

SENATE, No. 716

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Senator BUBBA

1 AN ACT concerning contributions to candidates and candidate  
2 committees and amending P.L.1973, c.83, P.L.1974, c.26, and  
3 P.L.1995, c.65.

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

7  
8 1. Section 17 of P.L.1993, c.65 (C.19:44A-11.2) is amended to  
9 read as follows:

10 17. a. All contributions received by a candidate, candidate  
11 committee, a joint candidates committee or a legislative leadership  
12 committee shall be used only for the following purposes:

13 (1) the payment of campaign expenses;

14 (2) contributions to any charitable organization described in section  
15 170(c) of the Internal Revenue Code of 1954, as amended or modified,  
16 or nonprofit organization which is exempt from taxation under section  
17 501(c) of the Internal Revenue Code of 1954;

18 (3) transmittal to another candidate, candidate committee, or joint  
19 candidates committee, or to a political committee, continuing political  
20 committee, legislative leadership committee or political party  
21 committee, for the lawful use by such other candidate or committee;

22 (4) the payment of the overhead and administrative expenses  
23 related to the operation of the candidate committee or joint candidates  
24 committee of a candidate or a legislative leadership committee;

25 (5) the pro rata repayment of contributors; or

26 (6) the payment of ordinary and necessary expenses of holding  
27 public office.

28 As used in this subsection, "campaign expenses" means any expense  
29 incurred or expenditure made by a candidate, candidate committee,  
30 joint candidates committee or legislative leadership committee for the  
31 purpose of paying for or leasing items or services used in connection  
32 with an election campaign, other than those items or services which  
33 may reasonably be considered to be for the personal use of the  
34 candidate, any person associated with the candidate or any of the

**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 members of a legislative leadership committee.

2 b. (1) No contribution received by a candidate or by the candidate  
3 committee or joint candidates committee of a candidate may be used  
4 for the payment of the expenses arising from the furnishing, staffing or  
5 operation of an office used in connection with that person's official  
6 duties as an elected public official.

7 (2) No contribution to a candidate for nomination for election in  
8 the primary election, or to the campaign treasurer, deputy campaign  
9 treasurer, candidate committee or joint candidates committee of such  
10 a candidate, in excess of the maximum amount of aggregate  
11 contributions of money or other thing of value that, under the  
12 provisions of section 18 of P.L.1993, c.65 (C.19:44A-11.3), section  
13 4 of P.L.1974, c.26 (C.19:44A-29), or any other law, the contributor  
14 is permitted to make with respect to the candidacy of that candidate  
15 in the primary election shall be used for the payment of any campaign  
16 expenses, as defined in subsection a. hereof, to aid or promote the  
17 nomination of the candidate in that primary election.

18 c. Any funds remaining in the campaign depository of a candidate's  
19 candidate committee or joint candidates committee upon the death of  
20 the candidate shall be used only for one or more of the purposes  
21 established in subsection a. of this section by the committee's  
22 organizational treasurer or deputy treasurer or whoever has control of  
23 the depository upon the death of the candidate.

24 (cf: P.L.1993, c.65, s.17)

25

26 2. Section 18 of P.L.1993, c.65 (C.19:44A-11.3) is amended to  
27 read as follows:

28 18. a. No individual, other than an individual who is a candidate,  
29 no corporation of any kind organized and incorporated under the laws  
30 of this State or any other state or any country other than the United  
31 States, no labor organization of any kind which exists or is constituted  
32 for the purpose, in whole or in part, of collective bargaining, or of  
33 dealing with employers concerning the grievances, terms or conditions  
34 of employment, or of other mutual aid or protection in connection with  
35 employment, or any group shall: (1) pay or make any contribution of  
36 money or other thing of value to a candidate who has established only  
37 a candidate committee, his campaign treasurer, deputy campaign  
38 treasurer or candidate committee which in the aggregate exceeds  
39 \$1,500 per election, or (2) pay or make any contribution of money or  
40 other thing of value to candidates who have established only a joint  
41 candidates committee, their campaign treasurer, deputy campaign  
42 treasurer, or joint candidates committee, which in the aggregate  
43 exceeds \$1,500 per election per candidate, or (3) pay or make any  
44 contribution of money or other thing of value to a candidate who has  
45 established both a candidate committee and a joint candidates  
46 committee, the campaign treasurers, deputy campaign treasurers, or

1 candidate committee or joint candidates committee, which in the  
2 aggregate exceeds \$1,500 per election. No candidate who has  
3 established only a candidate committee, his campaign treasurer, deputy  
4 campaign treasurer or candidate committee shall knowingly accept  
5 from an individual, other than an individual who is a candidate, a  
6 corporation of any kind organized and incorporated under the laws of  
7 this State or any other state or any country other than the United  
8 States, a labor organization of any kind which exists or is constituted  
9 for the purpose, in whole or in part, of collective bargaining, or of  
10 dealing with employers concerning the grievances, terms or conditions  
11 of employment, or of other mutual aid or protection in connection with  
12 employment, or any group any contribution of money or other thing  
13 of value which in the aggregate exceeds \$1,500 per election, and no  
14 candidates who have established only a joint candidates committee, or  
15 their campaign treasurer, deputy campaign treasurer, or joint  
16 candidates committee, shall knowingly accept from any such source  
17 any contribution of money or other thing of value which in the  
18 aggregate exceeds \$1,500 per election per candidate, and no candidate  
19 who has established both a candidate committee and a joint candidates  
20 committee, the campaign treasurers, deputy campaign treasurers, or  
21 candidate committee or joint candidates committee shall knowingly  
22 accept from any such source any contribution of money or other thing  
23 of value which in the aggregate exceeds \$1,500 per election.

24 b. (1) No political committee or continuing political committee  
25 shall: (a) pay or make any contribution of money or other thing of  
26 value to a candidate who has established only a candidate committee,  
27 his campaign treasurer, deputy campaign treasurer or candidate  
28 committee, other than a candidate for nomination for election or for  
29 election for the office of Governor, which in the aggregate exceeds  
30 \$5,000 per election, or (b) pay or make any contribution of money or  
31 other thing of value to candidates who have established only a joint  
32 candidates committee, their campaign treasurer or deputy campaign  
33 treasurer, or the joint candidates committee, which in the aggregate  
34 exceeds \$5,000 per election per candidate, or (c) pay or make any  
35 contribution of money or other thing of value to a candidate who has  
36 established both a candidate committee and a joint candidates  
37 committee, the campaign treasurers, deputy campaign treasurers, or  
38 candidate committee or joint candidates committee, which in the  
39 aggregate exceeds \$5,000 per election. No candidate who has  
40 established only a candidate committee, his campaign treasurer, deputy  
41 campaign treasurer or candidate committee, other than a candidate for  
42 nomination for election or for election for the office of Governor, shall  
43 knowingly accept from any political committee or continuing political  
44 committee any contribution of money or other thing of value which in  
45 the aggregate exceeds \$5,000 per election, and no candidates who  
46 have established only a joint candidates committee, their campaign

1 treasurer, deputy campaign treasurer, or joint candidates committee,  
2 shall knowingly accept from any such source any contribution of  
3 money or other thing of value which in the aggregate exceeds \$5,000  
4 per election per candidate, and no candidate who has established both  
5 a candidate committee and a joint candidates committee, the campaign  
6 treasurers, deputy campaign treasurers, or candidate committee or  
7 joint candidates committee shall knowingly accept from any such  
8 source any contribution of money or other thing of value which in the  
9 aggregate exceeds \$5,000 per election.

10 (2) The limitation upon the knowing acceptance by a candidate,  
11 campaign treasurer, deputy campaign treasurer, candidate committee  
12 or joint candidates committee of any contribution of money or other  
13 thing of value from a political committee or continuing political  
14 committee under the provisions of paragraph (1) of this subsection  
15 shall also be applicable to the knowing acceptance of any such  
16 contribution from the county committee of a political party by a  
17 candidate or the campaign treasurer, deputy campaign treasurer,  
18 candidate committee or joint candidates committee of a candidate for  
19 any elective public office in another county or, in the case of a  
20 candidate for nomination for election or for election to the office of  
21 member of the Legislature, in a legislative district in which, according  
22 to the federal decennial census upon the basis of which legislative  
23 districts shall have been established, less than 20% of the population  
24 resides within the county of that county committee. In addition, all  
25 contributor reporting requirements and other restrictions and  
26 regulations applicable to a contribution of money or other thing of  
27 value by a political committee or continuing political committee under  
28 the provisions of P.L.1973, c.83 (C.19:44A-1 et al.) shall likewise be  
29 applicable to the making or payment of such a contribution by such a  
30 county committee.

31 The limitation upon the knowing acceptance by a candidate,  
32 campaign treasurer, deputy campaign treasurer, candidate committee  
33 or joint candidates committee of any contribution of money or other  
34 thing of value from a political committee or continuing political  
35 committee under the provisions of paragraph (1) of this subsection,  
36 except that the amount of any contribution of money or other thing of  
37 value shall be in an amount which in the aggregate does not exceed  
38 \$25,000, shall also be applicable to the knowing acceptance of any  
39 such contribution from the county committee of a political party by a  
40 candidate, or the campaign treasurer, deputy campaign treasurer,  
41 candidate committee or joint candidates committee of a candidate, for  
42 nomination for election or for election to the office of member of the  
43 Legislature in a legislative district in which, according to the federal  
44 decennial census upon the basis of which legislative districts shall have  
45 been established, at least 20% but less than 40% of the population  
46 resides within the county of that county committee. In addition, all

1 contributor reporting requirements and other restrictions and  
2 regulations applicable to a contribution of money or other thing of  
3 value by a political committee or continuing political committee under  
4 the provisions of P.L.1973, c.83 (C.19:44A-1 et al.) shall likewise be  
5 applicable to the making or payment of such a contribution by such a  
6 county committee.

7 With respect to the limitations in this paragraph, the Legislature  
8 finds and declares that:

9 (a) Persons making contributions to the county committee of a  
10 political party have a right to expect that their money will be used, for  
11 the most part, to support candidates for elective office who will most  
12 directly represent the interest of that county;

13 (b) The practice of allowing a county committee to use funds  
14 raised with this expectation to make unlimited contributions to  
15 candidates for the Legislature who may have a limited, or even  
16 nonexistent, connection with that county serves to undermine public  
17 confidence in the integrity of the electoral process;

18 (c) Furthermore, the risk of actual or perceived corruption is raised  
19 by the potential for contributors to circumvent limits on contributions  
20 to candidates by funnelling money to candidates through county  
21 committees;

22 (d) The State has a compelling interest in preventing the actuality  
23 or appearance of corruption and in protecting public confidence in  
24 democratic institutions by limiting amounts which a county committee  
25 may contribute to legislative candidates whose districts are not located  
26 in close proximity to that county; and

27 (e) It is, therefore, reasonable for the State to promote this  
28 compelling interest by limiting the amount a county committee may  
29 give to a legislative candidate based upon the degree to which the  
30 population of the legislative district overlaps with the population of  
31 that county.

32 c. (1) No candidate who has established only a candidate  
33 committee, his campaign treasurer, deputy treasurer or candidate  
34 committee shall (a) pay or make any contribution of money or other  
35 thing of value to another candidate who has established only a  
36 candidate committee, his campaign treasurer, deputy campaign  
37 treasurer or candidate committee, other than a candidate for  
38 nomination for election or for election for the office of Governor,  
39 which in the aggregate exceeds \$5,000 per election, or (b) pay or  
40 make any contribution of money or other thing of value to candidates  
41 who have established only a joint candidates committee, their  
42 campaign treasurer, deputy campaign treasurer, or joint candidates  
43 committee, which in the aggregate exceeds \$5,000 per election per  
44 candidate in the recipient committee, or (c) pay or make any  
45 contribution of money or other thing of value to a candidate who has  
46 established both a candidate committee and a joint candidates

1 committee, the campaign treasurers, deputy campaign treasurers, or  
2 candidate committee or joint candidates committee, which in the  
3 aggregate exceeds \$5,000 per election. No candidate who has  
4 established only a candidate committee, his campaign treasurer, deputy  
5 campaign treasurer or candidate committee, other than a candidate for  
6 nomination for election or for election to the office of the Governor,  
7 shall knowingly accept from another candidate who has established  
8 only a candidate committee, his campaign treasurer, deputy campaign  
9 treasurer or candidate committee, any contribution of money or other  
10 thing of value which in the aggregate exceeds \$5,000 per election, and  
11 no candidates who have established only a joint candidates committee,  
12 their campaign treasurer, deputy campaign treasurer, or joint  
13 candidates committee, shall knowingly accept from any such source  
14 any contribution of money or other thing of value which in the  
15 aggregate exceeds \$5,000 per election per candidate in the recipient  
16 committee, and no candidate who has established both a candidate  
17 committee and a joint candidates committee, the campaign treasurers,  
18 deputy campaign treasurers, or candidate committee or joint  
19 candidates committee, shall knowingly accept from any such source  
20 any contribution of money or other thing of value which in the  
21 aggregate exceeds \$5,000 per election.

22 (2) No candidates who have established only a joint candidates  
23 committee, their campaign treasurer, deputy campaign treasurer, or  
24 joint candidates committee shall (a) pay or make any contribution of  
25 money or other thing of value to another candidate who has  
26 established only a candidate committee, his campaign treasurer, deputy  
27 campaign treasurer or candidate committee, other than a candidate for  
28 nomination for election or for election for the office of Governor,  
29 which in the aggregate exceeds, on the basis of each candidate in the  
30 contributing joint candidates committee, \$5,000 per election, or (b)  
31 pay or make any contribution of money or other thing of value to  
32 candidates who have established only a joint candidates committee,  
33 their campaign treasurer, deputy campaign treasurer or joint  
34 candidates committee, which in the aggregate exceeds, on the basis of  
35 each candidate in the contributing joint candidates committee, \$5,000  
36 per election per candidate in the recipient joint candidates committee,  
37 or (c) pay or make any contribution of money or other thing of value  
38 to a candidate who has established both a candidate committee and a  
39 joint candidates committee, the campaign treasurers, deputy campaign  
40 treasurers or candidate committee or joint candidates committee,  
41 which in the aggregate exceeds, on the basis of each candidate in the  
42 contributing joint candidates committee, \$5,000 per election. No  
43 candidate who has established only a candidate committee, his  
44 campaign treasurer, deputy campaign treasurer, or candidate  
45 committee, other than a candidate for nomination for election or for  
46 election for the office of Governor, shall knowingly accept from other

1 candidates who have established only a joint candidates committee,  
2 their campaign treasurer, deputy campaign treasurer or joint  
3 candidates committee, any contribution of money or other thing of  
4 value which in the aggregate exceeds, on the basis of each candidate  
5 in the contributing committee, \$5,000 per election, and no candidates  
6 who have established only a joint candidates committee, their  
7 campaign treasurer, deputy campaign treasurer, or joint candidates  
8 committee, shall knowingly accept from any such source any  
9 contribution of money or other thing of value which in the aggregate  
10 exceeds, on the basis of each candidate in the contributing joint  
11 candidates committee, \$5,000 per election per candidate in the  
12 recipient joint candidates committee, and no candidate who has  
13 established both a candidate committee and a joint candidates  
14 committee, the campaign treasurers, deputy campaign treasurers, or  
15 candidate committee or joint candidates committee, shall knowingly  
16 accept from any such source any contribution of money or other thing  
17 of value which in the aggregate exceeds, on the basis of each candidate  
18 in the contributing joint candidates committee, \$5,000 per election.

19 (3) No candidate who has established both a candidate committee  
20 and a joint candidates committee, the campaign treasurers, deputy  
21 campaign treasurers, or candidate committee or joint candidates  
22 committee shall (a) pay or make any contribution of money or other  
23 thing of value to another candidate who has established only a  
24 candidate committee, his campaign treasurer, deputy campaign  
25 treasurer or candidate committee, other than a candidate for  
26 nomination for election or for election for the office of Governor,  
27 which in the aggregate exceeds \$5,000 per election, or (b) pay or  
28 make any contribution of money or other thing of value to candidates  
29 who have established only a joint candidates committee, their  
30 campaign treasurer, deputy campaign treasurer or joint candidates  
31 committee, which in the aggregate exceeds \$5,000 per election per  
32 candidate in the recipient joint candidates committee, or (c) pay or  
33 make any contribution of money or other thing of value to a candidate  
34 who has established both a candidate committee and a joint candidates  
35 committee, the campaign treasurers, deputy campaign treasurers, or  
36 candidate committee or joint candidates committee, which in the  
37 aggregate exceeds \$5,000 per election. No candidate who has  
38 established only a candidate committee, his campaign treasurer, deputy  
39 campaign treasurer, or candidate committee, other than a candidate for  
40 nomination for election or for election for the office of Governor, shall  
41 knowingly accept from a candidate who has established both a  
42 candidate committee and a joint candidates committee, the campaign  
43 treasurers, deputy campaign treasurers, or candidate committee or  
44 joint candidates committee, any contribution of money or other thing  
45 of value which in the aggregate exceeds \$5,000 per election, and no  
46 candidates who have established only a joint candidates committee,

1 their campaign treasurer, deputy campaign treasurer, or joint  
2 candidates committee, shall knowingly accept from any such source  
3 any contribution of money or other thing of value which in the  
4 aggregate exceeds \$5,000 per election per candidate in the recipient  
5 joint candidates committee, and no candidate who has established both  
6 a candidate committee and a joint candidates committee, the campaign  
7 treasurers, deputy campaign treasurers, or candidate committee or  
8 joint candidates committee shall knowingly accept from any such  
9 source any contribution of money or other thing of value which in the  
10 aggregate exceeds \$5,000 per election.

11 (4) Expenditures by a candidate for nomination for election or for  
12 election to the office of member of the Legislature or to an office of  
13 a political subdivision of the State, or by the campaign treasurer,  
14 deputy treasurer, candidate committee or joint candidates committee  
15 of such a candidate, which are made in furtherance of the nomination  
16 or election, respectively, of another candidate for the same office in  
17 the same legislative district or the same political subdivision shall not  
18 be construed to be subject to any limitation under this subsection; for  
19 the purposes of this sentence, the offices of member of the State  
20 Senate and member of the General Assembly shall be deemed to be the  
21 same office.

22 d. Nothing contained in this section shall be construed to impose  
23 any limitation on contributions by a candidate, or by a corporation,  
24 100% of the stock in which is owned by a candidate or the candidate's  
25 spouse, child, parent or sibling residing in the same household, to that  
26 candidate's campaign.

27 e. For the purpose of determining the amount of a contribution to  
28 be attributed as given to or by each candidate in a joint candidates  
29 committee, the amount of the contribution to or by such a committee  
30 shall be divided equally among all the candidates in the committee.

31 f. An individual other than an individual who is a candidate, a  
32 corporation, a labor organization, a group, a political committee or  
33 continuing political committee, a county committee of a political party,  
34 or a candidate, or the campaign treasurer, deputy campaign treasurer,  
35 candidate committee, or joint candidates committee of a candidate,  
36 who or which has paid or made contributions of money or other thing  
37 of value to a candidate seeking nomination for election at the primary  
38 election, or to the campaign treasurer, deputy campaign treasurer,  
39 candidate committee or joint candidates committee of such a  
40 candidate, which in the aggregate are equal to the maximum amount  
41 that, under the provisions of this section, the contributor is permitted  
42 to pay or make with respect to the candidacy in that election of the  
43 candidate so seeking nomination may, prior to the date on which that  
44 primary election is to be held but not prior to January 1 of the same  
45 year, pay or make contributions of money or other thing of value to  
46 the recipient candidate, campaign treasurer, deputy campaign

1 treasurer, candidate committee, or joint candidates committee with  
2 respect to the candidacy of that candidate in the general election to be  
3 held in that year, but the provisions of this subsection shall not be  
4 construed to affect the maximum amount of aggregate contributions  
5 with respect to that general election candidacy that a contributor may  
6 pay or make under this section to the candidate, or to the campaign  
7 treasurer, deputy campaign treasurer, candidate committee, or joint  
8 candidates committee of the candidate.

9 If, after any contributions with respect to the candidacy in the  
10 general election of a candidate for nomination for election in the  
11 primary election shall have been paid or made prior to the date of a  
12 primary election to that candidate or to the campaign treasurer, deputy  
13 campaign treasurer, candidate committee, or joint candidates  
14 committee of the candidate, the candidate shall have failed to receive  
15 that nomination, then notwithstanding the limitations on contributions  
16 prescribed under subsections a., b., and c. of this section, those  
17 contributions may, subject to the provisions of paragraph (2) of  
18 subsection b. of section 17 of P.L.1993, c.65 (C.19:44A-11.2), be  
19 used for any of the purposes set forth in subsection a. of that section.  
20 (cf: P.L.1993, c.65, s.18)

21  
22 3. Section 12 of P.L.1973, c.83 (C.19:44A-12) is amended to read  
23 as follows:

24 12. An organizational or campaign treasurer or deputy  
25 organizational or campaign treasurer of a candidate committee or joint  
26 candidates committee, a political committee, a continuing political  
27 committee, a political party committee or a legislative leadership  
28 committee shall make a written record of all funds which he receives  
29 as contributions to the candidate committee, joint candidates  
30 committee, political committee, continuing political committee,  
31 political party committee or legislative leadership committee, including  
32 in that record the name and mailing address of the contributor, the  
33 amount and date of the contribution, and where the contributor is an  
34 individual, the occupation of the individual and the name and mailing  
35 address of the individual's employer. In the case of a contribution paid  
36 or made prior to the primary election to a candidate seeking  
37 nomination thereat for election at the general election, or to the  
38 campaign treasurer, deputy campaign treasurer, candidate committee  
39 or joint candidates committee of such a candidate, if the total of the  
40 amount of that contribution and the amount of contributions to the  
41 candidate, treasurer or committee with respect to the candidacy of that  
42 candidate in the primary election previously paid or made by the same  
43 contributor exceeds the amount of contributions in the aggregate that  
44 the contributor is allowed by law to pay or make to that candidate,  
45 treasurer or committee with respect to such candidacy in the primary  
46 election, the campaign treasurer or deputy campaign treasurer of the

1 candidate committee or joint candidates committee of the candidate,  
2 in making the written record of that contribution, shall designate, in  
3 such manner as the Election Law Enforcement Commission shall by  
4 regulation prescribe, any portion of the contribution constituting such  
5 an excess amount as having been made with respect to the general  
6 election. The organizational or campaign treasurer shall retain that  
7 record for a period of not less than four years. All funds so received  
8 shall be deposited by the campaign or organizational treasurer or  
9 deputy campaign or organizational treasurer in a campaign depository  
10 of the candidate committee or joint candidates committee, the  
11 continuing political committee, political committee, political party  
12 committee or legislative leadership committee no later than the tenth  
13 calendar day following receipt of such funds; except that any such  
14 treasurer or deputy treasurer may, when authorized by the candidate,  
15 candidates or committee of which he is the campaign or organizational  
16 treasurer or deputy campaign or organizational treasurer, transfer any  
17 such funds to the duly designated campaign or organizational treasurer  
18 or deputy campaign or organizational treasurer of another candidate  
19 or committee, for inclusion in the campaign depository thereof,  
20 without first so depositing them; provided, however, that the amount  
21 so transferred shall not be in excess of the amount that may be  
22 contributed by one candidate to another candidate in an election  
23 pursuant to section 18 of P.L.1993, c.65 (C.19:44A-11.3), but this  
24 proviso shall not be construed to prohibit a county or municipal  
25 committee of a political party from making a contribution or  
26 contributions, or from transferring funds as hereinabove authorized, to  
27 any candidate, candidate committee, joint candidates committee,  
28 political committee, continuing political committee, political party  
29 committee, or legislative leadership committee. A record of all  
30 nondeposited funds so transferred shall be attached to the statement  
31 required under this section, identifying them as to source and amount  
32 in the same manner as deposited funds.

33 (cf: P.L.1995, c.178, s.1)

34

35 4. Section 16 of P.L.1973, c.83 (C.19:44A-16) is amended to read  
36 as follows:

37 16. a. The campaign treasurer of each candidate committee and  
38 joint candidates committee shall make a full cumulative report, upon  
39 a form prescribed by the Election Law Enforcement Commission, of  
40 all contributions in the form of moneys, loans, paid personal services  
41 or other things of value, made to him or to the deputy campaign  
42 treasurers of the candidate committee or joint candidates committee,  
43 and all expenditures paid out of the election fund of the candidate or  
44 candidates, during the period ending with the second day preceding the  
45 date of the cumulative report and beginning on the date of the first of  
46 those contributions, the date of the first of those expenditures, or the

1 date of the appointment of the campaign treasurer, whichever occurred  
2 first. If, in accordance with the provisions of subsection f. of section  
3 18 of P.L.1993, c.65 (C.19:44A-11.3) or subsection h. of section 4 of  
4 P.L.1974, c.26 (C.19:44A-29), contributions have been paid or made  
5 to a candidate for nomination for election in the primary election, or  
6 to the campaign treasurer, deputy campaign treasurer, candidate  
7 committee or joint candidates committee of such a candidate, with  
8 respect to the candidacy of that primary election candidate for election  
9 in the general election, the campaign treasurer of the candidate  
10 committee or joint candidates committee of that candidate shall  
11 include in the report of each contribution and each expenditure for the  
12 payment of campaign expenses, as defined in subsection a. of section  
13 17 of P.L.1993, c.65 (C.19:44A-11.2), an identification of the election  
14 to which that contribution or expenditure is or was related. The report  
15 shall also contain the name and mailing address of each person or  
16 group from whom moneys, loans, paid personal services or other  
17 things of value were contributed after the second day preceding the  
18 date of the previous cumulative report and the amount contributed by  
19 each person or group, and where an individual has made such  
20 contributions, the report shall indicate the occupation of the individual  
21 and the name and mailing address of the individual's employer. In the  
22 case of any loan reported pursuant to this section, the report shall  
23 further contain the name and mailing address of each person who  
24 cosigns such loan, the occupation of the person and the name and  
25 mailing address of the person's employer. If no moneys, loans, paid  
26 personal services or other things of value were contributed, the report  
27 shall so indicate, and if no expenditures were paid or incurred, the  
28 report shall likewise so indicate. The campaign treasurer and the  
29 candidate or several candidates shall certify the correctness of the  
30 report.

31 b. During the period between the appointment of the campaign  
32 treasurer and the election with respect to which contributions are  
33 accepted or expenditures made by him, the campaign treasurer shall  
34 file his cumulative campaign report (1) on the 29th day preceding the  
35 election, and (2) on the 11th day preceding the election; and after the  
36 election he shall file his report on the 20th day following such election.  
37 Concurrent with the report filed on the 20th day following an election,  
38 or at any time thereafter, the campaign treasurer of a candidate  
39 committee or joint candidates committee may certify to the Election  
40 Law Enforcement Commission that the election fund of such candidate  
41 committee or joint candidates committee has wound up its business  
42 and been dissolved, or that business regarding the late election has  
43 been wound up but the candidate committee or joint candidates  
44 committee will continue for the deposit and use of contributions in  
45 accordance with section 17 of P.L.1993, c.65 (C.19:44A-11.2).  
46 Certification shall be accompanied by a final accounting of such

1 election fund, or of the transactions relating to such election, including  
2 the final disposition of any balance remaining in such fund at the time  
3 of dissolution or the arrangements which have been made for the  
4 discharge of any obligations remaining unpaid at the time of  
5 dissolution. Until the candidate committee or joint candidates  
6 committee is dissolved, each such treasurer shall continue to file  
7 reports in the form and manner herein prescribed.

8 The Election Law Enforcement Commission shall promulgate  
9 regulations providing for the termination of post-election campaign  
10 reporting requirements applicable to political committees, candidate  
11 committees and joint candidates committees. The requirements to file  
12 quarterly reports after the first post-election report may be waived by  
13 the commission, notwithstanding that the certification has not been  
14 filed, if the commission determines under any regulations so  
15 promulgated that the outstanding obligations of the political  
16 committee, candidate committee or joint candidates committee do not  
17 exceed 10% of the expenditures of the campaign fund with respect to  
18 the election or \$1,000.00, whichever is less, or are likely to be  
19 discharged or forgiven.

20 A candidate committee or joint candidates committee shall file with  
21 the Election Law Enforcement Commission, not later than April 15,  
22 July 15, October 15 of each calendar year in which the candidate or  
23 candidates in control of the committee does or do not run for election  
24 or reelection and January 15 of each calendar year in which the  
25 candidate or candidates does or do run for election or reelection, a  
26 cumulative quarterly report of all moneys, loans, paid personal services  
27 or other things of value contributed to it or to the candidate or  
28 candidates during the period ending on the 15th day preceding that  
29 date and commencing on January 1 of that calendar year or, in the case  
30 of the cumulative quarterly report to be filed not later than January 15,  
31 of the previous calendar year, and all expenditures made, incurred, or  
32 authorized by it or the candidate or candidates during the period,  
33 whether or not such expenditures were made, incurred or authorized  
34 in furtherance of the election or defeat of any candidate, or in aid of  
35 the passage or defeat of any public question or to provide information  
36 on any candidate or public question. The commission may by  
37 regulation require any such candidate committee or joint candidates  
38 committee to file during any calendar year one or more additional  
39 cumulative reports of such contributions received and expenditures  
40 made as may be necessary to ensure that no more than five months  
41 shall elapse between the last day of a period covered by one such  
42 report and the last day of the period covered by the next such report.

43 The commission, on any form it shall prescribe for the reporting of  
44 expenditures by a candidate committee or joint candidates committee,  
45 shall provide for the grouping together of all expenditures under the  
46 category of "campaign expenses" under paragraph (1) of subsection a.

1 of section 17 of P.L.1993, c.65, identified as such, and for the  
2 grouping together, separately, of all other expenditures under the  
3 categories prescribed by paragraphs (2) through (6) of that subsection.  
4 The cumulative quarterly report due on April 15 in a year immediately  
5 after the year in which the candidate or candidates does or do run for  
6 election or reelection shall contain a report of all of the contributions  
7 received and expenditures made by the candidate or candidates since  
8 the 18th day after that election.

9 The cumulative quarterly report shall contain the name and mailing  
10 address of each person or group from whom moneys, loans, paid  
11 personal services or other things of value have been contributed and  
12 the amount contributed by each person or group, and where an  
13 individual has made such contributions, the report shall indicate the  
14 occupation of the individual and the name and mailing address of the  
15 individual's employer. In the case of any loan reported pursuant to this  
16 section, the report shall contain the name and address of each person  
17 who cosigns such loan, and where an individual has cosigned such  
18 loans, the report shall indicate the occupation of the individual and the  
19 name and mailing address of his employer. The report shall also  
20 contain the name and address of each person, firm or organization to  
21 whom expenditures have been paid and the amount and purpose of  
22 each such expenditure. The treasurer of the candidate committee or  
23 joint candidates committee and the candidate or candidates shall  
24 certify to the correctness of each cumulative quarterly report.

25 c. In the case of an election of a candidate for an office elected by  
26 a municipal or countywide constituency or a school district a duplicate  
27 copy of the campaign treasurer's report, duly certified, shall be filed at  
28 the same time with the county clerk of the county in which the  
29 candidate resides and the county clerk shall retain a written record of  
30 that filing for a period of not less than four years following the date of  
31 the election.

32 d. There shall be no obligation to file the reports required by this  
33 section on behalf of a candidate if such candidate files with the  
34 Election Law Enforcement Commission a sworn statement to the  
35 effect that the total amount to be expended in behalf of his candidacy  
36 by the candidate committee, by any political party committee, by any  
37 political committee, or by any person shall not in the aggregate exceed  
38 \$2,000.00 or \$4,000 for any joint candidates committee containing  
39 two candidates or \$6,000 for any joint candidates committee  
40 containing three or more candidates. The sworn statement may be  
41 submitted at the time when the name and address of the campaign  
42 treasurer and depository is filed with the Election Law Enforcement  
43 Commission, provided that in any case the sworn statement is filed no  
44 later than the 29th day before an election. If a candidate who has filed  
45 such a sworn statement receives contributions from any one source  
46 aggregating more than \$200 he shall forthwith make report of the

1 same, including the name and mailing address of the source and the  
2 aggregate total of contributions therefrom, and where the source is an  
3 individual, the occupation of the individual and the name and mailing  
4 address of the individual's employer, to the Election Law Enforcement  
5 Commission.

6 e. There shall be no obligation imposed upon a candidate seeking  
7 election to a public office of a school district to file either the reports  
8 required under subsection b. of this section or the sworn statement  
9 referred to in subsection d. of this section, if the total amount  
10 expended and to be expended in behalf of his candidacy by the  
11 candidate committee, any political committee, any continuing political  
12 committee, or a political party committee or by any person, does not  
13 in the aggregate exceed \$2,000.00 per election or \$4,000 for any joint  
14 candidates committee containing two candidates or \$6,000 for any  
15 joint candidates committee containing three or more candidates;  
16 provided, that if such candidate receives contributions from any one  
17 source aggregating more than \$200, he shall forthwith make a report  
18 of the same, including the name and mailing address of the source, the  
19 aggregate total of contributions therefrom, and where the source is an  
20 individual, the occupation of the individual and the name and mailing  
21 address of the individual's employer, to the commission.

22 f. In any report filed pursuant to the provisions of this section, the  
23 names and addresses of contributors whose contributions during the  
24 period covered by the report did not exceed \$200 may be excluded;  
25 provided, however, that (1) such exclusion is unlawful if any person  
26 responsible for the preparation or filing of the report knew that such  
27 exclusion was made with respect to any person whose total  
28 contributions relating to the same election and made to the reporting  
29 candidate or to an allied campaign organization or organizations  
30 aggregate, in combination with the total contributions in respect of  
31 which such exclusion is made, more than \$200, and (2) any person  
32 who knowingly prepares, assists in preparing, files or acquiesces in the  
33 filing of any report from which the identity of any contributor has been  
34 excluded contrary to the provisions of this section is subject to the  
35 provisions of section 21 of this act, but (3) nothing in this proviso shall  
36 be construed as requiring any candidate committee or joint candidates  
37 committee reporting pursuant to this act to report the amounts, dates  
38 or other circumstantial data regarding contributions made to any other  
39 candidate committee, joint candidates committee, political committee,  
40 continuing political committee, political party committee or legislative  
41 leadership committee.

42 g. Any report filed pursuant to the provisions of this section shall  
43 include an itemized accounting of all receipts and expenditures relative  
44 to any testimonial affair held since the date of the most recent report  
45 filed, which accounting shall include the name and mailing address of  
46 each contributor in excess of \$200 to such testimonial affair and the

1 amount contributed by each; in the case of any individual contributor,  
2 the occupation of the individual and the name and mailing address of  
3 the individual's employer; the expenses incurred; and the disposition  
4 of the proceeds of such testimonial affair.

5 h. (Deleted by amendment, P.L.1993, c.65.)

6 i. Each campaign treasurer of a candidate committee or joint  
7 candidates committee shall file written notice with the commission of  
8 a contribution in excess of \$500 received during the period between  
9 the 13th day prior to the election and the date of the election. The  
10 notice shall be filed in writing or by telegram within 48 hours of the  
11 receipt of the contribution and shall set forth the amount and date of  
12 the contribution, the name and mailing address of the contributor, and  
13 where the contributor is an individual, the occupation of the individual  
14 and the name and mailing address of the individual's employer.

15 (cf: P.L.1993, c.65, s.9)

16  
17 5. Section 4 of P.L.1974, c.26 (C.19:44A-29) is amended to read  
18 as follows:

19 4. a. Except in the case of a candidate, as provided in subsection  
20 g. of this section, no person, candidate committee or joint candidates  
21 committee, political committee, continuing political committee or  
22 legislative leadership committee, otherwise eligible to make  
23 contributions, shall make any contribution or contributions to a  
24 candidate, his campaign treasurer or deputy campaign treasurer,  
25 candidate committee, a political party committee, or to any other  
26 person or committee, in aid of the candidacy of or in behalf of a  
27 candidate for nomination for election or for election to the office of  
28 Governor in any primary or general election in the aggregate in excess  
29 of \$1,500.00, or in the case of a joint candidates committee when that  
30 is the only committee established by the candidates, in excess of  
31 \$1,500.00 per candidate in the joint candidates committee, or in the  
32 case of a candidate committee and a joint candidates committee when  
33 both are established by a candidate, \$1,500.00 from that candidate. No  
34 candidate for nomination for election or for election to the office of  
35 Governor in any primary or general election and no campaign treasurer  
36 deputy campaign or treasurer of such candidate shall knowingly accept  
37 from any person, candidate, candidate committee, joint candidates  
38 committee, political committee, continuing political committee or  
39 legislative leadership committee any contribution or contributions in  
40 aid of the candidacy of or in behalf of such candidate in the aggregate  
41 in excess of \$1,500.00, or in the case of a joint candidates committee  
42 when that is the only committee established by the candidates, in  
43 excess of \$1,500.00 per candidate in the joint candidates committee, or  
44 in the case of a candidate committee and a joint candidates committee  
45 when both are established by a candidate, \$1,500.00 from that  
46 candidate, in any primary or general election. No provision of this act

1 shall be construed to prohibit a contribution or contributions in the  
2 aggregate in aid of the candidacy of or in behalf of any candidate for  
3 nomination for election to the office of Governor in a primary election  
4 not in excess of \$1,500.00, or in the case of a contribution or  
5 contributions by a joint candidates committee when that is the only  
6 committee established by the candidates, in excess of \$1,500.00 per  
7 candidate in the joint candidates committee, or in the case of a  
8 candidate committee and a joint candidates committee when both are  
9 established by a candidate, \$1,500.00 from that candidate, and another  
10 contribution or contributions in the aggregate in the aid of the  
11 candidacy of or in behalf of any candidate for election to the office of  
12 Governor in a general election not in excess of \$1,500.00, or in the  
13 case of a contribution or contributions by a joint candidates committee  
14 when that is the only committee established by the candidates, in  
15 excess of \$1,500.00 per candidate in the joint candidates committee,  
16 or in the case of a candidate committee and a joint candidates  
17 committee when both are established by a candidate, \$1,500.00 from  
18 that candidate. For the purpose of determining the amount of a  
19 contribution to be attributed as given by each candidate in a joint  
20 candidates committee, the amount of the contribution by such a  
21 committee shall be divided equally among all the candidates in the  
22 committee.

23 b. (Deleted by amendment, P.L.1980, c.74.)

24 c. The spouse of any contributor may make a contribution or  
25 contributions in the aggregate in aid of the candidacy of or in behalf  
26 of a candidate for nomination for election or for election to the office  
27 of Governor of up to \$1,500.00.

28 d. No State committee of any political party shall knowingly accept  
29 from any person, candidate committee, joint candidates committee,  
30 political committee, continuing political committee or legislative  
31 leadership committee, any contribution or contributions in the  
32 aggregate in aid of the candidacy of or in behalf of a candidate for  
33 election to the office of Governor in a general election in excess of  
34 \$1,500.00, or in the case of a contribution or contributions by a joint  
35 candidates committee when that is the only committee established by  
36 the candidates, in excess of \$1,500.00 per candidate in the joint  
37 candidates committee, or in the case of a candidate committee and a  
38 joint candidates committee when both are established by a candidate,  
39 \$1,500.00 from that candidate. A State committee may allocate a  
40 contribution of up to \$1,500.00, and up to \$1,500.00 of a contribution  
41 in excess of \$1,500.00 in aid of the candidacy of or in behalf of such  
42 candidate, except that in the case of a contribution from a joint  
43 candidates committee when that is the only committee established by  
44 the candidates, the amounts which may be so allocated shall be  
45 \$1,500.00 per candidate in the joint candidates committee, and in the  
46 case of a candidate committee and a joint candidates committee when

1 both are established by a candidate, the amount which may be so  
2 allocated shall be \$1,500.00 from that candidate. For the purpose of  
3 determining the amount of a contribution to be attributed as given by  
4 each candidate in a joint candidates committee, the amount of the  
5 contribution by such a committee shall be divided equally among all  
6 the candidates in the committee. A State committee shall create an  
7 account in a national or State bank in behalf of any candidate the  
8 committee intends to or does assist for election to the office of  
9 Governor in a general election, shall deposit in such account and  
10 report to the Election Law Enforcement Commission the name of the  
11 contributor of all moneys accepted or allocated in aid of the candidacy  
12 of or in behalf of such candidate, and may make a contribution or  
13 contributions from such account in any amount in aid of the candidacy  
14 of or in behalf of such candidate. No State committee may make any  
15 contribution or contributions in aid of the candidacy of or in behalf of  
16 such candidate of moneys not deposited in a bank account pursuant to  
17 this subsection, and no State committee may make a contribution or  
18 contributions in aid of the candidacy of or in behalf of such candidate  
19 of moneys or other thing of value pledged or received in a calendar  
20 year in which no gubernatorial election was held.

21 e. The county committee of a political party in a county and the  
22 municipal committees of that political party in the same county may  
23 make an expenditure or expenditures in the aggregate of \$10,000.00  
24 in aid of the candidacy of or in behalf of any candidate for election to  
25 the office of Governor in a general election. No county committee or  
26 municipal committee may transfer or contribute any funds to any such  
27 candidate or to such candidate's campaign treasurer or deputy  
28 campaign treasurer, or to any political committee supporting such  
29 candidate. A candidate or his campaign treasurer or deputy campaign  
30 treasurer shall determine the exact amount that individual county  
31 committees or municipal committees may contribute in aid of the  
32 candidacy of or in behalf of such candidate, and shall file a report of  
33 such determination with the Election Law Enforcement Commission  
34 no later than the seventh day prior to the general election being  
35 funded.

36 f. Communications on any subject by a corporation to its  
37 stockholders and their families, or by a labor organization to its  
38 members and their families, and nonpartisan registration and  
39 get-out-the-vote campaigns by a corporation aimed at its stockholders  
40 and their families, or by a labor organization aimed at its members and  
41 their families, shall not be construed to be in aid of the candidacy of or  
42 in behalf of a candidate for election to the office of Governor in any  
43 primary or general election.

44 g. No candidate receiving public funds may make expenditures  
45 from his own funds, including any contributions from his own funds,  
46 in aid of his candidacy for nomination or election to the office of

1 Governor in excess of \$25,000.00 for the primary election and  
2 \$25,000.00 for the general election.

3 As used in this subsection "own funds" means funds to which the  
4 candidate is legally and beneficially entitled, but shall not include funds  
5 as to which he is a trustee, or funds given or otherwise transferred to  
6 the candidate by any person other than the spouse of the candidate for  
7 use in aid of his candidacy.

8 h. A person, a candidate committee or joint candidates committee,  
9 a political committee, a continuing political committee, or a legislative  
10 leadership committee who or which has paid or made contributions of  
11 money or other thing of value to a candidate seeking nomination for  
12 election to the office of Governor at the primary election, or to the  
13 campaign treasurer, deputy campaign treasurer, or candidate  
14 committee of such a candidate, which in the aggregate are equal to the  
15 maximum amount that, under the provisions of this section, the  
16 contributor is permitted to pay or make with respect to the candidacy  
17 in that election of the candidate so seeking nomination for election to  
18 that office may, prior to the date on which that primary election is to  
19 be held but not prior to January 1 of the same year, pay or make  
20 contributions of money or other thing of value to the recipient  
21 candidate, campaign treasurer, deputy campaign treasurer, or  
22 candidate committee with respect to the candidacy of that primary  
23 election candidate for election to the office of Governor in the general  
24 election to be held in that year, but the provisions of this subsection  
25 shall not be construed to affect the maximum amount of aggregate  
26 contributions with respect to that general election candidacy that a  
27 contributor may pay or make under this section to the candidate, or to  
28 the campaign treasurer, deputy campaign treasurer, or candidate  
29 committee of the candidate.

30 If, after any contributions with respect to the candidacy in the  
31 general election of a candidate for nomination for election to the office  
32 of Governor in the primary election shall have been paid or made prior  
33 to the date of a primary election to that candidate or to the campaign  
34 treasurer, deputy campaign treasurer, or candidate committee of the  
35 candidate, the candidate shall have failed to receive that nomination,  
36 then notwithstanding the limitations on contributions prescribed under  
37 this section, those contributions may, subject to the provisions of  
38 paragraph (2) of subsection b. of section 17 of P.L.1993, c.65  
39 (C.19:44A-11.2), be used for any of the purposes set forth in  
40 subsection a. of that section.

41 (cf: P.L.1993, c.65, s.14)

42

43 6. Section 7 of P.L.1974, c.26 (C.19:44A-32) is amended to read  
44 as follows:

45 7. a. Each candidate in the primary election for nomination for  
46 election to the office of Governor, shall, with the approval of the

1 Election Law Enforcement Commission, create a bank account in a  
2 National or State bank. The candidate, his campaign treasurer or  
3 deputy campaign treasurer shall deposit promptly into the account all  
4 moneys, other than moneys received for the purpose of the  
5 general election, received pursuant to section 4 of P.L.1974, c.26  
6 (C.19:44A-29) and sections 11 and 12 of P.L.1973, c.83  
7 (C.19:44A-11 and 19:44A-12).

8 b. Each candidate in the general election for election to the office  
9 of Governor, and each candidate in the primary election for  
10 nomination for election to that office who, prior to the primary  
11 election, receives contributions with respect to the candidacy of that  
12 person for election to that office in the general election in accordance  
13 with the provisions of subsection h. of section 4 of P.L.1974, c.26  
14 (C.19:44A-29), shall, with the approval of the Election Law  
15 Enforcement Commission, create an account in a National or State  
16 bank. The candidate, his campaign treasurer or deputy campaign  
17 treasurer shall deposit promptly into the account all moneys received  
18 for the purpose of the general election, provided that the moneys are  
19 received pursuant to section 4 of P.L.1974, c. 26 (C. 19:44A-29) and  
20 sections 11 and 12 of P.L.1973, c. 83 (C. 19:44A-11 and 19:44A-12).

21 c. Immediately after deposit in the bank account the candidate or  
22 his campaign treasurer or deputy campaign treasurer may transfer or  
23 expend the moneys, except that no moneys deposited in a candidate's  
24 bank account for the primary election may be expended for any  
25 candidate's general election expenses, and except that no moneys  
26 deposited in a candidate's bank account for the general election may  
27 be transferred or expended until the day following the primary election  
28 or may be expended for primary election expenses.

29 d. No State or National bank which acts as a depository for  
30 election funds as provided in this act shall be held accountable for the  
31 proper application of funds withdrawn, transferred or expended from  
32 such accounts by the person or persons in whose name or names the  
33 accounts are opened or maintained, nor shall the State or National  
34 bank be under any duty to determine whether the funds deposited in  
35 the account are withdrawn, transferred or expended for the purposes  
36 and at the time or times prescribed by law, or are received from  
37 sources and in amounts prescribed or limited by law.  
38 (cf: P.L.1980, c.74, s.7)

39

40 7. This act shall take effect on January 1 following enactment.

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#### STATEMENT

44

45 This bill amends the provisions of "The New Jersey Campaign  
46 Contributions and Expenditures Reporting Act" that limit

1 contributions to candidates to permit contributions to a prospective  
2 candidate for public office in the general election to be made prior to  
3 the primary election.

4 Under the bill, if a candidate for a party nomination to such office  
5 in the primary election has received from a contributor the maximum  
6 amount the contributor is allowed to contribute with respect to that  
7 primary election, the contributor would nonetheless be allowed to  
8 give, and the candidate to receive, additional contributions with  
9 respect to the forthcoming general election. The bill prohibits the  
10 candidate's use of any such additional contributions to pay campaign  
11 expenses of the primary election campaign. It also requires the  
12 campaign of a candidate to whom such pre-primary general election  
13 contributions are made to identify, in any report to the Election Law  
14 Enforcement Commission of the contributions it received and the  
15 expenditures it made, the election to which those contributions and  
16 expenditures relate.

17 The bill provides that a candidate who accepts pre-primary  
18 contributions with respect to a prospective candidacy for office at the  
19 general election, but who then fails to obtain nomination for the office  
20 at that primary election, would be allowed to use those contributions  
21 for any of the purposes currently authorized by law, except for the  
22 payment of primary election campaign expenses.

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28 Permits contributions to candidates, candidate committees, and joint  
29 candidates committees for general election campaign expenses to be  
made prior to primary election.