

SENATE, No. 615

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Senator SCHLUTER

1 AN ACT concerning the debates in which publicly financed candidates
2 for the office of Governor participate and amending P.L.1989, c.4.

3

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

6

7 1. Section 10 of P.L.1989, c.4 (C.19:44A-46) is amended to read
8 as follows:

9 10. a. The series of gubernatorial primary debates under
10 subsection a. of section 9 of P.L.1989, c.4 (C.19:44A-45) shall consist
11 of [two] three debates. Each of the debates shall be of at least one
12 hour's duration. The first debate in the series shall occur not earlier
13 than the date on which the ballot for the primary election in which
14 candidates are to be nominated for election to the office of Governor
15 is finally certified by the Secretary of State to the clerks of the several
16 counties, and the [second] final debate in the series shall occur not
17 later than the 11th day prior to the primary election to select
18 candidates for that office unless an emergency, as determined by the
19 vote of a majority of the participating candidates, requires the
20 postponement thereof, but the [second] final gubernatorial primary
21 debate shall in no event be held later than the second day preceding
22 that primary election.

23 b. The series of gubernatorial election debates under subsection b.
24 of section 9 of P.L.1989, c.4 (C.19:44A-45) shall consist of [two]
25 three debates. Each of the gubernatorial election debates shall be of
26 at least one hour's duration. The first debate in the series shall occur
27 not earlier than the third Tuesday following the first Monday in
28 September of the year in which a general election is to be held for the
29 office of Governor, and the [second] final debate in the series shall
30 occur not later than the 11th day prior to the general election for that
31 office unless an emergency, as determined by the vote of a majority of
32 the participating candidates, requires the postponement thereof, but
33 the final gubernatorial election debate shall in no event be held later
34 than the second day preceding that general election.

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 c. (1) Organizations which are not affiliated with any political
2 party or with any holder of or candidate for public office, which have
3 not endorsed any candidate in the pending primary or general election
4 for the office of Governor, [and which have previously sponsored one
5 or more televised debates among candidates for Statewide office in the
6 State since 1976,] which have no known conflict of interest with
7 respect to any of the candidates for nomination or election to the
8 office of Governor and which have a discernible record of impartiality
9 and nonpartisanship extending over the prior 10-year period shall be
10 eligible to serve as either the manager or sponsor of one or more
11 interactive gubernatorial primary debates or interactive gubernatorial
12 election debates under subsection a. or subsection b., respectively, of
13 this section. In addition, any association of two or more separately
14 owned news publications or broadcasting outlets, including
15 newspapers, radio stations or networks, and television stations or
16 networks, having between or among them a substantial readership or
17 audience in this State, and any association of print or broadcast news
18 or press service correspondents having among them a substantial
19 readership or audience in this State, shall be eligible to serve as either
20 the manager or sponsor of any such gubernatorial primary or
21 gubernatorial election debate[, without regard to whether that
22 association or any of its members shall previously have sponsored any
23 debate among candidates for Statewide office].

24 (2) Any eligible organization or eligible association that seeks to
25 serve as the manager of a debate shall, as part of its application,
26 submit a proposal for the format of the debate that specifies its time
27 and date and the rules for conducting the debate, within the limitations
28 set forth in this section.

29 (3) Any eligible organization or eligible association that seeks to
30 serve as the sponsor of a debate shall, as part of its application, submit
31 a proposal that specifies the facilities and financing that it will provide
32 to operate the debate within the format established by the manager
33 selected by the commission.

34 (4) The Election Law Enforcement Commission shall accept
35 applications and proposals from eligible organizations and eligible
36 associations of news publications and broadcasting outlets or news or
37 press service correspondents to serve as either the manager or sponsor
38 of one or more of those interactive gubernatorial debates.
39 Applications and proposals to [sponsor debates] serve as the manager
40 of a debate under subsection a. shall be submitted to the commission
41 no later than January 15 of any year in which a primary election is to
42 be held to nominate candidates for the office of Governor, and
43 applications and proposals to serve as the sponsor of the debate shall
44 be submitted to the commission no later than March 15 of [any year
45 in which a primary election is to be held to nominate candidates for the
46 office of Governor, and applications to sponsor debates] that same

1 year. Applications and proposals to serve as the manager of a debate
2 under subsection b. shall be submitted to the commission no later than
3 [July 1 of any year in which a general election is to be held to fill the
4 office of Governor] June 1 of any year in which a general election is
5 to be held to fill the office of Governor, and applications and proposals
6 to serve as the sponsor of the debate shall be submitted to the
7 commission no later than August 1 of that same year.

8 (5) Where the number of eligible applicants to serve as the manager
9 or sponsor of gubernatorial primary debates or gubernatorial election
10 debates exceeds the number prescribed under subsection a. and
11 subsection b. of this section, respectively, the Election Law
12 Enforcement Commission shall select the managers and sponsors from
13 among the applicants within 30 days of the last day for submitting
14 those applications, as provided by this subsection.

15 (6) The commission shall select as the manager of a debate the
16 eligible organization or eligible association that submits a proposal that
17 offers the greatest likelihood of a format that: (a) is impartial and
18 unbiased with respect to any candidate; (b) makes information
19 regarding the debate readily available to all interested media outlets
20 and organizations; and (c) is focused closely on the key issues of the
21 election. Before selecting the manager, the commission shall consult,
22 in the case of a gubernatorial primary debate, with the chairpersons of
23 the political parties that have candidates eligible for the gubernatorial
24 primary election, and, in the case of a gubernatorial election debate,
25 with a representative designated by each of the candidates
26 participating in that debate, concerning the format and the rules for the
27 debate.

28 (7) The commission shall select as the sponsor of the debate the
29 eligible organization or eligible association that submits a proposal that
30 offers the greatest likelihood that that organization or association will:
31 (a) provide a facility that offers easy access to the site of the debate
32 for all media outlets and organizations; (b) provide the financial
33 resources necessary to broadcast the debate to as many of the
34 residents of the State as possible; and (c) be able to effectuate the
35 format proposed by the manager selected by the commission.

36 (8) The commission shall select the manager and sponsor of each
37 debate by majority vote of the entire authorized membership of the
38 commission, except that in the event that there are two vacancies on
39 the commission at the time of such a vote, the selection shall occur if
40 both remaining members vote affirmatively for a particular manager or
41 sponsor and if both members are of different political parties. To the
42 maximum extent practicable and feasible, the commission shall select
43 a different manager and sponsor for each of the interactive
44 gubernatorial debates, but shall not be precluded from selecting the
45 same manager and sponsor for more than one debate.

46 [The sponsors selected by the commission shall be responsible for

1 selecting the date, time and location of the debates, subject to the
2 limitations set forth in this section. The rules for conducting each
3 debate shall be solely the responsibility of the sponsors so selected, but
4 shall not be made final without consultation with both the chairman of
5 the New Jersey Republican State Committee and the chairman of the
6 New Jersey Democratic State Committee in the case of gubernatorial
7 primary debates, and with a representative designated by each of the
8 participating candidates in the case of gubernatorial election debates.]

9 (9) No eligible organization or eligible association shall serve as
10 both the manager and sponsor of either a gubernatorial primary debate
11 or gubernatorial election debate.

12 (10) The manager of either the gubernatorial primary debate or
13 gubernatorial election debate shall control the format and rules which
14 will govern that debate, within the limitations set forth in this section,
15 except that any change in the rules as they existed at the time of the
16 selection of the manager may be made only by mutual agreement of the
17 commission, the manager, and the sponsor.

18 (11) Within six months after the day that the election for the office
19 of Governor is held, the commission shall hold one or more public
20 hearings on the debates provided for by this section. The hearings
21 shall solicit public comment on: (a) the format and content of the
22 debates; (b) ways that the debates could be improved; (c) how to make
23 the debates more relevant to the election; and (d) whether to increase
24 the number and duration of such debates. All such testimony and
25 suggested legislation based on this testimony shall be submitted by the
26 commission to the Governor and the Legislature no later than one year
27 following the immediately preceding gubernatorial election.

28 (cf: P.L.1991, c.317, s.1)

29
30 2. This act shall take effect immediately.

31
32
33 STATEMENT

34
35 This bill provides for an increase in the number of debates in which
36 candidates for the office of Governor are required to participate as a
37 condition of receiving public financing. The bill also modifies the
38 method for selecting the managers and sponsors of such debates.

39 Specifically, the bill:

40 1) increases from two to three the number of debates held among
41 publicly financed candidates in the primary election and increase from
42 two to three the number of debates held among publicly financed
43 candidates in the general election;

44 2) provides for a separate manager and sponsor for each debate;

45 3) establishes criteria that the Election Law Enforcement
46 Commission (ELEC) shall use to select a manager and a sponsor for

1 each debate;

2 4) requires ELEC to select the manager and sponsor of each debate
3 by majority vote of the entire authorized membership of the
4 commission, except that if there are two vacancies on the commission
5 at the time of such a vote, the selection shall occur if both remaining
6 members vote affirmatively for a particular manager and sponsor and
7 if both members are of different political parties;

8 5) expands the criteria that must be met for an organization to be
9 eligible to serve as the manager or sponsor of a debate; and

10 6) requires ELEC to hold one or more public hearings within six
11 months after a gubernatorial election to solicit public comment on the
12 debate and recommendations for improving future debates.

13

14

15

16

17 _____
18 Increases number of debates of publicly financed gubernatorial
19 candidates from two to three; modifies method for selecting
management and sponsorship of such debates.