidate for the office of Governor no later than
48 February 13, 2009.

1 c. The legislative districts selected shall be those districts as
2 approved by the Apportionment Commission on April 11, 2001 and
3 described in the corrected plan for legislative districts filed with the
4 New Jersey Secretary of State on April 17, 2001.

5
6 7. a. Following the selection of districts pursuant to section 6
7 of this act, each candidate who intends to become certified shall:

8 (1) sign and file a declaration of intent to seek certification and
9 to comply with the requirements of this act, which shall be filed
10 with the commission at any time during the qualifying period, using
11 the forms and procedures developed by the commission pursuant to
12 section 21 of this act;

13 (2) begin to accept seed money contributions and qualifying
14 contributions under section 9 of this act; and

15 (3) except as permitted by section 9 of this act, suspend for the
16 time the candidate is a candidate intending to become certified
17 access that candidate has to the funds of the candidate committee of
18 that candidate, including those that the candidate has as part of a
19 joint candidates committee, which have been raised prior to
20 becoming a candidate intending to become certified. Nothing in
21 this subsection shall preclude such a candidate from satisfying
22 outstanding financial obligations incurred as a result of previous
23 campaigns for elective public office from funds the candidate had in
24 an account of the candidate prior to becoming a candidate intending
25 to become certified. Any additional collection of contributions for
26 this purpose may begin only the day after the day of the 2009
27 general election, unless the candidate ceases to be a participant in
28 the pilot project established by this act, in which case the collection
29 of contributions to satisfy previous debt may begin immediately
30 upon such cessation.

31 b. Any candidate intending to become certified who does not
32 file a declaration of intent to seek certification by the last day of the
33 qualifying period for the general election shall be considered a
34 noncertified candidate and precluded from becoming a certified
35 candidate in the 2009 general election.

36
37 8. a. (1) A candidate intending to become certified and seeking
38 nomination and election to the office of member of the General
39 Assembly shall form a slate together with any other candidate
40 intending to become certified, who is a member of the same
41 political party in the same legislative district, and seeking
42 nomination for elective office from that district. The candidates in
43 such a slate shall be required to become certified candidates
44 together and shall seek nomination and election together, and may
45 coordinate their campaigns for nomination and for election to the
46 office of member of the General Assembly to the full extent
47 permitted by this act and current law.

1 (2) (a) In the event there are several separate slates of candidates
2 who are members of the same political party who seek nomination
3 at the same election in the same district, the candidate who receives
4 the greatest number of votes at that election and the candidate who
5 receives the next greatest number of votes at that election shall form
6 a new slate and seek election together if they are either certified
7 candidates or candidates intending to become certified, regardless
8 of whether they were affiliated previously with a different candidate
9 or slate. Such candidates may seek certification separately or
10 jointly, if they have not done so already, and may coordinate their
11 campaigns for the general election to the full extent permitted by
12 this act or existing law.

13 (b) In the event that a noncertified candidate and either a
14 certified candidate or a candidate intending to become certified are
15 nominated at the primary election by members of the same political
16 party and in the same legislative district, the two candidates shall
17 form a new slate and seek election together in the general election
18 as certified candidates if the noncertified candidate becomes a
19 candidate intending to become certified and collects 400 qualifying
20 contributions no later than the end of the qualifying period. Such
21 candidates may coordinate their campaigns for the general election
22 to the full extent permitted by this act or existing law.

23 (3) A candidate intending to become certified who is a member
24 of a political group that is permitted to register its members by use
25 of a voter registration form or that is named on a political party
26 affiliation declaration form approved by the Secretary of State as of
27 the enactment date of this act shall form a slate with another
28 candidate who is intending to become certified and is a member of
29 the same political group and in the same district, and the candidates
30 shall be required to become certified candidates together and shall
31 seek election together, and may coordinate their campaigns to the
32 full extent permitted by this act or existing law.

33 (4) A certified candidate or a candidate intending to become
34 certified who is not a member of a political group that is permitted
35 to register its members by use of a voter registration form or that is
36 not named on a political party affiliation declaration form approved
37 by the Secretary of State as of the enactment date of this act, or is
38 not a member of any other political group, may form a slate with
39 another such candidate in the same district and may coordinate his
40 or her campaign for the general election with that candidate to the
41 full extent permitted by this act or existing law.

42 b. (1) No candidate intending to become certified shall be
43 permitted to make a seed money contribution or a qualifying
44 contribution to another candidate intending to become certified who
45 is seeking nomination and election to the office of member of the
46 General Assembly in a different slate or legislative district; except
47 that a candidate intending to become certified who is in a slate shall
48 be permitted to make a seed money contribution and a qualifying

1 contribution to another candidate intending to become certified that
2 is in the same slate and the same legislative district.

3 (2) No certified candidate or candidate intending to become
4 certified shall transfer any amount of money received from seed
5 money contributions, qualifying contributions or received from the
6 fund to a certified candidate, a noncertified candidate or a candidate
7 intending to become certified seeking nomination and election to
8 the office of member of the General Assembly in a different
9 legislative district; or to a candidate for an elective office in any
10 county or municipality; or to a political committee, continuing
11 political committee, candidate committee, joint candidates
12 committee, legislative leadership committee or political party
13 committee; except that there shall be no limit on the amount of
14 money received from seed money contributions, qualifying
15 contributions or from the fund that a certified candidate or a
16 candidate intending to become certified in a slate in a particular
17 legislative district can contribute to or expend on behalf of another
18 certified candidate or candidate intending to become certified in the
19 same slate and the same legislative district.

20

21 9. After filing a declaration of intent, and prior to certification
22 as a certified candidate, a candidate intending to become certified
23 shall collect seed money contributions and qualifying contributions,
24 starting on February 16, 2009 and continuing for the remainder of
25 the qualifying period.

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

37 (2) A candidate intending to become certified may use funds
38 raised and reported to the commission pursuant to P.L.1973, c.83
39 (C.19:44A-1 et seq.) prior to becoming such a candidate as part of
40 the seed money collected by a candidate intending to become
41 certified, but only to the extent that such money can be attributable
42 to contributions of \$500 or less from individuals who are registered
43 to vote in this State.

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

47 (4) Seed money contributions shall be deposited by the candidate
48 or an individual associated with his or her campaign as soon as

1 possible into an account separate from all other accounts but in the
2 name of the candidate in a banking institution holding a State or
3 federal charter. No such funds shall be transferred subsequently
4 into an investment account of any type or used by the candidate for
5 the purpose of gambling. The candidate shall file a report with the
6 commission on the amount of seed money contributions collected at
7 the same time as the candidate files reports on the number of
8 qualifying contributions collected, as required by this section. The
9 report shall be made on the forms required by this subsection.

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

18 (6) Each seed money contribution shall be accompanied by a
19 form developed by the commission. The form for non-cash
20 contributions shall: (a) be as clear, concise and easy to use as
21 possible; (b) serve as the acknowledgement of one or more
22 contributions by one or more individuals to a single candidate; and
23 (c) include such other identifying information deemed appropriate
24 by the commission. The form for cash contributions shall: (a) be as
25 clear, concise and easy to use as possible; (b) include the
26 contributor's name, mailing address, contact telephone number and
27 the date of the contribution; (c) be signed by the individual; (d)
28 include an affirmation that the contribution is made without
29 knowing intention to commit fraud; and (e) include such additional
30 information deemed appropriate by the commission.

31 b. (1) A candidate intending to become certified shall obtain
32 qualifying contributions of \$10 per individual during the qualifying
33 period from at least 400 registered voters residing in the district the
34 candidate is seeking to represent. Such individuals may include the
35 candidate and the candidate's immediate family. No such funds
36 shall be spent by a candidate during the qualifying period. No
37 qualifying contributions shall be accepted from a candidate
38 committee, joint candidates committee, political committee,
39 continuing political committee or legislative leadership committee.

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

44 (3) All qualifying contributions shall be deposited by the
45 candidate or an individual associated with his or her campaign as
46 soon as possible into an account separate from all other accounts
47 but in the name of the candidate in a banking institution holding a
48 State or federal charter. No such funds shall be transferred

1 subsequently into an investment account of any type or used by the
2 candidate for the purpose of gambling. The candidate shall notify
3 the commission within three business days when he or she has
4 received at least 400 qualifying contributions, and thereafter shall
5 file a report biweekly listing the number and aggregate dollar
6 amount of qualifying contributions received to date and such other
7 information about the contributions as may be required by the
8 commission.

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

25 c. Each candidate intending to become certified shall be
26 permitted to create and use a qualifying contribution form, based on
27 the requirements established by this act and the commission, to mail
28 to potential contributors, provided the candidate submits a draft of
29 the form to the commission and the commission does not
30 disapprove of the draft form within 24 hours of its receipt.

31 d. An individual shall be permitted to make both a seed money
32 contribution and a qualifying contribution to one or more candidates
33 intending to become certified.

34 e. Joint checking account holders shall be permitted to make a
35 qualifying contribution, a seed money contribution, or both, using
36 one check that is signed by one account holder; if both persons
37 holding a joint checking account wish to make a seed money
38 contribution, a qualifying contribution, or both, the check need not
39 include the signature of each person. Each such individual shall not
40 be required to sign the contribution form required by this section if
41 both contributors' names appear on the check.

42 f. The following activities shall be permitted and not counted
43 as an in-kind contribution to a certified candidate or a candidate
44 intending to become certified:

45 (1) personal services performed by an individual, a political
46 party committee or another association, organization or group on a
47 voluntary, non-compensated basis for the purpose of collecting seed

1 money contributions, qualifying contributions, or both, and the
2 collection of signatures on petitions of nomination;

3 (2) communications in writing, or delivered via telephone or the
4 Internet, in support of or in opposition to the nomination and
5 election of any candidate by a labor organization or membership
6 organization or other such association to its members and their
7 families, or by any association, group or organization, other than a
8 labor organization, to its members and their families; and

9 (3) communications to the general public in any form by any
10 means undertaken by any organization, group, association or
11 business that seeks to disseminate information in any form about
12 this act that is neither in support of, or in opposition to, the
13 nomination or election of any candidate.

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

17 h. (1) Unless the candidate has already begun reporting as
18 required by subsection b. of this section, starting on March 19, 2009
19 and continuing biweekly thereafter, each candidate that has signed
20 and filed a declaration of intent to become certified shall file with
21 the commission a report listing the number and aggregate dollar
22 amount of qualifying contributions received to date and such other
23 information about the contributions as may be required by the
24 commission. Nothing in this subsection shall preclude a candidate
25 intending to become certified from becoming certified before March
26 19, 2009 for the primary election or, for a candidate who has not
27 collected a sufficient number of qualifying and seed money
28 contributions by the primary election, from becoming certified
29 before August 14, 2009.

30 (2) Each candidate intending to become certified who is
31 nominated by direct petition filed with the Secretary of State
32 pursuant to chapter 13 of Title 19 of the Revised Statutes may start
33 collecting seed money and qualifying contributions before his or her
34 petitions of nomination are filed with the secretary. Unless the
35 candidate has already begun reporting as required by subsection b.
36 of this section, starting on the 30th day after the candidate signs and
37 files a declaration of intent to become a certified candidate, and
38 biweekly thereafter, such a candidate intending to become certified
39 shall file with the commission a report listing the number and
40 aggregate dollar amount of qualifying contributions received to date
41 and such other information about the contributions as may be
42 required by the commission. Nothing in this subsection shall
43 preclude a candidate intending to become certified from becoming
44 certified before the 30th day after the candidate signs and files a
45 declaration of intent to become certified.

46 i. In addition to the types of contributions provided for in this
47 section, an individual shall be permitted to make a seed money
48 contribution, a qualifying contribution, or both, to a candidate

1 intending to become certified by means of the Internet. Such a
2 contribution shall be accompanied by an electronic version of the
3 forms required by this section and may be made on the website of
4 the candidate if such a site exists. The commission shall establish a
5 link on its own website to other websites collecting such
6 contributions and shall provide technical assistance to candidates
7 intending to become certified seeking to collect contributions by
8 means of the Internet.

9 j. The commission shall ensure the rapid transmission and
10 public access to the reports required by this section and, wherever
11 possible, shall use electronic means for receiving, reporting, storing
12 and displaying such information.

13
14 10. a. The commission shall certify a candidate intending to
15 become certified if he or she has:

16 (1) received at least 400 qualifying contributions by May 15,
17 2009 for either a candidate seeking to be certified for the primary
18 election or a candidate who is a member of a political group that is
19 permitted to register its members by use of a voter registration form
20 or that is named on a political party affiliation form approved by the
21 Secretary of State as of the enactment date of this act and seeking
22 election by direct nomination by petition pursuant to chapter 13 of
23 Title 19 of the Revised Statutes, or by August 14, 2009 for any
24 other candidate seeking to be certified for the general election, from
25 registered voters residing within the candidate's district, pursuant to
26 section 8 of this act;

27 (2) not accepted other contributions, except for seed money
28 contributions and qualifying contributions, and otherwise complied
29 with the contribution restrictions of this act;

30 (3) in the case of a candidate seeking certification for the
31 primary election: (a) submitted to the Secretary of State a petition
32 of nomination with the required number of valid signatures
33 necessary to nominate a candidate to be voted for by the voters of a
34 political party, pursuant to chapter 23 of Title 19 of the Revised
35 Statutes; and (b) received the minimum number of qualifying
36 contributions by May 15, 2009; and

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

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

45 c. A candidate intending to become certified who is certified
46 during the qualifying period shall continue to be a certified
47 candidate in the general election provided that, in the case of a
48 candidate who is a member of a political party, the candidate is

1 nominated for election at the primary election. A candidate
2 intending to become certified who is not certified prior to the
3 primary election, but who is elected at the primary election, may
4 continue to collect qualifying contributions and seed money
5 contributions in an attempt to become certified for the general
6 election until August 14, 2009. Such certified candidates in the
7 general election shall comply with the relevant provisions of this act
8 and shall receive moneys from the fund for the general election
9 pursuant to section 12 of this act.

10 d. After certification, a candidate shall limit his or her
11 campaign expenditures and obligations, including outstanding
12 obligations, to the moneys in the candidate's qualifying
13 contribution account, including qualifying contributions and
14 moneys distributed to the candidate from the fund and shall not
15 accept any other contributions, including seed money, unless
16 specifically authorized by this act or the commission. Unless
17 prohibited specifically by this act, all moneys distributed to
18 certified candidates from the fund shall be used only for the
19 purposes provided in section 17 of P.L.1993, c.65 (C.19:44A-11.2).

20 e. If a certified candidate is not nominated for election at the
21 primary election preceding the general election held in 2009, the
22 candidate shall either return all unspent seed money and qualifying
23 contributions collected to contributors thereof on a pro-rata basis or
24 remit such moneys to the fund; and shall, if in receipt of moneys
25 from the fund pursuant to section 12 or 13 of this act, return to the
26 fund the amount of any unspent moneys received.

27 f. (1) Each candidate who is certified no later than April 17,
28 2009 shall have included with his or her name on the primary
29 election ballot, and the sample ballot mailed to registered voters in
30 the district, the slogan "Clean Elections Candidate" in such size and
31 type face as to be easily readable to the voter and the name of the
32 political party of which the candidate is a member.

33 (2) Each candidate who is certified and has been elected at a
34 primary election or has filed petitions of nomination with the
35 Secretary of State pursuant to chapter 13 of Title 19 of the Revised
36 Statutes and has become certified no later than August 14, 2009
37 shall: (a) have included with his or her name on the general election
38 ballot, and on the sample ballot mailed to each registered voter in
39 the district, the slogan "Clean Elections Candidate" in such size and
40 type face as to be easily readable to the voter and the name of the
41 political party or political group of which the candidate is a
42 member; and (b) be permitted to submit to the commission a
43 statement of no more than 250 words for inclusion with the sample
44 ballot mailed to registered voters in the district the candidate is
45 seeking office prior to the election pursuant to R.S.19:14-21, et seq.

46 g. If a candidate intending to become certified tries but fails to
47 become certified on or before May 15, 2009, the candidate may
48 continue to seek certification for the general election until August

1 14, 2009, pursuant to the provisions of this act, or become a
2 noncertified candidate.

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

32 (2) If a certified candidate wishes to withdraw from being such
33 and become a noncertified candidate for either the primary or
34 general election, or both, although the opponent of that candidates
35 is a certified candidate who is continuing in the pilot project and
36 seeking either nomination or election, or both, to the office of
37 member of the Legislature; or if a certified candidate leaves or is
38 forced out of the pilot project due to his or her criminal misconduct,
39 the candidate shall do so pursuant to the provisions of this
40 paragraph. The candidate shall transmit written notification to the
41 commission and it shall provide the candidate with a receipt of the
42 notification within 24 hours of receiving the notification. The
43 commission shall also, as soon as possible thereafter, make a public
44 announcement noting the withdrawal, and as part of the
45 announcement, inform available electronic news media and at least
46 three newspapers that circulate within at least three counties in this
47 State, including the district the candidate seeks to represent, that the
48 candidate who has withdrawn is no longer a certified candidate.

1 Upon the receipt of the notification, the candidate shall: (a)
2 immediately suspend all activity on the qualifying contribution and
3 seed money accounts established and used by the candidate, if such
4 activities are continuing; (b) within 24 hours thereafter, make and
5 certify an accounting of the moneys remaining in the accounts,
6 including any money received from the fund; (c) within 24 hours
7 thereafter, return to the commission for deposit into the fund all
8 moneys remaining in the accounts; and (d) return to the commission
9 for deposit into the fund an amount equal to all moneys the
10 candidate already spent from public funds he or she received
11 pursuant to section 12 or section 13, or both, of this act by such
12 time as shall be determined by the commission, based on the
13 circumstances of the withdrawal. In addition to these requirements,
14 any certified candidate who wishes to withdraw and become a
15 noncertified candidate for either the primary or general election or
16 both, although the opponent of that candidate is a certified
17 candidate who is continuing, shall not be permitted to do so until
18 the request is reviewed and decided by a special committee
19 identical to the one established by section 6 of this act. The
20 members of the committee shall be appointed within three days
21 after the candidate informs the commission that the candidate seeks
22 to withdraw and the commission so informs the respective
23 appointing authorities. Within three days after the appointment of
24 its members, the committee shall notify the candidate and the
25 commission of its decision whether or not to permit the candidate to
26 withdraw from being a certified candidate.

27 (3) In the event that a candidate who has become certified no
28 later than April 17, 2009 for the primary election or August 14,
29 2009 for the general election wishes to withdraw from being
30 certified and become a noncertified candidate for any reason, or
31 wishes to withdraw from the pilot project and no longer seek
32 nomination or election to any office, the commission shall make a
33 public announcement noting the withdrawal, and as part of the
34 announcement, inform available electronic news media and at least
35 three newspapers that circulate within at least three counties in this
36 State, including the district the candidate seeks to represent, that the
37 candidate who has withdrawn is no longer a certified candidate and
38 the designation "Clean Elections Candidate," provided for by
39 section 10 of this act, is no longer valid.

40 b. If a candidate intending to become certified chooses not to
41 become certified and becomes instead a noncertified candidate at
42 any time prior to the end of the qualifying period for either the
43 primary or general election, the candidate shall rescind his or her
44 declaration of intent by notifying the commission as soon as
45 possible. The commission shall acknowledge this decision as soon
46 as possible, but in any event no later than three days after receipt of
47 the request. Once the candidate receives the acknowledgement, the
48 candidate shall be permitted to raise and spend campaign

1 contributions pursuant to the provisions of P.L.1973, c.83
2 (C.19:44A-1 et seq.). The qualifying contributions in the account
3 of such a candidate shall be remitted to the fund as soon as possible,
4 but in no event no later than three days following receipt of the
5 acknowledgement. If a candidate intending to become certified
6 fails to qualify because he or she did not receive sufficient
7 qualifying contributions by the last date of the qualifying period for
8 the general election, the candidate shall be permitted to retain and
9 expend those qualifying contributions as well as any remaining seed
10 money that been collected.

11 c. Each certified candidate who is defeated in a general
12 election in 2009 shall, upon the filing of a final report relative to the
13 election, return to the commission for deposit into the fund all
14 unspent fund moneys.

15

16 12. a. (1) Upon collecting and depositing at least 400 qualifying
17 contributions prior to May 15, 2009, and certification by the
18 commission that such amount has been received by the candidate, a
19 certified candidate who is one of a slate of candidates who are
20 members of the same political party and has filed a petition of
21 nomination by voters who are members of a political party shall be
22 provided with \$37,500 from the fund to seek nomination for
23 election to the office of member of the General Assembly. In the
24 event that two such candidates are part of a slate of candidates that
25 are not opposed by any other candidates who are members of the
26 same political party seeking nomination for election to the office of
27 member of the General Assembly from the same district, each
28 candidate shall be provided with \$18,750 from the fund. Upon
29 collecting and depositing at least 800 qualifying contributions prior
30 to May 15, 2009, and certification by the commission that such
31 amount has been received by the candidate, a certified candidate
32 who has filed a petition of nomination by voters who are members
33 of a political party shall be provided with an additional amount of
34 \$37,500 from the fund to seek nomination for election to the office
35 of member of the General Assembly. Money shall be provided
36 from the fund in equal proportion to the number of qualifying
37 contributions the candidate receives, up to a maximum of 800,
38 calculated to the nearest dollar, up to an amount equal to the initial
39 amount provided by the fund, up to a maximum of \$75,000 per
40 candidate. In the event that a candidate who has received 800
41 qualifying contributions is part of a slate of candidates that are not
42 opposed by any other candidates who are members of the same
43 political party seeking nomination for election to the office of
44 member of the General Assembly from the same district, each such
45 candidate shall be provided with an additional \$18,750 from the
46 fund, up to a maximum of \$37,500 per candidate. These amounts
47 shall be in addition to the money that may be provided to each
48 candidate pursuant to section 13 of this act.

1 (2) A candidate who has received money from the fund pursuant
2 to paragraph (1) of this subsection and who has been nominated to
3 seek election to the office of member of the General Assembly by
4 voters who are members of the same political party shall, upon
5 collecting and depositing at least 400 qualifying contributions prior
6 to the end of the qualifying period, and certification by the
7 commission that such amount has been received by the candidate,
8 be provided with \$37,500 from the fund to seek election to the
9 office of member of the General Assembly. Upon collecting and
10 depositing at least 800 qualifying contributions prior to the end of
11 the qualifying period, and certification by the commission that such
12 amount has been received by the candidate, a certified candidate
13 who has been nominated for election by members of a political
14 party shall be provided with an additional amount of \$37,500 from
15 the fund to seek election to the office of member of the General
16 Assembly. Money shall be provided from the fund in equal
17 proportion to the number of qualifying contributions the candidate
18 receives, up to a maximum of 800, calculated to the nearest dollar,
19 up to an amount equal to the initial amount provided by the fund, up
20 to a maximum of \$75,000 per candidate. In the event such
21 candidates are not opposed by any other candidate seeking election
22 to the office of member of the General Assembly from the same
23 district, each candidate shall be provided with an additional \$18,750
24 from the fund, up to a maximum of \$37,500 per candidate. The
25 money provided to a certified candidate who has been nominated at
26 a primary election to seek election in the general election shall be
27 provided from the fund no later than the third day following the
28 issuance of a certificate of election for the primary election by the
29 Secretary of State pursuant to R.S.19:23-57. All of the amounts
30 provided in this paragraph shall be in addition to the money that
31 may be provided to each candidate pursuant to section 13 of this
32 act.

33 (3) Upon collecting and depositing at least 400 qualifying
34 contributions after May 16, 2009 and prior to the end of the
35 qualifying period, and certification by the commission that such
36 amount has been received by the candidate, a certified candidate
37 who is a member of a political party and is one of a slate of
38 candidates who are members of the same political party seeking
39 nomination and election to the office of member of the General
40 Assembly shall be provided with \$37,500 from the fund for those
41 purposes. Upon collecting and depositing at least 800 qualifying
42 contributions prior to the end of the qualifying period, and
43 certification by the commission that such amount has been received
44 by the candidate, a certified candidate who is a member of a
45 political party shall be provided with an additional amount of
46 \$37,500 from the fund to seek nomination and election to the office
47 of member of the General Assembly. Money shall be provided
48 from the fund in equal proportion to the number of qualifying

1 contributions the candidate receives, up to a maximum of 800,
2 calculated to the nearest dollar, up to an amount equal to the initial
3 amount provided by the fund, up to a maximum of \$75,000 per
4 candidate. In the event such candidates are not opposed by any
5 other candidate seeking election to the office of member of the
6 General Assembly from the same district, each candidate shall be
7 provided with a maximum of \$37,500 from the fund. These
8 amounts shall be in addition to the money that may be provided to
9 each candidate pursuant to section 13 of this act.

10 b. (1) Upon collecting and depositing at least 400 qualifying
11 contributions prior to May 15, 2009, and certification by the
12 commission that such amount has been received by the candidate, a
13 certified candidate who is one of a slate of candidates who are
14 members of a political group that is permitted to register its
15 members by use of a voter registration form or that is named on a
16 political party affiliation declaration form approved by the
17 Secretary of State as of the enactment date of this act, shall be
18 provided with \$18,750 from the fund to seek election to the office
19 of member of the General Assembly. Upon collecting and
20 depositing at least 800 qualifying contributions prior to May 15,
21 2009, and certification by the commission that such amount has
22 been received by the candidate, a certified candidate who is one of a
23 slate of candidates who are members of a political group that is
24 permitted to register its members by use of a voter registration form
25 or that is named on a political party affiliation declaration form
26 approved by the Secretary of State as of the enactment date of this
27 act shall be provided with an additional amount of \$18,750 from the
28 fund to seek election to the office of member of the General
29 Assembly. Money shall be provided from the fund in equal
30 proportion to the number of qualifying contributions the candidate
31 receives, up to a maximum of 800, calculated to the nearest dollar,
32 up to an amount equal to the initial amount provided by the fund, up
33 to a maximum of \$37,500 per candidate. These amounts shall be in
34 addition to the money that may be provided to each candidate
35 pursuant to section 13 of this act.

36 (2) A candidate who has received money from the fund pursuant
37 to paragraph (1) of this subsection and who is a member of a
38 political group that is permitted to register its members by use of a
39 voter registration form or that is named on a political party
40 affiliation declaration form approved by the Secretary of State as of
41 the enactment date of this act, and has filed petitions of nomination
42 with the Secretary of State pursuant to chapter 13 of Title 19 of the
43 Revised States shall, upon collecting and depositing at least 400
44 qualifying contributions prior to the end of the qualifying period,
45 and certification by the commission that such amount has been
46 received by the candidate, be provided with \$37,500 from the fund
47 to seek election to the office of member of the General Assembly.
48 Upon collecting and depositing at least 800 qualifying contributions

1 prior to the end of the qualifying period, and certification by the
2 commission that such amount has been received by the candidate, a
3 certified candidate who is a member of a political group that is
4 permitted to register its members by use of a voter registration form
5 or that is named on a political party affiliation declaration form
6 approved by the Secretary of State as of the enactment date of this
7 act, and has filed petitions of nomination with the Secretary of State
8 pursuant to chapter 13 of Title 19 of the Revised States shall be
9 provided with an additional amount of \$37,500 from the fund to
10 seek election to the office of member of the General Assembly.
11 Money shall be provided from the fund in equal proportion to the
12 number of qualifying contributions the candidate receives, up to a
13 maximum of 800, calculated to the nearest dollar, up to an amount
14 equal to the initial amount provided by the fund, up to a maximum
15 of \$75,000 per candidate. In the event such candidates are not
16 opposed by any other candidate seeking election to the office of
17 member of the General Assembly from the same district, the
18 candidates shall be provided with an additional \$18,750 from the
19 fund, up to a maximum of \$37,500 per candidate. These amounts
20 shall be in addition to the money that may be provided to each
21 candidate pursuant to section 13 of this act.

22 (3) Upon collecting and depositing at least 400 qualifying
23 contributions after May 16, 2009 and prior to the end of the
24 qualifying period, and certification by the commission that such
25 amount has been received by the candidate, a certified candidate
26 who is one of a slate of candidates who are members of a political
27 group that is permitted to register its members by use of a voter
28 registration form or that is named on a political party affiliation
29 declaration form approved by the Secretary of State as of the
30 enactment date of this act, and is seeking election to the office of
31 member of the General Assembly, shall be provided with \$37,500
32 from the fund for those purposes. Upon collecting and depositing at
33 least 800 qualifying contributions prior to the end of the qualifying
34 period, and certification by the commission that such amount has
35 been received by the candidate, a certified candidate who is one of a
36 slate of candidates who are members of a political group that is
37 permitted to register its members by use of a voter registration form
38 or that is named on a political party affiliation declaration form
39 approved by the Secretary of State as of the enactment date of this
40 act shall be provided with an additional amount of \$37,500 from the
41 fund to seek election to the office of member of the General
42 Assembly. Money shall be provided from the fund in equal
43 proportion to the number of qualifying contributions the candidate
44 receives, up to a maximum of 800, calculated to the nearest dollar,
45 up to an amount equal to the initial amount provided by the fund, up
46 to a maximum of \$75,000 per candidate. In the event such
47 candidates are not opposed by any other candidate seeking election
48 to the office of member of the General Assembly from the same

1 district, the candidate shall be provided with a maximum of \$37,500
2 from the fund. These amounts shall be in addition to the money
3 that may be provided to each candidate pursuant to section 13 of
4 this act.

5 c. (1) Upon collecting and depositing at least 400 qualifying
6 contributions prior to May 15, 2009, and certification by the
7 commission that such amount has been received by the candidate, a
8 certified candidate who is not a member of a political group that is
9 permitted to register its members by use of a voter registration form
10 or that is not named on a political party affiliation declaration form
11 approved by the Secretary of State as of the enactment date of this
12 act, or that is not affiliated with any other political group, and has
13 filed petitions of nomination with the Secretary of State pursuant to
14 chapter 13 of Title 19 of the Revised States, shall be provided with
15 \$9,375 from the fund to seek election to the office of member of the
16 General Assembly. Upon collecting and depositing at least 800
17 qualifying contributions prior to May 15, 2009, and certification by
18 the commission that such amount has been received by the
19 candidate, a certified candidate who is not a member of a political
20 group that is permitted to register its members by use of a voter
21 registration form or that is not named on a political party affiliation
22 declaration form approved by the Secretary of State as of the
23 enactment date of this act, or that is not affiliated with any other
24 political group, and has filed petitions of nomination with the
25 Secretary of State pursuant to chapter 13 of Title 19 of the Revised
26 States, shall be provided with an additional amount of \$9,375 from
27 the fund to seek election to the office of member of the General
28 Assembly. Money shall be provided from the fund in equal
29 proportion to the number of qualifying contributions the candidate
30 receives, up to a maximum of 800, calculated to the nearest dollar,
31 up to an amount equal to the initial amount provided by the fund, up
32 to a maximum of \$18,750 per candidate. These amounts shall be in
33 addition to the money that may be provided to each candidate
34 pursuant to section 13 of this act.

35 (2) A candidate who has received money from the fund pursuant
36 to paragraph (1) of this subsection and who is not a member of a
37 political group that is permitted to register its members by use of a
38 voter registration form or that is not named on a political party
39 affiliation declaration form approved by the Secretary of State as of
40 the enactment date of this act, and has filed petitions of nomination
41 with the Secretary of State pursuant to chapter 13 of Title 19 of the
42 Revised States shall, upon collecting and depositing at least 400
43 qualifying contributions prior to the end of the qualifying period,
44 and certification by the commission that such amount has been
45 received by the candidate, be provided with \$18,750 from the fund
46 to seek election to the office of member of the General Assembly.
47 Upon collecting and depositing at least 800 qualifying contributions
48 prior to the end of the qualifying period, and certification by the

1 commission that such amount has been received by the candidate, a
2 certified candidate who is not a member of a political group that is
3 permitted to register its members by use of a voter registration form
4 or that is not named on a political party affiliation declaration form
5 approved by the Secretary of State as of the enactment date of this
6 act, or that is not affiliated with any other political group, and has
7 filed petitions of nomination with the Secretary of State pursuant to
8 chapter 13 of Title 19 of the Revised States shall be provided with
9 an additional amount of \$18,750 from the fund to seek election to
10 the office of member of the General Assembly. Money shall be
11 provided from the fund in equal proportion to the number of
12 qualifying contributions the candidate receives, up to a maximum of
13 800, calculated to the nearest dollar, up to an amount equal to the
14 initial amount provided by the fund, up to a maximum of \$37,500
15 per candidate. In the event such a candidate is not opposed by any
16 other candidate seeking election to the office of member of the
17 General Assembly from the same district, the candidate shall be
18 provided with an additional \$9,375 from the fund, up to a maximum
19 of \$18,750 per candidate. These amounts shall be in addition to the
20 money that may be provided to each candidate pursuant to section
21 13 of this act.

22 (3) Upon collecting and depositing at least 400 qualifying
23 contributions after May 16, 2009 and prior to the end of the
24 qualifying period, and certification by the commission that such
25 amount has been received by the candidate, a certified candidate
26 who is not a member of a political group that is permitted to register
27 its members by use of a voter registration form or that is not named
28 on a political party affiliation declaration form approved by the
29 Secretary of State as of the enactment date of this act, or that is not
30 affiliated with any other political group, and has filed petitions of
31 nomination with the Secretary of State pursuant to chapter 13 of
32 Title 19 of the Revised States, and is seeking election to the office
33 of member of the General Assembly, shall be provided with
34 \$18,750 from the fund for those purposes. Upon collecting and
35 depositing at least 800 qualifying contributions prior to the end of
36 the qualifying period, and certification by the commission that such
37 amount has been received by the candidate, a certified candidate
38 who is not a member of a political group that is permitted to register
39 its members by use of a voter registration form or that is not named
40 on a political party affiliation declaration form approved by the
41 Secretary of State as of the enactment date of this act, or that is not
42 affiliated with any other political group, and has filed petitions of
43 nomination with the Secretary of State pursuant to chapter 13 of
44 Title 19 of the Revised States, shall be provided with an additional
45 amount of \$18,750 from the fund to seek election to the office of
46 member of the General Assembly. Money shall be provided from
47 the fund in equal proportion to the number of qualifying
48 contributions the candidate receives, up to a maximum of 800,

1 calculated to the nearest dollar, up to an amount equal to the initial
2 amount provided by the fund, up to a maximum of \$37,500 per
3 candidate. In the event a candidate is not opposed by any other
4 candidate seeking election to the office of member of the General
5 Assembly from the same district, the candidate shall be provided
6 with a maximum of \$18,750 from the fund. These amounts shall be
7 in addition to the money that may be provided to each candidate
8 pursuant to section 13 of this act.

9 d. 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 transmit to the candidate from the fund as soon as possible the
13 amount of money provided for by this section, less the amount of
14 qualifying contributions received by the candidate.

15 e. Any certified candidate who has received qualifying
16 contributions, seed money contributions, and money from the fund
17 pursuant to this section, to seek nomination for election to the office
18 of member of the General Assembly and has an unspent balance in
19 his or her campaign accounts following the primary election, may
20 continue to spend the balance of those funds in to see the office of
21 member of the General Assembly in the general election.

22

23 13. a. (1) If a campaign report of a noncertified candidate shows
24 that the aggregate amount of contributions exceeds the maximum
25 amount of money that may be provided in the primary or general
26 election to an opposing certified candidate pursuant to subsection a.
27 of section 12 of this act, the commission shall within 24 hours of
28 the receipt of the report authorize the issuance from the fund to each
29 opposing certified candidate in the same district as the noncertified
30 candidate, which certified candidate has received funds pursuant to
31 subsection a. of section 12 of this act, an additional amount of
32 money equivalent to the excess amount, up to a maximum of
33 \$75,000 in the primary election and \$75,000 in the general election.
34 The additional amount of money shall be known as rescue money
35 and shall be issued as each increment of at least \$1,000 is reported
36 by the noncertified candidate.

37 (2) If a campaign report of a noncertified candidate shows that
38 the aggregate amount of contributions exceeds the maximum
39 amount of money that may be provided in the general election to an
40 opposing certified candidate pursuant to subsection b. of section 12
41 of this act, the commission shall within 24 hours of the receipt of
42 the report authorize the issuance from the fund to each opposing
43 certified candidate in the same district as the noncertified candidate,
44 which certified candidate has received funds pursuant to subsection
45 b. of section 12 of this act, an additional amount of money
46 equivalent to the excess amount, up to a maximum \$75,000 in the
47 general election. The additional amount of money shall be known

1 as rescue money and shall be issued as each increment of at least
2 \$1,000 is reported by the noncertified candidate.

3 (3) If a campaign report of a noncertified candidate shows that
4 the aggregate amount of contributions exceeds the maximum
5 amount of money that may be provided in the general election to an
6 opposing certified candidate pursuant to subsection c. of section 12
7 of this act, the commission shall within 24 hours of the receipt of
8 the report authorize the issuance from the fund to each opposing
9 certified candidate in the same district as the noncertified candidate,
10 which certified candidate has received funds pursuant to subsection
11 c. of section 12 of this act, an additional amount of money
12 equivalent to the excess amount, up to a maximum of \$37,500 in the
13 general election. The additional amount of money shall be known
14 as rescue money and shall be issued as each increment of at least
15 \$500 is reported by the noncertified candidate.

16 b. (1) If, based on a written and certified complaint that is filed
17 by a certified candidate who has received funds pursuant to
18 subsection a. of section 12 of this act, the commission determines
19 that a noncertified candidate is benefiting from money spent
20 independently in support of such a candidate or that the certified
21 candidate is the subject of unfavorable campaign publicity or
22 advertisements in the primary or general election, by a person or a
23 political committee, continuing political committee, political party
24 committee, candidate committee, joint candidates committee or
25 legislative leadership committee not acting in concert with that
26 opposing noncertified candidate, the commission shall within 24
27 hours of either determination authorize the issuance from the fund
28 to the opposing certified candidate in the same legislative district
29 who has received funds pursuant to subsection a. of section 12 of
30 this act who is not benefiting from such an expenditure, an
31 additional amount of money up to a maximum of \$75,000 in the
32 primary election and \$75,000 in the general election. The
33 additional amount of money shall also be known as rescue money
34 and shall be issued as each increment of at least \$1,000 is reported.

35 (2) If, based on a written and certified complaint that is filed by a
36 certified candidate who has received funds pursuant to subsection b.
37 of section 12 of this act, the commission determines that a
38 noncertified candidate is benefiting from money spent
39 independently in support of such a candidate or that the certified
40 candidate is the subject of unfavorable campaign publicity or
41 advertisements in the general election, by a person or a political
42 committee, continuing political committee, political party
43 committee, candidate committee, joint candidates committee or
44 legislative leadership committee not acting in concert with that
45 opposing noncertified candidate, the commission shall within 24
46 hours of either determination authorize the issuance from the fund
47 to the opposing certified candidate in the same legislative district
48 who has received funds pursuant to subsection b. of section 12 of

1 this act who is not benefiting from such an expenditure, an
2 additional amount of money up to a maximum of \$75,000 in the
3 general election. The additional amount of money shall also be
4 known as rescue money and shall be issued as each increment of at
5 least \$1,000 is reported.

6 (3) If, based on a written and certified complaint that is filed by a
7 certified candidate who has received funds pursuant to subsection c.
8 of section 12 of this act, the commission determines that a
9 noncertified candidate is benefiting from money spent
10 independently in support of such a candidate or that the certified
11 candidate is the subject of unfavorable campaign publicity or
12 advertisements in the general election by a person or a political
13 committee, continuing political committee, political party
14 committee, candidate committee, joint candidates committee or
15 legislative leadership committee not acting in concert with that
16 opposing noncertified candidate, the commission shall within 24
17 hours of either determination authorize the issuance from the fund
18 to the opposing certified candidate who has received funds pursuant
19 to subsection c. of section 12 of this act who is not benefiting from
20 such an expenditure, an additional amount of money up to a
21 maximum of \$37,500 in the general election. The additional
22 amount of money shall also be known as rescue money and shall be
23 issued as each increment of at least \$500 is reported.

24 c. Notwithstanding any law, rule or regulation to the contrary,
25 for the purposes of subsections a. and b. of this section,
26 communications on any subject by a corporation to its stockholders
27 and their families, or by a labor organization, partnership,
28 membership organization or other association to its members and
29 their families, shall not be considered to be an independent
30 expenditure in aid of, or in opposition to, the candidacy of a
31 noncertified candidate or a certified candidate.

32 d. The amounts of money provided to a certified candidate
33 pursuant to this section shall be in addition to the money from the
34 fund provided to a certified candidate pursuant to section 12 of this
35 act.

36 e. A certified candidate who is provided with any amount of
37 rescue money in a primary election pursuant to this section shall not
38 be permitted to spend any amount of rescue money remaining in the
39 candidate's account following the primary election in the general
40 election, and instead shall return any unspent rescue money
41 following the primary election to the fund.

42 f. For the purposes of this section, the publication of any bona
43 fide news item or editorial shall not constitute independent support
44 of a candidate or unfavorable campaign publicity.

45

46 14. For a candidate who is seeking election to the office of
47 member of the General Assembly by direct nomination by petition,
48 pursuant to chapter 13 of Title 19 of the Revised Statutes, to

1 become a certified candidate, the candidate shall meet the
2 requirements to become certified provided in section 10 of this act.
3 If the candidate meets those requirements and becomes certified,
4 the candidate shall be eligible for the money from the fund provided
5 by sections 12 and 13 of this act.
6

7 15. The commission shall undertake a program to inform the
8 voters in each participating district and the general public about the
9 provisions of this act. The program shall include, but need not be
10 limited to, the following elements.

11 a. The commission shall be the primary government source of
12 information for the general public, certified candidates and
13 candidates intending to become certified about the provisions of
14 "The 2009 New Jersey Fair and Clean Elections Pilot Project Act."
15 This information shall be both of a general and technical nature, and
16 include such aspects of campaign finance law and regulations in
17 this State as deemed appropriate by the commission. To facilitate
18 the dissemination of such information, the commission shall, at a
19 minimum:

20 (1) feature it in a prominent location on its website and allocate
21 sufficient space thereon to explain the pilot project fully;

22 (2) respond to questions received by telephone, via the Internet
23 or any other means that are asked by the candidates and the general
24 public about the pilot project; and

25 (3) have information available to each registered voter in each
26 participating district explaining the pilot project and notify the voter
27 where additional information is available and how it may be
28 accessed.

29 b. The commission shall prepare separate, self-contained
30 voter's guides for the general election that are suitable for mailing
31 to the general public in each district that certified candidates are
32 seeking election to the office of member of the General Assembly.
33 The guide shall list the name of each candidate seeking election to
34 the General Assembly and identify the candidates that are
35 candidates intending to become certified, the candidates that are
36 certified candidates, and the candidates that are noncertified
37 candidates. For each candidate that is certified no later than August
38 14, 2009, the guide shall include the statement by the candidate of
39 no more than 250 words that is to be included with the sample
40 ballot transmitted to registered voters pursuant to section 10 of this
41 act. One copy of the guide shall be mailed to each household with
42 one or more registered voters in each participating district and
43 posted on the website of the commission no later than the date
44 provided for the mailing of absentee ballots for the general elections
45 by section 11 of P.L.1953, c.211 (C.19:57-11). The commission
46 shall also encourage the clerk and elections officials in each county
47 that contains a district in which a certified candidate is seeking
48 election to the office of member of the Legislature to reproduce and

1 distribute paper and electronic copies of the guide to as many
2 publicly accessible, county-owned or operated facilities as possible.

3 c. (1) The commission shall notify the clerk of each county in
4 which a certified candidate seeking nomination has been certified
5 no later than April 17, 2009 that the name of the candidate on the
6 primary election ballot, and the sample ballot mailed to registered
7 voters in the district, shall be accompanied by the slogan "Clean
8 Elections Candidate" in a such size and type face as to be easily
9 readable to the voter and the name of the political party of which
10 the candidate is a member.

11 (2) The commission shall notify the clerk of each county in
12 which a certified candidate seeking election has been certified no
13 later than August 14, 2009 that: (a) the name of the candidate on the
14 general election ballot, and on the sample ballot mailed to
15 registered voters in the district, shall be accompanied by the slogan
16 "Clean Elections Candidate" in a such size and type face as to be
17 easily readable to the voter and the name of the political party or
18 political group of which the candidate is a member; and (b) a
19 statement by the candidate of no more than 250 words, if submitted
20 thereby, shall be included with the sample ballot mailed to
21 registered voters in the district in which the candidate is seeking
22 office prior to the election pursuant to R.S.19:14-21, et seq.

23 The statements shall be administered and distributed by the
24 commission in the same manner as the commission administers and
25 distributes the statements printed and mailed with the sample ballot
26 for candidates seeking election to the office of Governor, pursuant
27 to section 12 of P.L.1974, c.26 (C.19:44A-37).

28 d. The commission shall undertake any other actions it deems
29 necessary to inform the voters in the participating districts about the
30 provisions of this act.

31

32 16. In addition to the assistance it shall give to candidates
33 pursuant to section 15 of this act, the commission shall assign one
34 member of its staff to serve as the primary liaison to each of the
35 districts selected to participate in this act. The liaisons need not be
36 located physically in the district, but shall be responsible for
37 receiving and bringing to the attention of the commission any issue
38 raised by a candidate that concerns the commission with respect to
39 this act. In addition, the liaisons shall:

40 a. be available to provide information to certified candidates,
41 noncertified candidates and candidates intending to become
42 certified about the provisions of this act and any regulations
43 adopted by the commission that pertain to it;

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

1 c. receive and review requests for rescue money, as provided
2 by section 13 of this act, and if deemed appropriate, authorize the
3 distribution of such moneys from the fund to the certified candidate
4 as the certified candidate is entitled to pursuant to section 13 of this
5 act.

6
7 17. Whenever any certified candidate makes, incurs, or
8 authorizes an expenditure to finance a communication aiding or
9 promoting the nomination or election, or both, of the candidate
10 alone or in conjunction with another certified candidate who is a
11 member of the same political party and seeking the office of
12 member of the General Assembly from the same legislative district,
13 or the defeat of such candidates' opponent or opponents, the
14 communication shall include:

15 (a) in the case of radio, an audio statement in the candidate's
16 own voice, or if in conjunction with another certified candidate in
17 each candidate's own voice, that identifies the candidate, the office
18 the candidate is seeking, and that the candidate has approved the
19 communication; or

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

36 (c) in the case of any other form of communication, the
37 communication shall include the written statement described in
38 paragraph (b) above.

39 A certified candidate, alone or in conjunction with the any other
40 certified candidate who is seeking nomination or election, or both,
41 to the office of member of the General Assembly from the same
42 legislative district, may include in any communication made
43 pursuant to this section a statement that he or she is a certified
44 candidate.

45
46 18. a. A candidate who has been denied certification by the
47 commission, or a person who opposes a candidate who has been

1 certified, may challenge a certification decision by the commission
2 as follows.

3 A candidate or an opponent may appeal to the commission
4 within three days of the decision to grant or deny a certification.
5 The appeal shall be in writing and shall set forth the reasons for the
6 appeal.

7 Within five days after an appeal is filed, the commission shall
8 hold a hearing thereon after notice is given of the hearing to the
9 challenger. The challenger has the burden of providing evidence to
10 demonstrate that the decision of the commission to certify, or to
11 deny certification of, the candidate was improper. The commission
12 shall rule on the appeal within three days after the completion of the
13 hearing.

14 A challenger may appeal to the Appellate Division of the
15 Superior Court a decision on an appeal rendered by the commission
16 pursuant to this section and the court shall hear the appeal and
17 render a decision thereon in an expedited manner.

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

22 c. If the commission or the court finds that an appeal was made
23 frivolously or to cause delay or hardship, the commission or court
24 may require the challenger to pay the expenses of the commission,
25 the court and the challenged candidate, if any such expenses have
26 been incurred.

27
28 19. The candidates shall select the sponsors, and arrange among
29 themselves, for at least one interactive debate prior to the primary
30 election and at least two interactive debates prior to the general
31 election. All certified candidates shall be required to participate in
32 the debates. For the primary election, the debate shall occur on or
33 after May 20, 2009 and on or before May 29, 2009. For the general
34 election, the first such debate shall occur on or after October 1,
35 2009 and on or before October 15, 2009 and the second shall occur
36 on or after October 16, 2009 and on or before October 30, 2009.
37 The sponsorship and arrangement of such debates shall be subject to
38 review and certification by the commission, and these arrangements
39 shall be revised thereby if the commission deems it appropriate to
40 insure maximum fairness to the candidates and access to the public.
41 The candidates shall submit their plans for debates in writing to the
42 commission, with the submission for the primary election no later
43 than May 18, 2009 and the submission for the general election no
44 later than September 24, 2009. The commission shall respond in
45 writing to the candidates no later than three days following each
46 submission. At each debate, each certified candidates shall be
47 identified as such and the meaning of that certification shall be
48 explained in a manner to be determined by the commission. The

1 candidates shall invite and permit noncertified candidates to
2 participate in the debates. Any certified candidate who refuses to
3 participate in the debates shall be liable for the return of moneys
4 received previously from the fund in the same manner as the
5 commission is authorized to seek the return of funds from
6 gubernatorial candidates who received public financing and fail or
7 refuse to participate in interactive debates required pursuant to
8 P.L.1989, c.4 (C.19:44A-46 et seq.). The commission shall
9 determine whether reasonable circumstances existed to prevent a
10 debate from being scheduled and whether a certified candidate has a
11 reasonable justification to refuse participate in the debates.

12

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

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

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

40 c. (1) Any person, including any candidate, treasurer or other
41 official associated with the campaign of a certified candidate or
42 candidate intending to become certified, who knowingly and
43 willfully makes a false statement or knowingly or willfully files a
44 false report, record, notice or document in paper or electronic form
45 is guilty of a crime of the third degree.

46 (2) If an individual is found to be in violation of paragraph (1)
47 of this subsection, the candidate shall remit in an expedited manner
48 to the commission for deposit into the fund all moneys distributed

1 to the candidate since he or she became certified for the election
2 cycle in which the offense occurred.

3 d. In addition to the penalties imposed by this section, any
4 certified candidate or candidate intending to become certified who
5 is investigated and found by the commission to have purposefully,
6 knowingly and willfully violated this act shall be disqualified as a
7 candidate for nomination or election to the public office sought or
8 shall forfeit such office if elected.

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

13 f. Two hundred and fifty dollars shall be added to each fine
14 and penalty imposed and collected through a court under authority
15 of any law for any violation of the provisions of chapters 27 or 30
16 of Title 2C of the New Jersey Statutes, chapters 34 or 44A of Title
17 19 of the Revised Statutes, or chapter 13D of Title 52 of the
18 Revised Statutes and shall be forwarded by the person to whom the
19 same are paid to the commission. The commission shall upon
20 receipt deposit those moneys so forwarded into the fund for use to
21 effectuate the public information requirements established by
22 section 15 of this act. The commission shall deposit any moneys
23 over that amount received pursuant to this section into the fund.
24

25 21. a. The commission shall promulgate such rules and
26 regulations as it deems necessary to implement the provisions of
27 this act, except that, notwithstanding any provision of the
28 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
29 seq.), to the contrary, the commission may adopt, immediately upon
30 so filing with the Office of Administrative Law, such rules and
31 regulations as the commission deems necessary to implement the
32 provisions of this act. Those rules and regulations shall be effective
33 for a period not to exceed 120 days following the day of the 2009
34 general election and may be amended, adopted or readopted by the
35 commission pursuant to the requirements of P.L.1968. c.410. These
36 rules and regulations shall include, but not be limited to, procedures
37 for obtaining seed money and qualifying contributions, obtaining
38 certification as a certified candidate, the distribution of fund
39 moneys to certified candidates, the return of unspent distributed
40 fund monies from certified candidates, the electronic filing of
41 campaign reports, and such other matters delegated to the
42 commission or required of it by this act.

43 b. Within 120 days after the 2009 general elections, the
44 commission shall issue a report to the President of the Senate, the
45 Minority Leader of the Senate, the Speaker of the General
46 Assembly and the Minority Leader of the General Assembly on the
47 pilot project created by this act. The report shall contain such
48 recommendations as the commission may deem appropriate for the

1 establishment of a future, permanent clean elections public
2 financing system for the nomination and election of candidates for
3 the offices of member of the Senate and General Assembly.

4 c. The Secretary of State shall provide to the commission, in an
5 expedited basis and at no cost to the commission, the current voter
6 registration information and any additional election or voter
7 information the commission may require to comply with the
8 provisions of this act.

9
10 22. This act shall take effect immediately and shall expire on the
11 180th day following the date of the general election held in 2009.

12
13
14 STATEMENT
15

16 The bill establishes a temporary program for the public financing
17 of candidates seeking nomination and election to the General
18 Assembly from eight legislative districts in 2009. This bill is
19 modeled on P.L.2004, c.121, which created the “New Jersey Fair
20 and Clean Elections Pilot Project” and P.L.2007, c.60, which
21 created the “2007 New Jersey Fair and Clean Elections Pilot
22 Project.”

23 Specifically, the bill requires that eight legislative districts be
24 chosen for the pilot project and provides a public financing system
25 for those candidates for the 2009 primary and general elections. It
26 provides financing for all certified candidates at various rates
27 depending on political party affiliation, or non-affiliation, and
28 whether a candidate is running unopposed.

29 The bill requires the Speaker of the General Assembly to select
30 two districts to participate in the pilot project from among the
31 following legislative districts: the 1st, 4th, 6th, 7th, 14th, 18th,
32 22nd, 36th, and 37th. The Minority Leader of the General
33 Assembly will also select two districts to participate from among
34 the following legislative districts: the 2nd, 8th, 11th, 12th, 13th,
35 21st, 24th, 25th, and 39th. These districts have been designated
36 because they have been shown to be either competitive or highly
37 competitive in general elections for member of the General
38 Assembly in 2005 and 2007. The Speaker and Minority Leader will
39 also each select an individual, who is not holding party or elective
40 public office at the time of selection, to form a district selection
41 committee, and these individuals are to select a member of the
42 public to serve as the third member and the committee’s chair. This
43 committee will select four additional districts from among those
44 districts whose candidates apply to participate in the pilot project by
45 February 13, 2009.

46 Under the bill, a political party candidate would receive different
47 amounts of money to seek nomination or election to the General
48 Assembly, depending on how many qualifying contributions the

1 candidate raises and whether he or she is opposed by another
2 candidate. If the candidate raises at least 400 qualifying
3 contributions of \$10 each before May 15, 2009, he or she would
4 receive \$37,500 to run in the primary election, and if the candidate
5 raises a maximum of 800 such contributions before that same date,
6 he or she would receive an additional \$37,500, for a total of
7 \$75,000 for the primary. In the general election, if a political party
8 candidate was nominated at the primary and received at least 400
9 qualifying contributions before August 14, 2009, the candidate
10 would receive an additional \$37,500 to run in the general election,
11 and if the candidate raises a maximum of 800 such contributions
12 before that same date, he or she would receive an additional
13 \$37,500, for a total of \$75,000 for the general election. If a
14 candidate raises between the minimum of 400 and the maximum of
15 \$800 qualifying contributions, the candidate will receive a
16 proportional amount of funding. In no event would the candidate
17 receive more than \$150,000 in public funding for both the primary
18 and general elections, except as noted below.

19 Third party candidates must raise at least 400 qualifying
20 contributions of \$10 each to qualify to receive public money. A
21 certified candidate who is a member of a political group that is
22 permitted to register its members by use of a voter registration form
23 or that is named on a political party declaration form approved by
24 the Secretary of State as of the enactment date of this bill, and who
25 raises at least 400 qualifying contributions, would receive the same
26 amount of funding as a candidate who is a member of a political
27 party to run in the general election, and if such a candidate raises a
28 maximum of 800 such contributions, the candidate would receive
29 the same maximum amount of public money as a candidate who is a
30 member of a political party. If that candidate collects 400
31 contributions by May 15, 2009, he or she would receive an
32 additional amount of \$18,750, and double that amount if the
33 candidate receives at least 800 contributions by that date. A third
34 party candidate who is not a member of such a political group or
35 affiliated with any other political group and who raises at least 400
36 qualifying contributions of \$10 each will receive half the amount of
37 public money provided to other candidates who reach that threshold
38 to run in the general election, and if that candidate raises a
39 maximum of 800 qualifying contributions of \$10 each, the
40 candidate will receive half the maximum amount of public money
41 provided to other candidates. If a candidate raises between the
42 minimum of 400 and the maximum of \$800 qualifying
43 contributions, the candidate will receive a proportional amount of
44 funding. If such a candidate collects 400 contributions by May 15,
45 2009, he or she would receive an additional amount of \$9,375, and
46 double that amount if the candidate receives at least 800
47 contributions by that date. Unopposed candidates in a pilot project
48 district, regardless of political party affiliation, would receive half

1 of the amount of public money provided by this bill for the primary
2 election and for the general election.

3 The bill provides “rescue money” for certified candidates,
4 pursuant to a determination by ELEC, who are running against
5 candidates who have chosen not to accept public financing, in the
6 instance that the opposing candidate has received contributions
7 greater than the maximum amount that the certified candidate can
8 receive in the primary election, the general election, or both
9 elections. The rescue money will be provided to the certified
10 candidates in increments of at least \$1,000, and will not exceed
11 \$75,000 for major party candidates and members of a political
12 group that is permitted to register its members by use of a voter
13 registration form or that is named on a political party declaration
14 form approved by the Secretary of State as of the enactment date of
15 this bill, and in \$500 increments not to exceed \$37,500 for other
16 candidates.

17 The bill also provides rescue money for certified candidates
18 whose campaign is being negatively affected by independent
19 expenditures, as determined by ELEC, in a primary election, a
20 general election, or both elections. The rescue money will be
21 provided to the clean election candidates in increments of at least
22 \$1,000, and will not exceed \$75,000 for major party candidates and
23 members of a political group that is permitted to register its
24 members by use of a voter registration form or that is named on a
25 political party declaration form approved by the Secretary of State
26 as of the enactment date of this bill, and in \$500 increments not to
27 exceed \$37,500 for other candidates.

28 The bill specifies that candidates initially may raise seed money
29 in contributions of no greater than \$500, up to a maximum of
30 \$10,000, however in-kind donations up to \$200 do not count toward
31 the maximum amount. Certified candidates and candidates
32 intending to become certified who are members of the same
33 political party or certain political groups and are seeking
34 nomination and election in the same district are required to form
35 slates and may coordinate their campaigns to the full extent
36 permitted by the bill and current law. Other candidates are also
37 permitted to coordinate their campaigns. No candidate who has
38 become certified is permitted to coordinate his or her campaign
39 with a noncertified candidate.

40 The requirements of the bill are to be effectuated and enforced
41 by ELEC. In addition to monitoring the pilot project, ELEC is
42 required to undertake a public information program to inform the
43 voters in each participating district and prepare a self-contained
44 voter's guide that is to be mailed to registered voters in each district
45 that certified candidates are seeking election to the office of
46 member of the General Assembly. ELEC is also responsible for
47 providing a liaison to each participating district and issuing, within
48 120 days after the 2009 general election, a report with such

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1 recommendations as the commission may deem appropriate with
2 respect to any future pilot project similar to the one created by this
3 bill.

4 Procedures to contest a race or determination by ELEC, as well
5 as fines and penalties for the violating the provisions of the bill are
6 also provided.