

ASSEMBLY, No. 1108

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen LANCE and ROBERTS

1 AN ACT concerning certain tickets received by certain individuals and
2 committees, amending and supplementing P.L.1973, c.83 and
3 supplementing P.L.1981, c.129 (C.19:44B-1 et seq.).
4

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

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

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

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

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

14 c. The term "candidate" means: (1) an individual seeking election
15 to a public office of the State or of a county, municipality or school
16 district at an election; except that the term shall not include an
17 individual seeking party office; and (2) an individual who shall have
18 been elected or failed of election to an office, other than a party office,
19 for which he sought election and who receives contributions and
20 makes expenditures for any of the purposes authorized by section 17
21 of P.L.1993, c.65 (C.19:44A-11.2) during the period of his service in
22 that office.

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

32 e. The term "election" means any election described in section 4 of

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

Matter underlined thus is new matter.

1 this act.

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

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

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

45 i. The term "political committee" means any two or more persons
46 acting jointly, or any corporation, partnership, or any other

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

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

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

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

45 m. The term "qualified candidate" means:

46 (1) Any candidate for election to the office of Governor whose

1 name appears on the general election ballot; who has deposited and
2 expended \$150,000.00 pursuant to section 7 of P.L.1974, c.26
3 (C.19:44A-32); and who, not later than September 1 preceding a
4 general election in which the office of Governor is to be filled, (a)
5 notifies the Election Law Enforcement Commission in writing that the
6 candidate intends that application will be made on the candidate's
7 behalf for monies for general election campaign expenses under
8 subsection b. of section 8 of P.L.1974, c.26 (C.19:44A-33), and (b)
9 signs a statement of agreement, in a form to be prescribed by the
10 commission, to participate in two interactive gubernatorial election
11 debates under the provisions of sections 9 through 11 of P.L.1989, c.4
12 (C.19:44A-45 through C.19:44A-47); or

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

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

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

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

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

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

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

1 any municipal committee of a political party, as organized pursuant to
2 R.S.19:5-2.

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

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

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

23 t. The term "complimentary tickets" means, but is not limited to,
24 tickets, passes, tokens, chits, vouchers or other similar tangible or
25 intangible forms of authorization which are given without monetary
26 cost to the recipient and which give the holder thereof license to
27 either: (1) attend a dinner, party, reception, affair, function or other
28 event without monetary charge to that person; or (2) have the use of
29 an intangible benefit.

30 u. The term "officeholder" means any person who has been elected
31 to and holds a public office in this State as of the effective date of this
32 1992 amendatory and supplementary act and any person elected to and
33 holding public office subsequent to the effective date of this act.

34 v. The term "political party official" means, but is not limited to, the
35 chairman, vice-chairman, treasurer and secretary of the State
36 committee of a political party, as organized pursuant to R.S.19:5-4;
37 the chairman, vice-chairman, treasurer and secretary of any county
38 committee of a political party, as organized pursuant to R.S.19:5-3;
39 and the chairman, vice-chairman, treasurer and secretary of any
40 municipal committee of a political party, as organized pursuant to
41 R.S.19:5-2.

42 (cf: P.L.1993, c.65, s.2)

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44 2. (New section) a. Any complimentary tickets for a political
45 fundraiser or event which are purchased by any person, association or
46 organization and given free of charge to a candidate, officeholder,

1 political party official or member of a political committee or
2 continuing political committee, and which are used subsequently by
3 that candidate, officeholder, official or member to attend the fundraiser
4 or event, shall be considered an in-kind contribution to that candidate,
5 officeholder, official or member from the person, association or
6 organization who gave the tickets to the candidate, officeholder,
7 official or member which shall be reported to the commission if either
8 the face value or purchase price of the tickets is greater than \$200.
9 The report shall be filed by the candidate, officeholder, political party
10 official or member of a political committee or continuing political
11 committee who uses such tickets and shall include the name and
12 mailing address of the recipient, the name and mailing address of the
13 sponsor of the fundraiser or event and of its beneficiary, and the face
14 value or purchase price of each such ticket greater than \$200. The
15 report shall be filed with the commission no later than the next date
16 required by the provisions of P.L.1973, c.83 (C.19:44A-1 et seq.) for
17 a candidate, officeholder, political party official or member of a
18 political committee or continuing political committee to file any
19 reports of contributions or expenditures. A political party official shall
20 include the receipt and use of such a ticket in any report required to be
21 filed by the continuing political committee with which that political
22 party official is associated.

23 b. Any complimentary tickets to a political fundraiser or event
24 which are given to a candidate, officeholder, political party official or
25 member of a political committee or continuing political committee and
26 are not used by the recipient or, as far as the candidate, officeholder,
27 official or member knows, not used by any other candidate,
28 officeholder, official or member, shall not be considered an in-kind
29 contribution to the candidate, officeholder, official or member who
30 first received the tickets and need not be reported to the commission
31 by the recipient.

32 However, if any complimentary tickets to a political fundraiser or
33 event which were given originally to a candidate, officeholder, political
34 party official or member of a political committee or continuing
35 political committee are given thereby to another candidate,
36 officeholder, political party official or member of a political committee
37 or continuing political committee who uses the tickets to attend the
38 fundraiser or event, these users shall be considered to have received
39 an in-kind contribution from the candidate, officeholder, official or
40 member who gave the tickets to the candidate, officeholder, official or
41 member who used the tickets to attend the fundraiser or event. Both
42 the candidate, officeholder, official or member who used the tickets
43 and the candidate, officeholder, official or member who gave the
44 tickets to the users thereof shall file a report with the commission if
45 either the face value or purchase price of each such ticket is greater
46 than \$200. The report shall include the name and mailing address of

1 the giver of the tickets, of the recipients thereof, and of the sponsor of
2 the fundraiser or event and of its beneficiary, and the face value or
3 purchase price of each such ticket greater than \$200. The report shall
4 be filed with the commission no later than the next date required by
5 the provisions of P.L.1973, c.83 (C.19:44A-1 et seq.) for a candidate,
6 officeholder, political party official or member of a political committee
7 or continuing political committee to file any reports of contributions
8 or expenditures. A political party official shall include the donation or
9 receipt and use of such a ticket in any report required to be filed by the
10 continuing political committee with which that political party official
11 is associated.

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13 3. (New section) For the purposes of this act, the face value
14 displayed on a complimentary ticket or actual purchase price paid for
15 the ticket, whichever amount is greater, shall be the amount of other
16 thing of value which a candidate, officeholder, political party official
17 or member of a political committee or continuing political committee
18 will be considered to have received or given as an in-kind contribution,
19 as is appropriate, and which shall be reported to the commission.

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21 4. (New section) a. The receipt of complimentary tickets from the
22 sponsor of a political fundraiser or event by a candidate for the office
23 of Governor or a candidate for the office of member of the Legislature
24 which have a face value of greater than \$250 shall not be considered
25 a gift received by that person and shall not be required to be reported
26 by the recipient to the commission.

27 b. The receipt of complimentary tickets for a political fundraiser or
28 event which are purchased by any person, association or organization
29 and have a face value or purchase price of greater than \$200 and are
30 given free of charge to a candidate for the office of Governor or a
31 candidate for the office of member of the Legislature for the personal
32 use of that candidate shall be considered a gift received by that person
33 and shall be reported as such to the commission pursuant to the
34 provisions of P.L.1981, c.129 (C.19:44B-1 et seq.).

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36 5. This act shall take effect on January 1 following its enactment.

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STATEMENT

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41 The purpose of this bill is to clarify and strengthen the disclosure
42 requirements for certain types of complimentary tickets received by
43 candidates, officeholders, political party officials and members of
44 political committees and continuing political committees. Specifically,
45 the bill is concerned with complimentary tickets to political fundraisers
46 or events which are purchased by a person, organization or association

1 and then given free of charge to a candidate, officeholder, political
2 party official or member of a political committee or continuing
3 political committee. In such a situation, the recipients are required to
4 report to ELEC the receipt of complimentary tickets and they are to
5 be considered in-kind contributions to the candidate, officeholder,
6 official or member of a political committee or continuing political
7 committee who uses the tickets to attend a fundraiser or event if either
8 the face value or purchase price of each ticket is greater than \$200.
9 Any such tickets given to a candidate, officeholder, political party
10 official or member of a political committee or continuing political
11 committee and not used thereby need not be reported to ELEC. But
12 if such tickets are given by a candidate, officeholder, official or
13 member to another candidate, officeholder, official or member, the
14 ultimate users of the tickets shall be considered to have received a
15 reportable in-kind contribution from the candidate, officeholder,
16 official or member providing the tickets that were used.

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21 Clarifies and strengthens disclosure requirements for certain
22 complimentary tickets received by candidates, officeholders, political
23 party officials, political committees and continuing political
24 committees.