

ASSEMBLY, No. 1261

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman RUSSO

1 AN ACT increasing the amount of the checkoff on income tax returns
2 for contributions to the "Gubernatorial Elections Fund" and
3 amending N.J.S.54A:9-25.1 and P.L.1980, c.74.

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

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8 1. N.J.S.54A:9-25.1 is amended to read as follows:
9 54A:9-25.1. a. There is hereby established within the General
10 Treasury a special fund to be known as the "Gubernatorial Elections
11 Fund." Where a taxpayer has indicated on a return filed pursuant to
12 this act that one dollar, three dollars, or five dollars of his taxes [is]
13 are to be reserved for such fund, the Treasurer shall credit such fund
14 with the amount so indicated from the taxes collected under the
15 provisions of this act. The fund shall be available for appropriation
16 pursuant to section 5 of P.L.1974, c.26 (C.19:44A-30), provided
17 however that establishment of the "Gubernatorial Elections Fund" shall
18 in no way affect the operation of said section.

19 Blank forms of return provided by the director for use in reporting
20 under this act shall include, in a conspicuous place, the opportunity for
21 a taxpayer to indicate his preference under this section in substantially
22 the following manner:

Table with 2 columns: Description and Response. Row 1: "Gubernatorial Elections Fund" and "Do you wish to designate [\$1] a portion of your taxes for this fund? If so, please indicate whether the amount designated is \$1[], \$3[], or \$5[]." Includes 'Yes No' header.

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 increased by an amount equal to the amount of such increase in that
2 third alternative amount.

3 On any blank form of return for such taxable years, the text of the
4 questions prescribed under subsection a. hereof concerning a
5 taxpayer's wish to make such a reservation shall be revised in
6 accordance with the provisions of this subsection.

7 (cf: P.L.1980, c.74, s.16)

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9 2. Section 19 of P.L.1980, c.74 (C.19:44A-7.1) is amended to read
10 as follows:

11 19. a. For the purpose of ensuring the continuing adequacy of the
12 limits set by law upon contributions, expenditures and certain other
13 amounts relating to campaigns for nomination or election to the office
14 of Governor, the Election Law Enforcement Commission is
15 authorized and directed to adjust the limits on those amounts as
16 provided herein. The limitation amounts thus adjusted shall apply to
17 the primary and general elections for the office of Governor to be held
18 in the year following the year in which that adjustment is required
19 hereunder to be made.

20 b. The commission shall establish an index reflecting the changes
21 occurring in the general level of prices of particular goods and
22 services, including but not limited to goods and services within such
23 categories of expenditure as mass media and other forms of public
24 communication, personnel, rent, office supplies and equipment, data
25 processing, utilities, travel and entertainment, and legal and accounting
26 services, directly affecting the overall costs of election campaigning in
27 this State. The index shall be weighted in accordance with the impact
28 in the preceding general election for the office of Governor of the
29 respective prices of each of those several goods and services upon
30 those overall costs. Not later than December 1 of each year preceding
31 any year in which a general election is to be held to fill the office of
32 Governor for a four-year term, the commission shall determine the
33 percentage of change in this index which shall have occurred during
34 the four-year period ending with the year of the gubernatorial election,
35 and shall adjust the amounts, as set forth in subsection c. of this
36 section, which shall be applicable under P.L.1973, c.83 (C.19:44A-1
37 et seq.) to the primary and general elections for the office of Governor
38 to be held in the following year by multiplying that percentage of
39 change, plus 100%, times the amounts applicable thereunder to the
40 primary and general elections for that office held in the third year
41 preceding the year in which that December 1 occurs; provided that any
42 amount so adjusted shall be rounded as follows: if the adjusted
43 amount is less than \$20,000 and is not an exact multiple of \$100, to
44 the next higher exact multiple of \$100; if the adjusted amount is more
45 than \$20,000 but less than \$200,000 and is not an exact multiple of
46 \$1,000, to the next higher exact multiple of \$1,000; if the adjusted

1 amount is more than \$200,000 but less than \$2,000,000 and is not an
2 exact multiple of \$10,000, to the next higher exact multiple of
3 \$10,000; and if the adjusted amount is more than \$2,000,000 but less
4 than \$20,000,000 and is not an exact multiple of \$100,000, to the next
5 higher exact multiple of \$100,000.

6 c. The amounts subject to adjustment as provided under this
7 section shall be:

8 (1) The maximum amount of contributions permitted to be made
9 to any candidate for nomination for election or for election to the
10 office of Governor pursuant to section 4 of P.L.1974, c.26
11 (C.19:44A-29) and the amount of contributions with respect to which
12 a qualified candidate for nomination for election or for election to that
13 office shall be eligible to receive moneys from the fund for election
14 campaign expenses pursuant to section 8 of P.L.1974, c.26
15 (C.19:44A-33);

16 (2) The amount of deposits or expenditures required to have been
17 made by a candidate for nomination for election or for election to the
18 office of Governor in order for that candidate to be a qualified
19 candidate under subsection m. of section 3 of P.L.1973, c.83
20 (C.19:44A-3) and the amount of such deposits into such a candidate's
21 bank account for which no payment of public funds is to be made
22 pursuant to section 8 of P.L.1974, c.26 (C.19:44A-33);

23 (3) The maximum amount which may be spent in aid of the
24 candidacy of a qualified candidate for the office of Governor in a
25 primary or a general election pursuant to section 7 of P.L.1973, c.83
26 (C.19:44A-7); and

27 (4) The maximum amount which any qualified candidate for
28 nomination for election in a primary election or for election to the
29 office of Governor in a general election may receive from the fund for
30 election campaign expenses pursuant to section 8 of P.L.1974, c.26
31 (C.19:44A-33).

32 d. Not later than December 15 of each year preceding any year in
33 which a general election is to be held to fill the office of Governor for
34 a four-year term, the commission shall report to the Legislature its
35 adjustment of limits in accordance with the provisions of this section.
36 Whenever, following the transmittal of that report, the commission
37 shall have had notice that a person has declared as a candidate for
38 nomination for election or for election to the office of Governor in the
39 forthcoming primary or general election, it shall promptly notify that
40 candidate of the amounts of those adjusted limits.

41 e. Not later than December 3 of each year in which it is required
42 under subsection b. hereof to determine the percentage of change in
43 the index of prices affecting the overall costs of election campaigning,
44 the commission shall certify to the State Treasurer the amount of that
45 percentage of change so determined.

46 (cf: P.L.1989, c.4, s.3)

1 3. This act shall take effect on January 1 of the year following
2 enactment; subsection a. of section 1 shall be applicable to taxable
3 years commencing on or after that January 1, and subsection b. of that
4 section shall be inoperative until November 30, 2000.

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STATEMENT

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9 This bill amends the provision of the "New Jersey Gross Income
10 Tax Act" governing the amount that a taxpayer may elect to contribute
11 from the person's State income tax liability to the "Gubernatorial
12 Elections Fund", which is the fund from which moneys are paid to
13 support public financing for qualified primary and general election
14 candidates for the office of Governor. The bill would replace the
15 current single contribution option of \$1 with three alternative levels of
16 contribution, \$1, \$3, and \$5.

17 The bill also provides for future adjustments in those checkoff
18 options to reflect the increase in the cost of living. Computation of
19 the amount of the increase would be done quadrennially on the same
20 schedule as applies to the calculation of the cost-of-living adjustments
21 currently applicable to other amounts under the gubernatorial
22 campaign finance statute; the actual checkoff amount would be set by
23 rounding the adjusted figure so computed to the nearest whole dollar
24 amount.

25 The bill would take effect on the January 1 following enactment and
26 be applicable to the taxes due for the year of enactment.

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31 Amends income tax return checkoff designating portion of tax for
32 "Gubernatorial Elections Fund" to add \$3 and \$5 checkoff options;
33 provides for adjustment of checkoff amounts for inflation.