

SENATE, No. 1044

STATE OF NEW JERSEY

INTRODUCED MAY 2, 1996

By Senators LYNCH, CASEY, Adler and McGreevey

1 AN ACT concerning the financing of campaigns for nomination for
2 election and for election to the office of member of the Legislature,
3 amending various parts of the statutory law, and supplementing
4 Titles 19 and 48 of the Revised Statutes.

5

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

8

9 1. Section 3 of P.L.1973, c.83 (C.19:44A-3) is amended to read as
10 follows:

11 3. As used in this act, unless a different meaning clearly appears
12 from the context:

13 a. (Deleted by amendment, P.L.1993, c.65.)

14 b. (Deleted by amendment, P.L.1993, c.65.)

15 c. The term "candidate" means: (1) an individual seeking election
16 to a public office of the State or of a county, municipality or school
17 district at an election; except that the term shall not include an
18 individual seeking party office; and (2) an individual who shall have
19 been elected or failed of election to an office, other than a party office,
20 for which he sought election and who receives contributions and
21 makes expenditures for any of the purposes authorized by section 17
22 of P.L.1993, c.65 (C.19:44A-11.2) during the period of his service in
23 that office.

24 d. The terms "contributions" and "expenditures" include all loans
25 and transfers of money or other thing of value to or by any candidate,
26 candidate committee, joint candidates committee, political committee,
27 continuing political committee, political party committee or legislative
28 leadership committee and all pledges or other commitments or
29 assumptions of liability to make any such transfer; and for purposes of
30 reports required under the provisions of this act shall be deemed to
31 have been made upon the date when such commitment is made or
32 liability assumed.

33 e. The term "election" means any election described in section 4
34 of this act.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

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

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

36 h. The term "political information" means any statement including,
37 but not limited to, press releases, pamphlets, newsletters,
38 advertisements, flyers, form letters, or radio or television programs or
39 advertisements which reflects the opinion of the members of the
40 organization on any candidate or candidates for public office, on any
41 public question, or which contains facts on any such candidate, or
42 public question whether or not such facts are within the personal
43 knowledge of members of the organization.

44 i. The term "political committee" means any two or more persons
45 acting jointly, or any corporation, partnership, or any other
46 incorporated or unincorporated association which is organized to, or

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

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

32 k. The term "testimonial affair" means an affair of any kind or
33 nature including, without limitation, cocktail parties, breakfasts,
34 luncheons, dinners, dances, picnics or similar affairs directly or
35 indirectly intended to raise campaign funds in behalf of a person who
36 holds, or who is or was a candidate for nomination or election to a
37 public office in this State, or directly or indirectly intended to raise
38 funds in behalf of any political party committee or in behalf of a
39 political committee, continuing political committee, candidate
40 committee, joint candidates committee or legislative leadership
41 committee.

42 l. The term "other thing of value" means any item of real or
43 personal property, tangible or intangible, but shall not be deemed to
44 include personal services other than paid personal services.

45 m. The term "qualified candidate" means:

46 (1) Any candidate for election to the office of Governor whose

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

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

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

40 (4) Any candidate for nomination for election to the office of
41 Governor whose name does not appear on the primary election ballot;
42 who has deposited and expended \$150,000.00 pursuant to section 7
43 of P.L.1974, c.26 (C.19:44A-32); and who, not later than the last day
44 for filing petitions to nominate candidates to be voted upon in a
45 primary election for a general election in which the office of Governor
46 is to be filled, (a) notifies the Election Law Enforcement Commission

1 in writing that the candidate intends that application will be made on
2 the candidate's behalf for monies for primary election campaign
3 expenses under subsection a. of section 8 of P.L.1974, c.26
4 (C.19:44A-33), and (b) signs a statement of agreement, in a form to
5 be prescribed by the commission, to participate in two interactive
6 gubernatorial primary debates under the provisions of sections 9
7 through 11 of P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47);

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

21 (6) Any candidate for election to the office of member of the
22 Legislature whose name does not appear on the general election ballot;
23 who has deposited and expended \$10,000.00 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 member of the
26 Legislature is to be filled, (a) notifies the Election Law Enforcement
27 Commission in writing that the candidate intends that application will
28 be made on the candidate's behalf for monies for general election
29 campaign expenses under subsection d. of section 8 of P.L.1974, c.26
30 (C.19:44A-33), and (b) signs a statement of agreement, in a form to
31 be prescribed by the commission, to participate in two interactive
32 legislative election debates under the provisions of section 9 through
33 11 of P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47); or

34 (7) Any candidate for nomination for election to the office of
35 member of the Legislature whose name appears on the primary
36 election ballot; who has deposited and expended \$5,000.00 pursuant
37 to section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than
38 the last day for filing petitions to nominate candidates to be voted
39 upon in a primary election for a general election in which the office of
40 member of the Legislature is to be filled, (a) notifies the Election Law
41 Enforcement Commission in writing that the candidate intends that
42 application will be made on the candidate's behalf for monies for
43 primary election campaign expenses under subsection c. of section 8
44 of P.L.1974, c.26 (C.19:44A-33), and (b) signs a statement of
45 agreement, in a form to be prescribed by the commission, to
46 participate in an interactive legislative primary election debate under

1 the provisions of section 9 through 11 of P.L.1989, c.4 (C.19:44A-45
2 through C.19:44A-47); or

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

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

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

1 statement of agreement shall include an acknowledgment of notice to
2 the candidate who signs it that failure on that candidate's part to
3 participate in any of the gubernatorial debates may be cause for the
4 termination of the payment of such monies on the candidate's behalf
5 and for the imposition of liability for the return to the commission of
6 such monies as may previously have been so paid.

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

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

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

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

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

37

38 2. Section 7 of P.L.1973, c.83 (C.19:44A-7) is amended to read as
39 follows:

40 7. The amount which may be spent in aid of the candidacy of any
41 qualified candidate for Governor at any election shall not exceed in a
42 primary election \$2,200,000, and in a general election \$5,000,000[;
43 but such sums] . The amount which may be spent in aid of the
44 candidacy of any qualified candidate for election to the office of
45 member of the Legislature shall not exceed \$50,000 in a primary
46 election and \$100,000 in a general election. Such amounts shall not

1 include the traveling expenses of the candidate or of any person other
2 than the candidate if such traveling expenses are voluntarily paid by
3 such person without any understanding or agreement with the
4 candidate that they shall be, directly or indirectly, repaid to him by the
5 candidate.

6 The limitation hereunder with respect to the amount that may be
7 spent in aid of the candidacy of a qualified candidate for nomination
8 for election to the office of member of the Legislature in a primary
9 election shall not apply to a candidate who does not apply for or
10 accept the payment of monies from the fund for election campaign
11 expenses under the provisions of subsection c. of section 8 of
12 P.L.1974, c.26 (C.19:44A-33). The limitation hereunder with respect
13 to the amount that may be spent in aid of the candidacy of a qualified
14 candidate for the office of member of the Legislature at a general
15 election shall not apply to a candidate who does not apply for or
16 accept the payment of monies from the fund under the provisions of
17 subsection d. of section 8 of P.L.1974,c.26.

18 (cf: P.L.1989, c.4, s.2)

19

20 3. Section 19 of P.L.1980, c.74 (C.19:44A-7.1) is amended to read
21 as follows:

22 19. a. For the purpose of ensuring the continuing adequacy of the
23 limits set by law upon contributions, expenditures and certain other
24 amounts relating to campaigns for nomination or election to the office
25 of Governor and for nomination or election to the office of member of
26 the Legislature, the Election Law Enforcement Commission is
27 authorized and directed to adjust the limits on those amounts as
28 provided herein. The limitation amounts thus adjusted shall apply to
29 the primary and general elections for the office of Governor and to the
30 primary and general elections for the office of member of the
31 Legislature to be held in the year following the year in which that
32 adjustment is required hereunder to be made.

33 b. The commission shall establish an index reflecting the changes
34 occurring in the general level of prices of particular goods and
35 services, including but not limited to goods and services within such
36 categories of expenditure as mass media and other forms of public
37 communication, personnel, rent, office supplies and equipment, data
38 processing, utilities, travel and entertainment, and legal and accounting
39 services, directly affecting the overall costs of election campaigning in
40 this State. The index shall be weighted in accordance with the impact
41 in the preceding general election for the office of Governor of the
42 respective prices of each of those several goods and services upon
43 those overall costs. Not later than December 1 of each year preceding
44 any year in which a general election is to be held to fill the office of
45 Governor for a four-year term, the commission shall determine the
46 percentage of change in this index which shall have occurred during

1 the four-year period ending with the year of the gubernatorial election,
2 and shall adjust the amounts, as set forth in subsection c. of this
3 section, which shall be applicable under P.L.1973, c. 83 (C.19:44A-1
4 et seq.) to the primary and general elections for the office of Governor
5 and the primary and general elections for the office of member of the
6 Legislature to be held in the following year by multiplying that
7 percentage of change, plus 100%, times the amounts applicable
8 thereunder to the primary and general elections for [that] the office of
9 Governor held in the third year preceding the year in which that
10 December 1 occurs; provided that any amount so adjusted shall be
11 rounded as follows: if the adjusted amount is less than \$20,000 and is
12 not an exact multiple of \$100, to the next higher exact multiple of
13 \$100; if the adjusted amount is more than \$20,000 but less than
14 \$200,000 and is not an exact multiple of \$1,000, to the next higher
15 exact multiple of \$1,000; if the adjusted amount is more than \$200,000
16 but less than \$2,000,000 and is not an exact multiple of \$10,000, to
17 the next higher exact multiple of \$10,000; and if the adjusted amount
18 is more than \$2,000,000 but less than \$20,000,000 and is not an exact
19 multiple of \$100,000, to the next higher exact multiple of \$100,000.

20 c. The amounts subject to adjustment as provided under this
21 section shall be:

22 (1) The maximum amount of contributions permitted to be made
23 to any candidate for nomination for election or for election to the
24 office of Governor or to any candidate for nomination for election or
25 for election to the office of member of the Legislature pursuant to
26 section 4 of P.L.1974, c.26 (C.19:44A-29) and the amount of
27 contributions with respect to which a qualified candidate for
28 nomination for election or for election to [that office] the office of
29 Governor or a qualified candidate for nomination for election or for
30 election to the office of member of the Legislature shall be eligible to
31 receive moneys from the fund for election campaign expenses pursuant
32 to section 8 of P.L.1974, c.26 (C.19:44A-33);

33 (2) The amount of deposits or expenditures required to have been
34 made by a candidate for nomination for election or for election to the
35 office of Governor or by a candidate for nomination for election or for
36 election to the office of member of the Legislature in order for that
37 candidate to be a qualified candidate under subsection m. of section 3
38 of P.L.1973, c.83 (C.19:44A-3) and the amount of such deposits into
39 such a candidate's bank account for which no payment of public funds
40 is to be made pursuant to section 8 of P.L.1974, c.26 (C.19:44A-33);

41 (3) The maximum amount which may be spent in aid of the
42 candidacy of a qualified candidate for the office of Governor in a
43 primary or a general election or a qualified candidate for the office of
44 member of the Legislature in a primary or a general election pursuant
45 to section 7 of P.L.1973, c.83 (C.19:44A-7); and

46 (4) The maximum amount which any qualified candidate for

1 nomination for election in a primary election or for election to the
2 office of Governor in a general election or any qualified candidate for
3 nomination for election or for election to the office of member of the
4 Legislature in a primary or a general election may receive from the
5 fund for election campaign expenses pursuant to section 8 of
6 P.L.1974, c.26 (C.19:44A-33).

7 d. Not later than December 15 of each year preceding any year in
8 which a general election is to be held to fill the office of Governor for
9 a four-year term, the commission shall report to the Legislature its
10 adjustment of limits in accordance with the provisions of this section.
11 Whenever, following the transmittal of that report, the commission
12 shall have had notice that a person has declared as a candidate for
13 nomination for election or for election to the office of Governor in the
14 forthcoming primary or general election or as a candidate for election
15 to the office of member of the Legislature in a general election, it shall
16 promptly notify that candidate of the amounts of those adjusted limits.

17 e. Not later than December 3 of each year in which it is required
18 under subsection b. hereof to determine the percentage of change in
19 the index of prices affecting the overall costs of election campaigning,
20 the commission shall certify to the State Treasurer the amount of that
21 percentage of change so determined.

22 (cf: P.L.1989, c.4, s.3)

23

24 4. Section 2 of P.L.1974, c.26 (C.19:44A-27) is amended to read
25 as follows:

26 2. It is hereby declared to be a compelling public interest and to be
27 the policy of this State that [primary and general election] campaigns
28 for nomination for election and for election to the office of Governor
29 and campaigns for nomination for election and election to the office of
30 member of the Legislature shall be financed with public support
31 pursuant to the provisions of this act. It is the intention of this act that
32 such financing be adequate in amount so that candidates [for election
33 to the office of Governor] waging such campaigns may conduct [their]
34 those campaigns free from improper influence and so that persons of
35 limited financial means may seek election to [the State's highest office]
36 those State offices.

37 (cf: P.L.1980, c.74, s.3)

38

39 5. Section 3 of P.L.1974, c.26 (C.19:44A-28) is amended to read
40 as follows:

41 3. The provisions of this act shall apply to the general election
42 campaign for the office of Governor to be held in November, 1977
43 [and], to all subsequent primary and general election campaigns for
44 nomination for election and for election to the office of Governor, and
45 to all primary and general election campaigns to be held in 1997 and
46 thereafter for nomination for election and for election to the office of

1 member of the Legislature, except that the provisions of this act shall
2 not apply to any primary or general election campaign for the office of
3 Governor or to any primary and general election campaign for election
4 to the office of member of the Legislature for which the Legislature
5 fails to make an appropriation.

6 (cf: P.L.1980, c.74, s.4)

7

8 6. Section 4 of P.L.1974, c.26 (C.19:44A-29) is amended to read
9 as follows:

10 4. a. Except in the case of a candidate, as provided in subsection
11 g. of this section, no person, candidate committee or joint candidates
12 committee, political committee, continuing political committee or
13 legislative leadership committee, otherwise eligible to make
14 contributions, shall make any contribution or contributions to a
15 candidate, his campaign treasurer or deputy campaign treasurer,
16 candidate committee, a political party committee, or to any other
17 person or committee, in aid of the candidacy of or in behalf of a
18 candidate for nomination for election or for election to the office of
19 Governor in any primary or general election in the aggregate in excess
20 of \$1,500.00, or in the case of a joint candidates committee when that
21 is the only committee established by the candidates, in excess of
22 \$1,500.00 per candidate in the joint candidates committee, or in the
23 case of a candidate committee and a joint candidates committee when
24 both are established by a candidate, \$1,500.00 from that candidate. No
25 candidate for nomination for election or for election to the office of
26 Governor in any primary or general election and no campaign treasurer
27 deputy campaign or treasurer of such candidate shall knowingly accept
28 from any person, candidate, candidate committee, joint candidates
29 committee, political committee, continuing political committee or
30 legislative leadership committee any contribution or contributions in
31 aid of the candidacy of or in behalf of such candidate in the aggregate
32 in excess of \$1,500.00, or in the case of a joint candidates committee
33 when that is the only committee established by the candidates, in
34 excess of \$1,500.00 per candidate in the joint candidates
35 committee, or in the case of a candidate committee and a joint
36 candidates committee when both are established by a candidate,
37 \$1,500.00 from that candidate, in any primary or general election. No
38 provision of this act shall be construed to prohibit a contribution or
39 contributions in the aggregate in aid of the candidacy of or in behalf
40 of any candidate for nomination for election to the office of Governor
41 in a primary election not in excess of \$1,500.00, or in the case of a
42 contribution or contributions by a joint candidates committee when
43 that is the only committee established by the candidates, in excess of
44 \$1,500.00 per candidate in the joint candidates committee, or in the
45 case of a candidate committee and a joint candidates committee when
46 both are established by a candidate, \$1,500.00 from that candidate,

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

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

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

19 d. No State committee of any political party shall knowingly accept
20 from any person, candidate committee, joint candidates committee,
21 political committee, continuing political committee or legislative
22 leadership committee, any contribution or contributions in the
23 aggregate in aid of the candidacy of or in behalf of a candidate for
24 election to the office of Governor in a general election in excess of
25 \$1,500.00, or in the case of a contribution or contributions by a joint
26 candidates committee when that is the only committee established by
27 the candidates, in excess of \$1,500.00 per candidate in the joint
28 candidates committee, or in the case of a candidate committee and a
29 joint candidates committee when both are established by a candidate,
30 \$1,500.00 from that candidate. A State committee may allocate a
31 contribution of up to \$1,500.00, and up to \$1,500.00 of a contribution
32 in excess of \$1,500.00 in aid of the candidacy of or in behalf of such
33 candidate, except that in the case of a contribution from a joint
34 candidates committee when that is the only committee established by
35 the candidates, the amounts which may be so allocated shall be
36 \$1,500.00 per candidate in the joint candidates committee, and in the
37 case of a candidate committee and a joint candidates committee when
38 both are established by a candidate, the amount which may be so
39 allocated shall be \$1,500.00 from that candidate. For the purpose of
40 determining the amount of a contribution to be attributed as given by
41 each candidate in a joint candidates committee, the amount of the
42 contribution by such a committee shall be divided equally among all
43 the candidates in the committee. A State committee shall create an
44 account in a national or State bank in behalf of any candidate the
45 committee intends to or does assist for election to the office of
46 Governor in a general election, shall deposit in such account and

1 report to the Election Law Enforcement Commission the name of the
2 contributor of all moneys accepted or allocated in aid of the candidacy
3 of or in behalf of such candidate, and may make a contribution or
4 contributions from such account in any amount in aid of the candidacy
5 of or in behalf of such candidate. No State committee may make any
6 contribution or contributions in aid of the candidacy of or in behalf of
7 such candidate of moneys not deposited in a bank account pursuant to
8 this subsection, and no State committee may make a contribution or
9 contributions in aid of the candidacy of or in behalf of such candidate
10 of moneys or other thing of value pledged or received in a calendar
11 year in which no gubernatorial election was held.

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

27 f. Communications on any subject by a corporation to its
28 stockholders and their families, or by a labor organization to its
29 members and their families, and nonpartisan registration and
30 get-out-the-vote campaigns by a corporation aimed at its stockholders
31 and their families, or by a labor organization aimed at its members and
32 their families, shall not be construed to be in aid of the candidacy of or
33 in behalf of a candidate for nomination for election or for election to
34 the office of Governor or in behalf of a candidate for nomination for
35 election or for election to the office of member of the Legislature in
36 any primary or general election.

37 g. No candidate [receiving] for nomination for election or for
38 election to the office of Governor who receives public funds may make
39 expenditures from his own funds, including any contributions from his
40 own funds, in aid of his candidacy for nomination or election to [the]
41 that office [of Governor] in excess of \$25,000.00 for the primary
42 election and \$25,000.00 for the general election. No candidate for
43 nomination for election or for election to the office of member of the
44 Legislature who receives public funds may make expenditures from his
45 own funds, including any contributions from his own funds, in aid of
46 his candidacy for election to that office in excess of \$2,500.00 for the

1 primary election and \$5,000.00 for the general election.

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

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

8

9 7. Section 5 of P.L.1974, c.26 (C.19:44A-30) is amended to read
10 as follows:

11 5. a. The Legislature shall appropriate to the New Jersey Election
12 Law Enforcement Commission out of the Gubernatorial and
13 Legislative Elections Fund established pursuant to N.J.S.54A:9-25.1
14 and available for appropriation from the fund, and, if necessary, out of
15 the General Treasury of the State such sums as are necessary to carry
16 out the [purposes of this act] provisions of subsections a. and b. of
17 section 8 of P.L.1974, c.26 (C.19:44A-33), which sums shall
18 constitute a fund for campaign expenses for the primary election and
19 the general election to the office of Governor, in such amounts or
20 proportions as the Legislature shall direct [the] by appropriation to be
21 distributed between each of the two elections, to be regulated and
22 distributed by the commission pursuant to [this] that act. Upon notice
23 by the commission, the Legislature shall appropriate to the commission
24 out of the General Treasury such additional sums as may be required
25 to carry out the purposes of [this] that act if the sums first
26 appropriated become inadequate.

27 b. The Legislature shall appropriate to the New Jersey Election Law
28 Enforcement Commission out of the Gubernatorial and Legislative
29 Elections Fund such sums as are necessary to carry out the provisions
30 of subsections c. and d. of section 8 of P.L.1974, c.26 (C.19:44A-33),
31 which sums shall constitute a fund for campaign expenses for the
32 primary and the general election to fill the office of member of the
33 Legislature, to be regulated and distributed by the commission
34 pursuant to P.L.1974, c.26 (C.19:44A-27 et seq.). Upon notice by the
35 commission, the Legislature shall appropriate to the commission out
36 of the General Fund such additional sums as may be required to carry
37 out the purposes of those subsections if the sums first appropriated
38 become inadequate.

39 (cf: P.L.1980, c.74, s.6)

40

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

43 7.a. Each candidate in the primary election for nomination for
44 election to the office of Governor and for nomination for election to
45 the office of member of the Legislature, shall, with the approval of the
46 Election Law Enforcement Commission, create a bank account in a

1 National or State bank. The candidate, his campaign treasurer or
2 deputy campaign treasurer shall deposit promptly into the account all
3 moneys received pursuant to section 4 of P.L.1974, c.26
4 (C.19:44A-29) and sections 11 and 12 of P.L.1973, c.83
5 (C.19:44A-11 and 19:44A-12).

6 b. Each candidate in the general election for election to the office
7 of Governor and each candidate in a general election for election to
8 the office of member of the Legislature shall, with the approval of the
9 Election Law Enforcement Commission, create an account in a
10 National or State bank. The candidate, his campaign treasurer or
11 deputy campaign treasurer shall deposit promptly into the account all
12 moneys received for the purpose of the election, provided that the
13 moneys are received pursuant to section 4 of P.L.1974, c.26
14 (C.19:44A-29) and sections 11 and 12 of P.L.1973, c.83
15 (C.19:44A-11 and 19:44A-12).

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

24 d. No State or National bank which acts as a depository for
25 election funds as provided in this act shall be held accountable for the
26 proper application of funds withdrawn, transferred or expended from
27 such accounts by the person or persons in whose name or names the
28 accounts are opened or maintained, nor shall the State or National
29 bank be under any duty to determine whether the funds deposited in
30 the account are withdrawn, transferred or expended for the purposes
31 and at the time or times prescribed by law, or are received from
32 sources and in amounts prescribed or limited by law.

33 (cf: P.L.1980, c.74, s.7)

34

35 9. Section 8 of P.L.1974, c.26 (C.19:44A-33) is amended to read
36 as follows:

37 8. a. The campaign treasurer or deputy campaign treasurer of any
38 qualified candidate for nomination for election to the office of
39 Governor in a primary election upon application to the commission
40 shall promptly receive in behalf of the qualified candidate from the
41 fund for election campaign expenses, but not prior to January 1 of the
42 year of the election, moneys in an amount equal to twice the amount
43 of no more than \$1,500.00 of each contribution deposited in the
44 qualified candidate's primary election bank account described in
45 section 7 of P.L. 1974, c. 26 (C. 19:44A-32), except that no payment
46 shall be made from the fund to any candidate for the first \$50,000.00

1 deposited in the qualified candidate's bank account. The maximum
2 amount which any qualified candidate for nomination for election to
3 the office of Governor in a primary election may receive from the fund
4 for election campaign expenses shall not exceed \$1,350,000.
5 Applications for payments and payments under this subsection
6 following the date on which a candidate is determined to be a qualified
7 candidate shall be made only on the basis of no less than \$12,500.00
8 of such contributions.

9 b. The campaign treasurer or deputy campaign treasurer of any
10 qualified candidate for election to the office of Governor in a general
11 election upon application to the commission shall promptly receive in
12 behalf of such qualified candidate from the fund for election campaign
13 expenses, but not prior to the primary election, moneys in an amount
14 equal to twice the amount of no more than \$1,500.00 of each
15 contribution deposited in such qualified candidate's bank account
16 described in section 7 of P.L.1974, c.26 (C.19:44A-32), except that no
17 payment shall be made from the fund to any candidate for the first
18 \$50,000.00 deposited in such qualified candidate's bank account.

19 The maximum amount which any qualified candidate for election to
20 the office of Governor in a general election may receive from the fund
21 for election campaign expenses shall not exceed \$3,300,000.
22 Applications for payments and payments under this subsection
23 following the date on which a candidate is determined to be a qualified
24 candidate shall be made only on the basis of no less than \$12,500.00
25 of such contributions.

26 c. The campaign treasurer or deputy campaign treasurer of any
27 qualified candidate for nomination for election to the office of member
28 of the Legislature in a primary election upon application to the
29 commission shall promptly receive in behalf of the qualified candidate
30 from the fund for election campaign expenses, but not prior to January
31 1 of the year of the election, \$20,000.00.

32 d. The campaign treasurer or deputy campaign treasurer of any
33 qualified candidate for election to the office of member of the
34 Legislature in a general election upon application to the commission
35 shall promptly receive in behalf of such qualified candidate from the
36 fund for election campaign expenses, but not prior to the primary
37 election or the meeting at which the qualified candidate is nominated
38 for election to such office, \$40,000.00.

39 e. Whenever a qualified candidate for nomination for election or for
40 election to the office of member of the Legislature is opposed by a
41 candidate for that same office who does not apply for or accept the
42 payment of monies from the fund for election campaign expenses
43 under the provisions of subsection c. or d. of this section and who
44 spends more than \$40,000.00 of the candidate's own funds during a
45 primary election or more than \$80,000 of the candidate's own funds
46 during a general election, the qualified candidate shall be eligible to

1 receive from the fund an additional payment of \$20,000.00 for the
2 campaign for nomination for election to the office of member of the
3 Legislature or an additional payment of \$40,000.00 for the campaign
4 for election to that same office, as appropriate.

5 f. A qualified candidate for nomination for election or for election
6 to the office of member of the Legislature shall not be eligible for any
7 payment from the fund for the campaign for nomination for election to
8 that office or the campaign for election to the office, as appropriate,
9 if not opposed by a candidate for that same office or if opposed by a
10 candidate who is ineligible to receive the payment of such monies
11 under the provisions of subsection c. or d. of this section as a qualified
12 candidate.

13 (cf: P.L.1989, c.4, s.6)

14
15 10. Section 11 of P.L.1974, c.26 (C.19:44A-36) is amended to read
16 as follows:

17 11. Moneys received by any qualified candidate from the fund for
18 election campaign expenses are to be considered "spent in aid of the
19 candidacy of any candidate" for nomination for election or election to
20 the office of Governor or for nomination for election or election to the
21 office of member of the Legislature for the purpose of section 7 of
22 P.L.1973, c.83 (C.19:44A-7). The Election Law Enforcement
23 Commission shall not withdraw from the fund for election campaign
24 expenses any sum[,]which results in a candidate's exceeding the
25 limitations of that section.

26 (cf: P.L.1980, c.74, s.11)

27
28 11. Section 19 of P.L.1974, c.26 (C.19:44A-44) is amended to read
29 as follows:

30 19. Notwithstanding any provision of this act, any candidate in a
31 primary election for the office of Governor, or his campaign treasurer
32 or deputy campaign treasurer, or any candidate in a general election
33 for the office of Governor, or his campaign treasurer or deputy
34 treasurer, and any candidate in a primary election for the office of
35 member of the Legislature, or his campaign treasurer or deputy
36 campaign treasurer, or any candidate in a general election for the
37 office of member of the Legislature or his campaign treasurer or
38 deputy treasurer may borrow funds from any national or State bank.
39 No person or political committee, other than the candidate himself or
40 the State committee of any political party in a general election, may in
41 any way endorse or guarantee such loan in an amount in the aggregate
42 in excess of \$1,500.00, in the case of a candidate for nomination for
43 election or for election to the office of Governor or \$250.00 in the
44 case of a candidate for nomination for election or for election to the
45 office of member of the Legislature. The endorsement shall constitute
46 a contribution for so long as the loan is outstanding. The amount

1 borrowed by any such candidate or his campaign treasurer or deputy
2 campaign treasurer shall in the aggregate not exceed \$50,000.00, in
3 the case of a candidate for nomination for election or for election to
4 the office of Governor, \$5,000 in the case of a candidate for
5 nomination for election to the office of member of the Legislature and
6 \$10,000.00 in the case of a candidate for election to the office of
7 member of the Legislature and must be repaid in full by such candidate
8 or his campaign treasurer or deputy campaign treasurer from moneys
9 accepted or allocated pursuant to section 4 of P.L.1974, c.26
10 (C.19:44A-29) 20 days prior to the date of the primary or general
11 election for which the loan was made, and certification of such
12 repayment shall be made by the borrower to the Election Law
13 Enforcement Commission in accordance with commission regulations.

14 Upon the failure of the borrower to repay the full amount borrowed
15 on or before the 20th day prior to the date of the primary or general
16 election for the office of Governor or the primary or general election
17 for the office of member of the Legislature, or to certify such
18 repayment to the Election Law Enforcement Commission as required
19 herein, all payments of moneys to such candidate from the fund for
20 election campaign expenses pursuant to section 8 of P.L.1974, c.26
21 (C.19:44A-33) shall promptly cease; and the Election Law
22 Enforcement Commission shall forthwith seek and may obtain in a
23 summary action in the Superior Court an injunction prohibiting the
24 expenditure by any such candidate of any moneys received by him at
25 any time from the fund for election campaign expenses pursuant to
26 said section 8 of P.L.1974, c.26 (C.19:44A-33), and any other moneys
27 received by him in aid of or in behalf of his candidacy in said election.
28 (cf: P.L.1989, c.4, s.7)

29

30 12. Section 9 of P.L.1989, c.4 (C.19:44A-45) is amended to read
31 as follows:

32 9. a. In any year in which a primary election is to be held to
33 nominate candidates for the office of Governor, there shall be held
34 among the several candidates for each such nomination a series of
35 interactive gubernatorial primary debates, in which all "qualified
36 candidates," as defined by paragraph (3) or paragraph (4) of
37 subsection m. of section 3 of P.L.1973, c.83 (C.19:44A-3), for that
38 nomination who have applied or who intend to apply to receive money
39 for election campaign expenses under subsection a. of section 8 of P.L.
40 1974, c.26 (C.19:44A-33) shall participate, and in which any other
41 candidate for that nomination who has deposited and expended the
42 amount necessary, under paragraph (3) or paragraph (4) of subsection
43 m. of section 3 of P.L.1973, c.83 (C.19:44A-3), to be deemed a
44 "qualified candidate" may elect to participate, provided that other
45 candidate notifies the Election Law Enforcement Commission of the
46 candidate's intent to so participate within the time allowed under those

1 paragraphs for such notification to be made by candidates wishing to
2 become qualified candidates; except that in any year in which no such
3 candidate or only one such candidate for that nomination is required
4 or elects to participate, no gubernatorial primary debate shall be
5 required to be held under this subsection.

6 b. In any year in which a general election is to be held for the
7 office of Governor, there shall be held a series of interactive
8 gubernatorial election debates, in which all "qualified candidates," as
9 defined by paragraph (1) or paragraph (2) of subsection m. of section
10 3 of P.L.1973, c.83 (C.19:44A-3), for election to that office who have
11 applied or who intend to apply to receive money for election campaign
12 expenses under subsection b. of section 8 of P.L.1974, c.26
13 (C.19:44A-33) shall participate, and in which any other candidate for
14 election to the office who has deposited and expended the amount
15 necessary, under paragraph (1) or paragraph (2) of subsection m. of
16 section 3 of P.L.1973, c.83 (C.19:44A-3), to be deemed a "qualified
17 candidate" may elect to participate, provided that other candidate
18 notifies the Election Law Enforcement Commission of the candidate's
19 intent to so participate within the time allowed under those paragraphs
20 for such notification to be made by candidates wishing to become
21 qualified candidates; except that in any gubernatorial election year in
22 which no such candidate or only one such candidate for election to the
23 office is required or elects to participate, no gubernatorial election
24 debate shall be required to be held under this subsection.

25 c. In any year in which a primary election is to be held to
26 nominate candidates for the office of member of the Legislature, there
27 shall be held among the several candidates for each such nomination
28 an interactive legislative primary election debate, in which all
29 "qualified candidates," as defined by paragraph (7) or paragraph (8) of
30 subsection m. of section 3 of P.L.1973, c.83 (C.19:44A-3), for that
31 nomination who have applied or who intend to apply to receive money
32 for election campaign expenses under subsection c. of section 8 of
33 P.L.1974, c.26 (C.19:44A-33) shall participate, and in which any other
34 candidate for that nomination who has deposited and expended the
35 amount necessary, under paragraph (7) or paragraph (8) of subsection
36 m. of section 3 of P.L.1973, c.83 (C.19:44A-3), to be deemed a
37 "qualified candidate" may elect to participate, provided that other
38 candidate notifies the Election Law Enforcement Commission of the
39 candidate's intent to so participate within the time allowed under those
40 paragraphs for such notification to be made by candidates wishing to
41 become qualified candidates; except that in any year in which no such
42 candidate or only one such candidate for that nomination is required
43 or elects to participate, no legislative primary election debate shall be
44 required to be held under this subsection.

45 d. In any year in which a general election is to be held for the
46 office of member of the Legislature, there shall be held a series of

1 interactive legislative election debates, in which all "qualified
2 candidates," as defined by paragraph (5) or paragraph (6) of
3 subsection m. of section 3 of P.L.1973, c.83 (C.19:44A-3), for
4 election to that office who have applied or who intend to apply to
5 receive money for election campaign expenses under subsection d. of
6 section 8 of P.L.1974, c.26 (C.19:44A-33) shall participate, and in
7 which any other candidate for election to the office who has deposited
8 and expended the amount necessary, under paragraph (5) or paragraph
9 (6) of subsection m. of section 3 of P.L.1973, c.83 (C.19:44A-3), to
10 be deemed a "qualified candidate" may elect to participate, provided
11 that other candidate notifies the Election Law Enforcement
12 Commission of the candidate's intent to so participate within the time
13 allowed under those paragraphs for such notification to be made by
14 candidates wishing to become qualified candidates; except that in any
15 legislative election year in which no such candidate or only one such
16 candidate for election to the office is required or elects to participate,
17 no legislative election debate shall be required to be held under this
18 subsection.

19 (cf: P.L.1989, c.4, s.9)

20

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

23 10. a. The series of gubernatorial primary debates under
24 subsection a. of section 9 of P.L.1989, c.4 (C.19:44A-45) shall consist
25 of two debates. Each of the debates shall be of at least one hour's
26 duration. The first debate in the series shall occur not earlier than the
27 date on which the ballot for the primary election in which candidates
28 are to be nominated for election to the office of Governor is finally
29 certified by the Secretary of State to the clerks of the several counties,
30 and the second debate in the series shall occur not later than the 11th
31 day prior to the primary election to select candidates for that office
32 unless an emergency, as determined by the vote of a majority of the
33 participating candidates, requires the postponement thereof, but the
34 second gubernatorial primary debate shall in no event be held later
35 than the second day preceding that primary election.

36 b. The series of gubernatorial election debates under subsection b.
37 of section 9 of P.L.1989, c.4 (C.19:44A-45) shall consist of two
38 debates. Each of the gubernatorial election debates shall be of at least
39 one hour's duration. The first debate in the series shall occur not
40 earlier than the third Tuesday following the first Monday in September
41 of the year in which a general election is to be held for the office of
42 Governor, and the second debate in the series shall occur not later than
43 the 11th day prior to the general election for that office unless an
44 emergency, as determined by the vote of a majority of the participating
45 candidates, requires the postponement thereof, but the final
46 gubernatorial election debate shall in no event be held later than the

1 second day preceding that general election.

2 c. The legislative primary election debate, to be held pursuant to
3 subsection c. of section 9 of P.L.1989, c.4 (C.19:44A-45), shall be at
4 least one hour's duration. The debate shall occur not earlier than the
5 date on which the ballot for the primary election in which candidates
6 are to be nominated for election to the office of member of the
7 Legislature is finally certified by the Secretary of State to the clerks of
8 the several counties and later than the 11th day prior to the primary
9 election to select candidates for that office unless an emergency, as
10 determined by the vote of a majority of the participating candidates,
11 requires the postponement thereof, but shall in no event be held later
12 than the second day preceding that primary election.

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

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

46 The Election Law Enforcement Commission shall accept

1 applications from eligible organizations and eligible associations of
2 news publications and broadcasting outlets or news or press service
3 correspondents to sponsor one or more of those interactive
4 gubernatorial or legislative debates. Applications to sponsor debates
5 under subsection a. and subsection c. shall be submitted to the
6 commission no later than March 15 of any year in which a primary
7 election is to be held to nominate candidates for the office of Governor
8 or to nominate candidates for the office of member of the Legislature,
9 and applications to sponsor debates under subsection b. and
10 subsection d. shall be submitted to the commission no later than July
11 1 of any year in which a general election is to be held to fill the office
12 of Governor or the office of member of the Legislature, as the case
13 may be.

14 Where the number of eligible applicants to sponsor [gubernatorial]
15 primary debates or [gubernatorial] general election debates exceeds
16 the number prescribed under subsection a. [and], subsection b.,
17 subsection c. and subsection d. of this section, respectively, the
18 Election Law Enforcement Commission shall select the sponsors from
19 among the applicants within 30 days of the last day for submitting
20 those applications, as provided by this subsection. To the maximum
21 extent practicable and feasible, the commission shall select a different
22 sponsor for each of the interactive [gubernatorial] debates, but shall
23 not be precluded from selecting the same sponsor for more than one
24 debate.

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

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

36

37 14. Section 11 of P.L.1989, c.4 (C.19:44A-47) is amended to read
38 as follows:

39 11. The Election Law Enforcement Commission shall have the
40 power and duty, upon receipt of a complaint against a candidate for
41 nomination for election or for election for the office of Governor who
42 is required to participate in gubernatorial primary debates or
43 gubernatorial election debates, respectively, or a candidate for
44 nomination for election or for election for the office of member of the
45 Legislature who is required to participate in a legislative primary
46 debate or legislative election debates, respectively, to hold a hearing

1 to determine whether that candidate has failed to participate in such
2 debates. If, at the conclusion of a hearing under this section, the
3 commission determines by majority vote that a candidate required to
4 participate under section 10 of this 1989 amendatory and
5 supplementary act has failed to do so, the chairman shall immediately
6 inform the candidate in writing of that determination, identifying in
7 that writing the date and circumstances of the failure. If, after having
8 found that a candidate required to participate in a gubernatorial
9 primary or gubernatorial election debate or in a legislative primary or
10 legislative election debate has failed to do so, the commission further
11 finds that the failure occurred under circumstances which were beyond
12 the control of the candidate and of such a nature that a reasonable
13 person, taking into account the purposes of this act and the relevant
14 facts of the case, would find the failure justifiable or excusable, then
15 the candidate shall not be subject to any penalty or liability for his
16 failure to participate. The candidate charged with the failure to
17 participate shall have the burden of showing justification or excuse.

18 The campaign of any candidate or former candidate who shall have
19 been required to participate in a gubernatorial primary debate or
20 gubernatorial election debate under this 1989 amendatory and
21 supplementary act or in a legislative primary debate or legislative
22 election debate, but who shall have been found to have failed to do so
23 without reasonable justification or excuse, shall be liable for return of
24 moneys previously received for use by the candidate to pay primary
25 election campaign expenses or general election campaign expenses,
26 respectively. The commission shall determine the total amount of
27 moneys for election campaign expenses in that year by the commission
28 to the candidate under subsection a. [or] , subsection b. , subsection
29 c. or subsection d. of section 8 of P.L.1974, c.26 (C.19:44A-33), as
30 appropriate, and shall notify the campaign treasurer or the deputy
31 campaign treasurer of the candidate of the liability of the campaign of
32 the candidate, as of the date of the notice, for the repayment of those
33 moneys plus interest on the unpaid amount of that liability from that
34 date at the rate of 1% for each month or fractional part of a month
35 during which that amount remains unpaid.

36 (cf: P.L.1989, c.4, s.11)

37

38 15. Section 2 of P.L.1990, c.94 (C.52:9H-25) is amended to read
39 as follows:

40 2. As used in this act:

41 a. "Base year" means the fiscal year prior to the fiscal year for
42 which an appropriation or expenditure is to be made; and

43 b. "Appropriations" means the aggregate amounts appropriated by
44 the State in the general appropriation law and all other laws
45 supplementing the general appropriation law appropriating money for
46 any purpose in any fiscal year, exclusive of appropriations of the

1 following: money appropriated for payment by the State as State aid
 2 to counties, municipalities, local school districts, or other
 3 instrumentalities, or on behalf of counties, municipalities, school
 4 districts, or other instrumentalities; money appropriated for payment
 5 by the State as grants to individuals, public agencies or private
 6 agencies for benefits to which the recipients are entitled by law or
 7 regulation, for the provision of services for which the State has a
 8 primary responsibility, and for subsidies and the provision of services
 9 for which the State has no responsibility, but which the State elects to
 10 provide; money received or reasonably anticipated to be received by
 11 the State from the federal government; money derived from, or
 12 expended in payment of any interest or principal on, any general
 13 obligation bond issues approved by the legally qualified voters of the
 14 State at any general election; money appropriated for payment to the
 15 State for projects of capital construction; money required to be
 16 appropriated within a fiscal year in accordance with a court order; and
 17 money required to be deposited in, and expended from, the "Property
 18 Tax Relief Fund" established by N.J.S.54A:9-25, the "Casino Control
 19 Fund" established by section 143 of P.L.1977, c.110 (C.5:12-143), the
 20 "Casino Revenue Fund" established by section 145 of P.L.1977, c.110
 21 (C.5:12-145) and the "Gubernatorial and Legislative Elections Fund"
 22 established by N.J.S.54A:9-25.1.
 23 (cf: P.L.1990, c.94, s.2)

24

25 16. N.J.S. 54A:9-25.1 is amended to read as follows:

26 54A:9-25.1. a. There is hereby established within the General
 27 Treasury a special fund to be known as the "Gubernatorial and
 28 Legislative Elections Fund." Where a taxpayer has indicated on a
 29 return filed pursuant to this act that [one dollar] five dollars of his
 30 taxes is to be reserved for such fund, the Treasurer shall credit such
 31 fund with the amount so indicated from the taxes collected under the
 32 provisions of this act. The fund shall be available for appropriation
 33 pursuant to section 5 of P.L.1974, c.26 (C.19:44A-30), provided
 34 however that establishment of the "Gubernatorial and Legislative
 35 Elections Fund" shall in no way affect the operation of said section.

36 Blank forms of return provided by the director for use in reporting
 37 under this act shall include, in a conspicuous place, the opportunity for
 38 a taxpayer to indicate his preference under this section in substantially
 39 the following manner:

40

41

Yes No

42

43 "Gubernatorial and Legislative
 44 Elections Fund"

45

Do you wish to
 designate [~~\$1~~]\$5 of
 your taxes for this fund?

46

1 18. (New section) a. Each cable television company shall make
2 available free of charge to each qualified candidate for nomination for
3 election to the office of member of the Legislature and to each
4 qualified candidate for election to the same office who is running in the
5 legislative district that corresponds with the area in which the cable
6 company provides service, respectively, a total of no less than one-half
7 hour of time during the period prior to the primary election and no less
8 than one hour of time during the period prior to the general election,
9 at a time and in a program format agreed to by both the candidate and
10 the cable television company. As used in this subsection, "qualified
11 candidate" shall have the meaning provided in subsection m. of section
12 3 of P.L.1973, c.83 (C.19:44A-3).

13 b. The Board of Public Utilities shall promulgate, in accordance
14 with the provisions of the "Administrative Procedures Act," P.L.1968,
15 c.410 (C.52:14B-1 et seq.), such rules and regulations as may be
16 deemed necessary to effectuate the purposes of this section.

17 c. The provisions of this section shall be suspended if a
18 determination is made by the Board of Public Utilities that it is
19 preempted by or not permissible pursuant to current federal statute or
20 regulation.

21

22 19. This act shall take effect upon the effective date of P.L. , c.
23 (C.)(now pending before the Legislature as Senate, No.1045); the
24 amendatory provisions of subsection a. of N.J.S.54A:9-25.1 in section
25 16 shall be applicable to the taxable years commencing on or after that
26 January 1, and the amendatory provisions of subsection b. of
27 N.J.S.54A:9-25.1 in section 16 shall be inoperative until November 30,
28 2000.

29

30

31

STATEMENT

32

33 The purpose of this bill is to establish a program providing public
34 financing for primary and general election campaigns of candidates for
35 nomination for election and for election to the office of member of the
36 Legislature.

37 To qualify for public financing for a primary campaign, a candidate
38 must first raise and spend at least \$5,000. Once this threshold is
39 reached, the candidate would receive \$20,000 in public funds.

40 To qualify for public financing in a general election, a candidate
41 must raise and spend at least \$10,000. Once this threshold is reached,
42 the candidate would receive \$40,000 in public funds.

43 Any qualified candidate who runs unopposed in the primary or
44 general election or who is opposed by a candidate ineligible to receive
45 public funds would receive no public funds for the election. However,
46 any qualified candidate who is opposed by a candidate who does not

1 apply for or accept public funds and who spends at least \$40,000 of
2 his or her own funds in a primary or at least \$80,000 in a general
3 election would be eligible for double the amount of the maximum
4 public funds disbursement.

5 The bill places a limit on the amount that a qualified candidate who
6 receives public funds can contribute from his personal resources of
7 \$2,500 for the primary election and \$5,000 for the general election.

8 The bill limits to \$50,000 the total amount that may be spent by a
9 candidate for nomination for election to the office of member of the
10 Legislature in a primary election and to \$100,000 the total amount that
11 may be spent by a candidate for election to the same office.

12 The bill provides partial funding for the program by increasing,
13 from \$1 to \$5, the amount that a taxpayer may elect to contribute from
14 his State income tax liability to the "Gubernatorial Elections Fund"
15 (renamed the "Gubernatorial and Legislative Elections Fund").

16 Finally, the bill requires each cable television company to make
17 available free of charge to each qualified candidate for nomination for
18 election to the office of member of the Legislature and to each
19 qualified candidate for election to the same office who is running in the
20 legislative district that corresponds with the area in which the cable
21 company provides service, respectively, a total of no less than one-
22 half hour of time during the period prior to the primary election and no
23 less than one hour of time during the period prior to the general
24 election, at a time and in a program format agreed to by both the
25 candidate and the cable television company.

26

27

28

29

30 Establishes public financing program for nomination and election of
31 candidates for office of member of the Legislature; limits spending in
32 such campaigns.