

- 19:25-12.4A Expenditures made by debit card
- 19:25-12.5 Expenditures by currency; petty cash fund
- 19:25-12.6 Payments to individuals; "street money"
- 19:25-12.7 Independent expenditures
- 19:25-12.8 Reporting of independent expenditures
- 19:25-12.8A Independent expenditures made immediately before an election
- 19:25-12.9 Expenditures for an inaugural or other election related event
- 19:25-12.10 Allocation
- 19:25-12.11 Expenditures for a recount or election contest

## **SUBCHAPTER 13. POLITICAL IDENTIFICATION STATEMENTS**

- 19:25-13.1 Definitions
- 19:25-13.2 Political identification requirements
- 19:25-13.3 Independent expenditure communications
- 19:25-13.4 Vendor records
- 19:25-13.5 Exemptions

## **SUBCHAPTER 14. RECALL ELECTIONS**

- 19:25-14.1 Definitions
- 19:25-14.2 Recall committee subject to candidate committee requirements; penalties
- 19:25-14.3 Commencement of fundraising by recall committee
- 19:25-14.4 Recall committee depository and filing requirements
- 19:25-14.5 Registration statement
- 19:25-14.6 Recall committee use restrictions
- 19:25-14.7 Establishment of recall defense committee; subject to candidate committee requirements; penalties
- 19:25-14.8 Recall defense committee depository and filing requirements
- 19:25-14.9 Recall defense committee use restrictions
- 19:25-14.10 Requirements for a nominee to succeed elected official
- 19:25-14.11 Limits applicable to Federal candidates
- 19:25-14.12 Public financing unavailable
- 19:25-14.13 Limit on contributions by a prior defeated candidate
- 19:25-14.14 Identification of paid circulator

## **SUBCHAPTER 15. PUBLIC FINANCING; GENERAL ELECTIONS FOR THE OFFICE OF GOVERNOR**

- 19:25-15.1 Scope of subchapter
- 19:25-15.2 Definitions; generally
- 19:25-15.3 Definitions for this subchapter
- 19:25-15.4 Appointment of treasurers and depositories
- 19:25-15.5 (Reserved)
- 19:25-15.6 Contribution limits; applicability
- 19:25-15.7 Separately maintained primary and general bank accounts
- 19:25-15.8 Return of contributions; certification
- 19:25-15.9 Candidates deemed non-participating; effect
- 19:25-15.10 Non-participating candidates
- 19:25-15.11 Limitations on participating candidates
- 19:25-15.12 Who may or may not contribute
- 19:25-15.13 Corporate or labor organization communications
- 19:25-15.14 Contributions eligible for match
- 19:25-15.15 Contributions eligible for match; checks and instruments; partnership contributions prohibited; contributions by electronic transfer of funds
- 19:25-15.16 Limitation on contributions eligible for match
- 19:25-15.17 Matching of funds
- 19:25-15.17A Reporting of issue advocacy organization information
- 19:25-15.18 Dates of submission
- 19:25-15.19 Matching of State committee contributions; submission dates
- 19:25-15.20 Special account for public funds
- 19:25-15.21 Receipt of public funds
- 19:25-15.22 Receipt of public funds; limitation
- 19:25-15.23 Receipt of public funds; procedure
- 19:25-15.24 Use of public funds

- 19:25-15.25 Use of transferred funds
- 19:25-15.26 Expenses not subject to expenditure limits
- 19:25-15.27 Expenditure reporting; travel expenses
- 19:25-15.28 Independent expenditures
- 19:25-15.28A Prohibition on independent expenditures by State political party committees and legislative leadership committees
- 19:25-15.28B Limit on county and municipal political party committee expenditures
- 19:25-15.28C Determination of independence or coordination of an expenditure
- 19:25-15.29 Coordinated expenditures
- 19:25-15.29A Coordinated expenditures by non-gubernatorial candidates, political party committees and legislative leadership committees
- 19:25-15.30 Borrowing of funds; repayment
- 19:25-15.31 Computation of value of goods and services
- 19:25-15.32 Establishment of State committee account; contribution limit
- 19:25-15.33 State committee expenditures; ineligible for match; expenditure limit
- 19:25-15.34 State committee treasurer
- 19:25-15.35 Notice by State committee to contributor
- 19:25-15.36 State committee statements
- 19:25-15.37 Certification and delivery of statements
- 19:25-15.38 Transfer of deposits; certification
- 19:25-15.39 County and municipal committee expenditures; reports
- 19:25-15.40 County and municipal committee reports
- 19:25-15.41 County and municipal committees; prohibition on transfers
- 19:25-15.42 Maintenance of records; audit
- 19:25-15.43 Disclosure of information
- 19:25-15.44 Prepared statement on behalf of candidate; reimbursement of ballot statement costs
- 19:25-15.45 Post-election contribution; post-election payment of expenses
- 19:25-15.46 Funds or materials remaining from general election campaign
- 19:25-15.47 Repayment of public or other funds
- 19:25-15.47A Disposal of assets
- 19:25-15.48 Candidate statement of qualification before participation in public financing
- 19:25-15.49 Statement of candidates electing to participate in debates
- 19:25-15.50 Application to sponsor debates
- 19:25-15.51 Selection of debate sponsor
- 19:25-15.52 Dates, times, and location of debates
- 19:25-15.53 Rules for conduct of debates
- 19:25-15.54 Complaint alleging failure to participate in debate
- 19:25-15.55 Temporary cessation of distribution of public funds
- 19:25-15.56 Response to complaint for failure to participate in a debate or debates
- 19:25-15.57 Conduct of the hearing
- 19:25-15.58 Final decision of non-participation
- 19:25-15.59 Inaugural event contribution limit; reporting
- 19:25-15.60 Inaugural event contributions from joint checking account
- 19:25-15.61 Inaugural event contributions from affiliated corporations or unions
- 19:25-15.62 Partnership contributions to inaugural events prohibited
- 19:25-15.63 Inaugural event contributions from children or trusts
- 19:25-15.64 (Reserved)
- 19:25-15.65 Complaints alleging violation of general election expenditure limit
- 19:25-15.66 Postelection proceedings for return of funds

## **SUBCHAPTER 16. PUBLIC FINANCING OF PRIMARY ELECTION FOR GOVERNOR**

- 19:25-16.1 Scope of subchapter
- 19:25-16.2 Definitions; generally
- 19:25-16.3 Definitions for this subchapter

4. Contributions by any candidate in excess of \$3,000 from his or her own funds in aid of his or her candidacy shall not be deposited in a matching fund account and shall not be calculated in determining if such candidate is a qualified candidate eligible for public matching funds.

As amended, R.1983 d.287, effective July 18, 1983.

See: 15 N.J.R. 616(a), 15 N.J.R. 1182(e).

"or her" added.

(a)3: "except that such" deleted and "which amount ... such" added.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Increased general election expenditure limit to \$5,000,000 and increased contribution limit from \$800.00 to \$1,500.

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised (a)3 and 4.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution thresholds and limits.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Rewrote (a)3.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), increased dollar amounts.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$9,600,000" for "\$8,400,000" following "candidacy shall not exceed" in 3, and substituted "\$3,000" for "\$2,600" in 4.

#### 19:25-15.12 Who may or may not contribute

(a) No person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee, other than a candidate contributing his or her own funds to his or her campaign, shall make any contribution to any candidate, the candidate's campaign treasurer or deputy campaign treasurer, or to any other person or committee, in aid of the candidacy of or in behalf of a candidate, whether or not participating in public funding, for election to the office of Governor in a general election, in the aggregate in excess of \$3,000. Any such contribution in excess of \$3,000 must be returned to the contributor pursuant to the requirements of N.J.A.C. 19:25-11.8, and evidence of repayment shall be submitted to the Commission.

(b) A joint candidates committee established by candidates who have not established any candidate committees in an election may make a contribution to a candidate for election to the office of Governor in an amount not to exceed the sum of the number of candidates participating in the joint candidates committee multiplied by \$3,000. If a candidate has established both a candidate committee and a joint candidates committee in an election, the total amount which may be contributed by that candidate's joint candidates committee and candidate committee to a candidate for election to the office of Governor may not exceed \$3,000 per candidate participating in the joint candidates committee.

(c) Subject to the limitations contained in this subchapter and the act, any person may contribute to more than one candidate.

(d) A corporation, association or labor organization or any subsidiary, affiliate, branch, division, department or local unit of any such corporation, association or labor organization shall not make any contribution to or on behalf of a candidate which, when added to any other contribution by any related or affiliated corporation, association or labor organization, exceeds \$3,000 in the aggregate. Whether such corporation, association or labor organization is related or affiliated shall depend on the circumstances existing at the time of such contribution, including, but not by way of limitation, the degree of control or common ownership with related or affiliated corporations, associations or labor organizations, the source and control of funds used for such contributions and the degree to which the decisions whether to contribute, to what candidate and in what amount are independent decisions.

(e) In considering the criteria set forth in (d) above, two or more corporations shall be conclusively deemed to be affiliated if:

1. Any individual, corporation, partnership, company, association, or other entity owns, directly or indirectly, more than a 30 percent interest in each of such corporations; or

2. One such corporation owns, directly or indirectly, more than a 30 percent interest in the other such corporation.

(f) Contributions by minors shall be attributed to the legal guardian(s) of the minor for the purposes of N.J.A.C. 19:25-15.6, and not to the minor unless:

1. The minor is 14 years or older;

2. The contribution is made from funds comprised of the minor's earned income as defined in N.J.A.C. 19:25-1.7; and

3. Sworn statements made by the minor and by the minor's legal guardian(s) are submitted with the contribution which state that the decision to contribute was solely that of the minor and that the funds used to make the contribution were comprised solely of the minor's earned income.

(g) For the purposes of (f) above, if the minor has more than one legal guardian, the contribution shall be attributed equally to each legal guardian of the minor.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1985 d.239, effective May 20, 1985.

See: 17 N.J.R. 684(a), 17 N.J.R. 1335(b).

Added text to (a): "Notwithstanding the provision... in N.J.S.A. 19:44A-3(n)(2)."

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

(f) To be eligible for match pursuant to N.J.A.C. 19:25-15.17, a contribution received by means of an electronic transfer of funds, including a credit card, shall be deposited directly into a matching fund account established pursuant to N.J.A.C. 19:25-15.17(b). For each contribution received by an electronic transfer of funds, including a credit card, the matching fund submission shall include a deposit slip or dated receipt from the bank or financial institution which specifically identifies the contributor and the amount of the contribution and a written statement which includes the signature of the contributor, the name of the contributor as it appears on the account used for the electronic transfer of funds or credit card account, the name of the owner of the account used for the electronic transfer of funds or credit card account, and the billing address of the account used for the electronic transfer of funds or credit card.

As amended, R.1984 d.561, effective December 17, 1984.  
See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

(d): Deleted text "unless the decision . . . contribution" and substituted "and not to the child unless" and added (d)1 and 2.  
Amended by R.1996 d.583, effective December 16, 1996.  
See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Rewrote (c); inserted new (d) and (e); and recodified existing (d) as (f).

Amended by R.1997 d.179, effective April 21, 1997.  
See: 29 N.J.R. 419(b), 29 N.J.R. 1518(a).

Deleted (f), providing, with specified exceptions, that contributions by children under 18 are attributed to the parent responsible for the contribution.

Amended by R.1999 d.300, effective September 7, 1999.  
See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

Added (f).  
Amended by R.2000 d.322, effective August 7, 2000.  
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (c) and (e), rewrote the introductory paragraphs.

#### 19:25-15.16 Limitation on contributions eligible for match

(a) Any contributions in the form of the purchase price paid for an item with significant intrinsic and enduring value (such as a watch) shall be eligible for match only to the extent the purchase price exceeds the fair market value of the item or benefit conferred on the contributor, and only the excess will be included in calculating the \$3,000 contribution limit.

(b) A contribution in the form of the purchase price paid for admission to a testimonial affair as defined in N.J.A.C. 19:25-1.7 shall be a contribution eligible for match and for purposes of the \$3,000 limitation.

(c) The purchase price paid to a candidate for a fund raising event or admission to any activity that primarily confers private benefits to the contributor in the form of entertainment (such as a concert, motion picture or theatrical performance) shall be deemed the amount of the contribution made to such candidate. The tickets for such an event and the promotional materials shall state that the purchase price represents a political contribution to the candidate.

Amended by R.1989 d.43, effective January 17, 1989.  
See: 20 N.J.R. 2642(a), 21 N.J.R. 173(d).

Added (c).

Amended by R.1989 d.341, effective June 5, 1989.  
See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Increased contribution limit from \$800.00 to \$1,500.  
Amended by R.1993 d.207, effective May 17, 1993.  
See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised (a) and (b).  
Amended by R.1996 d.583, effective December 16, 1996.  
See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution limits.  
Amended by R.1999 d.300, effective September 7, 1999.  
See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

In (c), deleted references to lotteries throughout, and deleted a reference to raffles in the first sentence.

Amended by R.2000 d.473, effective November 20, 2000.  
See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a) and (b), increased dollar amounts.  
Amended by R.2004 d.472, effective December 20, 2004.  
See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$3,000" for "\$2,600" throughout.

#### 19:25-15.17 Matching of funds

(a) Any candidate seeking to qualify for receipt of public matching funds shall not later than September 1 preceding a general election in which the office of Governor is to be filled file with the Commission:

1. A statement of agreement in a form prescribed by the Commission to participate in the series of two interactive gubernatorial general election debates;
2. Either of the following:
  - i. A certified application for receipt of public matching funds pursuant to this section; or
  - ii. A statement of qualification to participate in public financing pursuant to N.J.A.C. 19:25-15.48; and
3. A certification or report concerning the candidate's participation in an issue advocacy organization or organizations as set forth in N.J.A.C. 19:25-15.17A.

(b) The campaign treasurer or deputy campaign treasurer of the candidate shall open a matching fund account in a national or a State bank pursuant to N.J.S.A. 19:44A-32 which shall be designated Matching Fund Account of (name of candidate) and in which only contributions eligible for match may be deposited. The campaign treasurer or deputy campaign treasurer of such candidate shall deposit in such matching fund account, funds to be matched in aid of the candidacy of or in behalf of such candidate. Such deposit shall be made within 10 days of receipt and shall include only moneys received in accordance with this subchapter and N.J.S.A. 19:44A-29 and N.J.S.A. 19:44a-11 and 12.

(c) A candidate seeking to become eligible to receive matching funds shall certify to the Commission in a written statement signed by the candidate that he or she is a candidate for Governor in a general election and that he or she has received and deposited into his or her matching fund account contributions eligible for match of at least \$300,000 from persons, candidate committee, joint candidates committees, political committees, continuing political committees, or legislative leadership committees each of

whose contributions in the aggregate does not exceed \$3,000, and that at least \$300,000 of such contributions have been expended. "Expended" for this purpose shall mean disbursed or committed for expenditure in the campaign.

(d) The statement referred to in (c) above shall include an original and two photocopies of a typed or printed list of contributors showing each contributor's full name and full mailing address (number, street, city, state, zip code), the date of receipt of each contribution by the candidate and of the deposit into the matching fund account, the dollar amount of each contribution submitted for match, the type of contributor of each contribution from a list of contributor types to be provided by the Commission, and the total amount of all contributions submitted for match. The list of contributors shall be segregated by deposit. The statement shall also include an original and two photocopies of a typed or printed list of contributors of contributions not eligible or submitted for match and any other receipt (for example, in-kind contributions, contributions intended to be repaid, or interest on invested funds), showing each contributor's full name and full mailing address (number, street, city, state, zip code), the date of receipt of each such contribution by the candidate, the dollar amount of each such contribution, and the type of contributor of each contribution from a list of contributor types to be provided by the Commission. The statement shall also include an original and two photocopies of a list of repayment by the candidate of any contribution, including any loan described under N.J.A.C. 19:25-15.30.

(e) The statement shall include a certification by the candidate and his or her campaign treasurer that:

1. The submission includes only contributions eligible for match and does not include any contribution which must be or is intended by the contributor or the recipient to be refunded or repaid at any time; and

2. The receipt by the candidate from the fund for general election campaign expenses of an amount equal to twice the amount of lawful contributions deposited to be matched will not result in the candidate's exceeding the expenditure limitations of N.J.S.A. 19:44A-7.

(f) The certification shall include three photocopies of the face of each check or other written instrument as described in N.J.A.C. 19:25-15.14 for each contribution which the candidate submits to receive matching funds. Where a check is endorsed by some person other than the principal campaign committee, the face and back must be photocopied. The photocopies shall be segregated by deposit, sorted in the order in which the contributors are listed pursuant to (d) above and accompanied by copies of the relevant receipted deposit slips.

(g) The initial certification shall include three photocopies of checks as evidence of expenditures made from the depository or matching fund bank accounts, receipted bills, contracts or the like, sufficient to prove the expenditure or commitment to expend at least \$300,000 no later than the date of the general election.

(h) Once eligibility has been established, subsequent statements and certifications shall be submitted confirming the continued compliance of the candidate with (a), (b), and (c) above and such information as is required by (d), (e), and (f) above.

(i) Any statement or list submitted pursuant to this section shall be filed using electronic filing software supplied by the Commission pursuant to N.J.A.C. 19:25-3.

(j) Each submission for public matching fund payments following the date on which a candidate is determined to be a qualified candidate shall contain no less than \$12,500 of contributions eligible for match. Upon determination by the Commission that each submission contains no less than \$12,500 of contributions eligible for match, public matching funds will be awarded based upon the total amount of contributions determined to be eligible for match.

(k) Each submission for public matching fund payments shall include an original and two photocopies of a cumulative list of all contributions received by a candidate from the beginning of his or her candidacy which list shall contain for each contribution the full name and full mailing address (number, street, city, state, zip code) of the contributor, the date or dates of receipt of contributions by the candidate, the aggregate total amount contributed by each contributor, and the type of contributor from a list of contributor types to be provided by the Commission, and which list shall:

1. Be arranged alphabetically by contributor name and which shall contain written authorization by the candidate for public disclosure of all contributions to the candidate; or

2. Be separated into an alphabetical list of all contributors whose contributions in the aggregate exceed \$300.00 and an alphabetical list of all contributors whose contributions are in the aggregate \$300.00 or less and which shall indicate on the first submission in the general election whether or not the candidate authorizes public disclosure in the general election only of contributors whose contributions in the aggregate exceed \$300.00.

(l) The lists of contributors submitted pursuant to this section shall also include for each contributor who is an individual and whose aggregate contributions to the candidate in the general election exceed \$300.00 the occupation of the individual and the name and mailing address of the individual's employer.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Substantially amended.

Amended by R.1989 d.43, effective January 17, 1989.

See: 20 N.J.R. 2642(a), 21 N.J.R. 173(d).

Added (i).

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Requirements for filing for public matching funds added at (a); at (g) proof of expenditure increased from \$50,000 to \$150,000 and new (j) added regarding each submission for match must contain no less than \$12,500 of contributions eligible for match.

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised (b), (c), (d), (f), (g); added new (k).

Amended by R.1993 d.363, effective July 19, 1993.

See: 25 N.J.R. 1957(b), 25 N.J.R. 3240(a).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution thresholds and limits; and added references to candidate committee, joint candidates committee and legislative leadership committee.

Amended by R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

In (c), rewrote the last sentence; and rewrote (g).

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Rewrote (k)2.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (c), (g), (k) and (l), increased dollar amounts.

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Added (a)3.

Amended by R.2004 d.472, effective December 20, 2004 (amendments to (k)2 and (l) operative January 1, 2005).

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Changed dollar amount throughout.

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Rewrote (i).

#### 19:25-15.17A Reporting of issue advocacy organization information

(a) A candidate seeking to qualify for receipt of public matching funds who participated in an issue advocacy organization during the four years prior to the date upon which he or she became a candidate for election to the Office of Governor, or who is at the time of the application for receipt of public matching funds participating in an issue advocacy organization, shall be ineligible to receive public matching funds unless the candidate files an Issue Advocacy Organization Report of Contributions and Expenditures (Form P-2). For the purposes of this section, a candidate shall be deemed to be participating in an issue advocacy organization if the candidate forms or formed, assists or assisted in the formation of, or was or is involved in any way in the management of an issue advocacy organization.

(b) For the purposes of this section, the term "issue advocacy organization" shall mean:

1. An issue advocacy organization organized under section 527 of the Federal Internal Revenue Code (26 U.S.C. § 527);

2. An organization organized under paragraph (4) of subsection c. of section 501 of the Federal Internal Revenue Code (26 U.S.C. § 501); or

3. An organization organized under any other current or future section of the Federal Internal Revenue Code which the Election Law Enforcement Commission determines is similar to any of the organizations described above.

(c) The report filed pursuant to (a) above shall include the following:

1. The name(s) of the issue advocacy organization(s) in which the candidate was a participant during the four years prior to the date upon which he or she became a candidate for election to the Office of Governor or in which the candidate is a participant;

2. The section of the Federal Internal Revenue Code under which the issue advocacy organization is organized;

3. A list from each issue advocacy organization, verified as correct by the candidate, which shall report all contributions received from the inception of the issue advocacy organization, and which shall include for each contribution, the date of receipt, the name of the contributor, the amount of the contribution, and if the contribution was a monetary contribution, an in-kind contribution, or loan;

4. A list from each issue advocacy organization, verified as correct by the candidate, which shall report all expenditures made from the inception of the issue advocacy organization, and which shall include for each expenditure, the date of the payment, the payee name, and the payment amount; and

5. A certification by the candidate of the correctness of the report.

(d) A candidate shall continue to file the Issue Advocacy Organization Report of Contributions and Expenditures (Form P-2) on each date that the candidate applies to receive public matching funds pursuant to N.J.A.C. 19:25-15.18 and on each date established for reporting by a candidate committee pursuant to N.J.A.C. 19:25-8, until such time as the candidate certifies that there are no funds remaining in the issue advocacy organization or organizations and that the issue organization or organizations have wound up their business and been dissolved.

(e) A candidate shall not be required to file the Issue Advocacy Organization Report of Contributions and Expenditures (Form P-2) if the candidate certifies and files the Candidate Certification-Issue Advocacy Organization Participation (Form P-2A) to the effect that:

1. The candidate was not, during the four years prior to the date upon which he or she became a candidate for election to the Office of Governor, a participant in any issue advocacy organization and is not at the time of the application for receipt of public matching funds participating in any issue advocacy organization; or

2. The candidate participated during the four years prior to the date upon which he or she became a candidate for election to the Office of Governor in an issue advocacy organization or organizations, or is a participant in an issue advocacy organization or organizations at the time of the application for receipt of public matching funds, but the organization or organizations file reports of contributions and expenditures with the Commission or with the Federal Election Commission.

New Rule, R.2004 d.400, effective October 18, 2004.  
See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

#### 19:25-15.18 Dates of submission

(a) Statements and certifications may be submitted to the commission by candidates on or before 12:00 noon of the first Tuesday following the date of the primary election in the year of a general election for the office Governor of New Jersey, and every other Tuesday thereafter through August 31, and every Tuesday thereafter up to and including the date of the general election being funded.

(b) Statements and certifications may be submitted to the commission by candidates on or before 12:00 noon of the first Tuesday following the general election and every other Tuesday thereafter up to the first Tuesday following the fifth month after the general election. No statements and certifications for the general election shall be considered by the commission thereafter.

(c) In the event that a date for submission shall fall on a holiday, then the submission may be on the next succeeding business day which is not a holiday. The commission shall promptly approve the certification submitted by the candidate or so much of it as the commission deems to be proper. In the event that all of the submission is not approved for match, the commission will promptly so notify the candidate.

(d) Nothing herein contained shall relieve any candidate or committee from the preelection or post-election reporting requirements contained in N.J.S.A. 19:44A-8 or 19:44A-16.

As amended, R.1984 d.561, effective December 17, 1984.  
See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).  
Amended by R.2004 d.400, effective October 18, 2004.  
See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

In (a) and (b), substituted "Tuesday" for "Monday" throughout; in (a), substituted "date of" for "Monday immediately preceding" preceding "the general election".

#### 19:25-15.19 Matching of State committee contributions; submission dates

(a) The campaign treasurer or deputy campaign treasurer of any candidate seeking matching funds must, on the dates of submission provided in N.J.A.C. 19:25-15.18 deliver to the Commission any statement of contributors or expenditures and photocopies received from any State committee pursuant to N.J.A.C. 19:25-15.37 and must so certify to the Commission. In the event no contribution from a State committee has been received and therefore no deposit made of such State committee contributions in such candidate's matching fund account, the campaign treasurer or deputy campaign treasurer shall so certify to the Commission.

(b) No submission or application for public funds pursuant to N.J.A.C. 19:25-15.18 will be considered by the Commission unless accompanied by written certification in compliance with (a) above.

As amended, R.1984 d.561, effective December 17, 1984.  
See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).  
Amended by R.1989 d.341, effective June 5, 1989.  
See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).  
Commission capitalized and N.J.A.C. cite corrected.

#### 19:25-15.20 Special account for public funds

(a) The Commission shall maintain for each qualified candidate a separate segregated public fund account for deposit of public funds. All public funds received by the Commission from the General Treasury of the State shall be promptly deposited by the Commission into such separate segregated public fund account. No funds other than such public funds shall be deposited in such separate segregated public fund account, and all expenditures from such account shall be separately identified in reports filed with the Commission.

(b) The campaign treasurer of a candidate on whose behalf a public fund account has been established shall file with the Commission on each date upon which a submission for public matching funds has been made pursuant to N.J.A.C. 19:25-15.17, Matching of funds, and N.J.A.C. 19:25-15.18, Date of submission, and for as long as said public fund account is open and such submissions are being made, a report identifying each disbursement made out of the public fund account since the last such submission for public matching funds. The initial report shall identify all such disbursements. The identification of each disbursement from the public fund account shall include the check number, date of payment, amount of payment, full name of payee, full payee mailing address and a complete statement of purpose of the expenditure indicating which of the permitted purposes set forth in N.J.A.C. 19:25-15.24, Use of public funds, is applicable. Failure to file any such report, failure to provide the identification information required in such report, or failure to expend public funds in compliance with N.J.A.C. 19:25-15.24 may result in immediate cessation of public fund deposits by the Commission.



As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Substituted "80th" day for "60th" day.

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Recodified from N.J.A.C. 19:25-15.43 and new (d) added.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Substantially amended (d) and added (e).

#### **19:25-15.45 Post-election contribution; post-election payment of expenses**

(a) Any person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee otherwise eligible to make political contributions to a candidate or a State committee may make a contribution in aid of the candidacy of a candidate after the date of such general election provided such person or committee does not exceed \$3,000 in the aggregate for such general election.

(b) Contributions received by a candidate or a State committee, or a campaign treasurer or deputy campaign treasurer of a candidate or State committee pursuant to (a) above shall be expended in order to liquidate all obligations and to pay expenses incurred during the general election campaign.

(c) Every payment of expenditures for general election obligations made by the candidate or State committee, or campaign treasurer or deputy campaign treasurer of a candidate or State committee after the date of the general election (except as otherwise specifically provided by the act or this subchapter, for example, compliance costs) shall be deemed to be expenditures for such general election within the meaning of N.J.S.A. 19:44A-7.

(d) Contributions received by a candidate or State committee, or campaign treasurer or deputy campaign treasurer of a candidate or State committee after the date of the general election for that election shall be eligible for matching of funds and shall be matched provided they are submitted pursuant to N.J.A.C. 19:25-15.17 and 19:25-15.18 up to the first Monday following the fifth month after the general election.

Amended by R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Recodified from N.J.A.C. 19:25-15.44; reference to continuing political committee added and increased contribution limit from \$800.00 to \$1,500.

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised text.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution limits and added references to candidate committee, joint candidates committee and legislative leadership committee.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), increased dollar amount.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$3,000" for "\$2,600".

#### **19:25-15.46 Funds or materials remaining from general election campaign**

Public moneys received by a qualified candidate may be retained by such qualified candidate for a period not exceeding six months after the general election for which such moneys were received in order to liquidate all obligations and to pay expenses for the purposes permitted by N.J.A.C. 19:25-15.24 which expenses were incurred during the general election campaign.

Recodified by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Recodified from N.J.A.C. 19:25-15.45.

#### **19:25-15.47 Repayment of public or other funds**

(a) All public moneys received by a qualified candidate remaining after liquidation of all lawful obligations with respect to that election shall be repaid to the Commission (for return to the Treasurer of the State of New Jersey) not later than six months after the date of such general election. All moneys other than public moneys, remaining available to any qualified candidate after the liquidation of all obligations, shall also be repaid to the Commission (for return to the Treasurer of the State of New Jersey) not later than six months after the date of such general election; provided, however, that nothing herein contained shall require any candidate to pay to the State Treasurer, a total amount of moneys in excess of the total amount of public moneys received by such qualified candidate from the public fund.

(b) No candidate who has received public funds shall incur any debt or make any expenditure after the date of the election for any purpose other than the following:

1. To satisfy outstanding obligations incurred on or before the date of the election made for appropriate campaign purposes; or
2. To pay the reasonable and necessary costs of closing the campaign.

(c) An election night celebration or event conducted by a candidate who has received public funds will be deemed a reasonable and necessary cost of closing the campaign provided that it is conducted on the date of the general election.

Correction: In (a), ... with respect to ("their" deleted) "that" added.

See: 21 N.J.R. 1021(b).

Recodified by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Recodified from N.J.A.C. 19:25-15.46.

#### **19:25-15.47A Disposal of assets**

Any materials remaining from the general election campaign of a publicly financed candidate, including, but not limited to, campaign literature, buttons, office supplies, and

any other equipment, may not be transferred or given to any other election campaign of such candidate or of any other candidate or entity, but must be purchased by a person or entity for cost or other reasonable value.

New Rule, R.2004 d.400, effective October 18, 2004.  
See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

#### **19:25-15.48 Candidate statement of qualification before participation in public financing**

(a) A candidate who intends to apply to the Commission for public matching funds on a date later than September 1 preceding a general election for the office of Governor must on or before September 1 preceding the general election for Governor file:

1. A certified statement of qualification containing evidence that \$300,000 has been deposited and expended pursuant to N.J.S.A. 19:44A-32 for gubernatorial general election campaign expenses. Evidence that \$300,000 has been deposited and expended shall be filed with the Commission on September 1 preceding a general election for the office of Governor and in a form to be prescribed by the Commission.

2. Each contribution submitted in the report required by (a)1 above as evidence that \$300,000 in contributions has been deposited must be accompanied by a written statement which shall identify the individual making the contribution by full name and full mailing address (number, street, city, state, zip code), the name of the candidate, the amount and date of receipt of the contribution, and shall bear the signature of the contributor. The requirement of such written statement will be deemed to be satisfied in the case where a contribution is made by means of a check, money order or other negotiable instrument payable on demand and to the order for, or specially endorsed without qualification to, the candidate or to his campaign committee, if such check, money order or instrument contains all of the foregoing information.

3. Each disbursement submitted in the report required by (a)1 above as evidence that \$300,000 has been expended for general election expenses shall include two photocopies of checks, receipted bills, contracts, or similar documents as evidence of the expenditure of at least \$300,000.

4. For each contribution from an individual whose aggregate contributions to the candidate in the general election exceed \$300.00 which is submitted in the report required pursuant to this section, the certified statement of qualification shall include the occupation of the individual and the name and mailing address of the individual's employer.

(b) The reports filed pursuant to (a) above to establish qualification shall not be available for public inspection.

(c) Any report required to be filed pursuant to (a) above shall be filed using electronic filing software supplied by the Commission pursuant to N.J.A.C. 19:25-3.

New Rule, R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Rule formerly at this cite was recodified to N.J.A.C. 19:25-15.60.

Administrative correction to (a)3.

See: 21 N.J.R. 2530(a).

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised (a).

Amended by R.1993 d.363, effective July 19, 1993.

See: 25 N.J.R. 1957(b), 25 N.J.R. 3240(a).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution limits.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), increased dollar amounts.

Amended by R.2004 d.472, effective December 20, 2004 ((a)4 operative January 1, 2005).

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$300,000" for "\$260,000" throughout 1 through 3, and substituted "\$300.00" for "\$400.00" in 4.

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Rewrote (c).

#### **19:25-15.49 Statement of candidates electing to participate in debates**

(a) A candidate who has not by September 1 preceding a general election applied to the Commission for public matching funds may elect to participate in the series of interactive gubernatorial general election debates by:

1. Notifying the Commission in writing no later than September 1 preceding the general election for the office of Governor of his or her intent to participate in the series of gubernatorial general election debates; and

2. Filing a statement of qualification containing evidence that \$300,000 has been deposited and expended pursuant to N.J.S.A. 19:44-32 for gubernatorial general election expenses. The statement of qualification shall contain the same information, as that required at N.J.A.C. 19:25-15.48(a).

(b) The reports filed pursuant to (a) above to establish qualification for participation in gubernatorial general election debates shall not be available for public inspection; however, the Commission shall publish a listing which shall contain the information included in the statement of qualification, filed pursuant to (a)2 above, for each contribution, except that it shall not include the name, address or amount of contribution of any contributor whose contributions in the aggregate are \$300.00 or less unless the candidate authorizes such disclosure in writing.

(c) Any report required to be filed pursuant to (a) above shall be filed using electronic filing software supplied by the Commission pursuant to N.J.A.C. 19:25-3.

New Rule, R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).



Rule formerly at this cite was recodified to N.J.A.C. 19:25-15.61.  
Amended by R.1993 d.207, effective May 17, 1993.  
See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised (a)2.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution limits.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a)2, increased dollar amount.

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Rewrote (b).

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$300,000" for "\$260,000" in 2.

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

In (b), substituted "\$300.00" for "\$400.00"; rewrote (c).

### 19:25-15.50 Application to sponsor debates

(a) To be eligible for selection by the Commission to sponsor one or both of the interactive gubernatorial general election debates, an organization:

1. Must be unaffiliated with any political party or with any holder of or candidate for public office;
2. Must not have endorsed any candidate in the pending general election for the office of Governor and must agree not to make any such endorsement until the completion of any debate sponsored by the organization; and
3. Must have previously sponsored one or more televised debates among candidates for Statewide office in New Jersey since 1976.

(b) Any association of two or more separately owned news publications or broadcasting outlets, including newspapers, radio stations or networks, and television stations or networks, having between or among them a substantial readership or audience in this State, and any association of print or broadcast news or press service correspondents having among them a substantial readership or audience in this State, shall be eligible to sponsor any such gubernatorial general election debate, without regard to whether that association or any of its members shall previously have sponsored any debate among candidates for Statewide office.

(c) Written applications by organizations to sponsor one or both of the gubernatorial general election debates shall be submitted to the Commission on a form provided by the Commission not later than July 1 of any year in which a general election is held for the office of Governor. The written application shall set forth the following information:

1. The time and date of broadcast of the debate or debates;
2. The specific television and radio stations and other media outlets which have committed to air, broadcast, or simulcast the debate or debates, and the specific New Jersey counties and number of households reached by

those specific television and radio stations and other media outlets;

3. The specific television and radio stations and other media outlets which have committed to rebroadcast the debate or debates, and the specific dates and times of such rebroadcast;

4. The location of the debate or debates, and a description of the building or facility including legal seating capacity and accessibility for persons with physical disabilities;

5. A specific description of the format of the debate or debates, including plans for interactive exchanges among the candidates and opportunities for the public to direct questions to the candidates;

6. Specific plans to disseminate information to the public concerning the date, time, location, and media outlets airing or broadcasting the debate or debates;

7. Specific plans, including plans for newspaper advertisements, to disseminate information to the public concerning the date, time, location, and media outlets airing or broadcasting the debate or debates;

8. Arrangements for a debate moderator or moderators; and

9. Sources of financial support to the organization to underwrite costs associated with the debate or debates.

(d) If the applicant anticipates the presence of an audience at the debate or debates, the written application shall in addition to the information required under (c) above, set forth the following information:

1. The number of persons expected in the audience;
2. The method to be used to select the audience, including information on distribution of tickets;
3. Plans for interaction between the candidates and the audience; and
4. Plans for accessibility of the debate to hearing-impaired members of the audience.

(e) If the applicant anticipates imposing an admission fee or ticket price for attendance at the debate, the application shall state the amount of the admission fee or ticket price and include an explanation of why such an admission fee or ticket price is being charged.

New Rule, R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Rule formerly at this cite was recodified to N.J.A.C. 19:25-15.62.

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised (a) and (a)3; added new (b); redesignated existing (b) to (c).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Added (c)1 through (c)3.

Amended by R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

Rewrote (c); and added (d) and (e).

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

In (c), rewrote 2 through 10.

#### **19:25-15.51 Selection of debate sponsor**

(a) Based upon the criteria in N.J.A.C. 19:25-15.50(a) above, the Commission shall select the organization or organizations to sponsor the gubernatorial general election debates within 30 calendar days of the July 1 deadline for receipt of sponsor applications and shall provide written notification to the organization or organizations so selected.

(b) The Commission shall provide each debate sponsor it has selected with a list of candidates who are required to participate in the gubernatorial general election debates or who have elected to participate.

New Rule, R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Rule formerly at this cite was recodified to N.J.A.C. 19:25-15.63.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

#### **19:25-15.52 Dates, times, and location of debates**

(a) Not later than five calendar days after receipt of notification from the Commission that an organization has been selected to sponsor one or both of the gubernatorial general election debates, each sponsoring organization shall:

1. Submit a written calendar to the Commission and to all candidates who are required to or have elected to participate in the debates containing the date, time, location, and plans for television and other media coverage of the debate or debates assigned to the sponsor; and
2. Submit to the Commission a description of the physical facilities available at the debate site or sites for use by television, broadcast and other media personnel.

(b) The debate date or dates selected by each sponsoring organization in the written calendar required in (a) above shall be no earlier than the third Tuesday following the first Monday in September of the year in which a general election is held for the office of Governor and no later than the 11th day prior to the pending general election.

(c) Upon the vote of a majority of the candidates participating in the second general election debate that an emergency condition exists requiring postponement of that debate, the debate sponsor shall:

1. Reschedule the second debate to occur no later than the second calendar day preceding the general election; and
2. Take whatever actions are necessary to notify all participating candidates and the Commission of the date, time, and location of the rescheduled debate.

i. Actions to notify the participating candidates and the Commission of the rescheduled debate shall include, but not be limited to, telephone contact and first class mail, return receipt requested.

(d) The Commission shall review and approve the debate calendars submitted by the debate sponsoring organizations pursuant to (a) above prior to the occurrence of any general election debate and shall create a master debate calendar which ensures compliance with the date requirements of (b) above and ensures that the two debates are scheduled for different dates.

(e) In the event that the Commission determines in its review pursuant to (d) above that a conflict exists in the two scheduled debates, the Commission shall direct the debate sponsors to submit a revised debate schedule or schedules within two calendar days containing new debate dates and times which eliminate the conflict.

New Rule, R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

#### **19:25-15.53 Rules for conduct of debates**

(a) Each debate between or among candidates for the office of Governor shall be of at least one hour's duration.

(b) Promulgation of the rules for the conduct of each debate shall be the responsibility of the organization selected by the Commission as the sponsor of each debate and such rules shall not be made final without consultation with a representative designated by each of the participating candidates.

(c) Immediately upon notification of its selection as a sponsor and no later than five calendar days before each debate is to occur, the sponsor shall forward the written rules for conduct of the interactive general election debate to the representatives of the participating candidates, to the Commission, and to the relevant candidates who are required to or have elected to participate in the debate.

(d) The candidates participating in the debate and the Commission shall be notified by the sponsor in writing of any modifications or changes to the rules for conduct of a debate no later than two calendar days before the debate is scheduled to occur.

New Rule, R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

#### **19:25-15.54 Complaint alleging failure to participate in debate**

(a) Any complaint filed with the Commission alleging failure of a general election candidate to participate in a required debate shall:

1. Be in writing and be verified; and

2. Contain a detailed statement alleging with specificity all facts known to the complainant pertinent to the allegation of failure to participate in a debate.

(b) Service of a complaint alleging failure to participate in a general election debate shall be made by the complainant by personal service or by certified mail, return receipt requested upon the respondent candidate, the debate sponsor, and any person named in the complaint.

New Rule, R.1989 d.341, effective June 5, 1989.  
See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).  
Amended by R.1993 d.207, effective May 17, 1993.  
See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).  
Revised (b).

**19:25-15.55 Temporary cessation of distribution of public funds**

(a) Upon receipt by the Commission of a verified complaint alleging failure to participate in a debate, the Commission shall meet as soon as practicable to determine whether there is reasonable cause to believe the respondent candidate may have failed to participate as required in a general election debate.

(b) If it is determined by majority vote of the Commission that there is reasonable cause to believe that a candidate may have failed to participate in a debate as required, the Commission shall:

1. Cease the review and certification of any public fund amounts which have been requested by the respondent candidate from the Commission and which have not previously been approved; and

2. Schedule a hearing before it on the complaint to determine whether the respondent candidate has failed to participate in a debate as alleged.

(c) The Commission shall as soon as practicable notify the respondent candidate in writing of the actions it has taken pursuant to (b) above.

New Rule, R.1989 d.341, effective June 5, 1989.  
See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

**19:25-15.56 Response to complaint for failure to participate in a debate or debates**

(a) Within five calendar days of service of the complaint upon the respondent candidate, he or she shall respond to the complaint in a written, verified answer which:

1. Admits or denies each of the factual allegations contained in the complaint; and

2. Sets forth any affirmative defenses to the allegations contained in the complaint including all facts known to the respondent candidate pertinent to any such affirmative defense.

3. Justification and excuse shall be deemed to be affirmative defenses for the purposes of this subsection.

(b) Service of an answer shall be made by the respondent candidate in person or by certified mail, return receipt requested, upon the complainant, the Commission, the debate sponsor, and any person named in the complaint or response.

(b) Contributions from a joint account by one owner of the account may not be attributed to other owners of the account.

Amended by R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Added (c)1 and 2.

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Limit increased from \$800.00 to \$1,500.00.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (a).

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Amended (a).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (a), raised contribution amount.

Amended by R.1997 d.179, effective April 21, 1997.

See: 29 N.J.R. 419(b), 29 N.J.R. 1518(a).

Deleted (c), providing, with specified exceptions, that contributions by children under 18 are attributed to the parent responsible for the contribution.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), increased dollar amount.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$3,000" for "\$2,600" following "aggregate in excess of".

#### 19:25-16.7 Candidates deemed non-participating; effect

Any candidate who does not by the last day for filing petitions to nominate candidates to be voted upon in a primary election for governor make application for public funding in a primary election pursuant to N.J.A.C. 19:25-16.18 (Matching of funds) shall be deemed non-participating in public funding of that primary election and shall not receive public funds on behalf of his or her campaign.

Amended by R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Language added regarding deadline for application as being "last day for filing petitions ..."; (b) deleted. Language incorporated in first paragraph.

#### 19:25-16.8 Non-participating candidates

(a) A non-participating candidate is subject to the \$3,000 limitation on contributions from a person, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee pursuant to N.J.S.A. 19:44A-29.

(b) A non-participating candidate is subject to the \$3,000 limit on guarantors of bank loans, except if the guarantor is the non-participating candidate himself or herself.

(c) A non-participating candidate is not subject to the overall campaign expenditure limit contained in N.J.S.A. 19:44A-7; is not subject to the \$25,000 limit on own funds contained in N.J.S.A. 19:44A-29; is not subject to the \$50,000 limit on bank loans contained in N.J.S.A. 19:44A-44; and is not subject to any limits on the amount of bank loans to be guaranteed by the candidate personally.

Amended by R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Limit on contributions increased from \$800.00 to \$1,500.00.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (a) and (b).

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Amended (a), and in (c) deleted noncodified statutory references.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (a) and (b), raised contribution amount.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (c), changed N.J.S.A. reference.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a) and (b), increased dollar amounts.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$3,000" for "\$2,600" throughout.

#### 19:25-16.9 Limitations on participating candidates

(a) Each candidate intending to participate in public funding, in addition to any other requirement imposed by the act (N.J.S.A. 19:44A-1 et seq.) or these regulations, is subject to the following limitations:

1. No candidate receiving public funds may make expenditures from his or her own funds, including any contributions from his or her own funds, in aid of his or her candidacy in excess of \$25,000. Any loan guaranteed with such candidate's own funds must be included in calculating the aggregate contribution of the candidate in aid of his or her candidacy until such time as the loan is no longer outstanding.

2. No candidate, or his or her campaign treasurer or deputy campaign treasurer, shall borrow an amount that at any one time exceeds \$50,000 in the aggregate, and such loan must be repaid in full not later than 20 days prior to the primary election for which the loan was made from moneys accepted or allocated pursuant to N.J.S.A. 19:44A-29. Certification of such repayment shall be made by the borrower to the commission in accordance with N.J.A.C. 19:25-16.31 (Borrowing of funds, repayment).

3. The amount which any qualified candidate may spend in aid of his or her candidacy shall not exceed \$4,400,000, which amount shall include payments made solely for the purpose of determining whether to become a candidate. Such amount shall not include expenditures listed in N.J.A.C. 19:25-16.27.

4. Contributions by any candidate in excess of \$3,000 from his or her own funds in aid of his or her candidacy shall not be deposited in a matching fund account and shall not be calculated in determining if such candidate is a qualified candidate eligible for public matching funds.

Amended by R.1983 d.287, effective July 18, 1983.

See: 15 N.J.R. 616(a), 15 N.J.R. 1182(e).

(a)3: "except that such" deleted and "which amount ... candidacy. Such" added.

Amended by R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Candidate spending formula deleted and replaced with flat amount of \$2,200,000.00 and contribution limit increased from \$800.00 to \$1,500.00.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (a)3 and 4.

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

In (a)2 amended statutory references.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (a)3, raised expenditure amount; in (a)4, raised contribution amount.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (c)3, rewrote the first sentence.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), increased dollar amounts.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), changed dollar amount in 3 and 4.

#### 19:25-16.10 Who may or may not contribute

(a) No person, other than a candidate contributing his or her own funds to his or her campaign, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee shall make any contribution to any candidate, the candidate's campaign treasurer or deputy campaign treasurer, or to any other person or committee, in aid of the candidacy of or in behalf of a candidate, whether or not participating in public funding, for nomination for election to the office of Governor in a primary election, in the aggregate in excess of \$3,000. Any such contribution in excess of \$3,000 must be returned to the contributor pursuant to the requirements of N.J.A.C. 19:25-11.8, and evidence of the repayment shall be submitted to the Commission.

(b) A joint candidates committee established by candidates who have not established any candidate committees in an election may make a contribution to a candidate for nomination for election to the office of Governor in an amount not to exceed the sum of the number of candidates participating in the joint candidates committee multiplied by \$3,000. If a candidate has established both a candidate committee and a joint candidates committee in an election, the total amount which may be contributed by that candidate's joint candidates committee and candidate committee to a candidate for nomination for election to the office of Governor may not exceed \$3,000 per candidate participating in the joint candidates committee.

(c) Subject to the limitations contained in this subchapter and the act, any person may contribute to more than one candidate.

(d) A corporation, association or labor organization or any subsidiary, affiliate, branch, division, department or local unit of any such corporation, association or labor organization shall not make any contribution to or on behalf of a candidate which, when added to any other contribution by any related or affiliated corporation, association or labor organization, exceeds \$3,000 in the aggregate. Whether such corporation, association or labor organization is related or affiliated shall depend on the circumstances existing at the time of such contribution, including, but not by way of limitation, the degree of control or common ownership with related or affiliated corporations, associations or labor organizations, the source and control of funds used for such contribution and the degree to which the decisions whether to contribute, to what candidate and in what amount are independent decisions.

(e) In considering the criteria set forth in (d) above, two or more corporations shall be conclusively deemed to be affiliated if:

1. Any individual, corporation, partnership, company, association, or other entity owns, directly or indirectly, more than a 30 percent interest in each of such corporations; or

2. One such corporation owns, directly or indirectly, more than a 30 percent interest in the other such corporation.

(f) Contributions by minors shall be attributed to the legal guardian(s) of the minor for the purposes of N.J.A.C. 19:25-16.6, and not to the minor unless:

1. The minor is 14 years or older;

2. The contribution is made from funds comprised of the minor's earned income as defined in N.J.A.C. 19:25-1.7; and

(d) The statement referred to in (c) above shall include an original and two photocopies of a typed or printed list of contributors showing each contributor's full name and full mailing address (number, street, city, state, zip code), the date of receipt of each contribution by the candidate and of the deposit into the matching fund account, the dollar amount of each contribution submitted for match, the type of contributor of each contribution from a list of contributor types to be provided by the Commission, and the total amount of all contributions submitted for match. The list of contributors shall be segregated by deposit. The statement shall also include an original and two photocopies of a typed or printed list of contributors of contributions not eligible or submitted for match and any other receipt (for example, in-kind contributions, contributions intended to be repaid, or interest on invested funds), showing each contributor's full name and full mailing address (number, street, city, state, zip code), the date of receipt of each such contribution by the candidate, the dollar amount of each such contribution, and the type of contributor of each contribution from a list of contributor types to be provided by the Commission. The statement shall also include an original and two photocopies of a list of repayment by the candidate of any contribution, including any loan described under N.J.A.C. 19:25-16.31 (Borrowing of funds; repayment).

(e) The statement shall include a certification by the candidate and his or her campaign treasurer that:

1. The submission includes only contributions eligible for match and does not include any contribution which must be or is intended by the contributor or the recipient to be refunded or repaid at any time; and
2. The receipt by the candidate from the fund for primary election campaign expenses of an amount equal to twice the amount of lawful contributions deposited to be matched will not result in the candidate's exceeding the expenditure limitations of section 7 of the act (N.J.S.A. 19:44A-7).

(f) The certification shall include three photocopies of the face of each check or other written instrument as described in N.J.A.C. 19:25-16.11 (Contributions eligible for match; generally) for each contribution which the candidate submits to receive matching funds. Where a check is endorsed by some person other than the principal campaign committee, the face and back must be photocopied. The photocopies shall be segregated by deposit, sorted in the order in which the contributors are listed pursuant to (d) above and accompanied by copies of the relevant receipted deposit slips.

(g) The initial certification shall include three photocopies of checks as evidence of expenditures made from the depository or matching fund bank accounts, receipted bills, contracts or the like, sufficient to prove the expenditure or commitment to expend at least \$300,000 no later than the date of the primary election.

(h) Once eligibility has been established, subsequent statements and certifications shall be submitted confirming the continued compliance of the candidate with subsections (a), (b) and (c) above and such information as is required by (d), (e) and (f) above.

(i) Any statement or list submitted pursuant to this section shall be filed using electronic filing software supplied by the Commission pursuant to N.J.A.C. 19:25-3.

(j) Each submission for public matching fund payments following the date on which a candidate is determined to be a qualified candidate shall contain no less than \$12,500 of contributions eligible for match. Upon determination by the Commission that each submission contains no less than \$12,500 of contributions eligible for match, public matching funds will be awarded based upon the total amount of contributions determined to be eligible for match.

(k) Each submission for public matching fund payments shall include an original and two photocopies of a cumulative list of all contributions received by a candidate from the beginning of his or her candidacy which list shall contain for each contribution the full name and full mailing address (number, street, city, state, zip code) of the contributor, the date or dates of receipt of contributions by the candidate, the aggregate total amount contributed by each contributor, and the type of contributor from a list of contributor types to be provided by the Commission, and which list shall:

1. Be arranged alphabetically by contributor name and which shall contain written authorization by the candidate for public disclosure of all contributions to the candidate; or
2. Be separated into an alphabetical list of all contributors whose contributions in the aggregate exceed \$300.00 and an alphabetical list of all contributors whose contributions are in the aggregate \$300.00 or less and which shall indicate on the first submission in the primary election whether or not the candidate authorizes public disclosure in the primary election only of contributors whose contributions in the aggregate exceed \$300.00.

(l) The lists of contributors submitted pursuant to this section shall also include for each contributor who is an individual and whose aggregate contributions to the candidate in the primary election exceed \$300.00 the occupation of the individual and the name and mailing address of the individual's employer.

Amended by R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1988 d.447, effective September 19, 1988.

See: 20 N.J.R. 1339(a), 20 N.J.R. 2395(a).

Added (i).

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).



Provisions of emergency amendment R.1989 d.181 readopted without change. Established deadline for application for public matching funds as last day for filing petition to nominate; established requirement that candidate agree to two debates and that filing of application or certification for matching funds is necessary; established increased limits on contributions as well as amounts available as public match funds and added (j).

Amended by R.1992 d.458, effective November 16, 1992.

See: 24 N.J.R. 3026(a), 24 N.J.R. 4274(a).

Revised (b), (d) and (f); added (k).

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (c) and (g).

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

In (k)2 changed the contribution amounts from \$100 to \$200, and added (l).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (c), (k)2, and (l), raised contribution amounts; and in (g); raised expenditure amount.

Amended by R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

In (c), rewrote the last sentence; and rewrote (g).

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Rewrote (k)2.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (c), (g), (k) and (l), increased dollar amounts.

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Added (a)3.

Amended by R.2004 d.472, effective December 20, 2004 ((l) operative January 1, 2005).

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Changed dollar amount throughout.

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Rewrote (i).

#### **19:25-16.18A Reporting of issue advocacy organization information**

(a) A candidate seeking to qualify for receipt of public matching funds who participated in an issue advocacy organization during the four years prior to the date upon which he or she became a candidate for nomination for election to the Office of Governor, or who is at the time of the application for receipt of public matching funds participating in an issue advocacy organization, shall be ineligible to receive public matching funds unless the candidate files an Issue Advocacy Organization Report of Contributions and Expenditures (Form P-2). For the purposes of this section, a candidate shall be deemed to be participating in an issue advocacy organization if the candidate forms or formed, assists or assisted in the formation of, or was or is involved in any way in the management of an issue advocacy organization.

(b) For the purposes of this section, the term "issue advocacy organization" shall mean:

1. An issue advocacy organization organized under section 527 of the Federal Internal Revenue Code (26 U.S.C. § 527);

2. An organization organized under paragraph (4) of subsection c. of section 501 of the Federal Internal Revenue Code (26 U.S.C. § 501); or

3. An organization organized under any other current or future section of the Federal Internal Revenue Code which the Election Law Enforcement Commission determines is similar to any of the organizations described above.

(c) The report filed pursuant to (a) above shall include the following:

1. The name(s) of the issue advocacy organization(s) in which the candidate was a participant during the four years prior to the date upon which he or she became a candidate for election to the Office of Governor or in which the candidate is a participant;

2. The section of the Federal Internal Revenue Code under which the issue advocacy organization is organized;

3. A list from each issue advocacy organization, verified as correct by the candidate, which shall report all contributions received from the inception of the issue advocacy organization, and which shall include for each contribution, the date of receipt, the name of the contributor, the amount of the contribution, and if the contribution was a monetary contribution, an in-kind contribution, or loan;

4. A list from each issue advocacy organization, verified as correct by the candidate, which shall report all expenditures made from the inception of the issue advocacy organization, and which shall include for each expenditure, the date of the payment, the payee name, and the payment amount; and

5. A certification by the candidate of the correctness of the report.

(d) A candidate shall continue to file the Issue Advocacy Organization Report of Contributions and Expenditures (Form P-2) on each date that the candidate applies to receive public matching funds pursuant to N.J.A.C. 19:25-16.19 and on each date established for reporting by a candidate committee pursuant to N.J.A.C. 19:25-8, until such time as the candidate certifies that there are no funds remaining in the issue advocacy organization or organizations and that the issue organization or organizations have wound up their business and been dissolved.

(e) A candidate shall not be required to file the Issue Advocacy Organization Report of Contributions and Expenditures (Form P-2) if the candidate certifies and files the Candidate Certification-Issue Advocacy Organization Participation (Form P-2A) to the effect that:

1. The candidate was not during the four years prior to the date upon which he or she became a candidate for nomination for election to the Office of Governor a participant in any issue advocacy organization and is not

at the time of the application for receipt of public matching funds participating in any issue advocacy organization; or

2. The candidate participated during the four years prior to the date upon which he or she became a candidate for nomination for election to the Office of Governor in an issue advocacy organization or organizations, or is a participant in an issue advocacy organization or organizations at the time of the application for receipt of public matching funds, but the organization or organizations file reports of contributions and expenditures with the Commission or with the Federal Election Commission.

New Rule. R.2004 d.400, effective October 18, 2004.  
See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

#### 19:25-16.19 Dates of submission

(a) Statements and certifications may be submitted by candidates on or before 12:00 noon of the first Tuesday following January 1 of the year of a primary election for nomination for the office of Governor of New Jersey, and the fourth Tuesday following January 1, and every other Tuesday thereafter through March 31, and every Tuesday thereafter up to and including the date of the primary election being funded.

(b) Statements and certification may be submitted by candidates on or before 12:00 noon of the first Tuesday following the primary election and every other Tuesday thereafter up to the first Tuesday following the fifth month after the primary election. No statements and certifications for the primary election shall be considered by the commission thereafter.

(c) In the event that a date for submission shall fall on a holiday, then the submission may be on the next succeeding business day which is not a holiday. The commission shall promptly approve the certification submitted by the candidate or so much of it as the commission deems to be proper. In the event that all of the submission is not approved for match, the commission will promptly so notify the candidate.

(d) Nothing herein contained shall relieve any candidate or committee from the preelection or post-election reporting requirements contained in sections 8 or 16 of the act (N.J.S.A. 19:44A-8 or 19:44A-16).

As amended, R.1984 d.561, effective December 17, 1984.  
See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).  
Emergency amendment, R.1989 d.59, effective December 30, 1988 (expires February 28, 1989).  
See: 21 N.J.R. 209(a).

Added text in (a) "Notwithstanding the candidates ...".  
Emergency amendment, R.1989 d.59 expired on February 28, 1989.  
Section reverted to text in effect prior to January 17, 1989.  
Amended by R.2004 d.400, effective October 18, 2004.  
See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).  
Substituted "Tuesday" for "Monday" throughout.

#### 19:25-16.20 Special account for public funds

(a) The Commission shall maintain for each qualified candidate a separate segregated public fund account for deposit of public funds. All public funds received by the

Commission from the General Treasury of the State shall be promptly deposited by the Commission into such separate segregated public fund account. No funds other than such public funds shall be deposited in such separate segregated public fund account, and all expenditures from such account shall be separately identified in reports filed with the Commission.

(b) The campaign treasurer of a candidate on whose behalf a public fund account has been established shall file with the Commission on each date upon which a submission for public matching funds has been made pursuant to N.J.A.C. 19:25-16.18 (Matching of funds) and N.J.A.C. 19:25-16.19 (Dates of submission) and for as long as said public fund account is open and such submissions are being made, a report identifying each disbursement made out of the public fund account since the last such submission for public matching funds. The initial report shall identify all such disbursements. The identification of each disbursement from the public fund account shall include the check number, date of payment, full name of payee, full payee mailing address and a complete statement of purpose of the expenditure indicating which of the permitted purposes set forth in N.J.A.C. 19:25-16.25 (Use of public funds) is applicable. Failure to file any such report, failure to provide the identification information required in such report, or failure to expend public funds in compliance with N.J.A.C. 19:25-16.25, may result in immediate cessation of public fund deposits by the Commission.

(c) Any report filed pursuant to this section disclosing an expenditure in an aggregate sum exceeding \$5,000 for the purpose of media consultant services or other services shall be accompanied by a certification from the payee categorizing media advertising purchases or other services provided, incurred or contemplated, and certifying that such funds have been or will be expended in compliance with N.J.A.C. 19:25-16.25.

(d) The reports of disbursements made from the public fund account submitted pursuant to this section shall not be available for public inspection.

As amended, R.1984 d.561, effective December 17, 1984.  
See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).  
Amended by R.1988 d.447, effective September 19, 1988.  
See: 20 N.J.R. 1339(a), 20 N.J.R. 2395(a).  
Added (b)-(d).

#### 19:25-16.21 Receipt of public funds

(a) The campaign treasurer or deputy campaign treasurer of any qualified candidate for election to the office of Governor in a primary election shall promptly receive in behalf of such qualified candidate from the funds for primary election campaign expenses moneys in an amount equal to twice the amount of each contribution eligible for match and deposited in such qualified candidate's matching fund account, described in N.J.S.A. 19:44A-32 except that no payment shall be made to any candidate from such fund

for primary election campaign purposes for the first \$96,000 deposited in such qualified candidate's matching fund account.

(b) No candidate for nomination for election to the office of Governor or his or her campaign treasurer or deputy campaign treasurer shall receive any primary election public matching funds if the Commission determines that an application for matching funds, submitted pursuant to N.J.A.C. 19:25-16.18, contains a contribution or contributions in excess of the primary election contribution limit. The Commission shall permit the candidate or his or her campaign treasurer or deputy campaign treasurer to submit proof that the excessive portion of a contribution or contributions has been refunded.

Amended by R.1992 d.516, effective December 21, 1992.  
See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised text.

Amended by R.1996 d.583, effective December 16, 1996.  
See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised required deposit amount.

Amended by R.2000 d.473, effective November 20, 2000.  
See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

Increased dollar amount.

Amended by R.2004 d.400, effective October 18, 2004.  
See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Designated section as (a) and added (b).

Amended by R.2004 d.472, effective December 20, 2004.  
See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$96,000" for "\$84,000" preceding "deposited in such qualified candidate's matching fund account."

#### 19:25-16.22 Receipt of public funds; limitation

(a) No public funds shall be deposited by the commission in the public fund account of any qualified candidate on or before January 1 of the year of the primary election for nomination for the office of governor of New Jersey.

(b) The maximum amount which any qualified candidate may receive from public funds shall not exceed \$2,700,000.

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Deleted formula for maximum receipt of public funds and established amount at \$1,350,000.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (b).

Amended by R.1996 d.583, effective December 16, 1996.  
See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (b), raised funding amount.

Amended by R.2000 d.473, effective November 20, 2000.  
See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (b), increased dollar amount.

Amended by R.2004 d.472, effective December 20, 2004.  
See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (b), substituted "\$2,300,000" for "\$2,700,000" at the end.

#### 19:25-16.23 Receipt of public funds; procedure

The commission shall certify to the Treasurer of New Jersey the amount to be disbursed to the commission for the public fund account of each candidate. The Treasurer shall then deliver such amount to the commission, out of the General Treasury of the State from the fund for campaign expenses for the primary election to the office of Governor.

#### 19:25-16.24 Disclosure of information

The statements and certifications submitted by a candidate in accordance with N.J.A.C. 19:25-16.18 (Matching of funds) shall not be public records and shall not be available for public inspection; provided, however, the Commission shall from time to time publish a listing which shall contain the information included in the statements and certifications for each contribution, except that it shall not include the name, address or amount of contribution of any contributor whose contributions in the aggregate are \$300.00 or less unless the candidate authorizes such disclosure in writing.

Amended by R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Added text "unless the candidate authorizes such disclosure in writing".

Amended by R.1992 d.458, effective November 16, 1992.

See: 24 N.J.R. 3026(a), 24 N.J.R. 4274(a).

Stylistic revision.

Administrative Correction.

See: 25 N.J.R. 711(d).

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Changed the contribution amount from \$100 to \$200.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution amount.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

Increased dollar amount.

Amended by R.2004 d.472, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$300.00" for "\$400.00" following "in the aggregate are."

#### 19:25-16.25 Use of public funds

(a) Public funds received on behalf of a qualified candidate from the fund for primary election campaign expenses shall be deposited by the commission in the candidate's public fund account and the candidate's use of such funds shall be strictly limited to the following purposes:

1. Purchase of time on radio and television stations;
2. Purchase of rental space on outdoor signs or billboards;
3. Purchase of advertising space in newspapers and regularly published magazines and periodicals;
4. Payment of the cost of producing the material aired or displayed on radio, television, outdoor signs or billboards, and in newspapers, regularly published magazines and periodicals;

**19:25-16.36 Corporate or labor organization communications**

Communications on any subject by a corporation to its stockholders and their families, or by a labor organization to its members and their families, and non-partisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families, shall not be construed to be in aid of the candidacy of or in behalf of a candidate for election to the office of Governor in any primary election.

R.1984 d.561, eff. December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

New rule.

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Recodified from N.J.A.C. 19:25-16.35.

**19:25-16.37 Candidate statement of qualification before participation in public financing**

(a) A candidate who intends to apply to the Commission for public matching funds on a date later than the last day for filing petitions to nominate candidates to be voted upon in a primary election for the office of Governor must on or before the last day for filing petitions to nominate candidates in a primary election for Governor file:

1. A certified statement of qualification containing evidence that \$300,000 has been deposited and expended pursuant to N.J.S.A. 19:44A-32 for gubernatorial primary election campaign expenses. Evidence that \$300,000 has been deposited and expended shall be filed with the Commission on the last day for filing petitions in the primary election to nominate candidates for the office of Governor and in a form to be prescribed by the Commission.

2. Each contribution submitted in the report required by (a)1 above as evidence that \$300,000 in contributions has been deposited must be accompanied by a written statement which shall identify the individual making the contribution by full name and full mailing address (number, street, city, state, zip code), the name of the candidate, the amount and date of receipt of the contribution, and shall bear the signature of the contributor. The requirement of such written statement will be deemed to be satisfied in the case where a contribution is made by means of a check, money order or other negotiable instrument payable on demand and to the order for, or specially endorsed without qualification to, the candidate or to his or her campaign committee, if such check, money order or instrument contains all of the foregoing information.

3. Each disbursement submitted in the report required by (a)1 above as evidence that \$300,000 has been

expended for primary election expenses shall include two photocopies of checks, receipted bills, contracts, or similar documents as evidence of the expenditure of at least \$300,000.

4. For each contribution from an individual whose aggregate contributions to the candidate in the primary election exceed \$300.00 which is submitted in the report required pursuant to this section, the certified statement of qualification shall include the occupation of the individual and the name and mailing address of the individual's employer.

(b) The reports filed pursuant to (a) above to establish qualification shall not be available for public inspection.

(c) Any report required to be filed pursuant to (a) above shall be filed using electronic filing software supplied by the Commission pursuant to N.J.A.C. 19:25-3.

Emergency New Rule, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency new rule R.1989 d.181 readopted without change.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 2690(b), 24 N.J.R. 4561(a).

Revised (a).

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Added (a)4.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (a), raised deposit, expenditure, and contribution amounts.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), increased dollar amounts.

Amended by R.2004 d.472, effective December 20, 2004 ((a)4 operative January 1, 2005).

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), changed the dollar amount throughout.

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Rewrote (c).

**19:25-16.38 Statement of candidates electing to participate in debates**

(a) A candidate who has not by the last day for filing petitions to nominate candidates to be voted upon in a primary election applied to the Commission for public matching funds may elect to participate in the series of interactive gubernatorial primary election debates by:

1. Notifying the Commission in writing no later than the last day for filing petitions in the primary election to nominate candidates for the office of Governor of his or her intent to participate in the series of gubernatorial primary election debates; and

2. Filing a statement of qualification containing evidence that \$300,000 has been deposited and expended pursuant to N.J.S.A. 19:44-32 for gubernatorial primary election expenses. The statement of qualification shall

contain the same information as that required at N.J.A.C. 19:25-16.37(a).

(b) The reports filed pursuant to (a) above to establish qualifications for participation in gubernatorial primary election debates shall not be available for public inspection; however, the Commission shall publish a listing which shall contain the information included in the statement of qualification, filed pursuant to (a)2 above, for each contribution, except that it shall not include the name, address or amount of contribution of any contributor whose contributions in the aggregate are \$300.00 or less unless the candidate authorizes such disclosure in writing.

(c) Any report required to be filed pursuant to (a) above shall be filed using electronic filing software supplied by the Commission pursuant to N.J.A.C. 19:25-3.

Emergency New Rule, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency new rule R.1989 d.181 readopted without change.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (a)2.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (a)2, raised deposit and expenditure amount.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a)2, increased dollar amount.

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Rewrote (b).

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$300,000" for "\$260,000" following "qualification containing evidence that" in 2.

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

In (b), substituted "\$300.00" for "\$400.00"; rewrote (c).

### 19:25-16.39 Application to sponsor debates

(a) To be eligible for selection by the Commission to sponsor one or more of the interactive gubernatorial primary election debates, an organization:

1. Must be unaffiliated with any political party or with any holder of or candidate for public office;
2. Must not have endorsed any candidate in the pending primary election for the office of Governor and must agree not to make any such endorsement until the completion of any debate sponsored by the organization; and
3. Must have previously sponsored one or more televised debates for Statewide office in New Jersey since 1976.

(b) Any association of two or more separately owned news publications or broadcasting outlets, including newspapers, radio stations or networks, and television stations or networks, having between or among them a substantial readership or audience in this State, and any association of print or broadcast news or press service correspondents having among them a substantial readership or audience in this State, shall be eligible to sponsor any such gubernatorial primary election debate, without regard to whether that association or any of its members shall previously have sponsored any debate among candidates for Statewide office.

(c) Written applications by organizations to sponsor a gubernatorial primary election debate or debates shall be submitted to the Commission on a form provided by the Commission not later than March 15 of any year in which a primary election is held to nominate candidates for the office of Governor. The written application shall set forth the following information:

1. The time and date of broadcast of the debate or debates;
2. The specific television and radio stations and other media outlets which have committed to air, broadcast, or simulcast the debate or debates, and the specific New Jersey counties and number of households reached by those specific television and radio stations and other media outlets;
3. The specific television and radio stations and other media outlets which have committed to rebroadcast the debate or debates, and the specific dates and times of such rebroadcast;
4. Plans for coverage of the debate or debates by media outlets broadcasting in a foreign language;
5. The location of the debate or debates, and a description of the building or facility including legal seating capacity and accessibility for persons with physical disabilities;
6. A specific description of the format of the debate or debates, including plans for interactive exchanges among the candidates and opportunities for the public to direct questions to the candidates;
7. Specific plans, including plans for newspaper advertisements, to disseminate information to the public concerning the date, time, location, and media outlets airing or broadcasting the debate or debates;
8. Plans for accessibility of the debate or debates to hearing-impaired persons in the broadcast audience;
9. Arrangements for a debate moderator or moderators; and
10. Sources of financial support to the organization to underwrite costs associated with the debate or debates.



(d) If the applicant anticipates the presence of an audience at the debate or debates, the written application shall in addition to the information required under (c) above, set forth the following information:

1. The number of persons expected in the audience;
2. The method to be used to select the audience, including information on distribution of tickets;
3. Plans for interaction between the candidates and the audience; and
4. Plans for accessibility of the debate to hearing-impaired members of the audience.

(e) If the applicant anticipates imposing an admission fee or ticket price for attendance at the debate, the application shall state the amount of the admission fee or ticket price and include an explanation of why such an admission fee or ticket price is being charged.

Emergency New Rule, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency new rule R.1989 d.181 readopted without change.

Amended by R.1992 d.458, effective November 16, 1992.

See: 24 N.J.R. 3026(a), 24 N.J.R. 4274(a).

Revised (a)2; added (b); redesignated existing (b) as (c).

Administrative Correction to (a).

See: 25 N.J.R. 711(d).

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Amended (c).

Amended by R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

Rewrote (c); and added (d) and (e).

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (d), made an internal reference change.

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

In (c), rewrote 2 through 10.

#### 19:25-16.40 Selection of debate sponsor

(a) Based upon the criteria in N.J.A.C. 19:25-16.39(a), the Commission shall select the organization or organizations to sponsor the gubernatorial primary election debates within 30 calendar days of the March 15 deadline for receipt of sponsor applications and shall provide written notification to the organization or organizations so selected.

(b) The Commission shall determine the number of primary election debates for which each debate sponsor organization is responsible and the party affiliation of the candidates in each debate. The Commission shall provide each debate sponsor it has selected with a list of candidates who

are required to participate in the gubernatorial primary election debates or who have elected to participate.

Emergency New Rule, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency new rule R.1989 d.181 readopted without change.

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

In (a) deleted "private" preceding "organization".

#### 19:25-16.41 Dates, times, and location of debates

(a) Not later than five calendar days after receipt of notification from the Commission that an organization has been selected to sponsor one or more of the gubernatorial primary election debates, each sponsoring organization shall:

1. Submit a written calendar to the Commission and to all candidates who are required to or have elected to participate in the relevant debate or debates containing the date, time, location, and plans for television and other media coverage of the debate or debates assigned to the sponsor;

2. Submit to the Commission a description of the physical facilities available at the debate site or sites for use by television, broadcast and other media personnel; and

3. Submit a written statement to the Commission agreeing not to endorse any candidate for nomination in the pending primary election.

(b) The debate date or dates selected by each sponsoring organization in the written calendar required in (a) above shall be no earlier than the date upon which the ballot for the pending primary election is finally certified by the Secretary of State to the county clerks and no later than the 11th day prior to the pending primary election.

(c) Upon the vote of a majority of the candidates participating in the second in the series of primary election debates that an emergency condition exists requiring postponement of that debate, the debate sponsor shall:

1. Reschedule the second debate to occur no later than the second calendar day preceding the primary election; and

2. Take whatever actions are necessary to notify all participating candidates and the Commission of the date, time, and location of the rescheduled debate.

i. Actions to notify the participating candidates and the Commission of the rescheduled debate shall include, but not be limited to, telephone contact and first class mail, return receipt requested.

(d) The Commission shall review and approve the debate calendars submitted by the debate sponsoring organizations pursuant to (a) above prior to the occurrence of any primary election debate and shall create a master debate calendar which ensures compliance with the date requirements of (b) above and ensures that no two or more debates are scheduled for the same date.

(e) In the event that the Commission determines in its review pursuant to (d) above that a conflict exists in two or more scheduled debates, the Commission shall direct a debate sponsor or sponsors to submit a revised debate schedule or schedules within two calendar days containing new debate dates and times which eliminate the conflict.

Emergency New Rule, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency new rule R.1989 d.181 readopted without change.

#### 19:25-16.42 Rules for conduct of debates

(a) Each debate in the series of interactive debates between or among candidates for nomination for the office of Governor shall be of at least one hour's duration.

(b) Promulgation of the rules of the conduct of each debate shall be the responsibility of the organization selected by the Commission as the sponsor of each debate and such rules shall not be made final without consultation with the chairpersons of the New Jersey Republican and Democratic State Committees.

(c) Immediately upon notification of its selection as a sponsor and no later than five calendar days before each date is to occur, the sponsor shall forward the written rules for conduct of the interactive primary election debate to the chairpersons of the New Jersey Republican State Committee and the New Jersey Democratic State Committee to the Commission, and to the relevant candidates who are required to or have elected to participate in the debate.

(d) The candidates participating in the debate and the Commission shall be notified by the sponsor in writing of any modifications or changes to the rules for conduct of a debate no later than two calendar days before the debate is scheduled to occur.

Emergency New Rule, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency new rule R.1989 d.181 readopted without change.

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

In (b) deleted "private" preceding "organization".

#### 19:25-16.43 Complaint alleging failure to participate in debate

(a) Any complaint filed with the Commission alleging failure of a primary election candidate to participate in a required debate shall:

1. Be in writing and be verified; and
2. Contain a detailed statement alleging with specificity all facts known to the complainant pertinent to the allegation of failure to participate in a debate.

(b) Service of a complaint alleging failure to participate in a primary election debate shall be made by the complainant by personal service or by certified mail, return receipt requested, upon the respondent candidate, the Commission, the debate sponsor, and any person named in the complaint.

Emergency New Rule, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency new rule R.1989 d.181 readopted without change.

Amended by R.1992 d.458, effective November 16, 1992.

See: 24 N.J.R. 3026(a), 24 N.J.R. 4274(a).

Revised (b).

#### 19:25-16.44 Temporary cessation of distribution of public funds

(a) Upon receipt by the Commission of a verified complaint alleging failure to participate in a debate, the Commission shall meet as soon as practicable to determine whether there is reasonable cause to believe the respondent candidate may have failed to participate as required in a primary election debate.

(b) If it is determined by majority vote of the Commission that there is reasonable cause to believe that a candidate may have failed to participate in a debate as required, the Commission shall:

1. Cease the review and certification of any public fund amounts which have been requested by the respondent candidate from the Commission and which have not previously been approved; and
2. Schedule a hearing before it on the complaint to determine whether the respondent candidate has failed to participate in a debate as alleged.

(c) The Commission shall as soon as practicable notify the respondent candidate in writing of the actions it has taken pursuant to (b) above.

Emergency New Rule, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.  
See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency new rule R.1989 d.181 readopted without change.

#### 19:25-16.45 Response to a complaint for failure to participate in a debate or debates

(a) Within five calendar days of service of the complaint upon the respondent candidate, he or she shall respond to the complaint in a written, verified answer which:

1. Admits or denies each of the factual allegations contained in the complaint; and
2. Sets forth any affirmative defenses to the allegations contained in the complaint including all facts known to the respondent candidate pertinent to any such affirmative defense.
3. Justification and excuse shall be deemed to be affirmative defenses for the purposes of this subsection.

(b) Service of an answer shall be made by the respondent candidate in person or by certified mail, return receipt requested, upon the complainant, the Commission, the debate sponsor, and any person named in the complaint or response.

Emergency New Rule, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency new rule R.1989 d.181 readopted without change.

#### 19:25-16.46 Conduct of the hearing

(a) The complainant and the respondent candidate shall appear at the hearing. Other interested persons may appear as permitted by N.J.A.C. 1:1-16 and may be represented as permitted by N.J.A.C. 1:1-5.

(b) The hearing shall be governed by the New Jersey Uniform Administrative Procedure Rules, (N.J.A.C. 1:1).

(c) The complainant shall have the burden of proving non-participation by a preponderance of the credible evidence, and the respondent candidate charged with the failure to participate in a debate shall have the burden of proving justification or excuse by a preponderance of the credible evidence.

(d) At the request of the complainant or respondent candidate, subpoenas shall be issued to compel the attendance of witnesses to testify at the hearing held to determine a candidate's failure to participate in a debate.

(e) The Commission may refer the matter for hearing to the Office of Administrative Law as a contested case pursuant to the provisions of the New Jersey Uniform Administrative Procedure Rules, (N.J.A.C. 1:1).

(f) The Commission shall have the authority to assess the costs associated with a hearing held pursuant to this section against any complainant, respondent or interested person permitted to appear.

Emergency New Rule, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency new rule R.1989 d.181 readopted without change.

#### 19:25-16.47 Final decision of non-participation

(a) At the conclusion of a hearing, the Commission shall determine by majority vote:

1. Whether a candidate required to participate in a primary election debate has failed to do so;
2. Whether the failure to participate occurred under circumstances which were beyond the control of the candidate and of such a nature that a reasonable person would find the failure justifiable or excusable; and

(b) The Commission shall serve its written decision upon the participants or upon their legal representatives as soon as practicable.

(c) If it is determined by the Commission that the respondent candidate failed to participate in a primary election debate without reasonable justification or excuse, the Commission shall:

1. Calculate the total amount of public moneys distributed by the Commission pursuant to N.J.S.A. 19:44A-33 to the respondent candidate for campaign expenses;
2. Notify the respondent candidate and campaign treasurer in writing of the total dollar amount of the liability of the campaign for repayment and of the interest due upon the amount at the rate of one per cent for each month or fractional part of a month during which the liability remains unpaid; and
3. Cease certification of any further public fund amounts to the candidate.

(d) Within 10 calendar days of receipt of notification of the amount of repayment required to the Commission, the respondent candidate and his or her campaign shall submit to the Commission a written schedule for repayment of public funds which specifies dates and amount of repayment installments.

Emergency New Rule, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency new rule R.1989 d.181 readopted without change.