

ASSEMBLY, No. 2155

STATE OF NEW JERSEY

INTRODUCED JUNE 17, 1996

By Assemblyman DALTON

1 AN ACT requiring the identification of candidates and committees  
2 under certain circumstances and amending P.L.1995, c.391.

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

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

9 2. a. Whenever a candidate committee, joint candidates committee,  
10 political committee, continuing political committee, political party  
11 committee or legislative leadership committee, or any group other than  
12 such a committee, or any person makes, incurs or authorizes an  
13 expenditure for the purpose of financing a communication aiding or  
14 promoting the nomination, election or defeat of any candidate or  
15 providing political information on any candidate which is an  
16 expenditure that the committee, group or person is required to report  
17 to the Election Law Enforcement Commission pursuant to P.L.1973,  
18 c.83 (C.19:44A-1 et seq.), the communication shall clearly state, or in  
19 the case of non-print communications otherwise include, the name and  
20 business or residence address of the committee, group or person, as  
21 that information appears on reports filed with the commission, and that  
22 the communication has been financed by that committee, group or  
23 person.

24 b. Whenever a candidate committee, joint candidates committee,  
25 political committee, continuing political committee, political party  
26 committee or legislative leadership committee, or any group other than  
27 such a committee, or any person makes, incurs or authorizes an  
28 expenditure for the purpose of financing a communication aiding the  
29 passage or defeat of any public question or providing political  
30 information on any public question which is an expenditure that the  
31 committee, group or person is required to report to the Election Law  
32 Enforcement Commission pursuant to P.L.1973, c.83 (C.19:44A-1 et  
33 seq.), the communication shall clearly state, or in the case of non-print  
34 communications otherwise include, the name and business or residence

**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 address of the committee, group or person, as that information appears  
2 on reports filed with the commission, and that the communication has  
3 been financed by that committee, group or person.

4 c.. Whenever a candidate committee, joint candidates committee,  
5 political committee, continuing political committee, political party  
6 committee or legislative leadership committee, or any group other than  
7 such a committee, or any person makes, incurs or authorizes an  
8 expenditure for the purpose of financing a communication that seeks  
9 to engage members of the public regarding their opinions as to  
10 candidates, public questions or issues during a campaign, regardless of  
11 whether such a communication is conducted by a person who has  
12 volunteered service to the committee, candidate or individual financing  
13 the communication and whether the expenditure is one that the  
14 committee, group or person is required to report to the Election Law  
15 Enforcement Commission pursuant to P.L.1973, c.83 (C.19:44A-1 et  
16 seq.), the communication shall clearly include the name and business  
17 or residence address of the committee, group or person, as that  
18 information appears on reports filed with the commission, and that the  
19 communication has been financed by that committee, group or person.

20 [c.] d. A communication that is financed by any person, not acting  
21 in concert with a candidate or any person or committee acting on  
22 behalf of a candidate, shall contain a clear and conspicuous statement  
23 that the expenditure was not made with the cooperation or prior  
24 consent of, or in consultation with or at the request or suggestion of,  
25 any such candidate, person or committee.

26 [d.] e. Any person who accepts compensation from a committee,  
27 group or individual described in subsection a. [or], b. or c. of this  
28 section for the purpose of printing, broadcasting, or otherwise  
29 disseminating to the electorate a communication shall maintain a  
30 record of the transaction which shall include an exact copy of the  
31 communication and a statement of the number of copies made or the  
32 dates and times that the communication was broadcast, or in the case  
33 of non-print communication otherwise relayed, and the name and  
34 address of the committee, group or individual paying for the  
35 communication. [The] Except for a communication made by means of  
36 a telephone call or message or any other type of telecommunications  
37 equipment, the record shall be maintained on file at the principal office  
38 of the person accepting the communication for at least two years and  
39 shall be available for public inspection during normal business hours.

40 [e.] f. As used in this section, "communication" means a press  
41 release, pamphlet, flyer, form letter, sign, billboard or paid  
42 advertisement printed in any newspaper or other publication or  
43 broadcast on radio or television, or any other form of advertising  
44 directed to the electorate ; "communication" also includes any  
45 contacting of the public by means of a telephone call or message or  
46 any other type of telecommunications equipment.

1 [f.] g. The provisions of this section shall not be construed to apply  
2 to any bona fide news item or editorial contained in any publication of  
3 bona fide general circulation.

4 [g.] h. (1) A person who violates a provision of this section shall  
5 be subject to the civil penalties provided in section 22 of P.L.1973,  
6 c.83 (C.19:44A-22).

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

11 [h.] i. The Election Law Enforcement Commission shall promulgate  
12 rules and regulations pursuant to the "Administrative Procedure Act,"  
13 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purpose of this  
14 section. The commission may, by regulation, exempt from the  
15 provisions of this section small, tangible items of de minimis value  
16 which are commonly used in campaigns to convey a political message,  
17 including, but not limited to, buttons, combs, and nail files. The  
18 commission may also, by regulation, exempt from the provisions of  
19 this section advertising space purchased by a candidate committee,  
20 joint candidates committee, political committee, continuing political  
21 committee, political party committee, legislative leadership committee  
22 or other person, in a political program book distributed at a  
23 fund-raising event if the financial transaction is otherwise subject to  
24 disclosure. An exemption granted by the commission with respect to  
25 any item shall not relieve the committee, group or individual making  
26 an expenditure therefor from any applicable campaign finance  
27 reporting requirements.

28 In addition, the commission shall have the authority to provide, by  
29 regulation, that a communication need not include the address of the  
30 committee, group or person financing the communication in  
31 circumstances where the name of a committee, group or person would  
32 be sufficient to identify it from the commission's records.

33 (cf: P.L.1995, c.391, s.2)

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35 2. This act shall take effect on January 1 next following the date of  
36 enactment.

### 37 38 39 STATEMENT

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41 This bill requires that whenever a candidate, committee, any group  
42 other than such a committee or any person makes, incurs or authorizes  
43 an expenditure for the purpose of financing a communication that  
44 seeks to engage members of the public regarding their opinions as to  
45 candidates, public questions or issues during a campaign, regardless of  
46 whether such a communication is conducted by a person who has

1 volunteered service to the committee, candidate or individual financing  
2 the communication and whether the expenditure is required to be  
3 reported to the Election Law Enforcement Commission (ELEC), the  
4 communication shall clearly include the name and business or  
5 residence address of the committee, group or person, as that  
6 information appears on reports filed with the commission, and that the  
7 communication has been financed by that committee, group or person.

8 The bill expands the definition of "communication" contained in that  
9 part of the statutory law amended by the bill to include any contacting  
10 of the public by means of a telephone call or message or any other type  
11 of telecommunications equipment.

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16 Requires disclosure to public of candidate, committee or person  
17 financing telephone communications thereto.