

SENATE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 615

STATE OF NEW JERSEY

ADOPTED JANUARY 14, 1997

Sponsored by Senator SCHLUTER

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

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

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8 1. (New section) The Legislature finds and declares:

9 a. The gubernatorial debates are a significant part of the
10 gubernatorial election process because they provide a forum for
11 candidates to get their message out to the electorate at no expense to
12 the taxpayer.

13 b. The debates are an important addition to the gubernatorial
14 public financing program's goal of allowing candidates of limited
15 means to participate in a gubernatorial election.

16 c. The State must assure that the debate sponsor selection process
17 is totally fair and unbiased and results in the choice of sponsors who
18 will not be perceived by the public as having a conflict of interest with
19 respect to favoring one candidate over another.

20 d. The debate process must be completely open to the
21 consideration of sponsors from a wide variety of backgrounds to
22 assure the largest pool of applicants and to guarantee that each debate
23 will have a sponsor.

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

27 10. a. The series of gubernatorial primary debates under
28 subsection a. of section 9 of P.L.1989, c.4 (C.19:44A-45) shall consist
29 of [two] three debates. Each of the debates shall be of at least one

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 hour's duration. The first debate in the series shall occur not earlier
2 than the date on which the ballot for the primary election in which
3 candidates are to be nominated for election to the office of Governor
4 is finally certified by the Secretary of State to the clerks of the several
5 counties, and the [second] final debate in the series shall occur not
6 later than the 11th day prior to the primary election to select
7 candidates for that office unless an emergency, as determined by the
8 vote of a majority of the participating candidates, requires the
9 postponement thereof, but the [second] final gubernatorial primary
10 debate shall in no event be held later than the second day preceding
11 that primary election.

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

24 c. Organizations which are not affiliated with any political party
25 or with any holder of or candidate for public office[,] and which have
26 not endorsed any candidate in the pending primary or general election
27 for the office of Governor[, and which have previously sponsored one
28 or more televised debates among candidates for Statewide office in the
29 State since 1976,] shall be eligible to sponsor one or more interactive
30 gubernatorial primary debates or interactive gubernatorial election
31 debates under subsection a. or subsection b., respectively, of this
32 section. In addition, any association of two or more separately owned
33 news publications [or], broadcasting outlets or cable television
34 companies, including newspapers, radio stations or networks, and
35 television stations or networks, having between or among them a
36 substantial readership or audience in this State, and any association of
37 print or broadcast news or press service correspondents having among
38 them a substantial readership or audience in this State, shall be eligible
39 to sponsor any such gubernatorial primary or gubernatorial election
40 debate[, without regard to whether that association or any of its
41 members shall previously have sponsored any debate among candidates
42 for Statewide office].

43 The Election Law Enforcement Commission shall accept
44 applications from eligible organizations and eligible associations of
45 news publications [and], broadcasting outlets and cable television
46 companies or news or press service correspondents to sponsor one or

1 more of those interactive gubernatorial debates. Applications to
2 sponsor debates under subsection a. shall be submitted to the
3 commission no later than March 15 of any year in which a primary
4 election is to be held to nominate candidates for the office of
5 Governor, and applications to sponsor debates under subsection b.
6 shall be submitted to the commission no later than July 1 of any year
7 in which a general election is to be held to fill the office of Governor.

8 Where the number of eligible applicants to sponsor gubernatorial
9 primary debates or gubernatorial election debates exceeds the number
10 prescribed under subsection a. and subsection b. of this section,
11 respectively, the Election Law Enforcement Commission shall select
12 the sponsors from among the applicants within 30 days of the last day
13 for submitting those applications, as provided by this subsection. The
14 commission shall select the sponsor of each debate by majority vote of
15 the entire authorized membership of the commission, except that in the
16 event that there are two vacancies on the commission at the time of
17 such a vote, the selection shall occur if both remaining members vote
18 affirmatively for a particular sponsor and if both members are of
19 different political parties. To the maximum extent practicable and
20 feasible, the commission shall select a different sponsor for each of the
21 interactive gubernatorial debates, but shall not be precluded from
22 selecting the same sponsor for more than one debate. In its selection
23 of a sponsor, the commission shall consider whether there is a history
24 of conflict of interest or the potential for such a conflict, and shall
25 make a conscientious effort to minimize any such conflict, with respect
26 to any of the candidates for nomination or election to the office of
27 Governor.

28 The sponsors selected by the commission shall be responsible for
29 selecting the date, time and location of the debates, subject to the
30 limitations set forth in this section. The rules for conducting each
31 debate shall be solely the responsibility of the sponsors so selected, but
32 shall not be made final without consultation with both the chairman of
33 the New Jersey Republican State Committee and the chairman of the
34 New Jersey Democratic State Committee in the case of gubernatorial
35 primary debates, and with a representative designated by each of the
36 participating candidates in the case of gubernatorial election debates.

37 As used in this subsection, "conflict of interest" shall include an
38 actual conflict of interest as well as the appearance of a conflict of
39 interest currently, in the past, or prospectively with respect to any
40 candidate for nomination for or for election to the office of Governor
41 or the political party of such a candidate.

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

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44 3. This act shall take effect immediately.

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3 Increases from two to three the number of gubernatorial debates in

4 which publicly financed candidates for Governor must participate;

5 amends debate sponsorship selection process.