

SENATE, No. 2020

STATE OF NEW JERSEY

INTRODUCED MARCH 24, 1997

By Senators GORMLEY and McNAMARA

1 AN ACT concerning the Election Law Enforcement Commission,
2 reducing contributions to legislative leadership committees and the
3 State committee and county committees of a political party,
4 amending and supplementing various parts of the statutory law and
5 making an appropriation.

6

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

9

10 1. Section 6 of P.L.1973, c.83 (C.19:44A-6) is amended to read as
11 follows:

12 6. a. The commission shall appoint a full-time executive director,
13 legal counsel and hearing officers, all of whom shall serve at the
14 pleasure of the commission and shall not have tenure by reason of the
15 provisions of chapter 16 of Title 38 of the Revised Statutes. The
16 commission shall also appoint such other employees as are necessary
17 to carry out the purposes of this act, which employees shall be in the
18 [classified] career service of the civil service and shall be appointed in
19 accordance with and shall be subject to the provisions of Title [11]
20 11A, Civil Service.

21 b. It shall be the duty of the commission to enforce the provisions
22 of this act, to conduct hearings with regard to possible violations and
23 to impose penalties; and for the effectual carrying out of its
24 enforcement responsibilities the commission shall have the authority
25 to initiate a civil action in any court of competent jurisdiction for the
26 purpose of enforcing compliance with the provisions of this act or
27 enjoining violations thereof or recovering any penalty prescribed by
28 this act. The commission shall promulgate such regulations and
29 official forms and perform such duties as are necessary to implement
30 the provisions of this act. Without limiting the generality of the
31 foregoing, the commission is authorized and empowered to:

32 (1) Develop forms for the making of the required reports;

33 (2) Prepare and publish a manual for all candidates, political
34 committees and continuing political committees, prescribing the

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 requirements of the law, including uniform methods of bookkeeping
2 and reporting and requirements as to the length of time that any person
3 required to keep any records pursuant to the provisions of this act
4 shall retain such records, or any class or category thereof, or any other
5 documents, including canceled checks, deposit slips, invoices and
6 other similar documents, necessary for the compilation of such
7 records;

8 (3) Develop a filing, coding and cross-indexing system;

9 (4) Permit copying or photo-copying of any report required to be
10 submitted pursuant to this act as requested by any person;

11 (5) Prepare and make available for public inspection summaries of
12 all said reports grouped according to candidates, parties and issues,
13 containing the total receipts and expenditures, and the date, name,
14 address and amount contributed by each contributor;

15 (6) Prepare and publish, prior to May 1 of each year, an annual
16 report to the Legislature;

17 (7) Ascertain whether candidates, committees, organizations or
18 others have failed to file reports or have filed defective reports;
19 extend, for good cause shown, the dates upon which reports are
20 required to be filed; give notice to delinquents to correct or explain
21 defects; and make available for public inspection a list of such
22 delinquents;

23 (8) Ascertain the total expenditures for candidates and determine
24 whether they have exceeded the limits set forth in this act; notify
25 candidates, committees or others if they have exceeded or are about
26 to exceed the limits imposed;

27 (9) Hold public hearings, investigate allegations of any violations
28 of this act, and issue subpoenas for the production of documents and
29 the attendance of witnesses;

30 (10) Forward to the Attorney General or to the appropriate county
31 prosecutor information concerning any violations of this act which may
32 become the subject of criminal prosecution or which may warrant the
33 institution of other legal proceedings by the Attorney General;

34 (11) Use the moneys disbursed from the Public Access
35 Enhancement Fund, established pursuant to section 6 of P.L. , c.
36 (C.)(now pending before the Legislature as this bill), to purchase
37 or otherwise acquire such technology and to hire such additional staff
38 as may be necessary to enable the commission to provide the public
39 with timely access to the campaign finance reports it receives, and to
40 help fund the commission's enforcement responsibilities.

41 c. The commission shall take such steps as may be necessary or
42 appropriate to furnish timely and adequate information, in appropriate
43 printed summaries and in such other form as it may see fit, to every
44 candidate or prospective candidate for public office who becomes or
45 is likely to become subject to the provisions of this act, and to every
46 treasurer and depository duly designated under the provisions of this

1 act, informing them of their actual or prospective obligations and
2 responsibilities under this act. Such steps shall include, but not be
3 limited to, furnishing to every person on whose behalf petitions of
4 nomination are filed for any public office a copy of such printed
5 summary as aforesaid, which shall be furnished to such person by the
6 commission through the public official charged with the responsibility
7 of receiving and accepting such petitions of nomination, at the time
8 when such petitions are filed. The commission shall also make
9 available copies of such printed summary to any other person
10 requesting the same. The commission shall also take such steps as it
11 may deem necessary or effectual to disseminate among the general
12 public such information as may serve to guide all persons who may
13 become subject to the provisions of this act by reason of their
14 participation in election campaigns or in the dissemination of political
15 information, for the purpose of facilitating voluntary compliance with
16 the provisions and purposes of this act. In the dissemination of such
17 information, the commission shall to the greatest extent practicable
18 enlist the cooperation of commercial purveyors, within and without the
19 State, of materials and services commonly used for political campaign
20 purposes.

21 d. If the nomination for or election to any public office or party
22 position becomes void under the terms of subsection c. of section 21
23 of this act, the withholding or revocation of his certificate of election,
24 the omission of his name from the ballot or the vacation of the office
25 into which he has been inducted as a result of such void election, as
26 the case may be, shall be subject to the provisions of chapter 3, articles
27 2 and 3, of this Title (R.S.19:3-7 et seq.).

28 e. The commission shall be assigned suitable quarters for the
29 performance of its duties hereunder.

30 f. The commission through its legal counsel is authorized to render
31 advisory opinions as to whether a given set of facts and circumstances
32 would constitute a violation of any of the provisions of this act, or
33 whether a given set of facts and circumstances would render any
34 person subject to any of the reporting requirements of this act.

35 Unless an extension of time is consented to by any person
36 requesting an advisory opinion, the commission shall render its
37 advisory opinion within 10 days of receipt of the request therefor.
38 Failure of the commission to reply to a request for an advisory opinion
39 within the time so fixed or agreed to shall preclude it from instituting
40 proceedings for imposition of a penalty upon any person for a violation
41 of this act arising out of the particular facts and circumstances set
42 forth in such request, except as such facts and circumstances may give
43 rise to a violation when taken in conjunction with other facts and
44 circumstances not set forth in such request.

45 (cf: P.L.1983, c.579, s.10)

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

3 22. a. (1) Except as provided in subsection e. or f., any person,
4 including any candidate, treasurer, candidate committee or joint
5 candidates committee, political committee, continuing political
6 committee, political party committee or legislative leadership
7 committee, charged with the responsibility under the terms of this act
8 for the preparation, certification, filing or retention of any reports,
9 records, notices or other documents, who fails, neglects or omits to
10 prepare, certify, file or retain any such report, record, notice or
11 document at the time or during the time period, as the case may be,
12 and in the manner prescribed by law, or who omits or incorrectly
13 states or certifies any of the information required by law to be included
14 in such report, record, notice or document, any person who proposes
15 to undertake or undertakes a public solicitation, testimonial affair or
16 other activity relating to contributions or expenditures in any way
17 regulated by the provisions of this act who fails to comply with those
18 regulatory provisions, and any other person who in any way violates
19 any of the provisions of this act shall, in addition to any other penalty
20 provided by law, be liable to a penalty of not more than [\$3,000.00]
21 \$6,000.00 for the first offense and not more than [\$6,000.00]
22 \$12,000.00 for the second and each subsequent offense.

23 (2) No person shall willfully and intentionally agree with another
24 person to make a contribution to a candidate, candidate committee,
25 joint candidates committee, political committee, continuing political
26 committee, political party committee, or legislative leadership
27 committee with the intent, or upon the condition, understanding or
28 belief, that the recipient candidate or committee shall make or have
29 made a contribution to another such candidate or committee, but this
30 paragraph shall not be construed to prohibit a county or municipal
31 committee of a political party from making a contribution or
32 contributions to any candidate, candidate committee, joint candidates
33 committee, political committee, continuing political committee,
34 political party committee, or legislative leadership committee. A
35 finding of a violation of this paragraph shall be made only upon clear
36 and convincing evidence. A person who violates the provisions of this
37 paragraph shall be liable to a penalty equal to three times the amount
38 of the contribution which that person agreed to make to the recipient
39 candidate or committee.

40 b. Upon receiving evidence of any violation of this section, the
41 Election Law Enforcement Commission shall have power to hold, or
42 to cause to be held under the provisions of subsection d. of this
43 section, hearings upon such violation and, upon finding any person to
44 have committed such a violation, to assess such penalty, within the
45 limits prescribed in subsection a. or subsection e. of this section, as it
46 deems proper under the circumstances, which penalty shall be paid

1 forthwith into the State Treasury [for the general purposes of the
2 State] and credited to the Public Access Enhancement Fund,
3 established pursuant to section 6 of P.L. _____, c. _____ (C. _____)(now
4 pending before the Legislature as this bill).

5 c. In assessing any penalty under this section, the Election Law
6 Enforcement Commission may provide for the remission of all or any
7 part of such penalty conditioned upon the prompt correction of any
8 failure, neglect, error or omission constituting the violation for which
9 said penalty was assessed.

10 d. The commission may designate a hearing officer to hear
11 complaints of violations of this act. Such hearing officer shall take
12 testimony, compile a record and make factual findings, and shall
13 submit the same to the commission, which shall have power to assess
14 penalties within the limits and under the conditions prescribed in
15 subsections b. and c. of this section. The commission shall review the
16 record and findings of the hearing officer, but it may also seek such
17 additional testimony as it deems necessary. The commission's
18 determination shall be by majority vote of the entire authorized
19 membership thereof.

20 e. Any person who willfully and intentionally makes or accepts any
21 contribution in violation of section 4 of P.L.1974, c.26 (C.19:44A-29)
22 or section 18, 19 or 20 of P.L.1993, c.65 (C.19:44A-11.3,
23 C.19:44A-11.4 or C.19:44A-11.5), shall be liable to a penalty of:

24 (1) Not more than [~~\$5,000.00~~] \$10,000.00 if the cumulative total
25 amount of those contributions is less than or equal to \$5,000.00;

26 (2) Not more than [~~\$75,000.00~~] \$150,000.00 if the cumulative
27 total amount of those contributions was more than \$5,000.00 but less
28 than \$75,000; and

29 (3) Not more than [~~\$100,000.00~~] \$200,000.00 if the cumulative
30 total amount of those contributions is equal to or more than
31 \$75,000.00.

32 f. In addition to any penalty imposed pursuant to subsection e. of
33 this section, a person holding any elective public office shall forfeit
34 that public office if the Election Law Enforcement Commission
35 determines that the cumulative total amount of the illegal contributions
36 was more than \$50,000.00 and that the violation had a significant
37 impact on the outcome of the election.

38 g. Any penalty prescribed in this section shall be enforced in a
39 summary proceeding under "the penalty enforcement law,"
40 N.J.S.2A:58-1 et seq.

41 (cf: P.L.1993, c.65, s.13)

42
43 3. Section 16 of P.L.1974, c.26 (C.19:44A-41) is amended to read
44 as follows:

45 16. a. Any person who willfully and knowingly violates sections
46 4, 6, 9, 10 or 19 of this act shall in addition to any other penalty

1 provided by law, be liable to a penalty of not more than [\$1,000.00]
2 \$2,000.00 for the first offense and not more than [\$2,000.00]
3 \$4,000.00 for the second and each subsequent offense.

4 b. Upon receiving evidence of any violation of sections 4, 6, 9, 10
5 or 19 of this act, the Election Law Enforcement Commission shall
6 have power to hold, or to cause to be held under the provisions of
7 subsection d. of this section, hearings upon such violation and, upon
8 finding any person to have committed such a violation, to assess such
9 penalty, within the limits prescribed in subsection a. of this section, as
10 it deems proper under the circumstances, which penalty shall be paid
11 forthwith into the State Treasury [for the general purposes of the
12 State] and credited to the Public Access Enhancement Fund,
13 established pursuant to section 6 of P.L. , c. (C.)(now pending
14 before the Legislature as this bill). Such penalty shall be enforceable
15 in a summary proceeding under [the "Penalty Enforcement Law"
16 (N.J.S.2A:58-1 et seq.)] "the penalty enforcement law," N.J.S.2A:58-
17 1 et seq.

18 c. In assessing any penalty under this section, the Election Law
19 Enforcement Commission may provide for the remission of all or any
20 part of such penalty conditioned upon the prompt correction of any
21 failure, neglect, error or omission constituting the violation for which
22 said penalty was assessed.

23 d. The commission may designate a hearing officer to hear
24 complaints of violations of this act. Such hearing officer shall take
25 testimony, compile a record and make factual findings, and shall
26 submit the same to the commission, which shall have power to assess
27 penalties within the limits and under the conditions prescribed in
28 subsection b. of this section. The commission shall review the record
29 and findings of the hearing officer, but it may also seek such additional
30 testimony as it deems necessary. The commission's determination shall
31 be by majority vote of the entire authorized membership thereof.

32 (cf: P.L.1974, c.26, s.16)

33

34 4. Section 19 of P.L.1993, c.65 (C.19:44A-11.4) is amended to
35 read as follows:

36 19. a. (1) (a) Except as otherwise provided in paragraph (2) of
37 this subsection, no individual, no corporation of any kind organized
38 and incorporated under the laws of this State or any other state or any
39 country other than the United States, no labor organization of any kind
40 which exists or is constituted for the purpose, in whole or in part, of
41 collective bargaining, or of dealing with employers concerning the
42 grievances, terms or conditions of employment, or of other mutual aid
43 or protection in connection with employment, no political committee,
44 continuing political committee, candidate committee or joint
45 candidates committee or any other group, shall pay or make any
46 contribution of money or other thing of value to the campaign

1 treasurer, deputy treasurer or other representative of the State
2 committee of a political party [or the campaign treasurer, deputy
3 campaign treasurer or other representative of any legislative leadership
4 committee], which in the aggregate exceeds [\$25,000] \$15,000 per
5 year, or in the case of a joint candidates committee when that is the
6 only committee established by the candidates, [\$25,000] \$15,000 per
7 year per candidate in the joint candidates committee, or in the case of
8 a candidate committee and a joint candidates committee when both are
9 established by a candidate, [\$25,000] \$15,000 per year from that
10 candidate. No campaign treasurer, deputy campaign treasurer or other
11 representative of the State committee of a political party [or campaign
12 treasurer, deputy campaign treasurer or other representative of any
13 legislative leadership committee] shall knowingly accept from an
14 individual, a corporation of any kind organized and incorporated under
15 the laws of this State or any other state or any country other than the
16 United States, a labor organization of any kind which exists or is
17 constituted for the purpose, in whole or in part, of collective
18 bargaining, or of dealing with employers concerning the grievances,
19 terms or conditions of employment, or of other mutual aid or
20 protection in connection with employment, a political committee, a
21 continuing political committee, a candidate committee or a joint
22 candidates committee or any other group, any contribution of money
23 or other thing of value which in the aggregate exceeds [\$25,000]
24 \$15,000 per year, or in the case of a joint candidates committee when
25 that is the only committee established by the candidates, [\$25,000]
26 \$15,000 per year per candidate in the joint candidates committee, or
27 in the case of a candidate committee and a joint candidates committee
28 when both are established by a candidate, [\$25,000] \$15,000 per year
29 from that candidate.

30 (b) Except as otherwise provided in paragraph (2) of this
31 subsection, no individual, no corporation of any kind organized and
32 incorporated under the laws of this State or any other state or any
33 country other than the United States, no labor organization of any kind
34 which exists or is constituted for the purpose, in whole or in part, of
35 collective bargaining, or of dealing with employers concerning the
36 grievances, terms or conditions of employment, or of other mutual aid
37 or protection in connection with employment, no political committee,
38 continuing political committee, candidate committee or joint
39 candidates committee or any other group, shall pay or make any
40 contribution of money or other thing of value to the campaign
41 treasurer, deputy campaign treasurer or other representative of any
42 legislative leadership committee, which in the aggregate exceeds
43 \$10,000 per year, or in the case of a joint candidates committee when
44 that is the only committee established by the candidates, \$10,000 per
45 year per candidate in the joint candidates committee, or in the case of
46 a candidate committee and a joint candidates committee when both are

1 established by a candidate, \$10,000 per year from that candidate. No
2 campaign treasurer, deputy campaign treasurer or other representative
3 of any legislative leadership committee shall knowingly accept from an
4 individual, a corporation of any kind organized and incorporated under
5 the laws of this State or any other state or any country other than the
6 United States, a labor organization of any kind which exists or is
7 constituted for the purpose, in whole or in part, of collective
8 bargaining, or of dealing with employers concerning the grievances,
9 terms or conditions of employment, or of other mutual aid or
10 protection in connection with employment, a political committee, a
11 continuing political committee, a candidate committee or a joint
12 candidates committee or any other group, any contribution of money
13 or other thing of value which in the aggregate exceeds \$10,000 per
14 year, or in the case of a joint candidates committee when that is the
15 only committee established by the candidates, \$10,000 per year per
16 candidate in the joint candidates committee, or in the case of a
17 candidate committee and a joint candidates committee when both are
18 established by a candidate, \$10,000 per year from that candidate.

19 (2) No national committee of a political party shall pay or make
20 any contribution of money or other thing of value to the campaign
21 treasurer, deputy treasurer or other representative of the State
22 committee of a political party which in the aggregate exceeds \$50,000
23 per year, and no campaign treasurer, deputy campaign treasurer or
24 other representative of the State committee of a political party shall
25 knowingly accept from the national committee of a political party any
26 contribution of money or other thing of value which in the aggregate
27 exceeds \$50,000 per year.

28 b. No individual, no corporation of any kind organized and
29 incorporated under the laws of this State or any other state or any
30 country other than the United States, no labor organization of any
31 kind which exists or is constituted for the purpose, in whole or in part,
32 of collective bargaining, or of dealing with employers concerning the
33 grievances, terms or conditions of employment, or of other mutual aid
34 or protection in connection with employment, no political committee,
35 continuing political committee, candidate committee or joint
36 candidates committee or any other group, shall pay or make any
37 contribution of money or other thing of value to any county committee
38 of a political party, which in the aggregate exceeds [~~\$25,000~~] \$15,000
39 per year, or in the case of a joint candidates committee when that is
40 the only committee established by the candidates, [~~\$25,000~~] \$15,000
41 per year per candidate in the joint candidates committee, or in the case
42 of a candidate committee and a joint candidates committee when both
43 are established by a candidate, [~~\$25,000~~] \$15,000 per year from that
44 candidate. No campaign treasurer, deputy campaign treasurer or other
45 representative of a county committee of a political party shall
46 knowingly accept from an individual, a corporation of any kind

1 organized and incorporated under the laws of this State or any other
2 state or any country other than the United States, a labor organization
3 of any kind which exists or is constituted for the purpose, in whole or
4 in part, of collective bargaining, or of dealing with employers
5 concerning the grievances, terms or conditions of employment, or of
6 other mutual aid or protection in connection with employment, a
7 political committee, a continuing political committee, a candidate
8 committee or a joint candidates committee or any other group, any
9 contribution of money or other thing of value which in the aggregate
10 exceeds [~~\$25,000~~] \$15,000 per year, or in the case of a joint
11 candidates committee when that is the only committee established by
12 the candidates, [~~\$25,000~~] \$15,000 per year per candidate in the joint
13 candidates committee, or in the case of a candidate committee and a
14 joint candidates committee when both are established by a candidate,
15 [~~\$25,000~~] \$15,000 per year from that candidate.

16 c. No individual, no corporation of any kind organized and
17 incorporated under the laws of this State or any other state or any
18 country other than the United States, no labor organization of any kind
19 which exists or is constituted for the purpose, in whole or in part, of
20 collective bargaining, or of dealing with employers concerning the
21 grievances, terms or conditions of employment, or of other mutual aid
22 or protection in connection with employment, no political committee,
23 continuing political committee, candidate committee or joint
24 candidates committee or any other group shall pay or make any
25 contribution of money or other thing of value to any municipal
26 committee of a political party, which in the aggregate exceeds \$5,000
27 per year, or in the case of a joint candidates committee when that is
28 the only committee established by the candidates, \$5,000 per year per
29 candidate in the joint candidates committee, or in the case of a
30 candidate committee and a joint candidates committee when both are
31 established by a candidate, \$5,000 per year from that candidate. No
32 campaign treasurer, deputy campaign treasurer or other representative
33 of a municipal committee of a political party shall knowingly accept
34 from an individual, a corporation of any kind organized and
35 incorporated under the laws of this State or any other state or any
36 country other than the United States, a labor organization of any kind
37 which exists or is constituted for the purpose, in whole or in part, of
38 collective bargaining, or of dealing with employers concerning the
39 grievances, terms or conditions of employment, or of other mutual aid
40 or protection in connection with employment, a political committee,
41 a continuing political committee, a candidate committee or a joint
42 candidates committee or any other group, any contribution of money
43 or other thing of value which in the aggregate exceeds \$5,000 per
44 year, or in the case of a joint candidates committee when that is the
45 only committee established by the candidates, \$5,000 per year per
46 candidate in the joint candidates committee, or in the case of a

1 candidate committee and a joint candidates committee when both are
2 established by a candidate, \$5,000 per year from that candidate.

3 No county committee of a political party in any county shall pay or
4 make any contribution of money or other thing of value to a municipal
5 committee of a political party in a municipality not located in that
6 county which in the aggregate exceeds the amount of aggregate
7 contributions which, under this subsection, a continuing political
8 committee is permitted to pay or make to a municipal committee of a
9 political party. No campaign treasurer, deputy campaign treasurer or
10 other representative of a municipal committee of a political party in
11 any municipality shall knowingly accept from any county committee of
12 a political party in any county other than the county in which the
13 municipality is located any contribution of money or other thing of
14 value which in the aggregate exceeds the amount of contributions
15 permitted to be so paid or made under that subsection.

16 d. For the purpose of determining the amount of a contribution to
17 be attributed as given by each candidate in a joint candidates
18 committee, the amount of the contribution by such a committee shall
19 be divided equally among all the candidates in the committee.

20 (cf: P.L.1993, c.65, s.19)

21

22 5. Section 8 of P.L.1981, c.129 (C.19:44B-8) is amended to read
23 as follows:

24 8. a. Any candidate charged with the responsibility under the terms
25 of this act for the filing of any reports or other documents required to
26 be filed pursuant to this act who fails, neglects or omits to file any
27 such report or document at the time and in the manner prescribed by
28 law, or who omits or incorrectly states any of the information required
29 by law to be included in such report or document, shall, in addition to
30 any other penalty provided by law, be liable to a penalty of not more
31 than ~~[\$1,000.00]~~ \$2,000.00 for the first offense and not more than
32 ~~[\$2,000.00]~~ \$4,000.00 for the second and each subsequent offense.

33 b. Upon receiving evidence of any violation of this section, the
34 Election Law Enforcement Commission shall have power to hold, or
35 to cause to be held, hearings upon such violation and, upon finding any
36 person to have committed such a violation, to assess such penalty,
37 within the limits prescribed in subsection a. of this section, as it deems
38 proper under the circumstance which penalty shall be paid forthwith
39 into the State Treasury [for the general purposes of the State] and
40 credited to the Public Access Enhancement Fund, established pursuant
41 to section 6 of P.L. _____, c. _____ (C. _____)(now pending before the
42 Legislature as this bill). Such penalty shall be enforceable in a
43 summary proceeding under [the "Penalty Enforcement Law"
44 (N.J.S.2A:58-1 et seq.).] "the penalty enforcement law," N.J.S.2A:58-
45 1 et seq.

46 c. In assessing any penalty under this section, the Election Law

1 Enforcement Commission may provide for the remission of all or any
2 part of the penalty conditioned upon the prompt correction of any
3 failure, neglect, error or omission constituting the violation for which
4 the penalty was assessed, provided the correction is made on a date
5 prior to the election for which the candidate has filed a declaration of
6 candidacy or petition to appear on the ballot.

7 (cf: P.L.1981, c.129, s.8)

8

9 6. (New section) a. There is created in the Department of the
10 Treasury a revolving, non-lapsing fund to be known as the Public
11 Access Enhancement Fund. The fund shall be credited with all
12 penalties collected by the State Treasury pursuant to section 22 of
13 P.L.1973, c.83 (C.19:44A-22), section 16 of P.L.1974, c.26
14 (C.19:44A-41), section 8 of P.L.1981, c.129 (C.19:44B-8) and section
15 11 of P.L.1991, c.244 (C.52:13C-23.1). The commission shall also
16 deposit into the fund all fees collected annually from providing
17 photocopies and computer printouts and any moneys as may hereafter
18 be donated by members of the public or appropriated to the fund by
19 law.

20 b. The moneys in the fund shall be disbursed to the commission
21 upon approval of the Director of the Office of Management and
22 Budget in the Department of Treasury and the Joint Budget Oversight
23 Committee or its successor.

24 c. All moneys held in the fund and not disbursed shall be
25 administered by the State Treasurer and may be invested or reinvested,
26 at the discretion thereof, in legal obligations of this State or of the
27 United States. Any income or interest earned by, or increment to,
28 moneys so invested or reinvested shall be added to the moneys held in
29 the fund.

30

31 7. (New section) The Election Law Enforcement Commission shall
32 enter into a contract for a study of the ways and means necessary to
33 enable: a. campaign finance reports to be available to the public no
34 later than 48 hours after filing; b. computerized summaries to be
35 available (1) with respect to an election for member of the Legislature,
36 for a county office, or for a municipal office in the 25 most populous
37 municipalities, no later than 60 days after such an election, and (2)
38 with respect to the State committee of a political party, a county
39 committee of a political party, and the municipal committee of a
40 political party in the 25 most populous municipalities, no later than 60
41 days after the filing of each quarterly report by each such committee;
42 and c. electronic access to be available through the State Library
43 network and an Internet web site. No later than 180 days after the
44 effective date of this act, the commission shall report to the
45 Legislature and the Governor on the findings and recommendations of
46 the study and on the commission's plan to implement those

1 recommendations.

2

3 8. (New section) The Election Law Enforcement Commission
4 shall, within 90 days after the effective date of P.L. , c. (C.)
5 (now pending before the Legislature as this bill), develop and make
6 available computer software that permits any filing entity to file
7 reports with the commission by electronic means.

8

9 9. (New section) During each year in which there is an election for
10 the office of Governor or member of the Legislature, the Attorney
11 General of this State shall provide the Election Law Enforcement
12 Commission with such assistance and resources as the commission
13 shall deem necessary to enforce the requirements and prohibitions
14 provided for in "The New Jersey Campaign Contributions and
15 Expenditures Reporting Act," P.L.1973, c.83 (C.19:44A-1 et seq.),
16 the gubernatorial public financing statutes, P.L.1974, c.26 (C.19:44A-
17 27 et seq.), the gubernatorial and legislative candidate financial
18 disclosure statutes, P.L.1981, c.129 (C.19:44B-1 et seq.), and the
19 "Legislative Activities Disclosure Act of 1971," P.L.1971, c.183
20 (C.52:13C-18 et seq.).

21

22 10. Section 11 of P.L.1991, c.244 (C.52:13C-23.1) is amended to
23 read as follows:

24 11. Upon receiving evidence of any violation of P.L.1971, c.183
25 (C.52:13C-18 et seq.), as amended and supplemented, the commission
26 shall have power to bring complaint proceedings, to issue subpoenas
27 for the production of witnesses and documents, and to hold or to
28 cause to be held by the Office of Administrative Law, hearings upon
29 such complaint. In addition to any other penalty provided by law, any
30 person who is found to have committed such a violation shall be liable
31 for civil penalty not in excess of [~~\$1,000~~] \$2,000.00, which shall be
32 paid forthwith into the State Treasury and credited to the Public
33 Access Enhancement Fund, established pursuant to section 6 of
34 P.L. , c. (C.)(now pending before the Legislature as this bill.
35 The penalty [may be collected] shall be enforceable in a summary
36 proceeding pursuant to "the penalty enforcement law" (N.J.S.2A:58-1
37 et seq.).

38 (cf: P.L.1991, c.244, c.11)

39

40 11. There is appropriated to the Election Law Enforcement
41 Commission from the General Fund \$890,000 to enable it to conduct
42 the study and fund the recommendations required pursuant to sections
43 7 and 8 of this bill.

44

45 12. This act shall take effect immediately, except that section 4 of
46 this bill shall remain inoperative until January 1, 1998.

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STATEMENT

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4 The purpose of this bill is to change how campaign finance laws are
5 enforced and to reduce contributions to legislative leadership
6 committees and to the State committee and the county committees of
7 a political party.

8 Specifically, the bill:

9 a) doubles all current civil fines and penalties provided for in "The
10 New Jersey Campaign Contributions and Expenditures Reporting
11 Act," the gubernatorial public financing statutes, the gubernatorial and
12 legislative candidate financial disclosure statutes and the "Legislative
13 Activities Disclosure Act of 1971";

14 b) reduces, from \$25,000 per year to \$10,000 per year, the amount
15 of money and other thing of value that may be contributed to a
16 legislative leadership committee by an individual, corporation, labor
17 organization, candidate or committee;

18 c) reduces, from \$25,000 per year to \$15,000 per year, the amount
19 of money and other thing of value that may be contributed to the State
20 committee of a political party and to the county committees of a
21 political party by an individual, corporation, labor organization,
22 candidate or committee;

23 d) establishes the Public Access Enhancement Fund for the Election
24 Law Enforcement Commission (ELEC) to provide it with a dedicated
25 source of money to purchase or acquire computer technology, to hire
26 such additional staff as may be necessary to enable the commission to
27 provide the public with timely access to the campaign finance reports
28 it receives and to help fund the commission's enforcement
29 responsibilities;

30 e) provides that during each year in which there is an election for
31 the office of Governor or member of the Legislature, the Attorney
32 General shall provide ELEC with such assistance and resources as the
33 commission shall deem necessary to enforce the requirements and
34 prohibitions provided for in "The New Jersey Campaign Contributions
35 and Expenditures Reporting Act," the gubernatorial public financing
36 statutes, the gubernatorial and legislative candidate financial disclosure
37 statutes and the "Legislative Activities Disclosure Act of 1971"; and

38 f) appropriates \$890,000 to ELEC to study the ways and means
39 necessary to enable campaign finance reports to be available to the
40 public no later than 48 hours after filing; computerized summaries to
41 be available (a) with respect to an election for member of the
42 Legislature, for a county office, or for a municipal office in the 25
43 most populous municipalities, no later than 60 days after such an
44 election, and (b) with respect to the State committee of a political
45 party, a county committee of a political party, and the municipal
46 committee of a political party in the 25 most populous municipalities,

1 election, no later than 60 days after the filing of each quarterly report
2 by each such committee; electronic access to be available through the
3 State Library network and an Internet web site; and to develop and
4 make available computer software that permits any filing entity to file
5 reports with the commission by electronic means.

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10 Strengthens ELEC, reduces contributions to legislative leadership
11 committees and State committee and county committees of a political
12 party; appropriates \$890,000.