

ASSEMBLY, No. 2446

STATE OF NEW JERSEY

INTRODUCED OCTOBER 21, 1996

By Assemblyman BARNES

1 AN ACT limiting campaign expenditures by or in direct support of
2 legislative candidates and supplementing P.L.1973, c.83 (C.19:44A-
3 1 et seq.)

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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. The Legislature finds and declares that:

9 a. in 1976, the United States Supreme Court held in Buckley v.
10 Valeo, 424 U.S. 1(1976), that provisions of federal law which limited
11 campaign spending by candidates for federal office violated rights
12 protected by the First Amendment;

13 b. the court found that the infringement on candidates' speech and
14 associational freedoms was not justified by a sufficiently compelling
15 government interest;

16 c. although the Buckley decision has been widely regarded as
17 precluding the imposition of expenditure limits (except where public
18 financing is provided), many reputable scholars have argued that this
19 issue was wrongly decided because the court did not consider all of
20 the relevant justifications for campaign spending limits;

21 d. it has been asserted that spending limits can be justified by the
22 State's interest in preventing excessive fund-raising from interfering
23 with the ability of officeholders to perform their official duties and that
24 the extraordinary power of private wealth to affect the outcome of
25 elections violates the principle of one man-one vote;

26 e. in addition, campaign finance has changed dramatically in the 20
27 years since Buckley was decided, with spending on campaigns for
28 public office increasing exponentially;

29 f. what has been called the "tyranny of private wealth" is a
30 corrupting, unfair influence on the democratic process which
31 undermines equality in campaigns;

32 g. the need of candidates to raise and spend enormous sums has
33 bred cynicism and distrust among the public and created an electoral
34 system which is perversely dominated by special interests;

35 h. there exists, therefore, a compelling need for the State to
36 address these problems by imposing limits on amounts which may be
37 spent by candidates in State legislative elections.

1 2. a. A candidate for nomination for election, or for election, to
2 the New Jersey Senate or General Assembly shall not expend in aid of
3 the candidate's candidacy in the primary election or in the general
4 election, respectively, more than the amount determined by multiplying
5 \$1 by the number of persons registered to vote in the candidate's
6 legislative district as of the most recent general election day.

7 b. (1) If a candidate has established a candidate committee only,
8 the committee's expenditures shall not exceed the limit established by
9 subsection a. of this section.

10 (2) If a candidate participates in a joint candidates committee, but
11 has not also established a candidate committee, that portion of the
12 joint candidates committee's expenditures attributable to the candidate,
13 determined by dividing the committee's expenditures by the number of
14 candidates in the committee, shall not exceed the limit established by
15 subsection a. of this section.

16 (3) If a candidate participates in a joint candidates committee and
17 has also established a candidate committee, the total of that portion of
18 the joint candidates committee's expenditures attributable to the
19 candidate, determined by dividing the committee's expenditures by the
20 number of candidates in the committee, and the expenditures of the
21 candidate committee, shall not exceed the limit established by
22 subsection a. of this section.

23 c. Amounts expended by a State political party committee, a
24 county political party committee, a municipal political party
25 committee, or a legislative leadership committee in direct support of
26 a candidate shall be counted toward the limit established by subsection
27 a. of this section.

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29 3. The Election Law Enforcement Commission shall promulgate
30 rules and regulations pursuant to the "Administrative Procedure Act,"
31 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of
32 this act.

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34 4. This act shall take effect immediately.

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STATEMENT

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39 This bill would limit campaign expenditures by legislative
40 candidates. It provides that a candidate for the Legislature shall not
41 expend in the primary election or in the general election, respectively,
42 more than the amount determined by multiplying \$1 by the number of
43 registered voters in the legislative district. Expenditures by a joint
44 candidates committee would be attributed to the candidates
45 participating in the committee on a pro rata basis. Amounts expended
46 by a State political party committee, a county political party

1 committee, a municipal political party committee, or a legislative
2 leadership committee in direct support of a candidate shall be counted
3 toward the limit established for the candidate.

4 The purpose of the bill is to eliminate the need for legislative
5 candidates to raise and spend increasingly larger amounts of money.
6 Excessive fund- raising has contributed to the public's perception that
7 the decisions of elected officials may be influenced by campaign
8 contributors and has fueled a growing public cynicism about
9 government and politics. In addition, the amount of time an elected
10 official must devote to raising campaign funds may interfere with the
11 official's ability to perform public duties. Furthermore, because
12 incumbents are generally able to raise vastly larger amounts than
13 challengers, unlimited campaign spending may discriminate against
14 candidates who are not incumbent officeholders. These factors
15 constitute compelling reasons for the State to limit campaign
16 expenditures by or in direct support of legislative candidates and more
17 than justify any possible infringement on candidates' associational
18 rights.

19 Enactment of this bill would mean that, as a practical matter, all
20 campaigns for State elective office would be subject to spending limits
21 since gubernatorial candidates who accept public funding are already
22 subject to a spending cap.

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27 Limits campaign expenditures by or in direct support of legislative
28 candidates.