

SENATE, No. 4034

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 4, 2021

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

SYNOPSIS

Requires certain information on candidates committees and joint candidates committees to be in ELEC's annual report; changes deadline of annual report from May 1 to April 1 of each year.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain reports by the Election Law Enforcement
2 Commission and amending P.L.1973, c.83.

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

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

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

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

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

31 (2) Prepare and publish a manual for all candidates, political
32 committees and continuing political committees, prescribing the
33 requirements of the law, including uniform methods of bookkeeping
34 and reporting and requirements as to the length of time that any
35 person required to keep any records pursuant to the provisions of this
36 act shall retain such records, or any class or category thereof, or any
37 other documents, including canceled checks, deposit slips, invoices
38 and other similar documents, necessary for the compilation of such
39 records;

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

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

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

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 (6) Prepare and **【publish】** make publicly available on the
2 commission's Internet site, prior to **【May】** April 1 of each year, an
3 annual report to the Legislature, which shall include, but shall not be
4 limited to, a summary of each candidate committee or joint
5 candidates committee established pursuant to subsection a. of section
6 9 of P.L.1973, c.83 (C.19:44A-9) including the age of the committee,
7 a list of all collected and uncollected fines and penalties imposed
8 against the committee, and if the committee was inactive in the
9 preceding five years;
- 10 (7) Ascertain whether candidates, committees, organizations or
11 others have failed to file reports or have filed defective reports;
12 extend, for good cause shown, the dates upon which reports are
13 required to be filed; give notice to delinquents to correct or explain
14 defects; and make available for public inspection a list of such
15 delinquents;
- 16 (8) Ascertain the total expenditures for candidates and determine
17 whether they have exceeded the limits set forth in this act; notify
18 candidates, committees or others if they have exceeded or are about
19 to exceed the limits imposed;
- 20 (9) Hold public hearings, investigate allegations of any violations
21 of this act, and issue **【subpenas】** subpoenas for the production of
22 documents and the attendance of witnesses;
- 23 (10) Forward to the Attorney General or to the appropriate
24 county prosecutor information concerning any violations of this act
25 which may become the subject of criminal prosecution or which may
26 warrant the institution of other legal proceedings by the Attorney
27 General.
- 28 c. The commission shall take such steps as may be necessary or
29 appropriate to furnish timely and adequate information, in
30 appropriate printed summaries and in such other form as it may see
31 fit, to every candidate or prospective candidate for public office who
32 becomes or is likely to become subject to the provisions of this act,
33 and to every treasurer and depository duly designated under the
34 provisions of this act, informing them of their actual or prospective
35 obligations and responsibilities under this act. Such steps shall
36 include, but not be limited to, furnishing to every person on whose
37 behalf petitions of nomination are filed for any public office a copy
38 of such printed summary as aforesaid, which shall be furnished to
39 such person by the commission through the public official charged
40 with the responsibility of receiving and accepting such petitions of
41 nomination, at the time when such petitions are filed. The
42 commission shall also make available copies of such printed
43 summary to any other person requesting the same. The commission
44 shall also take such steps as it may deem necessary or effectual to
45 disseminate among the general public such information as may serve
46 to guide all persons who may become subject to the provisions of this

1 act by reason of their participation in election campaigns or in the
2 dissemination of political information, for the purpose of facilitating
3 voluntary compliance with the provisions and purposes of this act.
4 In the dissemination of such information, the commission shall to the
5 greatest extent practicable enlist the cooperation of commercial
6 purveyors, within and without the State, of materials and services
7 commonly used for political campaign purposes.

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

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

17 f. The commission through its legal counsel is authorized to
18 render advisory opinions as to whether a given set of facts and
19 circumstances would constitute a violation of any of the provisions
20 of this act, or whether a given set of facts and circumstances would
21 render any person subject to any of the reporting requirements of this
22 act.

23 Unless an extension of time is consented to by any person
24 requesting an advisory opinion, the commission shall render its
25 advisory opinion within 10 days of receipt of the request therefor.
26 Failure of the commission to reply to a request for an advisory
27 opinion within the time so fixed or agreed to shall preclude it from
28 instituting proceedings for imposition of a penalty upon any person
29 for a violation of this act arising out of the particular facts and
30 circumstances set forth in such request, except as such facts and
31 circumstances may give rise to a violation when taken in conjunction
32 with other facts and circumstances not set forth in such request.

33 g. The commission shall establish a training program for
34 campaign treasurers and organizational treasurers and shall make the
35 training program available through its Internet site within one year of
36 the effective date of this act, P.L.2004, c.22.

37 (cf: P.L.2004, c.22, s.1)

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39 2. This act shall take effect immediately.
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42 STATEMENT

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44 Under current law, the Election Law Enforcement Commission
45 (ELEC) is authorized and empowered to prepare and publish an
46 annual report to the Legislature prior to May 1 of each year.

S4034 CRYAN

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1 This bill changes the deadline for the annual report from prior to
2 May 1 of each year to prior to April 1 of each year. The bill also
3 requires that the annual report include, but should not be limited to,
4 a summary of each candidate committee and joint candidates
5 committee established with ELEC, including the age of the
6 committee, a list of all collected and uncollected fines and penalties
7 imposed against the committee, and if the committee was inactive in
8 the preceding five years.