

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 2020

STATE OF NEW JERSEY

ADOPTED JUNE 23, 1997

Sponsored by Senators GORMLEY, McNAMARA and
MacInnes

1 AN ACT concerning the Election Law Enforcement Commission,
2 reducing contributions to legislative leadership committees,
3 providing for continuing computerization of commission records,
4 amending various parts of the statutory law, supplementing
5 P.L.1973, c.83, and 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
11 as 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:

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

Matter underlined thus is new matter.

- 1 (1) Develop forms for the making of the required reports;
- 2 (2) Prepare and publish a manual for all candidates, political
3 committees and continuing political committees, prescribing the
4 requirements of the law, including uniform methods of bookkeeping
5 and reporting and requirements as to the length of time that any person
6 required to keep any records pursuant to the provisions of this act
7 shall retain such records, or any class or category thereof, or any other
8 documents, including canceled checks, deposit slips, invoices and
9 other similar documents, necessary for the compilation of such
10 records;
- 11 (3) Develop a filing, coding and cross-indexing system;
- 12 (4) Permit copying or photo-copying of any report required to be
13 submitted pursuant to this act as requested by any person;
- 14 (5) Prepare and make available for public inspection summaries of
15 all said reports grouped according to candidates, parties and issues,
16 containing the total receipts and expenditures, and the date, name,
17 address and amount contributed by each contributor;
- 18 (6) Prepare and publish, prior to May 1 of each year, an annual
19 report to the Legislature;
- 20 (7) Ascertain whether candidates, committees, organizations or
21 others have failed to file reports or have filed defective reports;
22 extend, for good cause shown, the dates upon which reports are
23 required to be filed; give notice to delinquents to correct or explain
24 defects; and make available for public inspection a list of such
25 delinquents;
- 26 (8) Ascertain the total expenditures for candidates and determine
27 whether they have exceeded the limits set forth in this act; notify
28 candidates, committees or others if they have exceeded or are about
29 to exceed the limits imposed;
- 30 (9) Hold public hearings, investigate allegations of any violations
31 of this act, and issue subpoenas for the production of documents and
32 the attendance of witnesses;
- 33 (10) Forward to the Attorney General or to the appropriate county
34 prosecutor information concerning any violations of this act which may
35 become the subject of criminal prosecution or which may warrant the
36 institution of other legal proceedings by the Attorney General;
- 37 (11) Use the moneys provided pursuant to section 10 of P.L. ____,
38 c. (C. __)(now pending before the Legislature as this bill), and as
39 provided annually pursuant to subsections b. and c. of section 6 of that
40 act (C. _____), to purchase or otherwise acquire such computer
41 technology and to hire such additional staff as may be necessary to
42 enable the commission to provide the public with timely access by
43 electronic means to the campaign finance reports that it receives from
44 candidates and committees; and to help fund its enforcement
45 responsibilities.

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

27 d. If the nomination for or election to any public office or party
28 position becomes void under the terms of subsection c. of section 21
29 of this act, the withholding or revocation of his certificate of election,
30 the omission of his name from the ballot or the vacation of the office
31 into which he has been inducted as a result of such void election, as
32 the case may be, shall be subject to the provisions of chapter 3, articles
33 2 and 3, of this Title (R.S.19:3-7 et seq.).

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

36 f. The commission through its legal counsel is authorized to render
37 advisory opinions as to whether a given set of facts and circumstances
38 would constitute a violation of any of the provisions of this act, or
39 whether a given set of facts and circumstances would render any
40 person subject to any of the reporting requirements of this act.

41 Unless an extension of time is consented to by any person
42 requesting an advisory opinion, the commission shall render its
43 advisory opinion within 10 days of receipt of the request therefor.
44 Failure of the commission to reply to a request for an advisory opinion
45 within the time so fixed or agreed to shall preclude it from instituting

1 proceedings for imposition of a penalty upon any person for a violation
2 of this act arising out of the particular facts and circumstances set
3 forth in such request, except as such facts and circumstances may give
4 rise to a violation when taken in conjunction with other facts and
5 circumstances not set forth in such request.

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

7
8 2. Section 22 of P.L.1973, c.83 (C.19:44A-22) is amended to read
9 as follows:

10 22. a. (1) Except as provided in subsection e. or f., any person,
11 including any candidate, treasurer, candidate committee or joint
12 candidates committee, political committee, continuing political
13 committee, political party committee or legislative leadership
14 committee, charged with the responsibility under the terms of this act
15 for the preparation, certification, filing or retention of any reports,
16 records, notices or other documents, who fails, neglects or omits to
17 prepare, certify, file or retain any such report, record, notice or
18 document at the time or during the time period, as the case may be,
19 and in the manner prescribed by law, or who omits or incorrectly
20 states or certifies any of the information required by law to be included
21 in such report, record, notice or document, any person who proposes
22 to undertake or undertakes a public solicitation, testimonial affair or
23 other activity relating to contributions or expenditures in any way
24 regulated by the provisions of this act who fails to comply with those
25 regulatory provisions, and any other person who in any way violates
26 any of the provisions of this act shall, in addition to any other penalty
27 provided by law, be liable to a penalty of not more than [\$3,000.00]
28 \$6,000.00 for the first offense and not more than [\$6,000.00]
29 \$12,000.00 for the second and each subsequent offense.

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

1 candidate or committee.

2 b. Upon receiving evidence of any violation of this section, the
3 Election Law Enforcement Commission shall have power to hold, or
4 to cause to be held under the provisions of subsection d. of this
5 section, hearings upon such violation and, upon finding any person to
6 have committed such a violation, to assess such penalty, within the
7 limits prescribed in subsection a. of this section, as it deems proper
8 under the circumstances, which penalty shall be paid forthwith into
9 the State Treasury for the general purposes of the State.

10 c. In assessing any penalty under this section, the Election Law
11 Enforcement Commission may provide for the remission of all or any
12 part of such penalty conditioned upon the prompt correction of any
13 failure, neglect, error or omission constituting the violation for which
14 said penalty was assessed.

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

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

29 (1) ~~[Not] at least the amount of the contribution or contributions,~~
30 ~~but not~~ more than ~~[\$5,000.00] \$10,000.00~~ if the cumulative total
31 amount of those contributions is less than or equal to \$5,000.00;

32 (2) ~~[Not] at least the amount of the contribution or contributions,~~
33 ~~but not~~ more than ~~[\$75,000.00] \$150,000.00~~ if the cumulative total
34 amount of those contributions was more than \$5,000.00 but less than
35 \$75,000; and

36 (3) ~~[Not] at least the amount of the contribution or contributions,~~
37 ~~but not~~ more than ~~[\$100,000.00] \$200,000.00~~ if the cumulative total
38 amount of those contributions is equal to or more than \$75,000.00.

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

45 g. Any penalty prescribed in this section shall be enforced in a

1 summary proceeding under "the penalty enforcement law,"
2 N.J.S.2A:58-1 et seq.
3 (cf: P.L.1993, c.65, s.13)

4

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

7 16. a. Any person who willfully and knowingly violates sections
8 4, [6,] 9, 10 or 19 of this act shall in addition to any other penalty
9 provided by law, be liable to a penalty of not more than [\$1,000.00]
10 \$2,000.00 for the first offense and not more than [\$2,000.00]
11 \$4,000.00 for the second and each subsequent offense.

12 b. Upon receiving evidence of any violation of sections 4, [6,] 9,
13 10 or 19 of this act, the Election Law Enforcement Commission shall
14 have power to hold, or to cause to be held under the provisions of
15 subsection d. of this section, hearings upon such violation and, upon
16 finding any person to have committed such a violation, to assess such
17 penalty, within the limits prescribed in subsection a. of this section, as
18 it deems proper under the circumstances, which penalty shall be paid
19 forthwith into the State Treasury for the general purposes of the State.
20 Such penalty shall be enforceable in a summary proceeding under [the
21 "Penalty Enforcement Law" (N.J.S.2A:58-1 et seq.)] "the penalty
22 enforcement law," N.J.S.2A:58-1 et seq.

23 c. In assessing any penalty under this section, the Election Law
24 Enforcement Commission may provide for the remission of all or any
25 part of such penalty conditioned upon the prompt correction of any
26 failure, neglect, error or omission constituting the violation for which
27 said penalty was assessed.

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

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

38

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

41 19. a. (1) (a) Except as otherwise provided in paragraph (2) of
42 this subsection, no individual, no corporation of any kind organized
43 and incorporated under the laws of this State or any other state or any
44 country other than the United States, no labor organization of any kind
45 which exists or is constituted for the purpose, in whole or in part, of

1 collective bargaining, or of dealing with employers concerning the
2 grievances, terms or conditions of employment, or of other mutual aid
3 or protection in connection with employment, no political committee,
4 continuing political committee, candidate committee or joint
5 candidates committee or any other group, shall pay or make any
6 contribution of money or other thing of value to the campaign
7 treasurer, deputy treasurer or other representative of the State
8 committee of a political party [or the campaign treasurer, deputy
9 campaign treasurer or other representative of any legislative leadership
10 committee], which in the aggregate exceeds \$25,000 per year, or in
11 the case of a joint candidates committee when that is the only
12 committee established by the candidates, \$25,000 per year per
13 candidate in the joint candidates committee, or in the case of a
14 candidate committee and a joint candidates committee when both are
15 established by a candidate, \$25,000 per year from that candidate. No
16 campaign treasurer, deputy campaign treasurer or other representative
17 of the State committee of a political party [or campaign treasurer,
18 deputy campaign treasurer or other representative of any legislative
19 leadership committee] shall knowingly accept from an individual, a
20 corporation of any kind organized and incorporated under the laws of
21 this State or any other state or any country other than the United
22 States, a labor organization of any kind which exists or is constituted
23 for the purpose, in whole or in part, of collective bargaining, or of
24 dealing with employers concerning the grievances, terms or conditions
25 of employment, or of other mutual aid or protection in connection with
26 employment, a political committee, a continuing political committee,
27 a candidate committee or a joint candidates committee or any other
28 group, any contribution of money or other thing of value which in the
29 aggregate exceeds \$25,000 per year, or in the case of a joint
30 candidates committee when that is the only committee established by
31 the candidates, \$25,000 per year per candidate in the joint candidates
32 committee, or in the case of a candidate committee and a joint
33 candidates committee when both are established by a candidate,
34 \$25,000 per year from that candidate.

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

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

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

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

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

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

1 a continuing political committee, a candidate committee or a joint
2 candidates committee or any other group, any contribution of money
3 or other thing of value which in the aggregate exceeds \$5,000 per
4 year, or in the case of a joint candidates committee when that is the
5 only committee established by the candidates, \$5,000 per year per
6 candidate in the joint candidates committee, or in the case of a
7 candidate committee and a joint candidates committee when both are
8 established by a candidate, \$5,000 per year from that candidate.

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

22 d. For the purpose of determining the amount of a contribution to
23 be attributed as given by each candidate in a joint candidates
24 committee, the amount of the contribution by such a committee shall
25 be divided equally among all the candidates in the committee.

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

27
28 5. Section 8 of P.L.1981, c.129 (C.19:44B-8) is amended to read
29 as follows:

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

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, hearings upon such violation and, upon finding any
43 person to have committed such a violation, to assess such penalty,
44 within the limits prescribed in subsection a. of this section, as it deems
45 proper under the circumstance which penalty shall be paid forthwith

1 into the State Treasury for the general purposes of the State. Such
2 penalty shall be enforceable in a summary proceeding under [the
3 "Penalty Enforcement Law" (N.J.S.2A:58-1 et seq.)] "the penalty
4 enforcement law," N.J.S.2A:58-1 et seq.

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 the penalty conditioned upon the prompt correction of any
8 failure, neglect, error or omission constituting the violation for which
9 the penalty was assessed, provided the correction is made on a date
10 prior to the election for which the candidate has filed a declaration of
11 candidacy or petition to appear on the ballot.

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

13
14 6. (New section) a. The Election Law Enforcement Commission
15 shall, upon the enactment of P.L. , c. (C.)(now pending
16 before the Legislature as this bill), use: (1) \$800,000 of the money
17 appropriated to it pursuant to section 10 of that act to purchase or
18 otherwise acquire such computer technology and to hire such
19 additional staff as it may deem necessary to enable the commission to
20 provide the public with timely access by electronic means to the
21 campaign finance reports that it receives from candidates and
22 committees; and (2) \$600,000 of the money appropriated to it
23 pursuant to section 10 of that act to help fund its enforcement
24 responsibilities.

25 b. Beginning with the fiscal year beginning next after the
26 enactment of P.L. , c. (C.)(now pending before the
27 Legislature as this bill), there shall be appropriated annually to the
28 Election Law Enforcement Commission as part of its operational
29 budget, a sum equal to not less than \$100,000 for the purposes
30 specified in paragraph (1) of subsection a. of this section, or such
31 moneys as the commission deems necessary for it to maintain the level
32 of computerization required to provide the public with timely access
33 by electronic means to the campaign finance reports that it receives
34 from candidates and committees.

35 c. Beginning with the fiscal year beginning next after the
36 enactment of P.L. , c. (C.)(now pending before the
37 Legislature as this bill), there shall be appropriated annually to the
38 Election Law Enforcement Commission as part of its operational
39 budget, a sum equal to not less than \$600,000 for the purposes
40 specified in paragraph (2) of subsection a. of this section.

41
42 7. (New section) During each year in which there is an election
43 for the office of Governor or member of the Legislature, the Attorney
44 General of this State shall provide the Election Law Enforcement
45 Commission with such assistance and resources as the commission

1 shall deem necessary to enforce the requirements and prohibitions
2 provided for in "The New Jersey Campaign Contributions and
3 Expenditures Reporting Act," P.L.1973, c.83 (C.19:44A-1 et seq.),
4 the gubernatorial public financing statutes, P.L.1974, c.26 (C.19:44A-
5 27 et seq.), the gubernatorial and legislative candidate financial
6 disclosure statutes, P.L.1981, c.129 (C.19:44B-1 et seq.), and the
7 "Legislative Activities Disclosure Act of 1971," P.L.1971, c.183
8 (C.52:13C-18 et seq.).

9
10 8. (New section) The Election Law Enforcement Commission
11 shall:

12 a. beginning with the general election to be held in November
13 1998, provide computer software to all candidates for public office
14 that enables a candidate to file all required reports with the
15 commission by electronic means;

16 b. require that candidates for public office in the general election
17 to be held in November 1998, other than candidates for public office
18 in a municipality, and thereafter candidates for nomination and election
19 for the office of Governor, member of the Legislature and county
20 office, shall file all required reports with the commission by electronic
21 means; and

22 c. prior to the general election to be held in November 1998,
23 undertake a study and make recommendations regarding the feasibility
24 of requiring political committees, continuing political committees,
25 political party committees and legislative leadership committees to file
26 all required reports with the commission by electronic means.

27
28 9. Section 11 of P.L.1991, c.244 (C.52:13C-23.1) is amended to
29 read as follows:

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

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

43
44 10. There is appropriated to the Election Law Enforcement
45 Commission from the General Fund \$1,400,000 to execute the

1 directives provided in subsection a. of section 6 of this act.

2

3 11. This act shall take effect immediately, except that section 4 of
4 this act shall take effect January 1, 1998.

5

6

7

8

9 Strengthens ELEC, reduces contributions to legislative leadership
10 committees, provides for continuing computerization of commission
11 records; appropriates \$1.4 million.