

SENATE, No. 611

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Senator BUBBA

1 AN ACT concerning advertising in election campaigns and establishing  
2 a Truth-in-Campaign Commission, supplementing Title 19 of the  
3 Revised Statutes.

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

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8 1. This act shall be known and may be cited at the  
9 "Truth-in-Campaign Act."

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11 2. There is hereby created in but not of the Department of Law and  
12 Public Safety a Truth-in-Campaign Commission (hereinafter  
13 "commission") consisting of three members appointed by the Governor  
14 with the advice and consent of the Senate. One member shall be a  
15 member of the political party whose candidate received the largest  
16 number of votes at the most recent gubernatorial election; one  
17 member shall be a member of the political party whose candidate  
18 received the next largest number of votes at the most recent  
19 gubernatorial election; and one member shall not be a member of  
20 either of those political parties. The members shall be appointed for  
21 terms of three years, except that of the members first appointed to the  
22 commission, one shall be appointed for a term of one year and one  
23 shall be appointed for a term of two years. Vacancies shall be filled in  
24 the same manner as the original appointment but for the unexpired  
25 term only. The members shall serve without compensation, but shall  
26 be reimbursed for necessary expenses actually incurred in the  
27 performance of their duties. The commission shall annually select a  
28 chairman from among its members.

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30 3. The Election Law Enforcement Commission shall make its staff  
31 and other office resources available to the commission for the  
32 discharge of the duties and responsibilities imposed on the commission  
33 by this act.

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35 4. a. The commission shall receive and review any complaint that  
36 a candidate, candidate committee, joint candidates committee, political  
37 committee, continuing political committee, political party committee,

1 or legislative leadership committee, as defined in section 3 of  
2 P.L.1973, c.83 (C.19:44A-4), or any other person, is presenting or  
3 sponsoring, or has presented or sponsored, advertising of any kind  
4 which contains any false statement of material fact about a candidate  
5 with knowledge that the statement is false or with reckless disregard  
6 for whether it is false. If the commission determines that a candidate,  
7 a committee, or a person is presenting or sponsoring, or has presented  
8 or sponsored, advertising containing such a statement, the candidate,  
9 committee, or person shall be liable to a penalty of \$5,000 for the first  
10 offense and \$10,000 for each subsequent offense. The penalty shall be  
11 paid into the General Fund and shall be enforceable in a summary  
12 proceeding under the "penalty enforcement law" (N.J.S.2A:58-1 et  
13 seq.). An appeal from a decision of the commission may be brought  
14 by filing an action in the Law Division of the Superior Court.

15 b. Payment of a \$100 filing fee shall be made by the candidate, or  
16 candidate committee or joint candidates committee, filing a complaint  
17 or on whose behalf a complaint is filed, at the time of the filing of a  
18 complaint with the commission.

19 c. As used in this section, "material fact" means a fact about a  
20 candidate for nomination or election to a State or local elective public  
21 office which has real importance or significant consequences in regard  
22 to how a reasonably prudent person views that candidate and includes,  
23 but is not limited to, the following facts about a candidate: the titles  
24 of any offices held or previously held, status as an incumbent,  
25 academic degrees or certificates held, the dates or location of  
26 education or training, criminal history, mental health history, military  
27 record, voting record or endorsements by others, the candidate's  
28 qualifications for office, the candidate's position on an issue which is  
29 or has been under public discussion.

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31 5. The commission may promulgate rules and regulations, pursuant  
32 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
33 et seq.), to effectuate the purposes of this act.

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35 6. This act shall take effect immediately.

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#### STATEMENT

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40 This bill creates a Truth-in Campaign Commission consisting of  
41 three members appointed by the Governor with the advice and consent  
42 of the Senate. The commission shall receive and review any complaint  
43 that a candidate, candidate committee, joint candidates committee,  
44 political committee, continuing political committee, political party  
45 committee, or legislative leadership committee, as defined in section  
46 3 of P.L.1973, c.83 (C.19:44A-4), or any other person, is presenting

1 or sponsoring, or has presented or sponsored, advertising of any kind  
2 which contains any false statement of material fact about a candidate  
3 with knowledge that the statement is false or with reckless disregard  
4 for whether it is false. If the commission determines that a candidate,  
5 a committee, or a person is presenting or sponsoring, or has presented  
6 or sponsored, advertising containing such a statement, the candidate,  
7 committee, or person shall be liable to a penalty of \$5,000 for the first  
8 offense and \$10,000 for each subsequent offense.

9 The bill also provides that payment of a filing fee of \$100 shall be  
10 made at the time of filing a complaint, and that the Election Law  
11 Enforcement Commission shall make its staff and other office  
12 resources available to the Truth-in-Campaign Commission.

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17 Establishes Truth-in-Campaign Commission; provides for review of  
18 complaints about false statements in campaign advertising.