

SENATE, No. 418

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1996

By Senators LaROSSA and SCOTT

1 AN ACT concerning candidates for public office and amending  
2 P.L.1973, c.83.

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 as  
8 follows:

9 3. As used in this act, unless a different meaning clearly appears  
10 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] who**  
14 **shall have filed a nominating petition for nomination for election at the**  
15 **primary election, or for election at any other election, to a public**  
16 **office of the State or of a county, municipality or school district [at an**  
17 **election]; except that the term shall not (1) include an individual**  
18 **seeking party office; and (2) an individual who shall have been elected**  
19 **or failed of election to an office, other than a party office, for which**  
20 **he sought election and who receives contributions and makes**  
21 **expenditures for any of the purposes authorized by section 17 of**  
22 **P.L.1993, c.65 (C.19:44A-11.2) during the period of his service in that**  
23 **office], or (2) an individual who shall have become a candidate and on**  
24 **behalf of whose candidacy there shall have been established in**  
25 **accordance with the provisions of subsection a. of section 9 of**  
26 **P.L.1973, c.83 (C.19:44A-9), a candidate committee, a joint**  
27 **candidates committee, or both, but which committee or committees,**  
28 **as appropriate, shall since have been certified by the campaign**  
29 **treasurer or campaign treasurers thereof to the commission, as**  
30 **provided by subsection b. of section 16 of P.L.1973, c.83 (C.19:44A-**  
31 **16), as having wound up its business and been dissolved.**

32 d. The terms "contributions" and "expenditures" include all loans  
33 and transfers of money or other thing of value to or by any candidate,  
34 candidate committee, joint candidates committee, political committee,

**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 continuing political committee, political party committee or legislative  
2 leadership committee and all pledges or other commitments or  
3 assumptions of liability to make any such transfer; and for purposes of  
4 reports required under the provisions of this act shall be deemed to  
5 have been made upon the date when such commitment is made or  
6 liability assumed.

7 e. The term "election" means any election described in section 4  
8 of this act.

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

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

44 h. The term "political information" means any statement including,  
45 but not limited to, press releases, pamphlets, newsletters,  
46 advertisements, flyers, form letters, or radio or television programs or

1 advertisements which reflects the opinion of the members of the  
2 organization on any candidate or candidates for public office, on any  
3 public question, or which contains facts on any such candidate, or  
4 public question whether or not such facts are within the personal  
5 knowledge of members of the organization.

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

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

40 k. The term "testimonial affair" means an affair of any kind or  
41 nature including, without limitation, cocktail parties, breakfasts,  
42 luncheons, dinners, dances, picnics or similar affairs directly or  
43 indirectly intended to raise campaign funds in behalf of a person who  
44 holds, or who is or was a candidate for nomination or election to a  
45 public office in this State, or directly or indirectly intended to raise  
46 funds in behalf of any political party committee or in behalf of a

1 political committee, continuing political committee, candidate  
2 committee, joint candidates committee or legislative leadership  
3 committee.

4 1. The term "other thing of value" means any item of real or  
5 personal property, tangible or intangible, but shall not be deemed to  
6 include personal services other than paid personal services.

7 m. The term "qualified candidate" means:

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

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

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

1 (C.19:44A-45 through C.19:44A-47); or

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

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

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

1 participate in any of the gubernatorial debates may be cause for the  
2 termination of the payment of such monies on the candidate's behalf  
3 and for the imposition of liability for the return to the commission of  
4 such monies as may previously have been so paid.

5 p. The term "political party committee" means the State  
6 committee of a political party, as organized pursuant to R.S.19:5-4,  
7 any county committee of a political party, as organized pursuant to  
8 R.S.19:5-3, or any municipal committee of a political party, as  
9 organized pursuant to R.S.19:5-2.

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

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

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

34 (cf: P.L.1995, c.194, s.1)

35

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

37

38

39

#### STATEMENT

40

41 This bill amends "The New Jersey Campaign Contributions and  
42 Expenditures Reporting Act" to provide that a person shall not, for the  
43 purposes of the Reporting Act, be considered to have become a  
44 "candidate" for public office until that person has declared such a  
45 candidacy by filing a petition of nomination for the office. The bill  
46 further provides that a person who has assumed status as a candidate

1 shall lose that status upon the filing with ELEC by the campaign  
2 treasurer of the candidate committee (or, where applicable, joint  
3 candidates committee, or both) organized to advance the person's  
4 candidacy of certification that the committee has wound up its  
5 business and been dissolved.

6

7

8

9

10 Amends campaign finance statute to clarify when candidacy  
11 commences.