

ASSEMBLY, No. 100

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 10, 2019

Sponsored by:

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblyman Bramnick

SYNOPSIS

Concerns disclosure requirements by independent expenditure committees.

CURRENT VERSION OF TEXT

As introduced.



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

3

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

6

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

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

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

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

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

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

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

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

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

Matter underlined thus is new matter.

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

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

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

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

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

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

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

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

39 m. The term "qualified candidate" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40

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

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

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

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

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

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

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

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

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

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

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

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

11

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

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

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

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

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

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

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

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

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

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

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

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

15

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25

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

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

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

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

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

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

21

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19

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

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

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

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

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

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

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

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

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

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

20 21 22 STATEMENT

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

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

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

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

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

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

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

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