

## ELECTION LAW ENFORCEMENT COMMISSION

## CHAPTER 25

REGULATIONS OF THE ELECTION LAW  
ENFORCEMENT COMMISSION

## Authority

N.J.S.A. 19:27A-17, 19:44A-6, 19:44A-38, 19:44B-7 and 52:13C-23.2.

## Source and Effective Date

R.2010 d.062, effective March 25, 2010.  
See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

## Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 25, Regulations of the Election Law Enforcement Commission, expires on March 25, 2017.  
See: 43 N.J.R. 1203(a).

## Chapter Historical Note

Chapter 25, Regulations of the Election Law Enforcement Commission, was adopted as R.1974 d.267, effective September 25, 1974. See: 6 N.J.R. 371(a), 6 N.J.R. 418(a).

Pursuant to Executive Order No. 66(1978), Chapter 25, Regulations of the Election Law Enforcement Commission, was readopted as R.1990 d.526, effective October 1, 1990. See: 22 N.J.R. 2251(a), 22 N.J.R. 3391(a).

Subchapter 4, Reporting Requirements, was repealed and Subchapter 4, Establishment of Reporting Committees, was adopted as new rules; Subchapter 5, Appointment of Treasurers and Depositories, was repealed and Subchapter 5, Appointment of Campaign Officers and Depositories, was adopted as new rules; Subchapter 6, Deposit of Funds, was repealed and Subchapter 6, Receipt and Use of Funds, was adopted as new rules; Subchapter 7, Use or Transmittal of Deposited Funds; Surplus Campaign Funds, was in part repealed and in part recodified as Subchapter 6, Receipt and Use of Funds; Subchapter 8, Recordkeeping, was recodified as Subchapter 7, Recordkeeping; Subchapter 8, Candidate, Joint Candidates, and Political Committee Reporting, was adopted as new rules; and Subchapter 9, Pre-Election and Post-Election Reports, was repealed by R.1993 d.509, effective October 18, 1993. See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).

Subchapter 9, Continuing Political Committee, Political Party Committee, and Legislative Leadership Committee Reporting, was adopted as new rules, and Subchapter 10, Quarterly Reports, was repealed by R.1994 d.573, effective November 21, 1994. See: 26 N.J.R. 3138(a), 26 N.J.R. 4638(a).

Subchapter 11, Contributions; Reporting of, was repealed and Subchapter 10, Contribution Reporting, and Subchapter 11, Contribution Limits, were adopted as new rules by R.1995 d.209, effective April 17, 1995. See: 27 N.J.R. 312(a), 27 N.J.R. 480(a), 27 N.J.R. 1643(c).

Pursuant to Executive Order No. 66(1978), Chapter 25, Regulations of the Election Law Enforcement Commission, was readopted as R.1995 d.509, effective August 16, 1995. See: 27 N.J.R. 2564(a), 27 N.J.R. 3621(d).

Subchapter 12, Reporting of Expenditures; Independent Expenditures, was repealed and Subchapter 12, Reporting of Expenditures; Independent Expenditures, was adopted as new rules by R.1995 d.433, effective August 21, 1995. See: 27 N.J.R. 2110(c), 27 N.J.R. 3214(a).

Subchapter 14, Advisory Opinions, was recodified as Subchapter 18, Advisory Opinions, and Subchapter 14, Recall Elections, was adopted as new rules by R.1996 d.10, effective January 2, 1996. See: 27 N.J.R. 3592(a), 27 N.J.R. 3770(a), 28 N.J.R. 177(a).

Subchapter 13, Allocation of Expenditures, was recodified as N.J.A.C. 19:25-12.10, Allocation, and Subchapter 13, Political Identification Statements, was adopted as new rules by R.1996 d.393, effective August 19, 1996. See: 28 N.J.R. 2521(a), 28 N.J.R. 3970(a).

Pursuant to Executive Order No. 66(1978), Chapter 25, Regulations of the Election Law Enforcement Commission, was readopted as R.2000 d.322, effective July 17, 2000. Subchapter 3, Pre-Candidate Activity; "Testing the Waters", was repealed by R.2000 d.322, effective August 7, 2000. See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Subchapter 3, Electric Filing, was adopted as new rules by R.2004 d.280, effective July 19, 2004. See: 36 N.J.R. 1895(a), 36 N.J.R. 3418(a).

Chapter 25, Regulations of the Election Law Enforcement Commission, was readopted as R.2005 d.192, effective May 26, 2005. As a part of R.2005 d.192, Subchapter 21, Professional Campaign Fund Raisers, was adopted as new rules; and former Subchapter 21, Severability Clause, was recodified as Subchapter 22, effective June 20, 2005. See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Subchapter 23, New Jersey Fair and Clean Elections Pilot Project, was adopted as R.2005 d.272, effective August 15, 2005. See: 37 N.J.R. 1704(a), 37 N.J.R. 3051(b).

Subchapter 20, Lobbyists and Legislative Agents, was renamed Lobbyists and Governmental Affairs Agents by R.2005 d.427, effective December 5, 2005 (operative date of January 1, 2006). See: 37 N.J.R. 2838(a), 37 N.J.R. 4559(a).

Subchapter 24, State Contractor Contributions Prohibited; and Subchapter 25, Legislative, County and Municipal Contractor Contributions Prohibited, were adopted as new rules by R.2006 d.166, effective May 1, 2006. See: 38 N.J.R. 111(a), 38 N.J.R. 1864(a).

Subchapter 26, Contribution Disclosure by For-Profit and Nonprofit Entities, was adopted as new rules by R.2007 d.108, effective April 16, 2007. See: 38 N.J.R. 4661(a), 39 N.J.R. 1498(a).

Subchapter 23, New Jersey Fair and Clean Elections Pilot Project, was repealed and Subchapter 23, New Jersey Fair and Clean Elections Pilot Project, was adopted as special new rules by R.2007 d.162, effective April 23, 2007. See: 39 N.J.R. 2140(a). Subchapter 23, New Jersey Fair and Clean Elections Pilot Project, expired September 28, 2008.

Chapter 25, Regulations of the Election Law Enforcement Commission, was readopted as R.2010 d.062, effective March 25, 2010. As a part of R.2010 d.062, Subchapter 8, Candidate, Joint Candidates, and Political Committee Reporting, was renamed Candidate, Joint Candidates and Political Committee Reporting; and Subchapter 26, Contribution Disclosure by For-Profit and Nonprofit Entities, was renamed Contribution Disclosure by For-Profit Entities, effective April 19, 2010. See: Source and Effective Date. See, also, section annotations.

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## SUBCHAPTER 1. GENERAL PROVISIONS

### 19:25-1.1 Scope of regulations

The provisions of this chapter are promulgated pursuant to the New Jersey Campaign Contributions and Expenditures Reporting Act, P.L. 1973, c. 83, as amended, N.J.S.A. 19:44A-1 et seq. ("the Act"); the Gubernatorial Legislative Disclosure Statement Act; N.J.S.A. 19:44B-1 et seq.; the Uniform Recall Election Law, P.L. 1995, c. 105, N.J.S.A. 19:27A-1, the Legislative and Governmental Process Activities Disclosure Act, P.L. 1971, c. 183, as amended, N.J.S.A. 52:13C-18 et seq., the "pay to play" laws, P.L. 2004, c. 19, as amended, N.J.S.A. 19:44A-20.3 et seq., P.L. 2005, c. 51, as amended, N.J.S.A. 19:44A-20.13 et seq., and P.L. 2005, c. 271, as amended, N.J.S.A. 19:44A-20.26 et seq. Such provisions shall constitute the rules and regulations of practice and procedure of the New Jersey Election Law Enforcement Commission ("the Commission").

Amended by R.1990 d.526, effective November 5, 1990.  
See: 22 N.J.R. 2251(a), 22 N.J.R. 3391(a).

Citations added.

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

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

Inserted a reference to the Uniform Recall Election Law.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

Rewrote the section.

### 19:25-1.2 Short title

The provisions of this chapter shall be known as "Regulations of the New Jersey Election Law Enforcement Commission".

### 19:25-1.3 Liberal construction of rules

The provisions of this chapter shall be liberally construed to permit the Commission to discharge its statutory functions and to secure a just and speedy determination of all matters before it.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

Section was "Liberal construction of regulations". Substituted "Commission" for "commission".

### 19:25-1.4 Relaxation

The Commission may, upon notice to all parties or persons in interest, relax the application of this chapter whenever the interest of justice shall so require.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

Substituted "Commission" for "commission".

### 19:25-1.5 Amendment of regulations

The Commission may at any time and from time to time, rescind, alter or amend the provisions of this chapter in the manner prescribed by law as may be necessary to carry out the purposes of the Act. Any new regulation resulting from such action shall be filed with the New Jersey Office of Administrative Law.

As amended, R.1984 d.324, effective August 6, 1984.

See: 16 N.J.R. 1044(a), 16 N.J.R. 2154(a).

Deleted "Secretary of State" and added "Office of Administrative Law".

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

Substituted "Commission" for "commission" and "Act" for "act".

### 19:25-1.6 Practice where regulations do not govern

In any matter not governed by the provisions of this chapter, the Commission shall exercise its discretion so as to carry out the purposes of the Act.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

Substituted "Commission" for "commission" and "Act" for "act".

### 19:25-1.7 Definitions

The following words and terms, when used in this chapter and in the interpretation of the Act, shall have the following meanings unless a different meaning clearly appears from the context.

"The Act" means The New Jersey Campaign Contributions and Expenditures Reporting Act, P.L. 1973, c. 83, as amended, N.J.S.A. 19:44A-1 et seq.

"Candidate" means:

1. An individual seeking election to a public office of this State or of a county, municipality or school or fire district at any election;

2. An individual who shall have been elected or failed of election to an office, other than a party office, for which he or she sought election and who receives contributions and makes expenditures for any of the purposes authorized by N.J.S.A. 19:44A-11.2; and

3. An individual who has received funds or other benefits or has made payments solely for the purpose of determining whether the individual should become a candidate as defined in paragraphs 1 and 2 above.

This definition does not include an individual seeking Federal elective office, or State, county or municipal political party office.

"Candidate committee" means a committee established by a candidate pursuant to N.J.S.A. 19:44A-9(a) for the purpose of receiving contributions and making expenditures.

"Commission" means the New Jersey Election Law Enforcement Commission.

"Continuing political committee" includes any group of two or more persons acting jointly, or any corporation, partnership or any other incorporated or unincorporated association, including a political club, political action committee, civic association or other organization, which in any calendar year contributes or expects to contribute at least \$4,900 to aid or promote the candidacy of an individual, or the candidacies of individuals, for elective public office, or the passage or defeat of a public question or public questions, and which may be expected to make contributions toward such aid or promotion or passage or defeat during a subsequent election, provided that the group, corporation, partnership, association or other organization has been determined by the Commission to be a continuing political committee in accordance with N.J.S.A. 19:44A-8(b). A continuing political committee does not include:

1. A candidate committee, joint candidates committee, political committee, political party committee or a legislative leadership committee.

2. A contributor not involved in fundraising (that is, not soliciting or accepting contributions to aid or promote candidates, or the passage or defeat of public questions), and not conducting any election-related activity other than making contributions from its own funds to a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee.

"Contribution" includes every loan, gift, subscription, advance or transfer of money or other thing of value, including any in-kind contribution, made to or on behalf of any candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee and any pledge or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the Act, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed. Funds or other benefits received solely for the purpose of determining whether an individual should become a candidate are contributions.

"Contributor" means an individual, corporation, labor organization, association, group, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee making a contribution. "Contributor" does not include an unincorporated business entity, a partnership entity as defined in N.J.A.C. 19:25-11.10(b) or a limited liability company as defined in N.J.A.C. 19:25-11.10(c), which entities are not permitted to make contributions.

"Currency" means United States government notes and coins in circulation as a medium of exchange.

"Depository," "campaign depository," and "organizational depository" mean any bank account, whether checking, savings, or other, that is established by a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee for the purpose of receiving contributions and making expenditures to aid or promote a candidate in an election, or to support or oppose a public question.

"District" means the State, legislative district, county, municipality or part thereof, school district or other district in which a candidate is seeking election to public office.

"Election" means any election in which a public question is to be voted upon by the voters of the State or any political subdivision thereof; and any election for any public office of the State or any political subdivision thereof. It does not include Federal elective office, or State, county or municipal political party office.

"Election-related activity" means election activity related to a candidate for public office of the State of New Jersey or

its political subdivisions, or public question submitted to the voters of the State of New Jersey or its political subdivisions as set forth in the Act and includes, without limitation, contributions to candidates, expenditures for fundraising, expenditures on behalf of candidates and other related political expenditures.

"Expenditure" includes every transfer of money or other thing of value, including any item of real or personal property, tangible or intangible, made by any candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee and any pledge or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the Act, any such commitment or assumption shall be deemed to have been an expenditure upon the date when such commitment is made or liability assumed. Payments or commitments made solely for the purpose of determining whether an individual should become a candidate are expenditures.

1. Any cost incurred in covering or carrying a news story, commentary, or editorial by any broadcasting station, newspaper, magazine, or other periodical publication is not an expenditure, unless the facility is owned or controlled by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee in which case the cost for a news story which represents a bona fide news account communicated in a publication of general circulation or on a licensed broadcasting facility, and which is part of a general pattern of campaign-related news accounts which give reasonably equal coverage to all opposing candidates in the circulation or listening areas, is not an expenditure.

"Family member" means a spouse, child, parent or sibling.

"File" or "filed" means deposited in the office of the Commission designated in N.J.A.C. 19:25-2.1.

"In-kind contribution" means a contribution of goods or services received by a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee, which contribution is paid for by a person or entity other than the recipient committee, but does not include services provided without compensation by an individual volunteering a part of or all of his or her time on behalf of a candidate or committee.

"Joint candidates committee" means a committee established pursuant to N.J.S.A. 19:44A-9(a) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school or fire district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purposes of this definition, the offices of

member of the Senate and members of the General Assembly shall be deemed to be the same elective public offices in a legislative district; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

"Legal guardian" or "legal guardians" means the person or persons who are the natural or adoptive parents of a minor or the person or persons who have been appointed by a court or other competent authority to act as the guardian of the person or property of a minor.

"Legislative leadership committee" means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly, or the Minority Leader of the General Assembly pursuant to N.J.S.A. 19:44A-10.1 for the purpose of receiving contributions and making expenditures.

"Minor" means any person under the age of 18 years.

"Minor's earned income" means wages, salaries, and other amounts received by a minor as compensation for personal services actually rendered by the minor in accordance with N.J.S.A. 34:2-21.1 et seq., provided that the minor's earned income shall not include wages, salaries, and other compensation paid to the minor by the legal guardian or legal guardians of the minor.

"National committee of a political party" means the principal organization supporting election activities of a State political party committee, which activities shall include the making of contributions to that State political party committee pursuant to N.J.S.A. 19:44A-11.4a(2). There shall be no more than a single national committee of a political party for each State political party committee.

"Paid personal services" means personal, clerical, administrative or professional services of every kind and nature, including, without limitation, public relations, research, legal, canvassing, telephone, speech writing or other such services performed other than on a voluntary basis, the salary, cost or consideration of which is paid, borne or provided other than by the committee, candidate or organization for whom such services are rendered.

"Political committee" means any group of two or more persons acting jointly, or any corporation, partnership or any other incorporated or unincorporated association, which is organized to or does aid or promote the nomination, election or defeat of any candidate or candidates for public office, or which is organized to, or does aid or promote the passage or defeat of a public question in any election if the persons, corporation, partnership, or incorporated or unincorporated association raises or expends \$2,100 or more to so aid or promote the nomination, election or defeat of a candidate or

candidates or the passage or defeat of a public question. A group or association organized to promote the candidacy of one or more candidates or aid or defeat the passage of a public question, without a term of existence substantially longer than the campaign, is a political committee. Political committee does not include:

1. A candidate committee, joint candidates committee, continuing political committee, a political party committee, or a legislative leadership committee.

2. A contributor not involved in fund raising (that is, not soliciting or accepting contributions to aid or promote candidates, or the passage or defeat of public questions), and not conducting other election-related activity other than making contributions from its own funds to a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee.

3. A municipal or county charter study commission or the members thereof shall not be deemed to be a political committee with respect to the subject matter of such charter study commission at any time prior to the filing of its report. Thereafter such commission or any two or more members, not otherwise excluded by this chapter, may constitute a political committee for such public question.

4. Except as set forth in paragraph 5 below of this definition, no person or persons holding elected or appointed public office in this State or any political subdivision thereof shall be deemed to be a political committee with respect to any public question by virtue of communication with their constituents or with public officials of the Federal government or of this or any other state or political subdivision thereof, or with the general public reasonably related to the duties of his or her public office.

5. Elected or appointed public officials, boards and commissions, and the members thereof, may become political committees with respect to a public question by virtue of fund raising or other election-related activities respecting such public questions.

"Political party committee" means the State committee of a political party, as organized pursuant to N.J.S.A. 19:5-4; any county committee of a political party, as organized pursuant to N.J.S.A. 19:5-3; or any municipal committee of a political party, as organized pursuant to N.J.S.A. 19:5-2.

"Public office" means any elective office of this State or any political subdivision thereof, except that it does not include State, county or municipal political party office.

"Public question" means any question, proposition or referendum (for example, a constitutional amendment, budget adoption or bond issue) required by the legislative or governing body of this State or any of its political subdivisions to be submitted by referendum procedure to the voters of the State or political subdivision for decision at elections.

"Public solicitation" means a solicitation as described in N.J.A.C. 19:25-10.7(a).

"Testimonial affair" means an affair of any kind or nature including, without limitation, cocktail parties, breakfasts, luncheons, dinners, dances, picnics or similar affairs directly or indirectly intended to raise campaign funds on behalf of a person who holds, or who is or was a candidate for nomination or election to public office in this State, or is directly or indirectly intended to raise funds on behalf of any candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, and legislative leadership committee.

As amended, R.1980 d.350, effective August 6, 1980.

See: 12 N.J.R. 439(a), 12 N.J.R. 558(a).

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

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

Amended definitions of "contribution" and "expenditure".

As amended, R.1984 d.324, effective August 6, 1984.

See: 16 N.J.R. 1044(a), 16 N.J.R. 2154(a).

Definitions amended.

Amended by R.1985 d.622, effective January 6, 1986.

See: 17 N.J.R. 2531(a), 18 N.J.R. 95(a).

Substituted "in any election" for "during any calendar year" in definition political committee.

Amended by R.1987 d.30, effective January 5, 1987.

See: 18 N.J.R. 1359(a), 19 N.J.R. 141(d).

New definition for "Surplus campaign funds".

Amended by R.1989 d.99, effective February 21, 1989.

See: 20 N.J.R. 2640(a), 21 N.J.R. 458(a).

Deleted text from "political committee", "unless the aggregate ..."

Amended by R.1989 d.100, effective February 21, 1989.

See: 20 N.J.R. 3009(a), 21 N.J.R. 459(a).

Deleted "political club" and deleted text from "political party committee": "A political club... political party committee".

Amended by R.1990 d.526, effective November 5, 1990.

See: 22 N.J.R. 2251(a), 22 N.J.R. 3391(a).

Definition added for file.

Amended by R.1991 d.207, effective April 15, 1991.

See: 23 N.J.R. 292(a), 23 N.J.R. 1150(a).

In "political committee," added "or appointed".

Administrative Corrections to "expenditure".

See: 25 N.J.R. 1228(b).

Amended by R.1993 d.509, effective October 18, 1993.

See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).

Amended by R.1994 d.528, effective October 17, 1994.

See: 26 N.J.R. 2753(a), 26 N.J.R. 4214(a).

Amended by R.1995 d.209, effective April 17, 1995.

See: 27 N.J.R. 312(a), 27 N.J.R. 480(a), 27 N.J.R. 1643(c).

Amended by R.1995 d.509, effective September 18, 1995.

See: 27 N.J.R. 2564(a), 27 N.J.R. 3621(d).

Amended by R.1996 d.258, effective June 3, 1996.

See: 28 N.J.R. 1611(a), 28 N.J.R. 3006(a).

Amended by R.1996 d.582, effective December 16, 1996 (operative January 1, 1997).

See: 28 N.J.R. 4388(b), 28 N.J.R. 5193(b).

Raised contribution thresholds in definitions of continuing political committee, and political committee.

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

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

Added "Legal guardian", "Minor", and "Minor's earned income".

Amended by R.1999 d.227, effective July 19, 1999.

See: 31 N.J.R. 747(a), 31 N.J.R. 1942(a).

Inserted "Contributor".

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

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

In "Candidate", inserted a reference to fire districts in 1, neutralized a gender reference in 2, and inserted 3; in "Continuing political committee", added the last sentence in the introductory paragraph, and added 1 and 2; in "Contribution", rewrote the first sentence, and deleted a

reference to N.J.A.C. 19:25-3.1 and deleted “not” following “are” in the last sentence; inserted “Depository,” “campaign depository,” and “organizational depository”; “In-kind contribution” and “National committee of a political party”; in “Expenditure”, deleted a reference to N.J.A.C. 19:25-3.1 and deleted “not” following “are” in the last sentence; in “Joint candidates committee”, inserted a reference to fire districts; in “Political committee”, substituted a reference to groups and associations for a reference to clubs in the introductory paragraph, and rewrote 2; and in “Public question”, inserted a reference to budget adoptions. Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

In “Continuing political committee” and “Political committee”, increased dollar amounts.

Amended by R.2004 d.471, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4071(a), 36 N.J.R. 5692(b).

In “Continuing political committee”, substituted “\$4,300” for “\$3,700”; in “Political committee”, substituted “\$1,800” for “\$1,500”. Amended by R.2005 d.192, effective June 20, 2005.

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

Added “Currency”.

Amended by R.2008 d.358, effective December 1, 2008 (operative January 1, 2009).

See: 40 N.J.R. 4723(a), 40 N.J.R. 6858(a).

In the introductory paragraph of definition “Continuing political committee”, substituted “\$4,900” for “\$4,300”; and in the introductory paragraph of definition “Political committee”, inserted a comma following first occurrence of “association”, and substituted “\$2,100” for “\$1,800”.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In the introductory paragraph, and in definitions “Contribution”, “Election-related activity”, and the introductory paragraph of definition “Expenditure”, substituted “Act” for “act”; substituted definition “The Act” for definition “The act”; in definition “The Act”, substituted “P.L. 1973, c. 83” for “L.1973, c.83” and “et seq” for “and following”; in the introductory paragraph of definition “Continuing political committee”, deleted a comma following the first occurrence of “partnership”, and substituted “Commission” for “commission”; in paragraph 1 of definition “Continuing political committee”, substituted “political party committee” for “a political party committee.”; in definition “Election”, substituted “means” for “includes” and the first occurrence of “State” for “state”; in the introductory paragraph of definition “Expenditure”, deleted a comma following “party committee”; in definition “Family member”, substituted “means” for “shall mean”; and in paragraph 3 of definition “Political committee”, substituted “this chapter” for “these regulations”.

#### Case Notes

Ruling that group was “political committee” could be applied to group itself, and, thus could be subjected to penalties under the Campaign Contributions and Expenditures Reporting Act. New Jersey Election Law Enforcement Com’n v. Citizens to Make Mayor-Council Government Work, 107 N.J. 380, 526 A.2d 1069 (1987).

#### 19:25-1.8 Gender, use of masculine to include feminine

Unless a different meaning clearly appears from the context, the use of a word importing the masculine shall be understood to include and to apply to the feminine as well.

#### 19:25-1.9 Candidates and committees subject to thresholds and limits

The reporting thresholds and contribution limits for candidates, candidate committees, joint candidates committees, political committees, continuing political committees, political party committees, and legislative leadership committees set forth in the Act and in the provisions of this chapter shall

be applicable in any election subject to the Act pursuant to N.J.S.A. 19:44A-4 or in any recall election conducted pursuant to the Uniform Recall Election Law, N.J.S.A. 19:27A-1 et seq.

New Rule, R.1996 d.582, effective December 16, 1996 (operative January 1, 1997).

See: 28 N.J.R. 4388(b), 28 N.J.R. 5193(b).

#### 19:25-1.10 Preparation of reports

(a) Any report or form filed with or submitted to the Commission shall be legible, and shall be prepared by use of any of the following:

1. Print lettering and numbering in black ink;
2. Typed lettering and numbering; or
3. Electronically generated printed or typed lettering and numbering in a format in conformity to that of the corresponding Commission form.

(b) The printed, typed, or electronically generated lettering and numbering must be in black and no smaller than nine point.

(c) Cursive writing or lettering is not permitted on any report or form required to be filed or submitted to the Commission, except for a signature.

(d) The use of pencil is not permitted on any report or form required to be filed or submitted to the Commission.

New Rule, R.1999 d.282, effective August 16, 1999.

See: 31 N.J.R. 1584(a), 31 N.J.R. 2371(a).

### SUBCHAPTER 2. ADMINISTRATIVE

#### 19:25-2.1 Office

The office of the Election Law Enforcement Commission is located at 28 W. State Street, Trenton, New Jersey. All correspondence may be sent to the following address only: Election Law Enforcement Commission, PO Box 185, Trenton, New Jersey 08625-0185. The telephone number is: (609) 292-8700. The Commission maintains an Internet site at [www.elec.state.nj.us](http://www.elec.state.nj.us).

Amended by R.1984 d.324, effective August 6, 1984.

See: 16 N.J.R. 1044(a), 16 N.J.R. 2154(a).

Zip code changed from “08625” to “08608”.

Amended by R.1990 d.526, effective November 5, 1990.

See: 22 N.J.R. 2251(a), 22 N.J.R. 3391(a).

Address and telephone number changed.

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

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

Added the last sentence.

#### 19:25-2.2 Access to documents

(a) Every document accepted for filing by the Commission, including all reports, certified statements, requests for

advisory opinions and answers or pleadings relating to a complaint issued by the Commission shall be maintained with the date of filing noted thereon by the Commission.

(b) Any person shall, upon request, be afforded opportunity to examine a document, or a photocopy of any document so maintained.

Amended by R.1984 d.324, effective August 6, 1984.

See: 16 N.J.R. 1044(a), 16 N.J.R. 2154(a).

"certified statements" substituted for "affidavits".

Recodified from 19:25-2.3 by R.1993 d.509, effective October 18, 1993.

See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).

Prior text at 19:25-2.2, Hours of operation, repealed by R.1990 d.172, effective March 19, 1990. See: 22 N.J.R. 982(b).

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).

### 19:25-2.3 Copies of documents; fees

Photocopies of documents maintained by the Commission pursuant to N.J.A.C. 19:25-2.2 shall be provided upon payment of the fees established pursuant to the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.). For the purposes of establishing fees under this section, a two-sided photocopy shall be deemed as two pages.

Amended by R.1984 d.324, effective August 6, 1984.

See: 16 N.J.R. 1044(a), 16 N.J.R. 2154(a).

(a)1.-3. inserted.

Amended by R.1990 d.172, effective March 19, 1990.

See: 22 N.J.R. 22(a), 22 N.J.R. 982(b).

N.J.A.C. 19:25-2.4(a) and (b) deleted and (a), (b) and (c) added.

Amended by R.1991 d.207, effective April 15, 1991.

See: 23 N.J.R. 292(a), 23 N.J.R. 1150(a).

In (a), increased copying fees.

Recodified from 19:25-2.4 by R.1993 d.509, effective October 18, 1993.

See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).

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

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

In (a), changed N.J.A.C. reference; and deleted former (b)3.

Amended by R.2002 d.375, effective November 18, 2002.

See: 34 N.J.R. 2962(a), 34 N.J.R. 3973(a).

Rewrote the section.

### 19:25-2.4 Release of documents

(a) A copy of a report filed with the Commission pursuant to the New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.); the Uniform Recall Election Law (N.J.S.A. 19:27A-1 et seq.); the gubernatorial Legislative Disclosure Act (N.J.S.A. 19:44B-1 et seq.); and the Legislative and Governmental Process Activities Disclosure Act (N.J.S.A. 52:13C-20 et seq.) shall be made available for public access within seven business days after the date on which that report is required to be filed with the Commission.

(b) No original filed document referred to in N.J.A.C. 19:25-2.3 shall be released from the custody of the Commission except upon express written direction of the Executive Director or upon court order.

As amended, R.1984 d.324, effective August 6, 1984.

See: 16 N.J.R. 1044(a), 16 N.J.R. 2154(a).

Recodified from 19:25-2.5 by R.1993 d.509, effective October 18, 1993.

See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).

Amended by R.2002 d.375, effective November 18, 2002.

See: 34 N.J.R. 2962(a), 34 N.J.R. 3973(a).

Added (a); recodified existing uncodified paragraph as (b).

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (a), inserted "and Governmental Process".

### 19:25-2.5 Signatures

(a) Whenever authorized by the Commission by resolution, the signature of the chair of the Commission on final decisions, orders, subpoenas or other documents issued by the Commission pursuant to N.J.S.A. 19:44A-22 may be a facsimile signature.

(b) Whenever authorized by the Commission by resolution, the executive director, or such employee of the Commission as may be from time to time designated in writing by the executive director, shall be authorized to sign final decisions, orders or other determinations of the Commission pursuant to N.J.S.A. 19:44A-22 in the name of the chair of the Commission, or to affix to such final decisions, orders or other determinations pursuant to N.J.S.A. 19:44A-22 the facsimile signature of the chair.

New Rule, R.1985 d.238, effective May 20, 1985.

See: 17 N.J.R. 683(b), 17 N.J.R. 1335(a).

Recodified from 19:25-2.6 by R.1993 d.509, effective October 18, 1993.

See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).

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

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

In (a), inserted a reference to subpoenas, and substituted a reference to documents for a reference to determinations.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (a) and (b), substituted "chair" for "chairman" throughout; and in (b), substituted "Commission" for "commission" throughout.

## SUBCHAPTER 3. ELECTRONIC FILING

### 19:25-3.1 Application for registration number and personal identification number

(a) A candidate, candidate committee, or joint candidates committee shall make a written application for a registration number and personal identification number (PIN) prior to its use of the Commission's electronic filing software. The written request shall include the name, address, and telephone number of the candidate or candidates and the campaign treasurer and such other information as may be required by the Commission.

(b) A political committee, continuing political committee, political party committee or legislative leadership committee shall make a written application for a registration number and personal identification number (PIN) prior to its use of the Commission's electronic filing software. The written request shall include the name, address, and telephone number of the campaign or organizational treasurer and such other information as may be required by the Commission.

(c) Insertion in an electronic report of the registration number and personal identification number (PIN) provided by the Commission to the candidate or candidates, campaign treasurer, or organizational treasurer shall satisfy the obligation to certify the correctness of a report required to be filed by the Act or this chapter.

### 19:25-3.2 Filing of an electronic report

(a) The Commission will accept a report in an electronic medium from a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee only if the report has been prepared using the computer software supplied to the candidate or committee by the Commission.

(b) A candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee filing a report using computer software provided by the Commission shall use the most current version of the software.

(c) The Commission will accept a report in an electronic medium from a candidate, candidate committee, or joint candidates committee only if the report has been completed according to the methodology in the Commission's software using the confidential registration and personal identification number (PIN) and any other means of identification required from the candidate or candidates and the campaign treasurer.

(d) The Commission will accept a report in an electronic medium from a political committee, continuing political committee, political party committee or legislative leadership committee only if the report has been completed according to the methodology in the Commission's software using the confidential registration and personal identification number (PIN) and any other means of identification required from the campaign treasurer or organizational treasurer.

(e) A candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee shall maintain as part of its records an exact copy of each report that has been filed electronically.

### 19:25-3.3 Required electronic filing

(a) A candidate for election to the office of member of the Senate or the office of member of the General Assembly who raises or spends, or expects to raise or spend in excess of \$100,000 in a general election, shall file election fund reports, as defined in N.J.A.C. 19:25-8.2(b), and quarterly reports, as defined in N.J.A.C. 19:25-8.3(b), using electronic filing software supplied to the candidate by the Commission pursuant to this subchapter.

(b) Candidates for election to the office of member of the Senate or the office of member of the General Assembly who

are participating in a joint candidates committee and who raise or spend, or expect to raise or spend, in excess of \$100,000 in the joint candidates committee in a general election, shall file election fund reports, as defined in N.J.A.C. 19:25-8.2(b), and quarterly reports, as defined in N.J.A.C. 19:25-8.3(b), using electronic filing software supplied to the candidates by the Commission pursuant to this subchapter.

(c) A candidate for nomination for election to the office of member of the Senate or the office of member of the General Assembly in a primary election who raises or spends, or expects to raise or spend in excess of \$100,000 in the primary election, shall file election fund reports, as defined in N.J.A.C. 19:25-8.2(b), and quarterly reports, as defined in N.J.A.C. 19:25-8.3(b), using electronic filing software supplied to the candidate by the Commission pursuant to this subchapter.

(d) Candidates for nomination for election to the office of member of the Senate or the office of member of the General Assembly in a primary election who are participating in a joint candidates committee, and who raise or spend, or expect to raise or spend, in excess of \$100,000 in the joint candidates committee in a primary election, shall file election fund reports, as defined in N.J.A.C. 19:25-8.2(b), and quarterly reports, as defined in N.J.A.C. 19:25-8.3(b), using electronic filing software supplied to the candidate by the Commission pursuant to this subchapter.

(e) A candidate for nomination for or for election to the office of Governor in an election occurring after that date who raises or spends, or expects to raise or spend, in excess of \$100,000 in a primary or general election, shall file election fund reports, as defined in N.J.A.C. 19:25-8.2(b), and quarterly reports, as defined in N.J.A.C. 19:25-8.3(b), using electronic filing software supplied to the candidate by the Commission pursuant to this subchapter.

New Rule, R.2005 d.192, effective June 20, 2005.

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

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (a) and (e), substituted "A" for "Beginning on January 1, 2006, a"; in (a), (b), (c), (d) and (e), substituted "this subchapter" for "N.J.A.C. 19:25-3"; in (b), substituted "Candidates" for "Beginning on January 1, 2006, candidates"; and in (c) and (d), deleted "occurring after June 5, 2007," following the first occurrence of "primary election".

## SUBCHAPTER 4. ESTABLISHMENT OF REPORTING COMMITTEES

### 19:25-4.1 Candidate and joint candidates committees

(a) A candidate for an office in an election shall establish a candidate committee, a joint candidates committee, or both, for an office sought in an election.



(b) A candidate for two or more offices in an election shall establish a separate candidate committee, or joint candidates committee, or both, for each office sought in that election.

(c) A candidate who has established and is maintaining a candidate committee, or a joint candidates committee, or both, for an office in an election may not establish or maintain another candidate committee, or joint candidates committee, for that office in any other election, with the following exceptions:

1. The candidate is maintaining a committee for that office in a past election for the sole purpose of receiving contributions to satisfy net liabilities of that past election pursuant to N.J.A.C. 19:25-8.7A; or

2. The candidate is maintaining a committee to receive contributions and make expenditures for a recount or election contest pursuant to N.J.A.C. 19:25-11.12 or 12.11 for that office in that election.

(d) No candidate shall establish, authorize the establishment of, maintain, or participate directly or indirectly in the management or control of any political committee or any continuing political committee.

New Rule, R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2940(a).

Former N.J.A.C. 19:25-4.1, Establishment of a candidate committee, recodified to N.J.A.C. 19:25-4.1A.

#### **19:25-4.1A Establishment of a candidate committee**

(a) A candidate or elected officeholder shall establish a candidate committee by appointing a treasurer and opening a depository for the purpose of receiving contributions and making expenditures no later than the date on which that candidate first receives any contribution or makes or incurs any expenditure in connection with an election.

(b) No later than 10 days after establishing a candidate committee a candidate shall file a certificate of organization and designation of campaign depository (Form D-1) containing the following information for each depository the candidate has established:

1. The full name of the candidate committee, which name must contain the surname of the candidate and the office sought;

2. The name, mailing address and telephone number of the person appointed as chairperson;

3. The name, mailing and resident address and telephone number of the person appointed as treasurer; and

4. The name, mailing address and telephone number of the bank at which the campaign depository has been established, the account name and number, and the names, mailing addresses and telephone numbers of all persons authorized to sign checks or otherwise make transactions.

(c) The name of the candidate committee reported in the certificate of organization and designation of campaign depository pursuant to (b) above shall be the sole name under which the committee receives contributions, makes expenditures, provides political identification required pursuant to N.J.A.C. 19:25-13.2 and otherwise does business.

(d) The certificate of organization and designation of campaign depository shall be certified as true and correct by the candidate, chairperson, and treasurer. The candidate shall further certify that the candidate has not, and will not during the existence of the candidate committee, establish, authorize the establishment of, maintain, or participate directly or indirectly in the management or control of any political committee or continuing political committee.

(e) The candidate shall file an amendment to the certificate of organization and designation of campaign depository no later than three days after any of the information required in (b) above changes.

Amended by R.1996 d.258, effective June 3, 1996.

See: 28 N.J.R. 1611(a), 28 N.J.R. 3006(a).

Recodified from N.J.A.C. 19:25-4.1 and 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) and (b); and in (c), inserted ", provides political identification required pursuant to N.J.A.C. 19:25-13.2" following "expenditures".

Amended by R.2002 d.230, effective July 15, 2002.

See: 34 N.J.R. 1367(a), 34 N.J.R. 2466(c).

In (b), deleted "or DX" following "Form D-1" in the introductory paragraph.

#### **19:25-4.2 Establishment of a joint candidates committee**

(a) Two or more candidates seeking the same elective public offices in the same election shall establish a joint candidates committee for the purpose of receiving joint contributions and making joint expenditures no later than the date on which any of those candidates receives any joint contribution or makes or incurs any joint expenditure in connection with an election, unless the candidates have already established a joint candidates committee which continues under an obligation to file reports.

## SUBCHAPTER 5. APPOINTMENT OF CAMPAIGN OFFICERS AND DEPOSITORIES

### 19:25-5.1 Qualifications of campaign or committee officers

(a) Any competent person 18 years of age or older may serve as a campaign treasurer, deputy campaign treasurer, organizational treasurer, deputy organizational treasurer, committee chairperson, committee vice-chairperson, or committee member provided that person maintains a resident address within the State of New Jersey, or alternatively files a consent to service of legal process within the State of New Jersey as set forth in (d) below.

(b) A candidate may serve as his or her own campaign or deputy campaign treasurer, or as committee chairperson, vice-chairperson or member.

(c) Notwithstanding (a) above, no person serving as the chairperson of a political party committee or a legislative leadership committee shall be eligible to be appointed to or serve as:

1. Chairperson, campaign treasurer, or deputy treasurer of a candidate committee or joint candidates committee, other than a candidate committee or joint candidates committee established to further the election of that person as a candidate;
2. Chairperson, campaign treasurer, or deputy treasurer of a political committee; or
3. Chairperson, organizational treasurer, or deputy organizational treasurer of a continuing political committee.

(d) Any person appointed to serve, or serving, in any capacity specified in (a) above and not maintaining a resident address within the State of New Jersey shall file a consent to service of legal process at an address within this State within three days of appointment, or within three days of abandoning a resident address within this State.

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

In (a), made an internal reference change; and in (c), substituted references to campaign treasurers for references to treasurers throughout.

### 19:25-5.2 Qualifications of depositories

(a) Any bank authorized by law to transact business in and maintaining a branch or office in the State of New Jersey may be designated for the purpose of establishing a campaign or organizational depository, and may serve as the campaign or organizational depository for any number of candidates or committees.

(b) For the limited purpose of investing campaign or organizational funds, a recognized investment institution authorized by law to transact business in the State of New Jersey may be designated as an additional depository, provided that the invested funds are not used for the benefit of

any person or enterprise in which the candidate, or a campaign or committee official, has an economic interest.

(c) Notwithstanding (a) above, a continuing political committee may designate a bank or investment institution located outside the State of New Jersey as an organizational depository provided that the bank or investment institution files a consent to service of legal process at an address within this State prior to accepting or receiving any organizational funds.

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); and in (b), inserted a reference to continuing political committees.

Amended by R.2004 d.280, effective July 19, 2004.  
See: 36 N.J.R. 1895(a), 36 N.J.R. 3418(a).

In (b), deleted "establishing a depository for" preceding "investing campaign" and substituted "an additional" following "may be designated as".

### 19:25-5.3 Required treasurer training

(a) Each campaign treasurer of a candidate committee or a joint candidates committee for a candidate, or candidates, for the Senate, the General Assembly or the office of Governor shall, on or before filing a designation of campaign treasurer and depository pursuant to N.J.A.C. 19:25-4, be a trained campaign treasurer who has completed a treasurer training program offered by the Commission or shall complete such training within 90 days of designation as a campaign treasurer. Any other campaign treasurer of a candidate committee, a joint candidates committee, or a political committee may be a trained treasurer.

(b) Each organizational treasurer of a State political party committee or of a legislative leadership committee shall, on or before filing a designation of organizational treasurer and depository pursuant to N.J.A.C. 19:25-4, be a trained organizational treasurer, who has completed a treasurer training program offered by the Commission or shall complete such training within 90 days of appointment as an organizational treasurer. An organizational treasurer of any other political party committee or a continuing political committee may be a trained treasurer.

Repealed by R.1996 d.258, effective June 3, 1996.  
See: 28 N.J.R. 1611(a), 28 N.J.R. 3006(a).

Section was "Names of depositories".  
New Rule, R.2005 d.192, effective June 20, 2005.  
See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Former N.J.A.C. 19:25-5.3 was reserved.

### 19:25-5.4 Deputy treasurers and additional depositories

(a) A campaign treasurer of a candidate committee or joint candidates committee may appoint deputy campaign treasurers, and may designate additional campaign depositories pursuant to N.J.A.C. 19:25-5.2.

(b) A campaign treasurer of a political committee, or an organizational treasurer of a political party committee, a continuing political committee, or a legislative leadership committee, may appoint deputy campaign or organizational treasurers.

urers, and may designate additional campaign organizational depositories.

(c) A campaign or organizational treasurer appointing deputy treasurers or designating additional depositories shall no later than five days after such appointment or designation file a notice, certified as true and correct by such campaign or organizational treasurer, containing the following information:

1. The name of the committee;
2. The name of the campaign or organizational treasurer;
3. The name, mailing and resident address and phone number of each person appointed deputy campaign or deputy organizational treasurer; and
4. The name, mailing address and phone number of the bank at which each additional campaign or organizational depository has been established, the account number of each additional depository, and the names, mailing addresses and phone numbers of all persons authorized to sign checks or otherwise make transactions for each depository.

(d) The campaign treasurer or organizational treasurer shall file an amendment to each appointment or designation made pursuant to this section within 10 days of the occurrence of any change in any of the information required in (c) above.

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); in (c), inserted "designating" following "treasurers or", and inserted a reference to Form DX; and added (d).

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In the introductory paragraph of (c), deleted "(Form DX)" following "notice"; and in (c)4, substituted "make" for "made".

#### 19:25-5.5 Removal or resignation of treasurers

In the case of the death, resignation or removal of a campaign treasurer, deputy campaign treasurer, organizational treasurer or deputy organizational treasurer, the candidate or committee shall notify the Commission of such event within 10 days of its occurrence. The candidate or committee shall appoint a successor as soon as practicable but in no case more than 20 days after such death, resignation or removal and shall notify the Commission of the appointment of the successor and file his or her name and address with the Commission within three days of such appointment.

As amended, R.1980 d.348, effective August 6, 1980.

See: 12 N.J.R. 439(b), 12 N.J.R. 557(a).

As amended, R.1984 d.324, effective August 6, 1984.

See: 16 N.J.R. 1044(a), 16 N.J.R. 2154(a).

Section recodified with amendments from N.J.A.C. 19:25-5.5.

Recodified from 19:25-5.8 and amended by R.1993 d.509, effective October 18, 1993.

See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).

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

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

Inserted references to deputy campaign treasurers and deputy organizational treasurers.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

Inserted a comma following the first occurrence of "treasurer", deleted a comma following the third occurrence of "treasurer", and substituted "Commission" for "commission" throughout.

### SUBCHAPTER 6. RECEIPT AND USE OF FUNDS

#### 19:25-6.1 Receipt and deposit of funds

(a) Funds received by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee shall be delivered to the campaign or organizational treasurer and deposited by that treasurer in the campaign or organizational depository within 10 days of receipt by the committee, unless transferred prior to deposit pursuant to N.J.A.C. 19:25-6.2.

(b) The date of receipt by a committee of any funds is the date on which a campaign or organizational treasurer, or any other person so authorized, receives funds on behalf of the candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee.

#### 19:25-6.2 Transfer of funds without deposit

(a) A campaign or organizational treasurer may transfer funds (without depositing them) to a duly designated campaign or organizational treasurer of another candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee. Such a transfer of funds without deposit must be made within 10 days of receipt of the funds being transferred, and must be authorized by the candidate, candidates or committee which designated the treasurer.

(b) Any amount transferred pursuant to (a) above shall not be in excess of the amount that a candidate may contribute to another candidate in any election pursuant to N.J.S.A. 19:44A-11.3, except that this subsection shall not be construed to prohibit a county or municipal political party committee from transferring funds as authorized in (a) above.

(c) A campaign or organizational treasurer making any transfer pursuant to this section shall make a written record of all non-deposited funds so transferred, identifying those funds as to source and amount in the same manner as deposited funds, and a copy of that written record shall be included in the next campaign or quarterly report filed by the entity that made the transfer.

(b) Permissible use of funds for legal fees and expenses shall not include legal fees and expenses for defense of a candidate or officeholder, who is the subject of a criminal inquiry or criminal investigation, or defense of a criminal indictment or other criminal proceeding.

(c) Permissible use of funds for legal fees and expenses shall not include such fees and expenses incurred in connection with the candidate or officeholder's personal or business affairs, or which would otherwise qualify as "personal use" under N.J.A.C. 19:25-6.5(c).

New Rule, R.1998 d.118, effective March 2, 1998.

See: 29 N.J.R. 5056(a), 30 N.J.R. 862(a).

Amended by R.2009 d.165, effective May 18, 2009.

See: 41 N.J.R. 393(a), 41 N.J.R. 2142(b).

In the introductory paragraph of (a), deleted "from" following "public office or", and inserted "ordinary and necessary"; in (a)3, substituted "a civil" for "an", and inserted "administrative"; added new (b); and recodified former (b) as (c).

## SUBCHAPTER 7. RECORDKEEPING

### 19:25-7.1 Recordkeeping requirements

(a) An organizational or campaign treasurer, or deputy organizational or campaign treasurer of a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, shall make and maintain a written record of all funds and contributions, including non-monetary contributions, and shall record the name and address of the contributor, the amount and date the contribution was received, the name of the account on which a contribution check is drawn and if the contributor is an individual, the occupation of the individual and the name and mailing address of the individual's employer.

(b) An organizational or campaign treasurer, or deputy organizational or campaign treasurer, of a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, shall make and maintain a written record of all funds expended by the committee, including the name and address of the recipient, the amount and date of the expenditure, and the purpose of the expenditure. The organizational or campaign treasurer, or deputy organizational or deputy campaign treasurer, shall include as part of the record of each expenditure a receipt, invoice, bill, or other documentation for each expenditure made from each campaign, organizational, or additional depository.

(c) The campaign or organizational treasurer of a candidate committee, joint candidates committee, or legislative leadership committee shall include as part of the record of any expenditure of such a committee, a notation or other reference disclosing which of the six enumerated permissible uses of funds set forth in N.J.A.C. 19:25-6.5(a) is applicable to the expenditure.

(d) A candidate, the candidates of a joint candidates committee or the chair of a political committee, continuing political committee, political party committee or legislative leadership committee, shall take such steps as are necessary and appropriate to insure that a campaign treasurer, or organizational treasurer, appointed by the candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee, complies with the recordkeeping requirements of this section and this chapter.

Amended by R.1989 d.99, effective February 21, 1989.

See: 20 N.J.R. 2640(a), 21 N.J.R. 458(a).

Added text in (a) "was received".

Recodified from 19:25-8.1 and amended by R.1993 d.509, effective October 18, 1993.

See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).

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

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

In (a), inserted "the name of the account on which a contribution check is drawn" following "received".

Amended by R.2004 d.280, effective July 19, 2004.

See: 36 N.J.R. 1895(a), 36 N.J.R. 3418(a).

In (b), added the last sentence.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (d), deleted a comma following the first occurrence of "joint candidates committee" and following both occurrences of "political party committee", and substituted "chair" for "chairman".

### 19:25-7.2 Recordkeeping for credit card transactions

(a) Whenever a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee purchases, or authorizes purchase of, goods or services by use of a credit card, the campaign or organizational treasurer shall make and maintain a record of the following information:

1. The exact name or title of the owner of the card, and the name of the lending institution that issued the card;
2. The date of the purchase;
3. The name and address of the vendor from whom the purchase was made;
4. The purpose of the purchase; and
5. The cost and description of the goods or services purchased.

New Rule, R.1993 d.509, effective October 18, 1993.

See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).

### 19:25-7.3 Period of retention

All records required to be made pursuant to this subchapter shall be maintained for a period of not less than four years after the date of the election to which they are relevant, or a period of not less than four years after the transaction to which they relate occurred, whichever is longer.

Recodified from 19:25-8.2 and amended by R.1993 d.509, effective October 18, 1993.

See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).

Amended by R.2004 d.280, effective July 19, 2004.

See: 36 N.J.R. 1895(a), 36 N.J.R. 3418(a).

Substituted "pursuant to this subchapter" for "by N.J.A.C. 19:25-7.1".

#### 19:25-7.4 Affidavit for missing records

(a) An organizational or campaign treasurer unable to produce any record required to be made pursuant to N.J.A.C. 19:25-7.1, Recordkeeping requirements, shall submit to the Commission within 10 days after the Commission so requests an affidavit specifying which record cannot be produced and the reasons the record is unavailable. The affidavit shall specify:

1. Whether a written record was made at the time of the transaction and, if so, the name of the person who made it, the position of that person in the campaign or organization, and the reasons the record is no longer available; or

2. If no contemporaneous record was made, the name of the person, if any, assigned responsibility for making such a record and the reasons the record was not made.

(b) Any affidavit prepared pursuant to (a) above shall include a re-creation of the missing records based on bank statements, copies of negotiated checks or instruments, or any other source. A description of the efforts undertaken to re-create the missing record shall be included in the affidavit.

(c) The submission of an affidavit pursuant to (a) above shall not preclude or otherwise estop the Commission from undertaking penalty proceedings for failure to make or maintain records.

New Rule, R.1989 d.100, effective February 21, 1989.

See: 20 N.J.R. 3009(a), 21 N.J.R. 459(a).

Recodified from 19:25-8.3 and amended by R.1993 d.509, effective October 18, 1993.

See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).

### SUBCHAPTER 8. CANDIDATE, JOINT CANDIDATES AND POLITICAL COMMITTEE REPORTING

#### 19:25-8.1 Candidate or joint candidates committee election fund reports

(a) A candidate committee, or a joint candidates committee, shall file election fund reports of all contributions received, all expenditures made, and all other transactions of the election fund subject to reporting under the Act and this chapter.

(b) The term "election fund reports" shall mean election-cycle reports as defined in N.J.A.C. 19:25-8.2(b), or quarterly reports as defined in N.J.A.C. 19:25-8.3(b), which reports shall be filed in accordance with N.J.A.C. 19:25-8.12, Time and place of filing reports.

(c) The initial election fund report of a candidate committee, or joint candidates committee, shall be either a 29-day preelection report or a quarterly report. In the event the com-

mittee is established within five months or less of the due date of the 29-day preelection report for the election in which the candidate or joint candidates is or are seeking office, the committee shall file the 29-day preelection report described in N.J.A.C. 19:25-8.2 report as its initial election fund report. However, if the committee is established more than five months prior to the due date of the 29-day preelection report for the election in which the candidate or joint candidates is or are seeking office, the committee shall file as its initial election fund report any quarterly report described in N.J.A.C. 19:25-8.3 that is due for filing within five months of the date the committee is established.

(d) The initial election fund report shall begin with the reporting of the first contribution received or expenditure made in the election (including funds or other benefits received and payments made to determine whether or not an individual should become a candidate), and shall report all subsequent contributions, expenditures, or other reportable transactions of the election fund occurring before the closing date applicable to the report.

(e) A candidate committee, or joint candidates committee, shall continue to file election fund reports for an election until such time as it terminates its reporting requirements and files a final election fund report for that election pursuant to N.J.A.C. 19:25-8.7.

(f) A candidate for nomination for, or for election to, the office of Governor, the office of member of the Senate, or the office of member of the General Assembly shall, in the circumstances described in N.J.A.C. 19:25-3.3, be required to file election fund reports using electronic filing software supplied to the candidate by the Commission.

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

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

Rewrote (d); and in (e), inserted references to elections.

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

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

Added (f).

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (a), substituted "Act" for "act" and "this chapter" for "these regulations"; and in (e), updated the N.J.A.C. reference.

#### 19:25-8.2 Election-cycle reports

(a) A candidate committee, or joint candidates committee, shall file election-cycle reports during any election in which the candidate, or joint candidates, is or are seeking election, or nomination for election.

(b) The term "election-cycle reports" shall mean the reports described below, which reports shall be due for filing on the following dates and shall report all contributions, expenditures, or other transactions of the election fund occurring within the following periods of time:

1. The 29-day preelection report shall be due for filing on the 29th day before the election. The 29-day preelection report shall include all contributions received or expendi-

**19:25-10.10 Political communication contributions**

(a) The term "political communication" means any written or electronic statement, pamphlet, advertisement or other printed or broadcast matter or statement, communication, or advertisement delivered or accessed by electronic means, including, but not limited to, the Internet, containing an explicit appeal for the election or defeat of a candidate which is circulated or broadcast to an audience substantially comprised of persons eligible to vote for the candidate on whose behalf the appeal is directed. Words such as "Vote for (name of candidate)," "Vote against (name of opposing candidate)," "Elect (name of candidate)," "Support name (name of candidate)," "Defeat (name of opposing candidate)," "Reject (name of opposing candidate)," and other similar explicit political directives constitute examples of appeals for the election or defeat of a candidate.

(b) A written statement, pamphlet, advertisement or other printed or broadcast matter or statement, communication, or advertisement delivered or accessed by electronic means, including, but not limited to, the Internet, that does not contain an explicit appeal pursuant to (a) above for the nomination for election or for the election or defeat of a candidate shall be deemed to be a political communication if it meets the following conditions:

1. The communication is circulated or broadcast within 90 days of the date of any election in which the candidate on whose behalf the communication is made is seeking nomination for election or elected office; except that in the case of a candidate for nomination for the office of Governor in a primary election, the period of time that a communication shall be deemed political shall be on or after January 1st in a year in which a primary election for Governor is being conducted, and in the case of a candidate for election to the office of Governor in a general election, the period of time that a communication shall be deemed political shall begin on the day following the date of the gubernatorial primary election;

2. The communication is circulated or broadcast to an audience substantially comprised of persons eligible to vote for the candidate on whose behalf the communication was made;

3. The communication contains a statement or reference concerning the governmental or political objectives or achievements of the candidate; and

4. The production, circulation or broadcast of the communication, or any cost associated with the production, circulation or broadcast of the communication, has been made in whole or in part with the cooperation of, prior consent of, in consultation with, or at the request or suggestion of the candidate.

(c) Nothing contained in (b) above shall be construed to require reporting of a communication by an incumbent officeholder seeking reelection if the communication is in

writing and is made to a constituent in direct response to a prior communication received from that constituent, if it is circulated or broadcast for the sole and limited purpose of communicating governmental events requiring constituents to make applications or take other actions before the date of the upcoming election, or if it is circulated or broadcast to constituents for the sole and limited purpose of communicating facts relevant to a bona fide public emergency.

(d) Nothing contained in (b) above shall be construed to require reporting of a communication by a candidate seeking nomination for election in a primary election if that candidate is not opposed by another candidate seeking nomination for election in that primary election. For the purposes of this section, the term "opposed" shall mean that no opposing candidate has filed a petition for nomination for election in that primary election.

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

In (a), inserted a reference to electronic statements; and in (a) and (b), inserted references to statements, communications and advertisements delivered or accessed by electronic means.

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), added a second sentence.

**19:25-10.11 Reporting of political communication costs**

(a) If any political communication as defined in N.J.A.C. 19:25-10.10 is incurred or paid for by any candidate committee or joint candidates committee, the committee shall report such expenditure in accordance with N.J.A.C. 19:25-12.

(b) Any political communication as defined by N.J.A.C. 19:25-10.10 incurred or paid for by any person or entity other than the candidate's candidate committee or joint candidates committee, which political communication is prepared, made or circulated with the consent or cooperation of the candidate, shall be reported by that candidate as a campaign contribution of goods and/or services in accordance with N.J.A.C. 19:25-10.4(a).

(c) Any political communication not prepared, made or circulated with the consent or cooperation of a candidate and incurred or paid for by any other person or entity shall be reported in accordance with N.J.A.C. 19:25-12.

**19:25-10.12 Interest income**

Any payment received as interest income for funds on deposit in a campaign or organizational depository account established pursuant to N.J.A.C. 19:25-5.2 is not subject to contributor identification requirements, provided that such interest payment amount is included in amounts reported as received and deposited.

**19:25-10.13 Loans as contributions**

(a) A loan received by a candidate, candidate committee, joint candidates committee, political committee, continuing

political committee, political party committee or legislative leadership committee, or by the treasurer of such committee, shall be reported as a contribution by the person or entity making the loan.

(b) Notwithstanding (a) above, if a loan is made to a candidate, committee or treasurer by a banking or lending institution, and if the candidate as an individual using personal

assets, or some third party person or entity, in the ordinary course of business, has guaranteed, co-signed or otherwise assured repayment of the loan to the banking or lending institution, the contributor of the loan shall be reported as the person or entity guaranteeing, co-signing or otherwise assuring the repayment of the loan, and the banking or lending institution shall not be deemed to be the contributor.



(c) A loan made by a banking or lending institution to a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee which loan is not secured pursuant to (b) above is a contribution to the candidate or committee by that banking or lending institution.

(d) An obligation by a contributor to pay for goods or services, which obligation is to be repaid by a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee, shall be reported as a contribution subject to contribution limits and shall be reported as an outstanding obligation.

(e) A loan shall be reported as a contribution at the time it is received and is a contribution as long as it remains unpaid.

(f) A contribution made by a candidate from his or her own funds to his or her candidate committee, or joint candidates committee, cannot be treated as a loan, and cannot be repaid to the candidate at any time, unless the candidate's candidate committee, or joint candidates committee, at the time the contribution is received, also reports the contribution amount as an outstanding obligation owed to that candidate. A candidate's candidate committee, or joint candidates committee, that fails to report a contribution from a candidate who established the candidate committee, or joint candidates committee, as an outstanding obligation owed to that candidate at the time the contribution is received shall be precluded from recharacterizing the contribution as a loan in amended or subsequent reports.

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

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

Added (d) through (f).

#### 19:25-10.14 Contributions by minors

(a) Contributions by minors shall be attributed to the legal guardian(s) of the minor for the purposes of N.J.A.C. 19:25-11.2, 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.

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

New Rule, R.1997 d.179, effective April 21, 1997.

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

#### 19:25-10.15 Contributions made by check

(a) When a contribution is received by means of a check or other negotiable instrument (hereafter, collectively referred to as "check"), the recipient committee and its campaign or organizational treasurer shall determine the contributor pursuant to the following:

1. If an individual who is solely or jointly a beneficial owner of the funds in the account on which the check is drawn signs the check, the contributor is the individual signing the check and beneficially owning the funds.

2. If the check is signed by more than one individual and each of them jointly is a beneficial owner of the funds in the account on which the check is drawn, each of the individuals signing the check and beneficially owning the funds is a contributor. The amount of the contribution of each individual signatory is the sum of the check divided equally among them, unless written instructions signed by each joint beneficial owner provide for a different percentage allocation of the check amount.

3. If the check is signed by an authorized representative of a corporation, labor organization, group or association and the funds in the account on which the check is drawn are beneficially owned by that corporation, labor organization, group or association, the contributor is the corporation, labor organization, group or association beneficially owning the funds.

4. If the check is signed by a treasurer or organizational treasurer and is drawn on funds in a depository or organizational depository account established by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, the contributor is the respective candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee beneficially owning the funds in the depository or organizational depository account.

5. If the check is signed by an individual who is authorized to sign it as the trustee or guardian of an individual who is the beneficial owner of the funds in the account on which the check is drawn, the contributor is the individual who is the beneficial owner of the funds in the account. A trustee or guardian conveying funds not beneficially owned by that trustee or guardian shall not be a contributor, except as provided at N.J.A.C. 19:25-10.14 for a contribution from a minor.

6. If the check is signed by an authorized representative of a sole proprietorship that is an unincorporated business entity, and the check is drawn on the account of the sole proprietorship, the contributor shall be the individual who is the sole proprietor having beneficial ownership of the funds in the account on which the check is

drawn. If the signatory of the check is an individual other than the sole proprietor beneficially owning the account, the campaign or organizational treasurer shall obtain the signature of the sole proprietor, which signature shall be made on the check, or made on some supporting written document expressing the intent of the sole proprietor to make the contribution as an individual. A sole proprietorship shall not be a contributor.

7. If the check is signed by an authorized representative of a partnership entity as defined in N.J.A.C. 19:25-11.10(b), or of a limited liability company as defined in N.J.A.C. 19:25-11.10(c), and the check is drawn on the account of the partnership entity or limited liability company, the contributor shall be an individual (or individuals) who is a partner of that partnership entity, or who is a member of the limited liability company, provided that the procedures set forth in N.J.A.C. 19:25-11.10 are met. A partnership entity or a limited liability company shall not be a contributor.

New Rule. R.1999 d.227, effective July 19, 1999.  
See: 31 N.J.R. 747(a), 31 N.J.R. 1942(a).

#### 19:25-10.16 Contributions by electronic transfer of funds

(a) A candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee may receive a contribution made by means of an electronic transfer of funds, including a credit card, provided that:

1. The date of receipt of a contribution made by an electronic transfer of funds, including a credit card, is the date on which the account owner or credit card owner authorizes that the contribution be charged to the owner's account or credit card;

2. The amount of the contribution is the total amount that the account owner or credit card owner authorizes to be charged to the account;

3. The account used to make the contribution made by an electronic transfer of funds or a credit card must be owned by the individual contributor or other entity making the contribution; and

4. The campaign or organizational treasurer shall make and maintain records required pursuant to N.J.A.C. 19:25-7.1 for each contribution received by means of an electronic transfer of funds or credit card.

(b) Any fees or costs imposed upon a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee by a financial institution as a result of receipt of a contribution by means of an electronic transfer of funds or credit card must be reported by the candidate or committee as an expenditure to the financial institution.

(c) Contributions received by means of an electronic transfer of funds or credit card shall be deposited directly into a campaign or organizational depository.

New Rule. R.1999 d.300, effective September 7, 1999.

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

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

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

In (a) and (b), inserted references to political committees.

## SUBCHAPTER 11. CONTRIBUTION LIMITS

### 19:25-11.1 Candidates subject to contribution limits

(a) All candidates, candidate committees, and joint candidates committees, and all treasurers of such committees, shall observe the contribution limits set forth in this subchapter and shall not knowingly accept any contribution in excess of such contribution limits, except that candidates for nomination for election to the office of Governor shall be subject to the contribution limits set forth in N.J.A.C. 19:25-16, Public Financing of Primary Election for Governor, and candidates for election to the office of Governor shall be subject to the contribution limits set forth in N.J.A.C. 19:25-15, Public Financing: General Elections for the Office of Governor.

(b) A candidate who has established and is maintaining a candidate committee, or joint candidates committee, or both, for an office in an election may not establish or maintain another candidate committee, or joint candidates committee, for that office in any other election, and may not receive contributions for that same office in any other election, with the following exceptions:

1. The candidate is maintaining a committee for that office in a past election for the sole purpose of receiving contributions to satisfy net liabilities of that past election pursuant to N.J.A.C. 19:25-8.7A; or

2. The candidate is maintaining a committee to receive contributions and make expenditures for a recount or election contest pursuant to N.J.A.C. 19:25-11.12 or 12.11 for that office in that election.

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

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

Rewrote the section.

### 19:25-11.1A—Committees subject to contribution limits

All political committees, continuing political committees, legislative leadership committees, political party committees, and all treasurers or organizational treasurers of such committees, shall observe the contribution limits set forth in this subchapter and shall not knowingly accept any contribution in violation of such contribution limits.

New Rule. R.2000 d.322, effective August 7, 2000.

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

## 19:25-11.2 Contribution limit chart

(a) The following chart sets forth the contribution limits applicable in an election, or in a calendar year, as the case may be, to persons or entities making contributions to

candidates, candidate committees, political committees, continuing political committees, legislative leadership committees, and State, county or municipal political party committees, except that the chart does not apply to contributions made to a candidate for Governor:

## ADJUSTED CONTRIBUTION LIMITS FOR NON-GUBERNATORIAL CANDIDATES AND COMMITTEES

Entities Making Contributions	Entities Receiving Contributions						
	Candidate Committee	Political Committee	Continuing Political Committee	Legislative Leadership Committee	State Political Party Committee	County Political Party Committee	Municipal Political Party Committee
Individual to:	\$2,600 per election	\$7,200 per election	\$7,200 per year	\$25,000 per year	\$25,000 per year	\$37,000 per year	\$7,200 per year
Corporation or Union to:	\$2,600 per election	\$7,200 per election	\$7,200 per year	\$25,000 per year	\$25,000 per year	\$37,000 per year	\$7,200 per year
Association or Group to:	\$2,600 per election	\$7,200 per election	\$7,200 per year	\$25,000 per year	\$25,000 per year	\$37,000 per year	\$7,200 per year
Candidate Committee to:	\$8,200 per election	\$7,200 per election	\$7,200 per year	\$25,000 per year	\$25,000 per year	\$37,000 per year	\$7,200 per year
Political Committee to:	\$8,200 per election	\$7,200 per election	\$7,200 per year	\$25,000 per year	\$25,000 per year	\$37,000 per year	\$7,200 per year
Continuing Political Committee to:	\$8,200 per election	\$7,200 per election	\$7,200 per year	\$25,000 per year	\$25,000 per year	\$37,000 per year	\$7,200 per year
Legislative Leadership Committee				NO LIMITS			
State Political Party Committee to:				NO LIMITS			
County Political Party Committee to:				NO LIMITS, except those set forth in N.J.A.C. 19:25-11.7 for a county political party committee.			
Municipal Political Party Committee to:				NO LIMITS			
National Political Party Committee to:	\$8,200 per election	\$7,200 per election	\$7,200 per year	\$25,000 per year	\$72,000 per year	\$37,000 per year	\$7,200 per year

(b) No contributing person or entity listed in (a) above shall make a contribution, or aggregate contributions, in excess of the contribution limits set forth in (a) above.

(c) No candidate, candidate committee, political committee, continuing political committee, legislative leadership committee, political party committee, or treasurer or organizational treasurer of any of such committee, shall knowingly accept a contribution, or aggregate contributions, in excess of the contribution limits set forth in (a) above.

Amended by R.1996 d.167, effective April 1, 1996.

See: 27 N.J.R. 4855(a), 28 N.J.R. 1880(a).

Added provisions relating to partnerships.

Amended by R.1996 d.582, effective December 16, 1996 (operative January 1, 1997).

See: 28 N.J.R. 4388(b), 28 N.J.R. 5193(b).

Raised contribution limits.

Amended by R.1997 d.80, effective February 18, 1997.

See: 28 N.J.R. 3898(a), 28 N.J.R. 4395(a), 29 N.J.R. 590(a).

In (d), substituted "as defined in (e) below" for "of two or more persons conducting a business as co-owners", "signed the check" for "has executed the check", and reference to allocation in an alternate manner for reference to partners or individuals other than those executing the check or written instrument, or conveying the currency; and added (e) and (f).

Amended by R.1998 d.584, effective December 21, 1998.

See: 30 N.J.R. 3391(a), 30 N.J.R. 4389(a).

Deleted former (d) through (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 (a), rewrote the introductory paragraph, and changed N.J.A.C. reference in the table.

Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

In (a), increased dollar amounts throughout.

Amended by R.2002 d.230, effective July 15, 2002.

See: 34 N.J.R. 1367(a), 34 N.J.R. 2466(c).

In (a), amended dollar amounts throughout.  
Amended by R.2004 d.471, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4071(a), 36 N.J.R. 5692(b).

In (a), increased dollar amounts throughout.  
Amended by R.2005 d.192, effective June 20, 2005.  
See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Amended the tables in (a).

### 19:25-11.3 Candidate contributions

(a) A candidate may make a contribution as an individual and subject to the limits set forth in this subchapter notwithstanding any contribution made by the candidate's candidate committee or joint candidates committee, provided that the contribution made by the candidate as an individual is not derived from funds controlled by the candidate committee or joint candidates committee.

(b) Notwithstanding the contribution limits set forth in N.J.A.C. 19:25-11.2 above, a candidate, or a corporation one hundred percent of the stock of which is owned by the candidate, or by the candidate's spouse, child, parent, or sibling residing in the candidate's household, may make contributions without limit to a candidate committee established by that candidate, or to a joint candidates committee established by that candidate.

(c) Notwithstanding the contribution limits set forth in N.J.A.C. 19:25-11.2, a candidate committee or joint candidates committee can make contributions in the same election without limit to another candidate committee or joint candidates committee if both the contributing and recipient committees are established by candidates who are seeking nomination for election, or election to, legislative offices within the same legislative district, or to the same offices within the same political subdivision of this State, that is, the offices of mayor and member of the municipal governing body, or to the offices of county executive in a county and members of the board of chosen freeholders in the same county.

Amended by R.2003 d.41, effective January 21, 2003.  
See: 34 N.J.R. 3595(a), 35 N.J.R. 447(a).

Rewrote (c).

Amended by R.2004 d.280, effective July 19, 2004.  
See: 36 N.J.R. 1895(a), 36 N.J.R. 3418(a).

In (c), substituted "the same" for "an" following "make contributions in" and inserted "that is, the offices of mayor and member of the municipal governing body," preceding "or to the offices of county executive".

### 19:25-11.4 Joint candidates committee contribution limits

(a) A joint candidates committee established by candidates who have not established any candidate committees in an election may accept a contribution from a contributor in an amount equal to but not in excess of the sum of the number of candidates participating in the joint candidates committee multiplied by the contribution limit applicable to a contribution made by the contributing entity to a candidate committee of a single candidate.

Example: A joint candidates committee in which three candidates are participating, none of whom have established candidate committees, may receive from an individual a contribution not to exceed \$7,800 in an election, that is three multiplied by the \$2,600 contribution limit applicable to a contribution from an individual to a candidate committee.

(b) A joint candidates committee established by candidates who have not established any candidate committees in an election may make a contribution to a political committee not to exceed \$8,200 per candidate in the election, and may make a contribution to a continuing political committee not to exceed \$8,200 per candidate in a calendar year.

(c) In the event any of the candidates participating in a joint candidates committee also has established a candidate committee in an election, the amount of a contribution that the joint candidates committee may accept from a contributor without violating the contribution limit will be determined by application of the equal attribution requirement set forth in N.J.A.C. 19:25-11.5, Equal attribution requirements.

(d) A joint candidates committee may receive a contribution in an election from another joint candidates committee in an amount equal to \$8,200 multiplied by the number of candidates participating in the contributing joint candidates committee, and that sum may be further multiplied by the number of the candidates participating in the recipient joint candidates committee, provided that the contributing joint candidates committee, and any candidate committee established by any of the participating candidates, have not made any other contributions to the recipient joint candidates committee, or to any candidate committee established by any of the candidates participating in the recipient joint candidates committee.

Example: Joint candidates committee ABC has three candidates participating in it (candidates A, B and C) and wishes to make a contribution to a joint candidates committee DEFG with four candidates participating in it (candidates D, E, F and G.). Neither the joint candidates committee ABC, nor any individual candidate committee established by candidates A, B or C, has made any contributions in the election to the joint candidates committee DEFG, or to any individual candidate committee established or maintained by candidates D, E, F or G. Joint candidates committee ABC may contribute the sum of \$98,400 in the election to joint candidates committee DEFG, that is \$8,200 multiplied by three (that is, the three candidates participating in ABC), for a total of \$24,600, further multiplied by four (that is, the four candidates participating in DEFG) for a total maximum permissible contribution in the election of \$98,400.

“property” means buildings used for the discharge of official government functions, business, duties or purposes.

(b) No candidate for nomination for or for election to the office of Governor or for nomination for or for election to the office of member of the Legislature, or any holder of that elective public office, or their agent or representative, while located on any property exclusively owned or leased by the State, or any agency of the State, shall, directly or indirectly, solicit any contribution to or on behalf of any candidate for nomination for or for election to the office of Governor or for nomination for or for election to the office of member of the Senate or General Assembly, or any candidate for another elective public office held or sought by a candidate for or holder of the office of member of the Legislature, or the candidate committee or joint candidates committee of any such candidate.

(c) The provisions of this section shall not apply to any casual or inadvertent communication otherwise made in connection with, but without intent to solicit, such a contribution.

(d) No person, while located on any property exclusively owned or leased by the State, or any agency of the State, shall, directly or indirectly, make any contribution to or on behalf of any candidate for nomination for or for election to the office of Governor or for nomination for or for election to the office of member of the Senate or General Assembly, or any candidate for another elective public office held or sought by a candidate for or holder of the office of member of the Legislature, or the candidate committee or joint candidates committee of any such candidate.

(e) Any candidate for nomination for or for election to the office of Governor or for nomination for or for election to the office of member of the Legislature or any holder of that elective public office, or their agent or representative, or any person, who is determined by the Commission to have violated this section shall be liable to a penalty of not less than \$5,000 for each violation, which penalty may be recovered by a summary proceeding pursuant to the “Penalty Enforcement Law of 1999” (P.L. 1999, c.274).

(f) In the event property exclusively owned or leased by the State, or any agency of the State, or part thereof, is made available, through rent, reservation or otherwise, for the exclusive use of any group for a non-governmental purpose as a meeting location, the prohibition in (b) above shall not apply, and the solicitation or making of contributions or funds of any nature from any or among or by the members of the group during the time the group is using the property made available as a meeting location is permitted.

New Rule, R.2005 d.192, effective June 20, 2005.

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

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (a), deleted a comma following “candidate committee” and “duties” and substituted “Act” for “act”.

## SUBCHAPTER 12. REPORTING OF EXPENDITURES; INDEPENDENT EXPENDITURES

### 19:25-12.1 General provisions

(a) An expenditure made by a candidate, candidate committee, joint candidates committee or political committee shall be reported as provided by N.J.A.C. 19:25-8, and as provided by this subchapter.

(b) An expenditure made by a continuing political committee, political party committee, or legislative leadership committee shall be reported as provided in N.J.A.C. 19:25-9, and as provided by this subchapter.

### 19:25-12.2 Expenditure reporting

(a) An expenditure shall be reported by providing the following information:

1. The date the expenditure was made;
2. The full name and address of the payee;
3. The purpose of the expenditure;
4. The amount of the expenditure; and
5. The number of the check.

(b) In describing the purpose of an expenditure pursuant to (a)3 above, the specific election-related reason for the expenditure shall be provided. Descriptions such as “operations,” “campaign expense,” “petty cash,” or “reimbursement” do not satisfy the reporting requirement because they do not provide any specific election-related information. Examples of satisfactory descriptions include such information as “newspaper advertising,” “telephone expense,” “postage,” “printing of campaign flyers,” “headquarter rental” and similarly specific items.

(c) If a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or a legislative leadership committee has established and is using more than a single campaign or depository account, its expenditures shall be reported on a separate schedule for each depository account, and each schedule shall state the name and number of the depository account from which the expenditures were made.

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

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

In (a), deleted a former 2, and recodified former 3 through 5 as 2 through 4; in (b), inserted a reference to petty cash; and added (c).

Amended by R.2003 d.41, effective January 21, 2003.

See: 34 N.J.R. 3595(a), 35 N.J.R. 447(a).

Added (a)5.

### 19:25-12.3 Written notification of a coordinated expenditure

(a) Whenever a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or a legislative leadership

committee makes or authorizes an expenditure on behalf of a candidate with the cooperation or prior consent of that candidate, or in consultation with or at the request or suggestion of that candidate, or of any person acting on behalf of that candidate, the committee shall provide immediate written notification to that candidate's candidate committee of the expenditure.

(b) When an individual seeking political party office makes or authorizes an expenditure on behalf of a candidate with the cooperation or prior consent of that candidate, or in consultation with or at the request or suggestion of that candidate, or of any person acting on behalf of that candidate, the individual shall provide immediate written notification to the candidate's candidate committee of the expenditure.

(c) "Immediate written notification" for the purposes of this section shall mean written notice delivered to the candidate or the candidate's candidate committee or joint candidates committee within 48 hours of the making or authorizing of the expenditure, which notice shall contain:

1. The date of the making or authorizing of the expenditure;
2. The name and address of the payee;
3. The purpose of the expenditure; and
4. The amount of the expenditure.

(d) "Expenditure on behalf of a candidate" for the purposes of this section shall mean an expenditure made to a payee or recipient other than that candidate's candidate committee or joint candidates committee and made for the purpose of aiding or promoting the candidate's candidacy, such as the purchase for a vendor of brochures advocating the candidate's election (commonly described as "in-kind contributions"). A contribution made directly to a candidate committee or joint candidates committee is not included in the meaning of "expenditure on behalf of a candidate."

#### 19:25-12.4 Expenditures made by credit card

(a) If an expenditure is authorized by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee to be made by use of or by a charge against a credit card account that was not established in the name of that candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee, the person or entity owning the credit card and who is liable for any debt charged against that credit card account shall be deemed to have made a loan to that committee subject to reporting as a loan in the amount charged until such time as the committee reimburses that person or entity for that amount.

(b) Whenever a committee pursuant to (a) above makes an expenditure to reimburse a person or entity for a charge made

against that person's or entity's credit card account, that committee shall report the following information for each such charge:

1. The exact name or title of the person or entity owning the credit card account, and the name of the lending institution that issued the card;
2. The name and address of the vendor from whom the purchase was made;
3. The date of the purchase;
4. A description pursuant to N.J.A.C. 19:25-12.2(b) of the purpose of the purchase, including a specific itemization of the goods or services acquired;
5. The amount of the purchase; and
6. The name of the payee, and the number, date and amount of the reimbursement check.

(c) For the purposes of this section, the term "reimbursement" shall include an expenditure made payable to either the person or entity owning the credit card account and who is liable for any debt charged against that credit card account or an expenditure made payable to the issuer of the credit card account.

(d) A candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee that makes an expenditure to pay for goods or services using a credit card account that is owned by and issued in the name of the candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, shall report the following information:

1. The name and address of the lending institution that issued the credit card account;
2. The check number, payment date, and amount of the expenditure paid to the issuer of the credit card; and
3. For each purchase itemized on the statement issued for the credit card account, the name and address of the vendor, the date and amount of the purchase, and a description pursuant to N.J.A.C. 19:25-12.2(b) of the purpose of the purchase, including a specific itemization of the goods or services acquired.

(e) A candidate committee, joint candidates committee, or political committee shall report to the Commission on its election fund report as an outstanding obligation any amount owed on a credit card account issued to the candidate committee, joint candidates committee, or political committee, pursuant to (d) above, which amount remains unpaid on the final date of an election fund report period.

(f) A continuing political committee, political party committee, or legislative leadership committee shall report to the Commission on its quarterly report as an outstanding

3. The name, mailing and resident address and telephone number of the person appointed as treasurer;

4. The name, mailing address and telephone number of the bank at which the campaign depository has been established, the account name and number, and the names, mailing addresses and telephone numbers of all persons authorized to sign checks or otherwise make transactions.

(c) A recall defense committee shall file its initial election fund report certified as true and correct by the chairperson and treasurer no later than on the first date established for candidate committee reports by N.J.A.C. 19:25-8.3(b) falling after the date of the establishment of the recall defense committee depository.

(d) A recall defense committee shall continue to file election fund reports certified as true and correct by the chairperson and treasurer on the dates set forth in N.J.A.C. 19:25-8.1 and following for candidate committee reports, provided that in no event shall more than three months elapse between the last day of a period covered by one such report and the last day of the period covered by the next such report.

#### **19:25-14.9 Recall defense committee use restrictions**

(a) All contributions received by a recall defense committee shall be used only for the following:

1. The payment of campaign expenses incurred in the course of and directly related to the committee's effort to oppose the recall effort or the passage of the question of recall at the recall election;
2. The payment of the overhead and administrative expenses related to the operation of the committee; or
3. The pro-rata repayment of contributors.

#### **19:25-14.10 Requirements for a nominee to succeed elected official**

(a) Any nominee to succeed an elected official shall be treated as and shall be subject to the same organizational, reporting, contribution limit and other requirements for a candidate provided in the Campaign Reporting Act and the regulations promulgated pursuant to it, except as otherwise provided in this Chapter.

(b) A nominee to succeed an elected official shall be subject to the penalties provided in the Campaign Reporting Act for a candidate committee.

#### **19:25-14.11 Limits applicable to Federal candidates**

(a) The limits on contributions established by 2 U.S.C. 441a shall apply to:

1. A Federal elected official sought to be recalled;
2. A candidate to succeed a Federal elected official; or

3. A recall committee seeking to recall a Federal elected official.

#### **19:25-14.12 Public financing unavailable**

A Governor who is sought to be recalled shall not be entitled to public support or financing pursuant to N.J.S.A. 19:44A-27 et seq. for the purpose of opposing the recall effort.

#### **19:25-14.13 Limit on contributions by a prior defeated candidate**

Contributions to a recall committee by a candidate committee or joint candidates committee of a candidate who was defeated by the official sought to be recalled at the last election for that office shall be subject to the limits on contributions established by the Campaign Reporting Act and this chapter.

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

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

Substituted a reference to the Campaign Reporting Act to a reference to the act.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

Substituted "this chapter" for "regulations".

#### **19:25-14.14 Identification of paid circulator**

(a) If a solicitation for signatures to a recall petition is presented to prospective petition signers by a paid print advertisement or paid mailing, or if a recall petition is presented to a prospective signer by a paid circulator, the solicitation or petition, respectively, shall disclose prominently in a statement printed in at least 10-point type the following:

1. The full name and residence address of the person paying for the printed or personal solicitation; and
2. The fact that the circulator is paid.

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

#### **Subchapter Historical Note**

Public Notice: Public Financing of Primary and General Elections for the Office of Governor. See: 34 N.J.R. 1284(a).

Public Notice: Election Law Enforcement Commission: Public Hearings Regarding Financing of Primary and General Elections for the Office of Governor. See: 38 N.J.R. 1354(a).

Public Notice: Election Law Enforcement Commission: Public Hearings Regarding Financing of Primary and General Elections for the Office of Governor. See: 42 N.J.R. 677(a).

#### **19:25-15.1 Scope of subchapter**

The provisions of this subchapter shall be applicable to the general election campaign for nomination for election to the office of Governor of New Jersey in November 1977 and



every such gubernatorial campaign held thereafter, except that the provisions shall not apply to any general election campaign for the office of Governor for which the Legislature fails to make an appropriation for public funding.

### 19:25-15.2 Definitions; generally

The words and terms used in this subchapter are used as defined herein or in N.J.A.C. 19:25-1.7.

### 19:25-15.3 Definitions for this subchapter

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Candidate” means an individual who has filed a nominating petition, or has filed a form D-1 with the Commission, or has solicited contributions or made or incurred expenditures on behalf of his or her candidacy, or has allowed others to solicit contributions or make or incur expenditures on behalf of his or her candidacy for election to the office of Governor of New Jersey, or who has received funds or other benefits or has made payments solely for the purpose of determining whether or not the individual should become a candidate for the office of Governor of New Jersey in any general election for which the Legislature makes an appropriation for public funding.

“Contribution” is used as defined in N.J.A.C. 19:25-1.7 and includes loans, except that a loan in the ordinary course of business by a bank pursuant to N.J.S.A. 19:44A-44 is not a contribution by that bank.

“Contribution eligible for match” means contributions from one contributor to be matched from public funds on a two-for-one basis. No contribution, which must be or is intended by the contributor or the recipient to be refunded or repaid at any time, no loan obtained pursuant to N.J.S.A. 19:44A-44, no amount of the candidate’s own funds in the aggregate in excess of \$3,400, no in-kind contribution and no other moneys received by the candidate, his or her campaign treasurer, or deputy campaign treasurer, except those contributions described in N.J.S.A. 19:44A-29(a) shall be deemed contributions eligible for match.

“County committee” means the county committee of a political party established pursuant to N.J.S.A. 19:5-3.

“Debate sponsor” means the organization or organizations to which the Commission has delegated the responsibility for conducting one or both of the televised interactive general election debates.

“Depository bank account” means the campaign bank account designated by a candidate pursuant to N.J.S.A. 19:44A-9 for the deposit pursuant to N.J.S.A. 19:44A-12 of funds received by the campaign treasurer.

“Gubernatorial inaugural fund-raising event” means any event or events held between the date of the general election for the office of Governor and 30 days after the date of the inauguration of the Governor, whether the event is sponsored by the inaugural committee, the state committee representing the party of the Governor-elect is a prominent participant or for which solicitations of contributions include the name of the Governor-elect in prominent display.

“Interactive general election debate” means the moderated reciprocal discussion of issues among the candidates for the office of Governor which involves responses by the candidates to questions posed by the representative or representatives of the sponsor organization.

“Matching fund account” means the campaign bank account or accounts opened pursuant to N.J.S.A. 19:44A-32 by a campaign treasurer of a candidate, or deputy campaign treasurer, in which only contributions eligible for match may be deposited.

“Municipal committee” means the municipal committee of a political party established pursuant to N.J.S.A. 19:5-2.

“Non-participating candidate” means any candidate who does not make application for public funding in a general election pursuant to N.J.S.A. 19:25-15.17, or who is not a “qualified candidate” as that term is defined in this section. In no case shall a candidate who qualified for and receives any public funding for a general election be subsequently deemed a non-participating candidate for that election.

“Own funds” means funds to which the candidate is legally and beneficially entitled, but shall not include funds as to which the candidate is a trustee or funds given or otherwise transferred to the candidate by any person other than the spouse of the candidate for use in aid of his or her candidacy.

“Person” includes an individual, a corporation, an association or a labor union. For purposes of this subchapter, person does not include a partnership. A spouse of any person is deemed to be a separate person.

“Public fund account” means the campaign bank account maintained by the Commission pursuant to N.J.A.C. 19:25-15.20 on behalf of a qualified candidate and for the deposit of public matching funds.

“Qualified candidate” means:

1. Any candidate for election to the office of Governor whose name appears on the general election ballot and who has deposited and expended \$340,000 pursuant to N.J.S.A. 19:44A-32; and who, not later than September 1 preceding a general election in which the office of Governor is to be filled, notifies the Election Law Enforcement Commission in writing that the candidate intends that application will be made on the candidate’s behalf for monies for general election campaign expenses pursuant to N.J.S.A. 19:44A-33, and signs a statement of agreement, in a form to be

prescribed by the Commission, to participate in two interactive gubernatorial general election debates; or

2. Any candidate for election to the office of Governor whose name does not appear on the general election ballot, but who has deposited and expended \$340,000 pursuant to N.J.S.A. 19:44A-32 and who, not later than September 1 preceding a general election in which the office of Governor is to be filled, notifies the Election Law Enforcement Commission in writing that the candidate intends that application will be made on the candidate's behalf for monies for general election campaign expenses pursuant to N.J.S.A. 19:44A-33, and signs a statement of agreement, in a form to be prescribed by the Commission, to participate in two interactive gubernatorial general election debates.

"State committee" means the State committee of a political party established pursuant to N.J.S.A. 19:5-4.

"State committee account" means the campaign bank account created by a State committee of a political party pursuant to N.J.S.A. 19:44A-29(d) in behalf of any candidate the committee intends to or does assist for election to the office of Governor in a general election, and in which only contributions eligible for match may be deposited and proceeds from any loan made by the State committee pursuant to N.J.S.A. 19:44A-44.

"Statement of agreement" means a written declaration by a candidate for election to the office of Governor who intends that application will be made on that candidate's behalf to receive monies for general election campaign expenses pursuant to N.J.S.A. 19:44A-33 that the candidate undertakes to abide by the terms of any rules established by any private organization sponsoring a gubernatorial general election debate. The statement of agreement shall include an acknowledgment of notice to the candidate who signs it that failure on that candidate's part to participate in either of the gubernatorial general election debates may be cause for termination of the payment of such monies on the candidate's behalf and for the imposition of liability for the return to the Commission of such monies as may previously have been so paid.

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

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

New language added to definition of "contribution eligible for match"; "Funds received . . . of the regulations."; "contributed" changed to "deposited", in "matching fund account".

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. 1326(b).

Added text to definition political committee: "When used 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).

Increased contribution limit from \$800.00 to \$1,500; expanded definition of "qualified candidate"; and added definitions for "debate sponsor", "interactive general election debate" and "statement of agreement".

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

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

Revised definitions.

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

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

Deleted definition of political committee.

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

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

Rewrote "Candidate"; in "Contribution eligible for match", deleted a former third sentence; and deleted "Independent expenditure" and "Principal campaign 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 "Contributions eligible for match" and "Qualified candidate" 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).

In "Matching fund account", inserted "or accounts" following "campaign bank account".

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

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

In "Contribution eligible for match" substituted "\$3,000" for "\$2,600" following "aggregate in excess of"; in "Qualified candidate means", substituted "\$300,000" for "\$260,000" following "who has deposited and expended" in 1 and 2.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In definition "Contribution eligible for match", inserted a comma following the first occurrence of "contribution" and substituted "\$3,400" for "\$3,000"; and in definition "Qualified candidate", substituted "\$340,000" for "\$300,000" throughout.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In definition "Public fund account", substituted "Commission" for "commission".

#### Case Notes

Independent expenditure defined. *Friends of Governor Tom Kean v. New Jersey Election Law Enforcement Commission*, 203 N.J.Super. 523, 497 A.2d 555 (App.Div.1985), affirmed 102 N.J. 319, 508 A.2d 200 (1985).

#### 19:25-15.4 Appointment of treasurers and depositories

(a) Each candidate for election to the office of Governor in a general election, whether or not intending to participate in public funding, shall on or before the first Monday following the date of the primary election for nomination for the office of Governor designate to the Commission the name and address of his or her candidate committee for the general election.

(b) Each candidate for election to the office of Governor in a general election, whether or not intending to participate in public funding, shall appoint a campaign treasurer and designate a depository bank account and shall notify the Commission pursuant to N.J.A.C. 19:25-4.1A of such appointment and designation no later than the tenth day after receipt of any contribution or after incurring or making any expenditure, whichever comes first.

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

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

(b) and (c) added.

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

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

Section substantially amended.

New Rule, R.1989 d.43, effective January 17, 1989.

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

Repealed old text.

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 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 (c).

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.

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

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

Rewrote the section.

#### 19:25-15.5 (Reserved)

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

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

New Rule, R.1989 d.43, effective January 17, 1989.

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

Repealed old text.

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

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

Amended to implement statutory changes made by Section 8 of P.L. 1989 c4, added language to (c) and new (d).

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 (d).

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

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

Section was "Pre-candidacy activity".

#### 19:25-15.6 Contribution limits; applicability

(a) No candidate for the office of Governor, whether or not intending to participate in public funding, and no campaign treasurer or deputy campaign treasurer of such candidate shall knowingly accept from any person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee any contribution in aid of the candidacy of or in behalf of such candidate in the aggregate in excess of \$3,400 in any general election.

(b) No State committee, and no campaign treasurer or deputy campaign treasurer of such State committee, shall knowingly accept from any person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee any contribution in aid of the candidacy of or in behalf of any candidate for the office of Governor in the aggregate in excess of \$3,400 in any general election, whether or not such candidate intends to participate in public funding.

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

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

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

Added "continuing political committee" as entity 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 thresholds 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) and (b), increased dollar amounts; and added (c).

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

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a) and (b), substituted "\$3,400" for "\$3,000".

#### 19:25-15.7 Separately maintained primary and general bank accounts

(a) Any candidate may establish and designate to the Commission a depository bank account, and/or a matching fund account pursuant to N.J.A.C. 19:25-15.17(b), for a gubernatorial general election and may deposit contributions in such respective accounts at any time after designation. Such general election bank accounts may be established prior to the date of the primary election for nomination for the office of Governor, and prior to the conclusion of any such candidate's primary election campaign. However, if a candidate establishes general election bank accounts prior to or on the date of the primary election for the office of Governor, and such candidate is also a candidate in such primary election, no moneys deposited in such candidate's general election accounts may be transferred or expended until the day following such primary election and may not be expended at any time for primary election expenses.

(b) No candidate establishing bank accounts for the general election may deposit or transfer at any time into such accounts any contributions received on behalf of such candidate's primary election campaign.

(c) No moneys deposited in a candidate's campaign bank accounts for the primary election may be expended at any time for any general election expense of such candidate.

(d) The primary election campaign bank accounts of each candidate (that is, depository bank account, matching fund account and public fund account) shall be separate from the general election campaign bank accounts of such candidate and shall be separately designated in reports required to be filed under the Act. Funds in primary election campaign accounts shall not be commingled with funds in general election campaign accounts.

(e) An expenditure which was made from a candidate's primary election bank account and which is determined after the date of the primary election to be allocable in part to that candidate's general election candidacy shall be reimbursed to the candidate's primary election depository account, established pursuant to N.J.A.C. 19:25-16.4, with general election funds. In no case shall funds from a candidate's primary election public funds account established pursuant to N.J.A.C. 19:25-16.20 be used for any purpose attributable to the general election.

(f) Reimbursements pursuant to (e) above shall be limited strictly to reimbursements for ordinary office expenditures for such purposes as office, furniture, and equipment rental and

insurance and salaries, and shall be made on a date after the date of the primary election.

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

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

Deleted the text "with commission approval".

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.

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

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

Added (e) and (f).

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (d), substituted "that is," for "i.e." and "Act" for "act".

### 19:25-15.8 Return of contributions; certification

(a) Any candidate in the general election who receives and deposits any contributions in such candidate's general election depository bank account or matching fund account on or prior to the date of the primary election for nomination to the office of Governor, and who is defeated at such primary election thereby terminating such candidate's general election campaign must promptly return to each contributor any contribution received and deposited on behalf of such candidate's general election campaign.

(b) Any candidate who receives contributions as described in (a) above shall certify to the Commission in a report to be filed within 30 days after the primary election for nomination to the office of Governor 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, the dollar amount of each contribution, the date and amount of each contribution returned by the candidate, and 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. In the event a candidate is unable to return any contribution, or part thereof, for any reason, such candidate shall certify in such report the reasons for inability to return such contribution. In no event shall any such unreturned contribution be withdrawn by the candidate from his or her general election depository bank account until the Commission has approved of disposition of such unreturned contributions.

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

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

Deleted text and substituted "number, street, city, state, zip code".

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

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

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 (operative January 1, 2005).

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

In (b), substituted "\$300.000" for "\$400.00" following "general election exceed".

### Case Notes

Transfers of general election money to campaign committee warranted imposition of penalty. *People for Whitman Committee v. Florio, '93, Inc.*, 93 N.J.A.R.2d (ELE) 17.

### 19:25-15.9 Candidates deemed non-participating; effect

Any candidate who does not by September 1 preceding a general election in which the office of Governor is to be filled apply for public funding in a general election pursuant to N.J.A.C. 19:25-15.17 shall be deemed non-participating in public funding of that general election and shall not receive public funds on his or her behalf.

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

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

Substituted "the candidate" for "he".

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

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

September 1 established as deadline for applying for public funds; (b) deleted.

### 19:25-15.10 Non-participating candidates

(a) A non-participating candidate is subject to the \$3,400 limitation on contributions from a person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee, pursuant to N.J.S.A. 19:44A-29.

(b) A non-participating candidate is subject to the \$3,400 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:

1. The overall campaign expenditure limit contained in N.J.S.A. 19:44A-7;

2. The \$25,000 limit on own funds contained in N.J.S.A. 19:44A-29;

3. The \$50,000 limit on bank loans contained in N.J.S.A. 19:44A-44; and

4. Any limits on the amount of bank loans to be guaranteed by the candidate personally.

(d) A non-participating candidate who elects to participate in the series of interactive debates pursuant to the provisions of N.J.S.A. 19:44A-45 is subject to the restrictions on qualifying expenditures set forth at N.J.A.C. 19:25-15.49.

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

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

(b) added: "or herself".

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 and added reference to continuing political committee.

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 and added references to candidate committee, joint candidates committee and legislative leadership committee. 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, changed N.J.A.C. 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).

In (a) and (b), substituted "\$3,000" for "\$2,600" following "candidate is subject to the".

Amended by R.2008 d.326, effective November 3, 2008.

See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

Added (d).

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a) and (b), substituted "\$3,400" for "\$3,000".

### 19:25-15.11 Limitations on participating candidates

(a) Each candidate intending to participate in public funding, in addition to any other requirement imposed by the Act or this subchapter, 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 general 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. 19:25-15.30.

3. The amount which any qualified candidate may spend in aid of his or her candidacy shall not exceed \$10.9 million, 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. 19:25-15.26.

4. Contributions by any candidate in excess of \$3,400 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.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a)3, substituted "\$10.9 million" for "\$9,600,000"; and in (a)4, substituted "\$3,400" for "\$3,000".

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In the introductory paragraph of (a), substituted "Act" for "act (N.J.S.A. 19:44A-1 et. seq.)".

### 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 \$3,400. Any such contribution in excess of \$3,400 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 \$3,400. 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 \$3,400 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 \$3,400 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).

Deleted unnecessary language in (a) regarding use of term "continuing political committee" 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) and (c).

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; added references to candidate committee, joint candidates committee and legislative leadership committee; and added (d).

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

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

Added (e) and (f).

Amended by R.1997 d.218, effective May 19, 1997.

See: 29 N.J.R. 743(a), 29 N.J.R. 2468(a).

Rewrote (d).

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

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

Inserted a new (b); recodified former (b) through (f) as (c) through (g); and in new (e) and (g), made internal reference changes.

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 amounts throughout.

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.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a), (b), and (d), substituted "\$3,400" for "\$3,000" throughout; and in (d), inserted a comma following the first occurrence of "candidate".

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (c), substituted "Act" for "act".

#### Case Notes

Former regulation valid. *Common Cause of New Jersey v. New Jersey Election Law Enforcement Commission*, 155 N.J.Super. 241, 382 A.2d 681 (App.Div.1978).

#### 19:25-15.13 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 nonpartisan 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 general election.

#### 19:25-15.14 Contributions eligible for match

(a) To be eligible for matching with public funds for a gubernatorial general election, a contribution must have been received by a candidate at a time when that candidate was seeking or had sought election for the office of Governor, or must have been received by the candidate for the purpose of determining whether or not to become a candidate for election to the office of Governor, except that a contribution received and deposited pursuant to N.J.A.C. 19:25-15.7, Separately maintained primary and general bank accounts, shall be eligible. Any funds received prior to the inception of such a candidacy shall not be eligible for match.

(b) Only contributions in cash or by check, money order or negotiable instrument shall be contributions eligible for match. Loans shall not be eligible for match. In-kind contributions shall not be eligible for match, but will count toward the individual contribution limit of \$3,400 and the overall expenditure limit contained in N.J.S.A. 19:44A-7 except for

expenses not subject to expenditure limits pursuant to N.J.A.C. 19:25-15.26. The total of all contributions eligible for match from any person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee shall not exceed \$3,400 in the aggregate.

(c) A maximum of \$3,400 in the aggregate of a candidate's own funds may be deposited in the matching fund account.

(d) Every contribution eligible for match 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 of, 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.

(e) A contribution received from a contributing member of a political committee or continuing political committee which has made a prior contribution to the candidate shall be eligible for matching funds, provided that the political committee is a bona fide political entity which was not created to circumvent the contribution limit contained in the Act.

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.43, effective January 17, 1989.

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

Added new (a); recodified old (a)-(c) as (b)-(d); added new (e).

Amended by R.1989 d.99, effective February 21, 1989.

See: 20 N.J.R. 2640(a), 21 N.J.R. 458(a).

Added text to (d) "receipt of".

Correction: Reference to N.J.A.C. 19:25-7.1(a) in (a).

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

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

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

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 (b) and (c).

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.2000 d.322, effective August 7, 2000.

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

Rewrote (a).

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) and (c), 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.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (b) and (c), substituted "\$3,400" for "\$3,000" throughout.

#### **19:25-15.15 Contributions eligible for match; checks and instruments; partnership contributions prohibited; contributions by electronic transfer of funds**

(a) In the case of a check drawn on a joint checking account, the contributor shall be deemed to be the owner whose signature appears on the check. The check will not be attributed equally or otherwise to other joint owners of the account, unless the check or other accompanying written instrument contains the signature of each contributing owner and information identifying the amount of contribution of each such owner. In the absence of specific instructions to the contrary, the contribution will be allocated equally among all owners whose signatures appear on the instrument. Contributions from a joint checking account by one owner of the account may not be attributed to other owners of the account.

(b) In the case of a check drawn on an escrow or trust account, the contribution will be that of the person who is the beneficial owner of the account, and the check or other accompanying written instrument must bear the signature of such beneficial owner.

(c) A partnership as defined in (d) below shall not be permitted to make contributions as an entity. A contribution received by a campaign treasurer and made by means of a check or written instrument drawn on a partnership account shall be signed by a partner or partners and shall be deemed to be a contribution from the partner or partners who signed the check or written instrument by which the contribution was conveyed, or in the case of a contribution of currency, the partner who has conveyed the currency. If the check or written instrument is drawn on a partnership account and is signed by an individual other than a partner, or if it is the intent of the contributor that any portion of the contribution received from a partnership account is to be attributed or allocated to a partner or partners who have not signed the check or written instrument, or in the case of a currency contribution if the currency contribution was conveyed by an individual who is not a partner, the following written information must be received and maintained by the campaign treasurer and accompany the check or written instrument being submitted for match pursuant to N.J.A.C. 19:25-15.17:

1. Written instructions concerning the allocation of the contribution amount to a contributing partner, or among contributing partners;

2. A signed acknowledgment of the contribution from each contributing partner who has not signed the contribution check or other written instrument; and

3. Contributor information for each contributing partner as required by N.J.A.C. 19:25-7.1.

(d) For the purposes of this section, the term "partnership" means:

1. Any partnership or joint venture organized under or governed by Title 42 of the New Jersey Statutes, including



general partnerships within the meaning of N.J.S.A. 42:1-1 et seq., limited liability partnerships organized pursuant to N.J.S.A. 42:1-45 et seq., limited partnerships organized pursuant to or governed by N.J.S.A. 42:2A-1 et seq., and limited partnership associations organized pursuant to N.J.S.A. 42:3-1 et seq., and

2. Any similar association of two or more persons to carry on as co-owners a business for profit including, but not limited to, joint ventures, general partnerships, limited liability partnerships and limited partnerships organized or governed by corresponding laws of any other jurisdiction.

(e) A limited liability company shall not be permitted to make contributions as an entity. A contribution received by a

campaign treasurer drawn upon a limited liability company account and made by means of a check or written instrument drawn on the account of a limited liability company shall be signed by a member or members and shall be deemed to be a contribution from the member or members who signed the check or written instrument by which the contribution was conveyed or, in the case of the contribution of currency, the member who has conveyed the currency. If it is the intent of the contributor that any portion of a contribution received from a limited liability company account is to be attributed or allocated to a member or members who have not signed the check or written instrument, or in the case of a currency

contribution, if the currency was conveyed by an individual who is not a member, the following written information must be received and maintained by the campaign treasurer and accompany the check or written instrument being submitted for match pursuant to N.J.A.C. 19:25-15.17:

1. Written instructions concerning the allocation of the contribution amount to a contributing member, or among contributing members;
2. A signed acknowledgment of the contribution from each contributing member who has not signed the contribution check or other written instrument; and
3. Contributor information for each contributing member as required by N.J.A.C. 19:25-7.1.

(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 \$3,400 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 \$3,400 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.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a) and (b), substituted "\$3,400" for "\$3,000".

#### **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 \$340,000 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 \$3,400, and that at least \$340,000 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 the following:

1. An electronic 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; 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; and the total amount of all contributions submitted for match. The list of contributors shall be segregated by deposit;

2. An electronic 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, the type of contributor of each contribution from a list of contributor types to be provided by the Commission, and 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; and

3. An electronic 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 a scanned image 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, images of the face and back must be provided. The photocopies shall be segregated by deposit, sorted in the order in which the contributors are listed pursuant to (d) above and accompanied by scanned images of the relevant receipted deposit slips.

(g) The initial certification shall include scanned images 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 \$340,000 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.

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).

Amended by R.2008 d.326, effective November 3, 2008.

See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

In (d), inserted designations (d)1 through (d)3; in the introductory paragraph of (d), inserted "the following: "; rewrote (d)1 and (d)2; in (d)3, substituted "An electronic" for "The statement shall also include an original and two photocopies of a"; in (f), substituted "a scanned image" for "three photocopies", "provided" for "photocopied" and "scanned images" for "copies", and inserted "images of" following "campaign committee"; in (g), substituted "scanned images" for "three photocopies"; and deleted (k) and (l).

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (c) and (g), substituted "\$340,000" for "\$300,000" throughout; and in (c), substituted "\$3,400" for "\$3,000".

### **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 that 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 in this section 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".

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (a), (b) and (c), substituted "Commission" for "commission" throughout; in (c), substituted the second occurrence of "that" for "which"; and in (d), substituted "in this section" for "herein contained".

#### 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.

(c) Any report filed pursuant to this section disclosing an expenditure in an aggregate sum exceeding \$5,000 for the purpose of purchase 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. 19:25-15.24.

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

### 19:25-15.21 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 general election shall promptly receive in behalf of such qualified candidate public 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 general election campaign purposes for the first \$109,000 deposited in such candidate's matching fund account.

(b) No candidate for election to the office of Governor or his or her campaign treasurer or deputy campaign treasurer shall receive any general election public matching funds if the Commission determines that an application for matching funds, submitted pursuant to N.J.A.C. 19:25-15.17, contains a contribution or contributions in excess of the general 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.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 thresholds.  
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 candidate's matching fund account".  
Amended by R.2008 d.359, effective December 1, 2008.  
See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).  
In (a), substituted "\$109,000" for "\$96,000".

### 19:25-15.22 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 the date of the primary election for nomination for the office of Governor of New Jersey immediately preceding the general election for the same office.

(b) The maximum amount which any qualified candidate may receive from public funds shall not exceed \$7.3 million.

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).  
Maximum amount of public funding to candidate changed to \$3,300,000.  
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).  
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 (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 "\$6,400,000" for "\$5,600,000".  
Amended by R.2008 d.359, effective December 1, 2008.  
See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).  
In (b), substituted "\$7.3 million" for "\$6,400,000".

### 19:25-15.23 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.

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).  
Capitalized "Commission".

### 19:25-15.24 Use of public funds

(a) Public funds received on behalf of a qualified candidate from the fund for general 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;
5. Payment of the cost of printing and mailing campaign literature and brochures distributed under the name of the candidate;
6. Payment of the cost of legal and accounting expenses incurred in complying with the public financing regulations of the Commission and with the public financing provisions of the Act; and

7. Payment of the cost of telephone deposits, and installation charges and monthly billings in excess of deposits. Within six months after the general election, a candidate shall return to the Commission the amount of any public funds used to pay such telephone deposits which are later returned.

(b) Expenditures made prior to the receipt of public funds, including expenditures made for the purpose of determining whether an individual should become a candidate for election to the office of Governor, which fit within (a)1 through 7 above, shall be expenses properly payable out of public funds.

(c) Any expenditure made from a candidate's public fund account which results in the purchase of time on radio and television stations pursuant to (a) above shall be documented by an invoice prepared by the radio or television station listing the media time used and the cost to the candidate. The invoice shall be obtained by the candidate, his or her campaign treasurer, or deputy campaign treasurer no later than 10 days following the due date for the 20-day postelection report and shall be maintained pursuant to N.J.A.C. 19:25-15.42.

(d) Any expenditure made from a candidate's public fund account shall be identified on election fund reports and submissions for public matching funds to include the check number, date of payment, full name of payee, full payee mailing address, amount of payment, a detailed description of the election-related purpose of the expenditure which includes the applicable permitted use of public funds contained in (a) above and the type of expenditure for each expenditure from a list of expenditure types to be provided by the Commission.

(e) A reimbursement made to a depository or matching fund account of a candidate from the public fund account of that candidate for an expenditure or expenditures permitted under (a) above shall:

1. Be made by individual check from the public fund account in the exact amount of the expenditure or expenditures being reimbursed;
2. Be specifically identified as a reimbursement on the report required pursuant to N.J.A.C. 19:25-15.20(b) and on campaign reports required by the Act; and
3. Contain a list of the previously paid expenditure or expenditures permissible under (a) above for which the reimbursement is being made.

(f) Contributions, other than public funds, received by or in behalf of any candidate (including contributions eligible for match) shall not be subject to the limitations of (a) above, but may be expended for any lawful purpose in furtherance or aid of the candidacy of the candidate.

(g) Transfer of public funds from the public funds account established pursuant to N.J.A.C. 19:25-15.20 to an interest-

bearing account or other investment account or vehicle is prohibited.

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

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

New (b) added and old (b) changed to (c).

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.1993 d.207, effective May 17, 1993.

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

Added new (c) through (e); redesignated existing (c) to (f).

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

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

Changed disbursement to expenditure throughout the section.

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

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

Added (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 (b) and (c).

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 the second sentence.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In the introductory paragraph of (a), and in (a)6 and (a)7, substituted "Commission" for "commission"; and in (a)6, substituted "Act; and" for "act".

#### 19:25-15.25 Use of transferred funds

Notwithstanding the provisions of N.J.A.C. 19:25-6.2, any transfer of funds from the general election campaign of the gubernatorial candidate to any other candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, legislative leadership committee, or political club will be considered to be an expenditure on behalf of the gubernatorial candidate under N.J.S.A. 19:44A-7. No such transferee shall make any contribution to or on behalf of the gubernatorial candidate prior to or subsequent to such transfer.

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

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

Added references to candidate committee, joint candidates committee and legislative leadership committee.

#### 19:25-15.26 Expenses not subject to expenditure limits

(a) The following expenditures by a qualified candidate shall not be subject to the expenditure limit described in N.J.A.C. 19:25-15.11(a)3:

1. Reasonable and necessary compliance with the reporting and certification requirements imposed by the public finance provisions of the Act shall not be deemed to be expenditures within the meaning of N.J.S.A. 19:44A-7. Such expenses shall be specifically identified as such in all reports required under this chapter.

2. Travel expenses of the candidate, as that term is defined in N.J.A.C. 19:25-15.27(a), or of any person other than the candidate if such traveling expenses are voluntarily paid by such person without any understanding or agreement with such candidate that they shall be, directly or indirectly, repaid to him or her by the candidate, shall



not be deemed expenditures within the meaning of N.J.S.A. 19:44A-7.

3. The reasonable value of food and beverage to persons who attend a testimonial affair on behalf of or in aid of a candidate and for whom a contribution in excess of the reasonable value of such food and beverages is reported as provided in N.J.A.C. 19:25-12.2.

4. Election night celebration or event expenses as defined in N.J.A.C. 19:25-15.47(c).

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.43, effective January 17, 1989.

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

Added (a)4.

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

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

Correction to N.J.A.C. cite.

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

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

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (a)1, substituted "Act" for "act" and "this chapter" for "these regulations".

#### 19:25-15.27 Expenditure reporting; travel expenses

(a) Each expenditure from the depository account, matching fund account, or public funds account established by a gubernatorial candidate shall be reported on election fund reports and as required on submissions for public matching funds by providing the following information:

1. The date the expenditure was made;
2. The checking account title and number;
3. The full name and address of the payee;
4. The purpose of the expenditure;
5. The amount of the expenditure; and,
6. The type of expenditure from a list of expenditure types provided by the Commission.

(b) In describing the purpose of an expenditure pursuant to (a)4 above, the specific election-related reason for the expenditure shall be provided. Descriptions such as "operations," "campaign expense" or "reimbursement" do not satisfy the reporting requirement because they do not provide any specific election-related information. Examples of satisfactory descriptions include such information as "newspaper advertising," "telephone expense," "postage," "printing of campaign flyers," "headquarters rental" and similarly specific items.

(c) "The traveling expenses of the candidate" as used in N.J.A.C. 19:25-15.26, shall mean the reasonable and necessary expenses of transportation, food and lodging in connection with travel related to the candidacy of the candidate, and shall include expenses of the candidate and of members of the political campaign staff and immediate family of the candidate traveling with the candidate in the same or accompanying vehicles. The phrase does not include travel expenses of members of the candidate's staff when they are traveling not in the company of the candidate, nor does it include expenses of members of the media or others who are not members of the staff, whether or not those media members are accompanying the candidate.

(d) All of the expenditures, including those excluded from the expenditure limitation contained in N.J.S.A. 19:44A-7, must be disclosed in the preelection and post-election reports on behalf of the candidate.

1. Example 1: Candidate X, a candidate for the office of Governor in the general election who will receive public funding, travels to a city with five members of the candidate's staff in two automobiles for campaign purposes. The candidate's staff arranges for rooms at a hotel in that city. In the course of the stay, the candidate and staff hold numerous meetings and provide food and beverages for visitors in the course of the various meetings. Only the reasonable and necessary expenses of the use of automobiles and other means of transportation and the reasonable and necessary cost of meals and sleeping accommodations for the candidate and staff during the trip, are excludable for purposes of the expenditure limitation contained in N.J.S.A. 19:44A-7.

(e) If any individual, including a candidate, uses a government-owned or government-leased vehicle for transportation to aid or promote a campaign for election to the Office of Governor, such use shall:

1. Be reported as a travel expense pursuant to this section;

2. Be valued for purposes of reports required to be filed under the Act and for purposes of the expenditure limit contained in the Act (N.J.S.A. 19:44A-7) by the reasonable commercial value of the transportation ser-

vices to the candidate pursuant to N.J.A.C. 19:25-15.31; and

3. Be reimbursed immediately from campaign funds to the appropriate government entity providing the conveyance or vehicle.

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.1993 d.207, effective May 17, 1993.

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

Added new (c).

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

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

Inserted new (a) and (b) and recodified existing (a) through (c) as (c) through (e).

#### Case Notes

Visits by federal officials did not require that costs be allocated against Governor's campaign expenditure fund. *People for Whitman Committee v. Florio '93, Inc.*, 93 N.J.A.R.2d (ELE) 33.

#### 19:25-15.28 Independent expenditures

(a) A person, candidate committee, joint candidates committee, political committee, or continuing political committee that makes, incurs or authorizes an independent expenditure, as that term is defined in N.J.A.C. 19:25-12.7, for a communication to support or defeat a gubernatorial candidate in a general election shall:

1. Report the independent expenditure pursuant to N.J.A.C. 19:25-12.8;

2. Clearly state on the communication the name and address of the person, candidate committee, joint candidates committee, political committee, or continuing political committee making the independent expenditure pursuant to N.J.A.C. 19:25-13.2(a), and that the communication has been paid for by that person or committee; and

3. Include in the communication a clear and conspicuous statement that the communication was not made with the cooperation or prior consent of, or in consultation with or at the request or suggestion of, any candidate, or any person or committee acting on behalf of any candidate.

(b) An independent expenditure made by a person, candidate committee, joint candidates committee, political committee, or continuing political committee pursuant to (a) above shall not be deemed to be an expenditure of a gubernatorial candidate in the general election within the meaning of N.J.S.A. 19:44A-7.

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

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

Administrative Correction to (a), internal N.J.A.C. cite.

See: 21 N.J.R. 3179(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.1996 d.583, effective December 16, 1996.  
 See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).  
 Added references to candidate committee and joint candidates committee: changed advertisement to communication expenditure throughout the section; and added (c) and (d).  
 Amended by R.1999 d.300, effective September 7, 1999.  
 See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).  
 Recodified a former (d) as N.J.A.C. 19:25-15.28A.  
 Amended by R.2000 d.322, effective August 7, 2000.  
 See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).  
 Rewrote the section.

#### Case Notes

Regulation charging candidate with noncandidate's expenditures exceeded Election Law Enforcement Commission's authority. *Friends of Governor Tom Kean v. New Jersey Election Law Enforcement Com'n*, 114 N.J. 33, 552 A.2d 612 (1985).

Election Law Enforcement Commission can allocate expenditures amongst candidates and noncandidates. *Friends of Governor Tom Kean v. New Jersey Election Law Enforcement Com'n*, 114 N.J. 33, 552 A.2d 612 (1985).

Standard for allocation of Assembly candidates expenditure for advertising that included reference to gubernatorial candidate. *Friends of Governor Tom Kean v. New Jersey Election Law Enforcement Commission*, 203 N.J.Super. 523, 497 A.2d 555 (App.Div.1985), affirmed 102 N.J. 319, 508 A.2d 200 (1985).

#### **19:25-15.28A—Prohibition on independent expenditures by State political party committees and legislative leadership committees**

No State committee of a political party and no legislative leadership committee shall make an independent expenditure to support or defeat a candidate for Governor or in aid of the candidacy of a candidate for Governor in the general election.

Recodified from N.J.A.C. 19:25-15.28(d) by R.1999 d.300, effective September 7, 1999.  
 See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).  
 Amended by R.2000 d.322, effective August 7, 2000.  
 See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

#### **19:25-15.28B—Limit on county and municipal political party committee expenditures**

The county committee of a political party in a county and the municipal committees of that political party in the same county may make an expenditure or expenditures, whether coordinated or independent expenditures, in the aggregate total amount of \$10,000 in aid of the candidacy of or in behalf of any candidate for election to the office of Governor in a general election.

New Rule, R.2000 d.322, effective August 7, 2000.  
 See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

#### **19:25-15.28C Determination of independence or coordination of an expenditure**

(a) To determine whether or not a person, candidate committee, joint candidates committee, or continuing political committee has made an independent expenditure, pursuant to N.J.A.C. 19:25-15.28, for a communication to support or defeat a gubernatorial candidate in the general election, the Commission shall consider, but not be limited to, the factors set forth in (c) below.

(b) To determine whether or not a person or entity, other than the gubernatorial candidate or his or her candidate committee, expending funds to make a communication shall be deemed to have made a coordinated expenditure, pursuant to N.J.A.C. 19:25-15.29, the Commission shall consider, but not be limited to, the factors set forth in (c) below.

(c) The Commission shall determine whether or not the gubernatorial candidate, his or her candidate committee, any member of the staff of the gubernatorial candidate or his or her candidate committee, or any agent of the gubernatorial candidate or his or her candidate committee:

1. Cooperated with, consented to, authorized, or exercised control over the production or circulation of the communication expenditure;
2. Requested or suggested that the communication expenditure be made;
3. Provided information to the person or entity making the communication expenditure with regard to the content, timing, location, mode, intended audience, distribution, or placement of the television, radio, direct mail, or other form of communication;
4. Discussed or negotiated with the purchaser, creator, producer, or distributor of the communication concerning the content, timing, location, mode, intended audience, distribution, or placement of the communication;
5. Shared information or held discussions on campaign or media strategy with the person or entity making the communication expenditure or with the purchaser, creator, producer, or distributor of the communication;
6. Shared its polling or other research with the person or entity making the communication expenditure or whether or not the person or entity making the communication expenditure shared its polling or other research with the gubernatorial candidate, his or her candidate committee, or with any agent of the gubernatorial candidate or his or her candidate committee; or
7. Used the same consultants, employees, staff, or agents as the person or entity making the communication expenditure to create, target, or place the communication.

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

**19:25-15.29 Coordinated expenditures**

(a) Any person or entity expending funds to make a communication shall be deemed to have made a coordinated expenditure for a gubernatorial candidate if:

1. The communication makes a reference to the gubernatorial candidate in an audio, visual, printed, or electronic format which reference names, depicts, pictures, characterizes, represents, dramatizes, or in any written, spoken, visual, or electronic manner represents a gubernatorial candidate or opponent;

2. The gubernatorial candidate or his or her campaign committee has consented to, authorized, or exercised control over the production or circulation of the communication; and

3. The expenditure for the communication was made on or after the date upon which the gubernatorial candidate or committee described in (a)2 above applied to receive matching funds or filed a statement of qualification to receive matching funds pursuant to N.J.A.C. 19:25-15.17 and 15.48.

(b) The amount expended for a coordinated expenditure for a gubernatorial candidate shall be a contribution by the person or entity making the expenditure to that gubernatorial candidate which contribution is subject to the gubernatorial candidate contribution limit established at N.J.A.C. 19:25-15.6(a) and allocable against the gubernatorial candidate expenditure limit established at N.J.A.C. 19:25-15.11(a)3.

(c) For each coordinated communication expenditure pursuant to (a) and (b) above, a gubernatorial candidate shall determine:

1. The cost of preparation and circulation of the communication; and

2. The value of the coordinated communication to the gubernatorial candidate.

(d) The value of a coordinated communication to a gubernatorial candidate may be determined at less than 100 percent of the total cost of preparation and circulation if the coordinated communication referred to one or more non-gubernatorial candidates in the same election, and the percentage of the cost to be allocated to the gubernatorial candidate shall be determined based upon the following:

1. The number of non-gubernatorial candidates identified or otherwise referred to; and

2. The prominence of the reference to the gubernatorial candidate in relation to references to non-gubernatorial candidates. For example, if a printed pamphlet is prepared and circulated at a cost of \$1,000 and features equally one page for a non-gubernatorial candidate and one page for a gubernatorial candidate, the value is 50 percent of the total cost of \$1,000 or \$500.00.

(e) A gubernatorial candidate determining the value to his or her candidacy of a coordinated communication pursuant to (d) above shall establish that value to the nearest five percent of the total cost of preparation and circulation. In no case shall the value be determined to be less than five percent of total cost.

New Rule, R.1989 d.382, effective June 23, 1989.

See: 21 N.J.R. 704(a), 21 N.J.R. 1286(a), 21 N.J.R. 2056(b).

N.J.A.C. 19:25-15.29 was formerly entitled Borrowing of Funds; repayment, and has been recodified as N.J.A.C. 19:25-15.30.

Emergency amendment, R.1989 d.456, effective August 3, 1989 (expires October 2, 1989).

See: 21 N.J.R. 2673(a).

(a) and (b) revised; new (c) and (d) added; existing (c)-(e) redesignated (e)-(g); (h) added.

Adopted concurrent proposal, R.1989 d.545, effective October 2, 1989.

See: 21 N.J.R. 2673(a), 21 N.J.R. 3477(b).

Provisions of emergency amendment R.1989 d.456 readopted without change.

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

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

Stylistic revision in (c)1.

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

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

Added references to legislative leadership and added (i).

New Rule, R.1999 d.300, effective September 7, 1999.

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

Former N.J.A.C. 19:25-15.29, Coordinated expenditures, repealed.

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.

**19:25-15.29A Coordinated expenditures by non-gubernatorial candidates, political party committees and legislative leadership committees**

(a) A reference to a gubernatorial candidate appearing in materials paid for by a non-gubernatorial candidate, as defined in (d) below, or by a political party committee, or legislative leadership committee, as defined in N.J.A.C. 19:25-1.7, of the same political party as the gubernatorial candidate, will be deemed insubstantial and not subject to allocation pursuant to N.J.A.C. 19:25-15.29 provided that:

1. The reference consists of the name or picture of the gubernatorial candidate in equal or less than equal prominence to the prominence given the names or pictures of non-gubernatorial candidates;

2. The names or pictures of the gubernatorial and non-gubernatorial candidates appear on printed campaign materials used in connection with volunteer activities on behalf of the named or pictured non-gubernatorial candidates, such as materials consisting of buttons, pins, bumper stickers, handbills, brochures, posters, yard signs or palm cards; and

3. The materials in (a)2 above are not used in connection with any broadcasting, newspaper, magazine, billboard, electronic, or similar type of general public communication or political advertising.

(b) A reference to a gubernatorial candidate appearing in campaign literature or material circulated to voters by direct mail and paid for by a non-gubernatorial candidate, as defined in (d) below, or by a political party committee, or legislative leadership committee, as defined in N.J.A.C. 19:25-1.7, of the same political party as the gubernatorial candidate, shall be deemed insubstantial and not subject to allocation pursuant to N.J.A.C. 19:25-15.29 provided that:

1. The reference consists of no more than a single use of the gubernatorial candidate's name in the text, and a single use of the gubernatorial candidate's name within a slate or listing of the names of gubernatorial and non-gubernatorial candidates, and a single photograph or depiction of the gubernatorial candidate provided that a photograph or depiction of each non-gubernatorial candidate larger or of equal size to the gubernatorial candidate's photograph or depiction is included;

2. The size of the print used to reproduce the name of the gubernatorial candidate is the same or smaller than the size of the print used for the names of the non-gubernatorial candidates; and

3. The predominant theme of the text promotes the candidacy or candidacies of the non-gubernatorial candidate or candidates and not that of the gubernatorial candidate.

(c) A reference to a gubernatorial candidate made in a telephone communication to a voter shall be deemed insubstantial and not subject to allocation pursuant to N.J.A.C. 19:25-15.29 provided that:

1. The telephone communication is part of a get-out-the-vote effort of the non-gubernatorial candidate, as defined in (d) below, or of a political party committee or legislative leadership committee, as defined in N.J.A.C. 19:25-1.7, of the same political party as the gubernatorial candidate, conducted seven or fewer days before the gubernatorial general election; and

2. The reference to the gubernatorial candidate is limited to stating the name of the gubernatorial candidate as part of a slate or together with the names of non-gubernatorial candidates.

(d) For the purposes of this section, the term "non-gubernatorial candidate" shall mean any candidate of the same political party as the gubernatorial candidate, other than a gubernatorial candidate, acting alone in a candidate committee or jointly with other candidates in a joint candidates committee.

(e) For the purposes of this section, the references to a gubernatorial candidate and pictures of a gubernatorial candidate, described in (a), (b) and (c) above, which are deemed insubstantial and not subject to allocation pursuant to N.J.A.C. 19:25-15.29, shall be strictly limited to references

and pictures of a gubernatorial candidate of the same political party as the non-gubernatorial candidate or candidates or political party committee or legislative leadership committee responsible for circulating or causing the circulation of the communication.

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

### 19:25-15.30 Borrowing of funds; repayment

Any candidate, the candidate's campaign treasurer or deputy campaign treasurer may borrow funds from any national or State bank, provided that no person, candidate committee, joint candidates committee, political committee, continuing political committee or legislative leadership committee other than the candidate or the State committee may in any way endorse or guarantee such loan in the aggregate in excess of the \$3,400 contribution limit. Except for a non-participating candidate guaranteeing a loan to his or her campaign, the amount so borrowed shall not at any one time in the aggregate exceed \$50,000 and must be repaid in full by such candidate or his or her campaign treasurer or deputy campaign treasurer from monies accepted or allocated pursuant to N.J.S.A. 19:44A-29 not later than 20 days prior to the general election. Certification of such repayment shall be made by the borrower to the Commission not later than 15 days prior to the date of the general election. In the event of the failure of the borrower to repay timely the full amount of the loan or to certify properly such repayment to the Commission, all payment of public funds to such candidate shall promptly cease and the Commission shall take action as directed by the Act to prohibit the expenditure by the candidate of monies received from the fund and any other monies received by him or her in aid of his or her candidacy in such general election.

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).

Recodified from N.J.A.C. 19:25-15.29 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).

Substituted "\$2,600" for "\$2,100" in the first sentence.

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" following "aggregate in excess of".

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

Substituted "\$3,400" for "\$3,000" and substituted "monies" for "monies" throughout.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

Deleted a comma following the fourth occurrence of "committee" and substituted "Act" for "act".

**19:25-15.31 Computation of value of goods and services**

(a) Goods and services shall, for purposes of the reports required to be filed under the Act and for purposes of the expenditure limitation contained in N.J.S.A. 19:44A-7 where applicable, be valued by the reasonable commercial value of such goods and services to the candidate, whether or not the cost or value of such goods or services to the contributor or other provider of those services is higher or lower than such reasonable commercial value.

Example 1: Candidate Y, a candidate for the office of Governor who has chosen to accept public funding, obtains the use of a helicopter for travel of the candidate for campaign purposes. By agreement with the owner of the helicopter, the campaign committee for the candidate will pay \$900.00 per hour, which represents the cost to the owner of the maintenance and operation of the helicopter. The reasonable commercial value of the use of the helicopter is \$1,000 per hour. In this example, the amount of \$900.00 per hour paid by the campaign committee of the candidate to the owner for use of the helicopter is not includable as an expenditure for purposes of the expenditure limitations contained in N.J.S.A. 19:44A-7. The difference between the \$900.00 per hour actually paid for use of the helicopter and the reasonable commercial value normally charged by the owner for the use of the helicopter, represents a contribution from the owner of the helicopter to the candidate in the amount of \$100.00 per hour. The candidate could obtain the use of the helicopter under this arrangement from a lawful contributor for campaign purposes for not more than 34 hours. If the candidate obtained the use of the helicopter for 35 hours under this arrangement, the owner of the helicopter would have made an unlawful contribution to the candidacy of the candidate, since the aggregate of the contributions \$3,500 from that contributor in this instance would have exceeded \$3,400.

Example 2: Candidate Y in example 1, wishes to obtain the use of the helicopter from the owner for 15 hours, and the campaign committee for the candidate pays to the owner the reasonable commercial value of \$1,000 for each hour, or a total of \$15,000. The amount paid to the owner is not an expenditure within the expenditure limitation contained in N.J.S.A. 19:44A-7. On these facts the owner has made no contribution to the candidate.

In Example 1 and Example 2, the total amounts of expenditures, including expenditures not subject to the expenditure limitation of N.J.S.A. 19:44A-7, must be reported in the preelection and postelection reports filed on behalf of the candidate.

(b) The costs of a political communication as defined in N.J.A.C. 19:25-10.10 which aids or promotes a candidate for Governor, and is undertaken, made or circulated with the cooperation or consent of the candidate, shall be reported by the candidate in the same manner as the receipt of any goods and services, and shall be valued for the purposes of the contribution limit in N.J.A.C. 19:25-15.6 and the expenditure

limit in N.J.A.C. 19:25-15.11(a) 3 in the same manner as any other contributed goods or services.

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. 19:25-15.30 and increased dollar amounts in examples 1 and 2 and added new (b).

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)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).

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 and hours.

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 "30 hours" for "26 hours" following "purposes for not more than", "31 hours" for "27 hours" following "use of the helicopter", "\$3,100" for "\$2,700" following "since the aggregate of the contributions", "\$3,000" for "\$2,600" following "in this instance would have exceeded" in Example 1.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In Example 1 of (a), substituted "34" for "30", "35" for "31", "\$3,500" for "\$3,100", and "\$3,400" for "\$3,000".

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In the introductory paragraph of (a), substituted "Act" for "act".

**19:25-15.32 Establishment of State committee account; contribution limit**

(a) A State committee may establish a State committee account in a national or State bank, authorized to do business in the State of New Jersey, in behalf of any candidate for election to the office of Governor in a general election.

(b) Upon or after establishment of a State committee account by a State committee, such State committee may allocate and deposit certain contributions received by it in such account. Only a contribution of up to \$3,400, or up to \$3,400 of a contribution in excess of \$3,400 may be so deposited, and only if such deposit does not result in the contributor exceeding a contribution of \$3,400 in the aggregate to such or on behalf of such candidate.

(c) Notwithstanding any provision of this section, any contribution allocated and deposited in a State committee account must be of moneys or other things of value pledged to or received by such State committee in a calendar year in which the gubernatorial election being funded is held.

(d) Any deposit in a State committee account must be from contributions eligible for match, except that proceeds of a loan to the State committee made pursuant to N.J.S.A. 19:44A-44 may be deposited.

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. 19:25-15.31 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 (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.2000 d.473, effective November 20, 2000.

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

In (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).

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

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (b) substituted "\$3,400" for "\$3,000" throughout.

### **19:25-15.33 State committee expenditures; ineligible for match; expenditure limit**

(a) Any expenditure by a State committee on behalf of a candidate for election to the office of Governor shall be made only from the State committee account as defined in this subchapter of such State committee.

(b) Any contribution deposited in a State committee account and expended, and thereby unavailable for transfer and deposit in a matching fund account of a candidate, shall not be eligible for match.

(c) Any expenditure by a State committee in aid of the candidacy of a candidate shall be included in determining total expenditures of such candidate subject to the expenditure limit contained in N.J.A.C. 19:25-15.11(a)3.

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. 19:25-15.32.

### **19:25-15.34 State committee treasurer**

The campaign treasurer or deputy campaign treasurer of any State committee, designated by such State committee pursuant to N.J.S.A. 19:44A-10, shall be the campaign treasurer or deputy campaign treasurer of any State committee account established by said State committee.

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. 19:25-15.33.

### **19:25-15.35 Notice by State committee to contributor**

(a) The campaign treasurer or deputy campaign treasurer of any State committee depositing any contribution in a State committee account of such State committee must give written notice of such deposit to the contributor within 48 hours of such deposit, and such notice shall contain the following information:

1. The State committee has allocated part or all, as the case may be, of a contribution made by the contributor to a candidate for the office of Governor;

2. The allocated contribution counts toward the \$3,400 the contributor may contribute to a candidate for the office of Governor;

3. The name and address of the contributor;

4. The amount and date of the contribution to the State committee;

5. The amount of the contribution deposited on behalf of the candidate.

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. 19:25-15.34 and increased contribution limit from \$800 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)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.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" in 2.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a)2 substituted "\$3,400" for "\$3,000".

### **19:25-15.36 State committee statements**

(a) The campaign treasurer or deputy campaign treasurer of a State committee that has established a State committee account shall prepare and maintain a statement of contributors whose contributions have, in whole or part, been deposited in said State committee account. Such statement of contributors shall conform in content and form to that described in N.J.A.C. 19:25-15.17(d).

(b) The campaign treasurer or deputy campaign treasurer of a State committee shall prepare and maintain a statement of expenditures from a State committee account of such State committee. Such statement of expenditures shall contain for each expenditure a check number, date, name and address of payee, amount and brief description of purpose.

(c) The statement of contributors described in (a) above shall include a photocopy of the face of each check or other written instrument as described in N.J.A.C. 19:25-15.14 for each contribution reported on the statement of contributors. Where a check is endorsed by some person other than the campaign treasurer or deputy campaign treasurer of the State 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 N.J.A.C. 19:25-15.17(d) and accompanied by copies of the relevant receipted deposit slips.

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

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

(c) added: "sorted in the order ... N.J.A.C. 19:25-15.17(d)".

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. 19:25-15.35.



**Case Notes**

Former regulation regarding post-primary payment of primary expenses invalid; non-profit association standing. *Common Cause v. New Jersey Election Law Enforcement Commission*, 151 N.J.Super. 265 (App.Div.1977), aff'd 74 N.J. 231 (1977).

**19:25-15.37 Certification and delivery of statements**

(a) The campaign treasurer or deputy campaign treasurer of a State committee that has established a State committee account on behalf of a candidate shall certify to the campaign treasurer or deputy campaign treasurer of such candidate, and to the Commission, the correctness of the statements and photocopies prepared pursuant to N.J.A.C. 19:25-15.36.

(b) The statements and photocopies certified pursuant to (a) above shall be delivered by the campaign treasurer or deputy campaign treasurer of such State committee to the campaign treasurer or deputy campaign treasurer of the candidate on whose behalf the statements and photocopies have been prepared and to the Commission no later than the Thursday preceding the dates of submission for matching fund applications of candidates set forth in N.J.A.C. 19:25-15.18.

(c) The statements and photocopies to be delivered pursuant to (b) above shall include all contributions and expenditures during the periods of time as follows:

1. The statement of contributors prepared pursuant to N.J.A.C. 19:25-15.36(a) shall include contributions deposited in the State committee account from the date of the most previous statement of contributors delivered to the candidate or, if no previous statement has been delivered, from the date the State committee account was established, until the date preceding the transfer to the candidate;

2. The statement of expenditures prepared pursuant to N.J.A.C. 19:25-15.36(b) shall include all expenditures from the date of the most previous statement of expenditures delivered to the candidate or, if no previous statement has been delivered, from the date the State committee account was established, until the date preceding the transfer to the candidate;

3. Photocopies of checks prepared pursuant to N.J.A.C. 19:25-15.36(c) shall pertain to contributions listed in the statement of contributors.

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).

Recodified from N.J.A.C. 19:25-15.36 and changed internal N.J.A.C. cite.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (b), substituted "Commission" for "commission".

**19:25-15.38 Transfer of deposits; certification**

(a) A State committee may transfer deposits made on behalf of a candidate in its State committee account to the matching fund account of such candidate, provided certified

statements and photocopies relating to such deposits have been delivered to the treasurer or deputy campaign treasurer of such candidate as provided in N.J.A.C. 19:25-15.37.

(b) At the time of making a transfer pursuant to (a) above, the campaign treasurer or deputy campaign treasurer of the State committee shall certify in writing to the campaign treasurer or deputy campaign treasurer of the candidate in whose matching fund account a transfer is to be made, and certify to the Commission, that the deposit includes only contributions eligible for match and does not include any contribution which must be or is intended by the contributor or recipient to be refunded or repaid at any time and that no contribution by any county or municipal committee is included.

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).

Recodified from N.J.A.C. 19:25-15.37 and updated internal N.J.A.C. cite.

**19:25-15.39 County and municipal committee expenditures; reports**

(a) The county committee of a political party in a county and the municipal committees of that political party in the same county may make an expenditure or expenditures in the aggregate of \$10,000 in aid of the candidacy of or in behalf of the candidate for election to the office of Governor in a general election.

(b) A candidate or his or her campaign treasurer or deputy campaign treasurer shall determine the exact amount that individual county committees or municipal committees may contribute in aid of the candidacy of or in behalf of such candidate, and shall file a report of such determination with the Commission no later than the 11th day prior to the general election being funded.

(c) Any expenditures in aid of the candidacy of a candidate by the county committee of a political party and the municipal committees of that political party in the same county shall be included in determining the total expenditures of such candidate subject to the expenditure limit contained in N.J.A.C. 19:25-15.11(a)3.

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).

Recodified from N.J.A.C. 19:25-15.38 and amended to implement the statutory changes in the amounts county and municipal political party committees are permitted to spend in a general election on behalf of a gubernatorial candidate (see Section 5 of P.L. 1989, c.4, amending N.J.S.A. 19:44A-29). Also, subsection (c) has been added to specify that such expenditures must be allocated and counted in determining a gubernatorial candidate's compliance with the expenditure limit (see N.J.S.A. 19:44A-7, amended by Section 2, P.L. 1989, c.4).

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (b), substituted "Commission" for "commission" and "11th" for "eleventh".

**19:25-15.40 County and municipal committee reports**

Any county or municipal committee making any expenditure on behalf of any candidate for the office of Governor in a general election shall file quarterly reports pursuant to N.J.S.A. 19:44A-8 and shall provide written notice to the candidate pursuant to N.J.A.C. 19:25-12.3.

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

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

Added "and shall provide ... of candidates)."

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. 19:25-15.39.

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

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

**19:25-15.41 County and municipal committees; prohibition on transfers**

No county committee or municipal committee may transfer or contribute any funds to any candidate or to any candidate's campaign treasurer or deputy campaign treasurer, or to any political committee supporting any candidate.

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. 19:25-15.40.

**19:25-15.42 Maintenance of records; audit**

(a) The campaign treasurer or deputy treasurer of each candidate and each State committee shall retain all written instruments, checks, bank statements and all other records of contributions and expenditures, including originals or photocopies of all documents and instruments submitted to the Commission relating to the general election for a period of not less than four years after submission of the final report for the general election.

(b) Each candidate, campaign treasurer or deputy campaign treasurer, or State committee campaign treasurer or deputy campaign treasurer, shall furnish to the Commission any books and records, including bank records for all accounts and supporting documentation for matching fund submissions as may be requested by the Commission for purposes of an audit or other Commission examination.

(c) Each candidate, campaign treasurer or deputy campaign treasurer shall, in addition to the recordkeeping requirements in (a) above and in this chapter, make and maintain a written record of each expenditure made from a candidate's public fund account which results in the purchase of time on radio and television stations, which record shall contain the exact amount of the total expenditure that was used for each of the following purposes:

1. The purchase of time on radio stations;
2. The amount of any credit for radio time that was not used;
3. The purchase of time on television stations;

4. The amount of any credit for television time that was not used;

5. The payment of the cost to produce the material aired on the radio and television stations;

6. The payment of any commission; and

7. The amount, if any, that is due to be refunded.

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

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

Added: "submission of the final report for general election."

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. 19:25-15.41.

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

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

Added (c).

**19:25-15.43 Disclosure of information**

The statements and certifications submitted by a candidate in accordance with N.J.A.C. 19:25-15.17 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 "unless the candidate authorizes such disclosure in writing."

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. 19:25-15.42.

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

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

Deleted text in section.

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).

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."

**19:25-15.44 Prepared statement on behalf of candidate; reimbursement of ballot statement costs**

(a) Each candidate shall be entitled to have a statement in English and in Spanish submitted by the candidate to the Commission, printed and mailed by each county clerk with the sample ballot to each registered voter in the county, together with a short explanation from the Commission that such statements are provided pursuant to the Act and this subchapter to assist the voters in making a determination among the candidates for the office of Governor.

(b) Each candidate who wishes such a statement mailed on his or her behalf shall submit to the Commission, on forms to

be provided by the Commission, his or her proposed statement in English and in Spanish which shall not exceed 500 words in length. The statement shall be submitted to the Commission on or before the 80th day prior to the date on which the general election is to be held.

(c) On or before the 45th day prior to the date on which the general election is to be held, the Commission shall supply each county clerk with the text of the statement received from each candidate for election to the office of Governor.

(d) On or before the 45th day prior to the date on which the general election is to be held, the Commission shall determine the total amount of funds available for reimbursement to all 21 counties of the cost of printing and mailing of such ballot statements and shall notify all county clerks of the total amount of funds available for reimbursement. Such reimbursement shall be made on a pro rata basis if adequate funds are not appropriated by the Governor and the Legislature to reimburse all counties fully. Reimbursement shall not be made to the counties if no funds are appropriated to the Commission by the Governor and the Legislature for that purpose.

(e) No later than December 15th following a general election for the office of Governor, each county clerk shall submit to the Commission on a form provided by the Commission a claim for reimbursement only of the added sample ballot costs which are attributable directly to the printing and mailing of the gubernatorial candidates' statements.

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).

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (a), substituted "Act" for "act".

#### **19:25-15.45 Postelection contribution; postelection 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 \$3,400 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".

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

Section was "Post-election contribution; post-election payment of expenses". In (a), substituted "\$3,400" for "\$3,000".

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (c), substituted "Act" for "act".

#### **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).

#### **19:25-15.47B Application for termination of reporting with net liabilities by publicly financed candidates**

(a) A publicly financed candidate who has returned all public moneys to the Commission in compliance with the requirements of N.J.A.C. 19:25-15.47, but who has continued to file postelection quarterly reports to report net liabilities, that is, outstanding obligations in excess of the total assets of the candidate committee, including its cash balance in all of its depository accounts, may apply to the Commission to file a final report to terminate the reporting of the candidate committee as set forth in (b) through (e) below.

(b) Such application shall not be made earlier than seven years after the date of the election.

(c) Each candidate and treasurer filing an application for termination of reporting shall certify the following:

1. For each outstanding obligation, the date each obligation was incurred and the date it was first reported on a report filed with the Commission;
2. A statement describing the efforts made by the campaign to retire the outstanding obligations, including, without limitation, efforts to compromise or resolve the debt with the vendor or service provider;
3. That the candidate committee expects to receive no further contributions to retire its net liabilities in the election;
4. That the candidate committee has liquidated all assets and applied proceeds from such liquidation to retire debt;
5. That the candidate committee expects to make no further expenditures except to bring any remaining depository account balance to zero; and
6. All reports required by the Reporting Act and this chapter have been timely filed and correctly stated, except for good cause shown.

(d) For each outstanding obligation described in (c)1 above, the candidate and the treasurer shall make a separate certification that no pledge or commitment has been made or received by any candidate or treasurer, or other authorized person or representative of the campaign, or by the candidate committee, that the payment of such obligation will be forgiven or assumed by any party other than the candidate committee.

(e) The Commission shall review each such application and shall grant its approval to such application based upon consideration of all factors set forth in (c) and (d) above, and whether or not all outstanding audit issues have been resolved with the candidate committee.

New Rule, R.2009 d.89, effective March 16, 2009.

See: 40 N.J.R. 6763(a), 41 N.J.R. 1267(c).

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (c)6, substituted "this chapter" for "Commission rules".

#### **19:25-15.47C Final report certification with net liabilities for publicly financed candidates**

(a) Upon approval by the Commission pursuant to the provisions of N.J.A.C. 19:25-15.47B, a publicly financed candidate may file a final report and certification of termination of reporting upon a form prescribed by the Commission.

(b) Each candidate and treasurer filing a final report described in (a) above shall recertify the statements described in N.J.A.C. 19:25-15.47B(d) for each outstanding obligation.

(c) The final report shall show a zero balance in all campaign depository accounts and all final expenditures of the campaign fund in accordance with N.J.A.C. 19:25-15.45, Post-election payment of expenses, and N.J.A.C. 19:25-15.47, Repayment of public or other funds.

(d) An outstanding obligation reported on a certificate of termination of reporting filed pursuant to (a), (b) and (c) above shall not be considered a "contribution" as defined at N.J.A.C. 19:25-1.7.

(e) Notwithstanding (d) above, by enacting these provisions, the Commission does not waive its authority pursuant to N.J.S.A. 19:44A-6(b)10 to make a referral to the Office of the Attorney General for possible violations of N.J.S.A. 19:44A-21(a) and (b), upon subsequent receipt of evidence of false certification or misrepresentation of contributions or expenditures.

New Rule, R.2009 d.89, effective March 16, 2009.  
See: 40 N.J.R. 6763(a), 41 N.J.R. 1267(c).

#### **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 \$340,000 has been deposited and expended pursuant to N.J.S.A. 19:44A-32 for gubernatorial general election campaign expenses. Evidence that \$340,000 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 \$340,000 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 \$340,000 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 \$340,000.

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).

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a)1 through (a)3, substituted "\$340,000" for "\$300,000" throughout; and in (a)2, inserted a comma following the first occurrence of "statement".

#### **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 \$340,000 has been deposited and expended pursuant to N.J.S.A. 19:44A-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 elec-

tion 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) A candidate who does not elect to accept public financing but who wishes to participate in the series of interactive candidates' debates pursuant to the provisions of (a) above:

1. May use personal funds to meet all or part of the threshold deposited amount for qualification. Any such candidate shall include required documentation of his or her own funds pursuant to the requirements of (a) above; and

2. Shall not use repayment of any loan amount to meet any part of the threshold expended amount for qualification.

(d) 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).

Amended by R.2008 d.326, effective November 3, 2008.

See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

In (a)2, updated the N.J.S.A. reference; added new (c); and recodified former (c) as (d).

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a)2, substituted "\$340,000" for "\$300,000".

### 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 net-

works, 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. 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.

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.

Administrative correction.

See: 40 N.J.R. 6866(a).

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

(a) Based upon the eligibility 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.

(c) Where the number of eligible applicants to sponsor gubernatorial general election debates exceeds the number of prescribed general election debates, in making its selection, the Commission shall consider the information set forth on the written application pursuant to N.J.A.C. 19:25-15.50(c), (d) and (e).

(d) The Commission shall also consider in making its selection under (c) above, whether or not the applicant is a previously selected sponsor that:

1. Made changes in submitted plans or arrangements and notified the Commission of such changes pursuant to the provisions of N.J.A.C. 19:25-15.52A(a); and

2. Received approval from the Commission pursuant to the provisions of N.J.A.C. 19:25-15.52A(b).

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).

Amended by R.2008 d.326, effective November 3, 2008.

See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

In (a), inserted "eligibility"; and added (c) and (d).

#### 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).

### **19:25-15.52A Notification to Commission of change in debate plans**

(a) An organization or organizations selected pursuant to N.J.A.C. 19:25-15.51 to sponsor a gubernatorial general election debate shall provide written notification to the Commission within 48 hours of any change made in the plans or arrangements for the debate submitted on the application pursuant to N.J.A.C. 19:25-15.50(c), (d) or (e). Such written notification shall include the reason for each change. A selected sponsor may use a facsimile transmission (fax) to the Commission at (609) 292-4238 for the limited purpose of filing this notification. Such fax shall contain identifying information as to transmitter, and the date and time of transmission.

(b) The Commission shall review any change submitted pursuant to (a) above and notify the organization or organizations whether or not the change is approved. The Commission's determination shall be based upon the degree to which the changes vary from the original approved application and the nature of the changes, including, but not limited to, whether or not such changes:

1. Are within the control of the sponsor(s);
2. Affect the interactive nature of the debates; or
3. Compromise the ability to maximize outreach to the voting public.

New Rule, R.2008 d.326, effective November 3, 2008.  
See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

### **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.

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

### 19:25-15.57 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.

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

### 19:25-15.58 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 general 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.

(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 general 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 percent 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.

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

### 19:25-15.59 Inaugural event contribution limit; reporting

(a) No person, candidate, candidate committee, joint candidates committee, political committee, or continuing political committee otherwise eligible to make political contributions, shall make any contribution or contributions for the purpose of any gubernatorial inaugural fund raising event or events in the aggregate in excess of \$500.00. A contributor to a gubernatorial inaugural fund raising event may make a contribution not to exceed \$500.00 in the aggregate notwithstanding any contribution by such contributor to a candidate for election to the office of Governor.

(b) No person or committee sponsoring a gubernatorial inaugural fund raising event shall accept for deposit in any bank account maintained for the purposes of such event any contribution or contributions from a contributor in the aggregate in excess of \$500.00. Any contribution or contributions received from a single contributor in the aggregate in excess of \$500.00 shall be returned to the contributor pursuant to the requirements of N.J.A.C. 19:25-11.8.

(c) Any person or committee sponsoring a gubernatorial inaugural fund raising event shall appoint a treasurer and designate a bank account no later than the 10th day after receiving any contribution or expending any money for the gubernatorial inaugural fund raising event, and shall file with the Commission, the name and mailing address of the appointed treasurer and the bank name, mailing address and number of the designated bank account no later than the 10th day after receiving any contribution or expending any money for the gubernatorial inaugural fund raising event.

(d) Any person or committee sponsoring a gubernatorial inaugural fund raising event shall make a full report to the Commission of all contributions and expenditures with respect to the event within 45 days following the event in accordance with the provisions of the Act, and the designated treasurer shall certify the correctness of such report and shall

file and shall certify the correctness of quarterly reports there-after pursuant to N.J.A.C. 19:25-8.3(b), beginning on July 15 following the due date for the 45-day report, until all obligations are liquidated and the account closed.

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

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

(c) and (d) substantially amended.

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. 19:25-15.47 and inaugural event contribution limit increased from \$250.00 to \$500.00.

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

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

Added references to candidate committee, and joint candidates committee; and made provision for returning contributions in excess of \$500.00.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (c), substituted "Commission," for "commission" and "10th" for "tenth"; and in (d), substituted "Act" for "act".

#### **19:25-15.60 Inaugural event contributions from joint checking account**

(a) A contribution to a gubernatorial fund raising event by check drawn on a joint checking account shall be deemed to be made by the joint checking account owner whose signature appears on the check.

(b) If a check drawn on a joint checking account bears the signatures of more than one contributing owner, the contribution will be deemed to have been made equally by all contributing owners whose signatures appear on the check.

(c) If a check drawn on a joint checking account is accompanied by a written statement signed by each contributing owner and containing information identifying the amount of contribution of each contributing owner, the amount of the contribution made by each contributing owner shall be determined as specified in the signed written statement.

New Rule, R.1986 d.225, effective June 16, 1986.

See: 18 N.J.R. 631(a), 18 N.J.R. 1311(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. 19:25-15.48.

#### **19:25-15.61 Inaugural event contributions from affiliated corporations or unions**

(a) 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 a gubernatorial fund raising event which, when added to any other contribution by any related or affiliated corporation, association or labor organization, exceeds \$500.00 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 or not to contribute, to what candidate and in what amount are independent decisions.

(b) For the purposes of (a) above, two or more corporations shall be considered affiliated where one individual owns more than a 30 percent interest in each of two or more corporations or where one corporation owns more than a 30 percent interest in each of one or more corporations.

New Rule, R.1986 d.225, effective June 16, 1986.

See: 18 N.J.R. 631(a), 18 N.J.R. 1311(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. 19:25-15.49 and increased inaugural event contribution limit from \$250.00 to \$500.00.

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

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

Added (b).

#### **19:25-15.62 Partnership contributions to inaugural events prohibited**

(a) A partnership as defined in (b) below shall not be permitted to make contributions as an entity. A contribution received by an inaugural event treasurer and made by means of a check or written instrument drawn on a partnership account shall be signed by a partner or partners and shall be deemed to be a contribution from the partner or partners who signed the check or written instrument by which the contribution was conveyed, or in the case of a contribution of currency, the partner who has conveyed the currency. If the check or written instrument is drawn on a partnership account and is signed by an individual other than a partner, or if it is the intent of the contributor that any portion of the contribution received from a partnership account is to be attributed or allocated to a partner or partners who have not signed the check or written instrument, or in the case of a currency contribution if the currency contribution was conveyed by an individual who is not a partner, the following written information shall be received and maintained by the inaugural event treasurer:

1. Written instructions concerning the allocation of the contribution amount to a contributing partner, or among contributing partners;
2. A signed acknowledgment of the contribution from each contributing partner who has not signed the contribution check or other written instrument; and
3. Contributor information for each contributing partner as required by N.J.A.C. 19:25-7.1.

(b) For the purposes of this section, the term "partnership" means:

1. Any partnership or joint venture organized under or governed by Title 42 of the New Jersey Statutes, including general partnerships within the meaning of N.J.S.A. 42:1-1 et seq., limited liability partnerships organized pursuant to N.J.S.A. 42:1-45 et seq., limited partnerships organized

pursuant to or governed by N.J.S.A. 42:2A-1 et seq., and limited partnership associations organized pursuant to N.J.S.A. 42:3-1 et seq., and

2. Any similar association of two or more persons to carry on as co-owners a business for profit including, but not limited to, joint ventures, general partnerships, limited liability partnerships and limited partnerships organized or governed by corresponding laws of any other jurisdiction.

(c) A limited liability company shall not be permitted to make contributions as an entity. A contribution received by an inaugural event treasurer drawn upon a limited liability company account and made by means of a check or written instrument drawn on the account of a limited liability company shall be signed by a member or members and shall be deemed to be a contribution from the member or members who signed the check or written instrument by which the contribution was conveyed or, in the case of the contribution of currency, the member who has conveyed the currency. If the check or written instrument is drawn on a limited liability company account and is signed by an individual other than a member, or if it is the intent of the contributor that any portion of a contribution received from a limited liability company account is to be attributed or allocated to a member or members who have not signed the check or written instrument, or in the case of a currency contribution, if the currency was conveyed by an individual who is not a member, the following written information must be received and maintained by the inaugural event treasurer:

1. Written instructions concerning the allocation of the contribution amount to a contributing member, or among contributing members;

2. A signed acknowledgment of the contribution from each contributing member who has not signed the contribution check or other written instrument; and

3. Contributor information for each contributing member as required by N.J.A.C. 19:25-7.1.

New Rule, R.1986 d.225, effective June 16, 1986.

See: 18 N.J.R. 631(a), 18 N.J.R. 1311(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. 19:25-15.50.

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

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

Rewrote section.

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

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

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

### **19:25-15.63 Inaugural event contributions from children or trusts**

(a) A contribution to a gubernatorial fund raising event by a child under the age of 18 shall be deemed made by the parent who is responsible for the contribution unless:

1. The child is 14 years of age or older and a signed statement from the child and the child's parent or guardian

is submitted to the commission that the decision to contribute was solely that of the child and the funds used to make the contribution were legally and beneficially controlled by the child and were not the proceeds of a gift made for the purpose of the contribution; or

2. The child is 11 years old or older and, in addition to the signed statements set forth in (a)1 above, evidence is submitted satisfactory to the commission that the child acted independently and with full knowledge of the contribution.

(b) A contribution to a gubernatorial fund raising event by a check drawn on an escrow or trust account shall be deemed to be made by the person who is the beneficial owner of the account, and the check or an accompanying written instrument must bear the signature of such beneficial owner.

New Rule, R.1986 d.225, effective June 16, 1986.

See: 18 N.J.R. 631(a), 18 N.J.R. 1311(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. 19:25-15.51.

### **19:25-15.64 (Reserved)**

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 (a)3.

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 contribution amounts and added references to candidate committee, joint candidates committee, and legislative leadership committee; and in (a)3i, raised contribution amount.

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

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

Section was "Contributions and loans prior to candidacy".

### **19:25-15.65 Complaints alleging violation of general election expenditure limit**

(a) Any complaint filed with the Commission alleging violation by a general election candidate receiving public matching funds of the general election expenditure limit in N.J.A.C. 19:25-15.11(a)3 shall:

1. Be in writing and be verified;

2. Be brought solely against a gubernatorial candidate participating in the pending general election gubernatorial public financing program;

3. Specifically identify the name and address of the complainant and the name and address of the respondent; and

4. Contain a detailed statement alleging with specificity all facts known to the complainant pertinent to the alleged violation of the general election expenditure limit, including the complainant's best estimate of the amount expended by the gubernatorial candidate and the alleged facts supporting that estimate.

(b) A complaint filed pursuant to (a) above which requests emergent review in a preelection time period shall:

1. Be accompanied by a certification requesting emergent disposition and providing specific reasons why emergent review is necessary, including evidence of irreparable harm to the complainant gubernatorial general election candidate and evidence that the alleged general election expenditure limit violation is in an amount of at least \$10,000;

2. Be brought by a gubernatorial candidate in the same general election as the respondent publicly financed gubernatorial candidate; and

3. Be filed sufficiently in advance of the date of the general election to permit emergent hearing proceedings to be conducted pursuant to (d) below.

(c) Service of a complaint alleging violation of the general election expenditure limit shall be made by the complainant by personal service or by certified mail, return receipt requested, upon the respondent candidate, the Commission, and any person named in the complaint.

(d) Any hearing conducted by the Commission arising from a complaint filed pursuant to this section shall be governed by the New Jersey Uniform Administrative Procedure Rules, N.J.A.C. 1:1, and the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(e) Relief in an action brought pursuant to this section shall be limited to either or both of the following:

1. A finding or findings that an expenditure or expenditures be counted toward the respondent's expenditure limit in N.J.A.C. 19:25-15.11(a)3; and/or

2. A finding or findings that the respondent shall return public matching funds to the State as directed by the Commission because the expenditure limit in N.J.A.C. 19:25-15.11(a)3 has been exceeded.

(f) The Executive Director of the Commission or his or her designee shall be authorized to find that a verified complaint requesting emergent review pursuant to (b) above is deficient and shall not be referred to the Commission for emergent hearing consideration. The Executive Director shall notify the complainant in writing that the verified complaint is deficient. The grounds for finding that a verified complaint is deficient shall include, but not be limited to, any one or more of the following:

1. The verified complaint names as the complainant a person or entity other than a gubernatorial candidate in the election that is the subject of the complaint;

2. The verified complaint names as the respondent a person or entity other than a publicly financed gubernatorial candidate in the election that is the subject of the complaint;

3. The verified complaint does not allege a violation of the general election expenditure limit; or

4. The verified complaint does not contain specific evidence that the alleged expenditure limit violation is in an amount of at least \$10,000.

New Rule, R.1993 d.207, effective May 17, 1993.

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

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

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

Inserted (a)2; recodified existing (a)2 as (a)3; inserted (b); recodified existing (b) as (c); and added (d).

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

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

In (a), inserted a new 2, recodified former 2 and 3 as 3 and 4, and added "including the complainant's best estimate of the amount expended by the gubernatorial candidate and the alleged facts supporting that estimate" at the end of the new 4; in (b), added "and evidence that the alleged expenditure limit violation is in an amount of at least \$10,000" at the end; and added (e).

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)2, inserted "pending general election" preceding "gubernatorial public financing"; in (b), rewrote the introductory paragraph and added 1 through 3; added (f).

## 19:25-15.66 Postelection proceedings for return of funds

A candidate for election to the office of Governor who has qualified to and receives public matching funds in an election shall be subject to postelection proceedings undertaken by the Commission seeking reimbursement if the expenditure limit in N.J.A.C. 19:25-15.11(a)3 has been exceeded, or if public funds have been spent in violation of N.J.A.C. 19:25-15.24, or for any other alleged violation pertinent to the legality of funds awarded in the general election.

New Rule, R.1999 d.300, effective September 7, 1999.

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

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

### Subchapter Historical Note

Petition for Rulemaking. See: 33 N.J.R. 2353(a).

Public Notice: Public Financing of Primary and General Elections for the Office of Governor. See: 34 N.J.R. 1284(a).

Public Notice: Election Law Enforcement Commission: Public Hearings Regarding Financing of Primary and General Elections for the Office of Governor. See: 38 N.J.R. 1354(a).

Public Notice: Election Law Enforcement Commission: Public Hearings Regarding Financing of Primary and General Elections for the Office of Governor. See: 42 N.J.R. 677(a).

### 19:25-16.1 Scope of subchapter

The provisions of this subchapter shall be applicable to the primary election campaign for nomination for election to the office of Governor of New Jersey in June 1981 and every such primary gubernatorial campaign held thereafter, except that the provisions shall not apply to any primary election



campaign for nomination for the office of Governor for which the Legislature fails to make an appropriation for public funding.

### 19:25-16.2 Definitions; generally

The words and terms used in this subchapter are used as defined in this subchapter or in N.J.A.C. 19:25-1.7.

### 19:25-16.3 Definitions for this subchapter

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Candidate” means an individual who has filed a nominating petition, or has filed a form D-1 with the Commission, or has solicited contributions or made or incurred expenditures on behalf of his or her candidacy, or has allowed others to solicit contributions or make or incur expenditures on behalf of his or her candidacy for nomination for election to the office of Governor of New Jersey, or who has received funds or other benefits or has made payments solely for the purpose of determining whether or not the individual should become a candidate for the office of Governor of New Jersey in any primary election for which the Legislature makes an appropriation for public funding.

“Contribution” is used as defined in N.J.A.C. 19:25-1.7 and includes loans, except that a loan in the ordinary course of business by a bank pursuant to section 15 of P.L. 1980, c.74 (N.J.S.A. 19:44A-44) is not a contribution by that bank.

“Contribution eligible for match” means contributions from one contributor to be matched from public funds on a two-for-one basis. No contribution, which must be or is intended by the contributor or the recipient to be refunded or repaid at any time, no loan obtained pursuant to N.J.S.A. 19:44A-44, no amount of the candidate’s own funds in the aggregate in excess of \$3,400, no in-kind contribution and no other monies received by the candidate, his or her campaign treasurer, or deputy campaign treasurer, except those contributions described in N.J.S.A. 19:44A-29(a), shall be deemed contributions eligible for match. Funds received by an individual who is testing the waters may be matched when the individual becomes a candidate, if such contributions meet all the requirements of the regulation.

“Debate sponsor” means the organization or organizations to which the Commission has delegated the responsibility for conducting one or more of the televised interactive primary election debates.

“Depository bank account” means the campaign bank account designated by a candidate pursuant to N.J.S.A. 19:44A-9 for the deposit pursuant to N.J.S.A. 19:44A-12 of funds received by the campaign treasurer.

“Interactive primary election debate” means the moderated reciprocal discussion of issues among the candidates of a

political party which involves responses by the candidates to questions posed by the representative or representatives of the sponsor organization.

“Matching fund account” means the campaign bank account or accounts opened pursuant to N.J.S.A. 19:44A-32 by a campaign treasurer of a candidate, or deputy campaign treasurer, in which only contributions eligible for match may be deposited.

“Non-participating candidate” means any candidate who does not make application for public funding in a primary election pursuant to N.J.A.C. 19:25-16.18 (Matching of funds), or who is not a “qualified candidate” as that term is defined by N.J.A.C. 19:25-16.3. In no case shall a candidate who qualifies for and receives any public funding for a primary election be subsequently deemed a non-participating candidate for that election.

“Own funds” means funds to which the candidate is legally and beneficially entitled, but shall not include funds as to which he or she is a trustee or funds given or otherwise transferred to the candidate by any person other than the spouse of the candidate for use in aid of his or her candidacy.

“Person” includes an individual, a corporation, an association or a labor union. For purposes of this subchapter, person does not include a partnership. A spouse of any person is deemed to be a separate person.

“Public fund account” means the campaign bank account maintained by the Commission pursuant to N.J.A.C. 19:25-16.20 on behalf of a qualified candidate and for the deposit of public matching funds.

“Qualified candidate” means:

1. Any candidate for nomination for election to the office of Governor whose name appears on the primary election ballot and who has deposited and expended \$340,000 pursuant to N.J.S.A. 19:44A-32; and who, not later than the last day for filing petitions to nominate candidates to be voted upon in a primary election for a general election in which the office of Governor is to be filled, notifies the Election Law Enforcement Commission in writing that the candidate intends that application will be made on the candidate’s behalf for monies for primary election campaign expenses pursuant to N.J.S.A. 19:44A-33, and signs a statement of agreement, in a form to be prescribed by the Commission, to participate in two interactive gubernatorial primary election debates; or

2. Any candidate for nomination for election to the office of Governor whose name does not appear on the primary election ballot, but who has deposited and expended \$340,000 pursuant to N.J.S.A. 19:44A-32 and who, not later than the last day for filing petitions to nominate candidates to be voted upon in a primary election for a general election in which the office of Governor is to be filled, notifies the Election Law Enforcement Commission

in writing that the candidate intends that application will be made on the candidate's behalf for monies for primary election campaign expenses pursuant to N.J.S.A. 19:44A-33, and signs a statement of agreement, in a form to be prescribed by the Commission, to participate in two interactive gubernatorial primary election debates.

"Statement of agreement" means a written declaration, by a candidate for nomination for election to the office of Governor who intends that application will be made on that candidate's behalf to receive monies for primary election campaign expenses pursuant to N.J.S.A. 19:44A-33, that the candidate undertakes to abide by the terms of any rules established by any private organization sponsoring a gubernatorial primary election debate in which the candidate is to participate. The statement of agreement shall include an acknowledgment of notice to the candidate who signs it that failure on that candidate's part to participate in any of the gubernatorial primary election debates may be cause for termination of the payment of such monies on the candidate's behalf and for the imposition of liability for the return to the Commission of such monies as may previously have been so paid.

Amended by, R.1983 d.287, effective July 18, 1983.  
See: 15 N.J.R. 616(a), 15 N.J.R. 1182(e).

New language added to definition "contribution eligible for match":  
"Funds received of the regulations."

"contributed" changed to "deposited", in "matching fund account".  
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.1985 d.239, effective May 20, 1985.  
See: 17 N.J.R. 684(a), 17 N.J.R. 1335(b).

Added definition "Political committee".  
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. Contribution limit increased from \$800.00; candidate threshold increased from \$50,000.00; added definitions for "debate sponsor", "interactive primary election debate" and "statement of agreement".

Amended by R.1992 d.458, effective November 16, 1992.  
See: 24 N.J.R. 3026(a), 24 N.J.R. 4274(a).

Added definition "principal campaign committee".  
Amended by R.1992 d.516, effective December 21, 1992.  
See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised definitions "Contribution eligible for match" and "Qualified candidate".

Amended by R.1996 d.389, effective August 19, 1996.  
See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

In "Debate sponsor" deleted "private" preceding "organization"; in "Person" added individuals and substituted "partnership" for "political committee"; in "Principal campaign committee" substituted "single" for "political"; and deleted "Political committee".

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

In "contribution eligible for match", deleted cites to P.L. 1980, c.74 and increased contribution amount; and in "qualified candidate" raised deposit and expenditure amounts.

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

Rewrote "Candidate"; in "Contribution eligible for match", deleted a former third sentence; and deleted "Independent expenditure" and "Principal campaign 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 "Contributions eligible for match" and "Qualified candidate", 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).

In "Matching fund account" inserted "or accounts" following "campaign bank account".

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

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

In "Contribution eligible for match" substituted "\$3,000" for "\$2,600" following "aggregate in excess of"; in "Qualified candidate means", substituted "\$300,000" for "\$260,000" following "who has deposited and expended" in 1 and 2.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In definition "Contribution eligible for match", inserted a comma following the first occurrence of "contribution", and substituted "\$3,400" for "\$3,000" and "monies" for "moneys"; and in definition "Qualified candidate", substituted "\$340,000" for "\$300,000" twice.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In definition "Public fund account", substituted "Commission" for "commission".

### Case Notes

Financing provision of statute that increased public matching grants and expenditure limits for gubernatorial candidates did not violate equal protection but instead worked to ensure the similar treatment of gubernatorial candidates; under existing law, vacancy candidates were not distinguished from other candidates in relation to public financing, and statute simply continued to treat originally nominated candidates and those appointed by a vacancy committee as equal for purposes of public funding. *Schundler v. Paulsen*, 774 A.2d 585 (2001).

### 19:25-16.4 Appointment of treasurers and depositories

(a) Each candidate in a primary election, whether or not intending to participate in public funding, shall:

1. Designate the name and address of his or her candidate committee for the primary election;
2. Appoint a campaign treasurer;
3. Designate a depository bank account; and
4. Notify the Commission pursuant to N.J.A.C. 19:25-4.1A of such appointment and designation no later than the 10th day after receipt of any contribution or after incurring or making any expenditure, whichever comes first.

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

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

(a): substantially amended.

(b) and (c): deleted.

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

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

New Rule, R.1988 d.447, effective September 19, 1988.

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

Repealed "Designation of principal campaign committee".

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

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

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

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

In (a), deleted "whether or not publicly declared and" following "election," in the introductory paragraph, substituted "candidate" for "principal campaign" in 1, and changed N.J.A.C. reference in 4.

### 19:25-16.5 (Reserved)

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

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

(b) and (c) added.

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

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

(a) substantially amended.

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

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

Substantially amended.

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

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

Section was "Pre-candidate activity".

### 19:25-16.6 Contribution limits; applicability

(a) Each candidate, whether or not intending to participate in public funding, and each campaign treasurer or deputy campaign treasurer of such candidate shall not knowingly accept from any person, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee any contribution in aid of the candidacy of or in behalf of such candidate in the aggregate in excess of \$3,400 in any primary election.

(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".

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a), substituted "\$3,400" for "\$3,000".

### 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 \$3,400 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 \$3,400 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.

(d) A non-participating candidate who elects to participate in the series of interactive debates pursuant to the provisions of N.J.S.A. 19:44A-45, is subject to the restrictions on qualifying expenditures set forth at N.J.A.C. 19:25-16.38.

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.

Amended by R.2008 d.326, effective November 3, 2008.

See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

Added (d).

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a) and (b), substituted "\$3,400" for "\$3,000".

### 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 this subchapter, 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 \$5 million, 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 \$3,400 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.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In the introductory paragraph of (a), substituted "this subchapter" for "these regulations"; in (a)3, substituted "\$5 million" for "\$4,400,000"; and in (a)4, substituted "\$3,400" for "\$3,000".

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In the introductory paragraph of (a), substituted "Act" for "act"; and in (a)2, substituted "Commission" for "commission" and "Borrowing of funds, repayment" for "(Borrowing of funds, repayment)".

### 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 \$3,400. Any such contribution in excess of \$3,400 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 \$3,400. 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 \$3,400 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 \$3,400 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

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.

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.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)."

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. 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) and (c).

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 added (d).

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 (c), raised contribution amounts.

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

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

Added (e) and (f).

Amended by R.1997 d.218, effective May 19, 1997.

See: 29 N.J.R. 743(a), 29 N.J.R. 2468(a).

Rewrote (d).

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

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

Inserted a new (b); recodified former (b) through (f) as (c) through (g); and in the new (e) and (g), made internal reference changes.

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), (b) and (d), 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.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a), (b) and (d), substituted "\$3,400" for "\$3,000" throughout.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (c), substituted "Act" for "act".

## 19:25-16.11 Contributions eligible for match

(a) To be eligible for matching with public funds for a gubernatorial primary election, a contribution must have been received by a candidate at a time when that candidate was seeking or had sought nomination for election for the office of Governor, or must have been received by the candidate for the purpose of determining whether or not to become a candidate for nomination for election to the office of Governor. Any funds received prior to the inception of such a candidacy shall not be eligible for match.

(b) Only contributions in cash or by check, money order or negotiable instruments shall be contributions eligible for match. Loans shall not be eligible for match. In-kind contributions shall not be eligible for match, but will count toward the individual contribution limit of \$3,400 and the overall expenditure limit contained in N.J.S.A. 19:44A-7 except for expenses not subject to expenditure limits pursuant to N.J.A.C. 19:25-16.27. The total of all contributions eligible for match from any person, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee shall not exceed \$3,400 in the aggregate.

(c) A maximum of \$3,400 in the aggregate of a candidate's own funds may be deposited in the matching fund account.

(d) Every contribution eligible for match 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 of, 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.

(e) A contribution received from a contributing member of a political committee or continuing political committee that has made a prior contribution to the candidate shall be eligible for matching funds, provided that the political committee is a bona fide political entity, which was not created to circumvent the contribution limit contained in the Act.

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).

Substantially amended.

Amended by R.1989 d.99, effective February 21, 1989.

See: 20 N.J.R. 2640(a), 21 N.J.R. 458(a).

Added text to (d) "receipt of".

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. 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 (b) and (c).

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

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

Amended (b) and (e).

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) and (c), raised contribution amounts.

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).

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) and (c), 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.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (b) and (c), substituted "\$3,400" for "\$3,000" throughout.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (e), substituted the first occurrence of "that" for "which" and "Act" for "act", and inserted a comma following "entity".

## 19:25-16.12 (Reserved)

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

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

Section substantially amended.

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. 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).

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)3 and (e).

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 and (a)3i, raised expenditure amounts.

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

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

Section was "Contributions and loans prior to candidacy".

## 19:25-16.13 Contributions eligible for match; checks and instruments; partnership contributions prohibited; contributions by electronic transfer or funds

(a) In the case of a check drawn on a joint checking account, the contributor shall be deemed to be the owner whose signature appears on the check. The check will not be attributed equally or otherwise to other joint owners of the account, unless the check or other accompanying written instrument contains the signature of each contributing owner and information identifying the amount of contribution of each such owner. In the absence of specific instructions to the contrary, the contribution will be allocated equally among all owners whose signatures appear on the instrument.

(b) In the case of a check drawn on an escrow or trust account, the contribution will be that of the person who is the beneficial owner of the account, and the check or other accompanying written instrument must bear the signature of such beneficial owner.

(c) A partnership as defined in (d) below shall not be permitted to make contributions as an entity. A contribution received by a campaign treasurer and made by means of a check or written instrument drawn on a partnership account shall be signed by a partner or partners and shall be deemed to be a contribution from the partner or partners who signed the check or written instrument by which the contribution was conveyed, or in the case of a contribution of currency, the partner who has conveyed the currency. If the check or written instrument is drawn on a partnership account and is signed by an individual other than a partner, or if it is the intent of the contributor that any portion of the contribution received from a partnership account is to be attributed or allocated to a partner or partners who have not signed the check or written instrument, or in the case of a currency contribution if the currency contribution was conveyed by an individual who is not a partner, the following written information must be received and maintained by the campaign treasurer and accompany the check or written instrument being submitted for match pursuant to N.J.A.C. 19:25-16.18:

1. Written instructions concerning the allocation of the contribution amount to a contributing partner, or among contributing partners;
2. A signed acknowledgment of the contribution from each contributing partner who has not signed the contribution check or other written instrument; and
3. Contributor information for each contributing partner as required by N.J.A.C. 19:25-7.1.

(d) For the purposes of this section, the term "partnership" means:

1. Any partnership or joint venture organized under or governed by Title 42 of the New Jersey Statutes, including general partnerships within the meaning of N.J.S.A. 42:1-1 et seq., limited liability partnerships organized pursuant to N.J.S.A. 42:1-45 et seq., limited partnerships organized pursuant to or governed by N.J.S.A. 42:2A-1 et seq., and limited partnership associations organized pursuant to N.J.S.A. 42:3-1 et seq., and

2. Any similar association of two or more persons to carry on as co-owners a business for profit including, but not limited to, joint ventures, general partnerships, limited liability partnerships and limited partnerships organized or governed by corresponding laws of any other jurisdiction.

(e) A limited liability company shall not be permitted to make contributions as an entity. A contribution received by a campaign treasurer drawn upon a limited liability company account and made by means of a check or written instrument drawn on the account of a limited liability company shall be signed by a member or members and shall be deemed to be a contribution from the member or members who signed the check or written instrument by which the contribution was conveyed or, in the case of the contribution of currency, the member who has conveyed the currency. If it is the intent of the contributor that any portion of a contribution received from a limited liability company account is to be attributed or allocated to a member or members who have not signed the check or written instrument, or in the case of a currency contribution, if the currency was conveyed by an individual who is not a member, the following written information must be received and maintained by the campaign treasurer and accompany the check or written instrument being submitted for match pursuant to N.J.A.C. 19:25-16.18:

1. Written instructions concerning the allocation of the contribution amount to a contributing member, or among contributing members;

2. A signed acknowledgment of the contribution from each contributing member who has not signed the contribution check or other written instrument; and

3. Contributor information for each contributing member as required by N.J.A.C. 19:25-7.1.

(f) To be eligible for match pursuant to N.J.A.C. 19:25-16.18, 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. 19:25-16.18(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).

Added text "or other accompanying written instrument".  
Amended by R.1996 d.389, effective August 19, 1996.

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

Rewrote (c).

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

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

Amended (c) and added (d) and (e).

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

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

In (e), changed N.J.A.C. reference at the end of the introductory paragraph; and 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.

#### 19:25-16.14 Limitation on contributions eligible for match

(a) Any contribution 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 \$3,400 contribution limit.

(b) A contribution in the form of the purchase price paid for admission to a dinner or 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 \$3,400 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.1988 d.447, effective September 19, 1988.

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

Split subsection to (a) and (b) and added (c).

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. 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) 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).

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

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 a reference to lotteries in the last 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.  
 Amended by R.2008 d.359, effective December 1, 2008.  
 See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).  
 In (a) and (b), substituted "\$3,400" for "\$3,000".

#### 19:25-16.15 Contributions; primary and general elections

(a) No moneys deposited in a candidate's campaign bank accounts for the primary election may be expended for any candidate's general election expenses.

(b) Any candidate may establish and designate a bank account pursuant to N.J.S.A. 19:44A-12 for the ensuing general election and may deposit contributions for said general election before the date of the primary election. However, no moneys deposited in such candidate's general election account may be transferred or expended until the day following the primary election and may not be expended at any time for primary election expenses.

(c) Contributions made in aid of the anticipated general election candidacy of a candidate in a primary election shall be returned to the contributors in the event such primary candidate fails to be nominated.

(d) The primary election campaign bank accounts of each candidate shall be separate from the general election campaign bank accounts of such candidate and shall be separately designated in reports required to be filed under the Act. Funds in primary election campaign accounts shall not be commingled with funds in general election campaign accounts.

(e) An expenditure made from a candidate's primary election bank account which is determined after the date of the primary election to be allocable in part to that candidate's general election candidacy shall be reimbursed to the candidate's primary election depository account, established pursuant to N.J.A.C. 19:25-16.4, with general election funds. In no case shall funds from a candidate's primary election public funds account established pursuant to N.J.A.C. 19:25-16.20 be used for any purpose attributable to the general election.

(f) Reimbursements pursuant to (e) above shall be made on a date after the date of the primary election and shall be limited strictly to reimbursements for the administrative and compliance costs associated with receipt of unsolicited general election contributions, and for ordinary office expenditures for such purposes as office, furniture, and equipment rental and insurance and salaries.

Amended by R.1996 d.389, effective August 19, 1996.  
 See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).  
 Added (e) and (f).  
 Amended by R.2004 d.400, effective October 18, 2004.  
 See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).  
 Rewrote (f).

Amended by R.2010 d.062, effective April 19, 2010.  
 See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).  
 In (d), substituted "Act" for "act".

#### 19:25-16.16 Expenditure reporting

(a) Each expenditure from the depository account, matching fund account, or public funds account established by a gubernatorial candidate shall be reported on election fund reports and as required on submissions for public matching funds by providing the following information:

1. The date the expenditure was made;
2. The checking account title and number;
3. The full name and address of the payee;
4. The purpose of the expenditure;
5. The amount of the expenditure; and
6. The type of expenditure from a list of expenditure types provided by the Commission.

(b) In describing the purpose of an expenditure pursuant to (a)4 above, the specific election-related reason for the expenditure shall be provided. Descriptions such as "operations," "campaign expense" or "reimbursement" do not satisfy the reporting requirement because they do not provide any specific election-related information. Examples of satisfactory descriptions include such information as "newspaper advertising," "telephone expense," "postage," "printing of campaign flyers," "headquarters rental" and similarly specific items.

Repealed by R.1992 d.458, effective November 16, 1992.  
 See: 24 N.J.R. 3026(a), 24 N.J.R. 4274(a).  
 Section was "Political party committee contributions prohibited".  
 New Rule, R.1996 d.389, effective August 19, 1996.  
 See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

#### 19:25-16.17 Funds or materials remaining from primary campaign

(a) Moneys received by a qualified candidate from the fund for primary election expenses may be retained by such qualified candidate for a period not exceeding six months after the primary 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. 19:25-16.25 (Use of public funds) which expenses were incurred during the primary campaign.

(b) Materials such as campaign literature, buttons and office supplies and equipment remaining from the primary campaign of a candidate may not be transferred to the general election campaign of such candidate if nominated or to any other election campaign of such candidate or of any other candidate or political committee but may be purchased by the general election campaign for cost or other reasonable value.

As amended, R.1984 d.561, effective December 17, 1984.  
 See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).  
 Added text "or to any other . . . political committee".

**19:25-16.18 Matching of funds**

(a) Any candidate seeking to qualify for receipt of public matching funds shall not later than the last day for filing petitions to nominate candidates to be voted upon in a primary election for Governor 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 primary 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. 19:25-16.37; 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. 19:25-16.18A.

(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 section 5 of P.L. 1980, c. 74 (N.J.S.A. 19:44A-29) and sections 11 and 12 of the Act.

(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 primary election and that he or she has received and deposited into his or her matching fund account contributions eligible for match of at least \$340,000 from persons or political committees each of whose contributions in the aggregate do not exceed \$3,400, and that at least \$340,000 of such contributions has 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 the following:

1. An electronic 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; for each contributor who is an individual and whose aggregate contributions to the can-

didate in the primary election exceed \$300.00, the occupation of the individual and the name and mailing address of the individual's employer, and the total amount of all contributions submitted for match. The list of contributors shall be segregated by deposit;

2. An electronic 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, the type of contributor of each contribution from a list of contributor types to be provided by the Commission, and 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; and

3. An electronic 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.

(f) The certification shall include a scanned image 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, images of the face and back must be provided. The scanned images shall be segregated by deposit, sorted in the order in which the contributors are listed pursuant to (d) above and accompanied by scanned images of the relevant receipted deposit slips.

(g) The initial certification shall include scanned images 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 \$340,000 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.

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).

Amended by R.2008 d.326, effective November 3, 2008.

See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

In (d), inserted designations (d)1 through (d)3; in the introductory paragraph of (d), inserted "the following"; rewrote (d)1 and (d)2; in

(d)3, substituted "An electronic" for "The statement shall also include an original and two photocopies of a"; in (f), substituted "a scanned image" for "three photocopies"; "provided" for "photocopied" and "scanned images" for "copies"; and inserted "images of" following "campaign committee"; in (g), substituted "scanned images" for "three photocopies"; and deleted (k) and (l).

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (c) and (g), substituted "\$340,000" for "\$300,000" throughout and in (c), substituted "\$3,400" for "\$3,000".

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (b), inserted a comma following "N.J.S.A. 19:44A-32" and substituted "c. 74" for "c.74" and "Act" for "act (N.J.S.A. 19:44A-11; 19:44A-12)"; and in (e)2, substituted "Act" for "act (N.J.S.A. 19:44A-7)".

#### 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 in this section 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).

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.

Amended by R.2008 d.326, effective November 3, 2008.

See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

In (d), substituted "post-election" for "post election" and deleted "sections 8 or 16 of the act (" preceding and a closing parenthesis following the N.J.S.A. references.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (b) and (c), substituted "Commission" for "commission" throughout; in (c), inserted a comma following "day"; and in (d), substituted "in this section" for "herein contained".

### 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 monies 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 \$109,000 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."

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a), substituted "monies" for "moneys" and "\$109,000" for "\$96,000".

### 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 \$3.1 million.

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.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (b), substituted "\$3.1 million" for "\$2,700,000".

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (a), substituted "Commission" for "commission" and "Governor" for "governor"; and in (b), inserted a comma following "amount".

### 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.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

Substituted "Commission" for "commission" throughout.

### 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;

5. Payment of the cost of printing and mailing campaign literature and brochures distributed under the name of the candidate;

6. Payment of the cost of legal and accounting expenses incurred in complying with the public financing regulations of the Commission and with the public financing provisions of the Act;

7. Payment of the cost of telephone deposits, and installation charges and monthly billings in excess of deposits. Within six months after the primary election, a candidate shall return to the Commission the amount of any public funds used to pay telephone deposits, which are later returned.

(b) Expenditures made prior to the receipt of public funds, including expenditures made for the purpose of determining whether an individual should become a candidate for nomination for election to the office of Governor, which fit within (a)1 through 7 above, shall be expenses properly payable out of public funds.

(c) Any expenditure made from a candidate's public fund account which results in the purchase of time on radio and television stations pursuant to (a) above shall be documented by an invoice prepared by the radio or television station listing the media time used and the cost to the candidate. The invoice shall be obtained by the candidate, his or her campaign treasurer, or deputy campaign treasurer no later than 10 days following the due date for the 20-day postelection report and shall be maintained pursuant to N.J.A.C. 19:25-16.32.

(d) Any expenditure made from a candidate's public fund account shall be identified on election fund reports and submissions for public matching funds to include the check number, date of payment, full name of payee, full payee mailing address, amount of payment, a detailed description of the election-related purpose of the expenditure which includes the applicable permitted use of public funds contained in (a) above and the type of expenditure for each expenditure from a list of expenditure types to be provided by the Commission.

(e) A reimbursement made to the depository or matching fund account of a candidate from the public fund account of that candidate for an expenditure or expenditures permitted under (a) above shall:

1. Be made by individual check from the public fund account in the exact amount of the expenditure or expenditures being reimbursed;
2. Be specifically identified as a reimbursement on the report required pursuant to N.J.A.C. 19:25-16.20(b) and on campaign reports required by the Act; and
3. Contain a list of the previously paid expenditure or expenditures permissible under (a) above for which the reimbursement is being made.

(f) Contributions, other than public funds, received by or in behalf of any candidate (including contributions eligible for match) shall not be subject to the limitations of (a) above, but may be expended for any lawful purpose in furtherance or aid of the candidacy of the candidate.

(g) Transfer of public funds from the public funds account established pursuant to N.J.A.C. 19:25-16.20 to an interest-bearing account or other investment account or vehicle is prohibited.

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

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

New (b) added. Old (b) changed to (c).

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.1992 d.458, effective November 16, 1992.

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

Added (c)-(e); redesignated existing (c) as (f).

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) and (d).

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

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

Added (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 (b) and (c).

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 the second sentence.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In the introductory paragraph of (a), and in (a)6 and (a)7, substituted "Commission" for "commission" throughout; in (a)6, substituted "Act" for "act"; and in (a)7, inserted a comma following the third occurrence of "deposits".

#### 19:25-16.26 Use of transferred funds

Notwithstanding the provisions of N.J.A.C. 19:25-6.2, any transfer of funds from the primary campaign of the gubernatorial candidate to any other candidate, political committee, political party committee or political club will be considered to be an expenditure on behalf of the gubernatorial candidate under N.J.S.A. 19:44A-7. No such transferee shall make any contribution to or on behalf of the gubernatorial candidate prior to or subsequent to such transfer.

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.1996 d.389, effective August 19, 1996.

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

Amended statutory references.

**19:25-16.27 Expenses not subject to expenditure limits**

(a) The following expenditures by a qualified candidate shall not be subject to the expenditure limit described in N.J.A.C. 19:25-16.9(a)3, Limitations on participating candidates:

1. Reasonable and necessary compliance with the reporting and certification requirements imposed by the public finance provisions of the Act shall not be deemed to be expenditures within the meaning of N.J.S.A. 19:44A-7. Such expenses shall be specifically identified as such in all reports required under this chapter.

2. Travel expenses of the candidate, as that term is defined in N.J.A.C. 19:25-16.28(a) (Travel expenses), or of any person other than the candidate if such traveling expenses are voluntarily paid by such person without any understanding or agreement with such candidate that they shall be, directly or indirectly, repaid to him or her by the candidate, shall not be deemed expenditures within the meaning of N.J.S.A. 19:44A-7.

3. The reasonable value of food and beverage to persons who attend a testimonial affair on behalf of or in aid of a candidate and for whom a contribution in excess of the reasonable value of such food and beverages is reported as provided in N.J.A.C. 19:25-12.2.

4. Election night celebration or event expenses incurred pursuant to N.J.A.C. 19:25-16.34(c).

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 (a)4.

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) and (a)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)3 amended the statutory reference.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In the introductory paragraph of (a), substituted “, Limitations on participating candidates” for “(Limitations on participating candidates)”; and in (a)1, substituted “Act” for “act” and “this chapter” for “these regulations”.

**19:25-16.28 Travel expenses**

(a) “The traveling expenses of the candidate” as used in N.J.A.C. 19:25-16.27 (Expenses not subject to expenditure limits), shall mean the reasonable and necessary expenses of transportation, food and lodging in connection with travel related to the candidacy of the candidate, and shall include expenses of the candidate and of members of the political campaign staff and immediate family of the candidate traveling with the candidate in the same or accompanying vehicles. The phrase does not include travel expenses of members of the candidate’s staff when they are traveling not in the company of the candidate, nor does it include expenses of members of the media or others who are not members of

the staff, whether or not those media members are accompanying the candidate.

(b) All of the expenditures, including those excluded from the expenditure limitation contained in section 7 of the Act, must be disclosed in the preelection and postelection reports on behalf of the candidate.

Example: Candidate X, a candidate for the office of Governor in the primary election who will receive public funding, travels to a city with five members of the candidate’s staff in two automobiles for campaign purposes. The candidate’s staff arranges for rooms at a hotel in that city. In the course of the stay, the candidate and staff hold numerous meetings and provide food and beverages for visitors in the course of the various meetings. Only the reasonable and necessary expenses of the use of automobiles and other means of transportation and the reasonable and necessary cost of meals and sleeping accommodations for the candidate and staff during the trip, are excludable for purposes of the expenditure limitation contained in section 7 of the Act.

(c) If any individual, including a candidate, uses a government-owned or government-leased vehicle for transportation to aid or promote a campaign for nomination for election to the office of Governor, such use shall:

1. Be reported as a travel expense pursuant to (b) above;

2. Be valued for purposes of reports required to be filed under the Act and for purposes of the expenditure limit contained in the Act by the reasonable commercial value of the transportation services to the candidate pursuant to N.J.A.C. 19:25-16.35; and

3. Be reimbursed immediately from campaign funds to the appropriate government entity providing the conveyance or vehicle.

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.1992 d.458, effective November 16, 1992.

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

Added (c).

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

Substituted “Act” for “act (N.J.S.A. 19:44A-7)” throughout; and in the second paragraph of (b), deleted the designation “1.” and deleted “1” following “Example”.

**19:25-16.29 Independent expenditures**

(a) A person, candidate committee, joint candidates committee, political committee, continuing political committee, county or municipal political party committee, State political party committee which has not voted to endorse a candidate for nomination for election to the office of Governor, or legislative leadership committee that makes, incurs or authorizes an independent expenditure, as that term is defined in N.J.A.C. 19:25-12.7, for a communication to support or defeat a gubernatorial candidate in a primary election shall:



1. Report the independent expenditure pursuant to N.J.A.C. 19:25-12.8;

2. Clearly state on the communication the name and address of the person, candidate committee, joint candidates committee, political committee, or continuing political committee making the independent expenditure pursuant to N.J.A.C. 19:25-13.2(a), and that the communication has been paid for by that person or committee; and

3. Include in the communication a clear and conspicuous statement that the communication was not made with the cooperation or prior consent of, or in consultation with or at the request or suggestion of, any candidate, or any person or committee acting on behalf of any candidate.

(b) An independent expenditure made by a person, candidate committee, joint candidates committee, political committee, continuing political committee, county or municipal political party committee, State political party committee which has not voted to endorse a candidate for nomination for election to the office of Governor, or legislative leadership committee pursuant to (a) above shall not be deemed to be an expenditure of a gubernatorial candidate in the primary election within the meaning of N.J.S.A. 19:44A-7.

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.1992 d.458, effective November 16, 1992.

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

Rewrote the section.

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

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

In (a) and (c), substituted references to county and municipal political party committees for references to political party committees, and inserted references to State political party committees which have not voted to endorse a candidate for nomination for election to the office of Governor.

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

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

Rewrote the section.

#### **19:25-16.29A Prohibition on independent expenditures by State political party committees**

No State committee of a political party whose members have voted to endorse a candidate for nomination for election to the office of Governor shall make an independent expenditure to support or defeat a candidate for nomination for election to the office of Governor or in aid of the candidacy of a candidate for nomination for election to the office of Governor in the primary election.

New Rule, R.1999 d.300, effective September 7, 1999.

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

#### **19:25-16.29B Determination of independence or coordination of an expenditure**

(a) To determine whether or not a person, candidate committee, joint candidates committee, political committee, con-

tinuing political committee, county or municipal political party committee, State political party committee which has not voted to endorse a candidate for nomination for election to the office of Governor, or legislative leadership committee has made an independent expenditure, pursuant to N.J.A.C. 19:25-16.29, for a communication to support or defeat a candidate for nomination for election to the office of Governor in the primary election, the Commission shall consider, but not be limited to, the factors set forth in (c) below.

(b) To determine whether or not a person or entity, other than the gubernatorial candidate or his or her candidate committee, expending funds to make a communication shall be deemed to have made a coordinated expenditure, pursuant to N.J.A.C. 19:25-16.30, the Commission shall consider, but not be limited to, the factors set forth in (c) below.

(c) The Commission shall determine whether or not the gubernatorial candidate, his or her candidate committee, any member of the staff of the gubernatorial candidate or his or her candidate committee, or any agent of the gubernatorial candidate or his or her candidate committee:

1. Cooperated with, consented to, authorized, or exercised control over the production or circulation of the communication expenditure;

2. Requested or suggested that the communication expenditure be made;

3. Provided information to the person or entity making the communication expenditure with regard to the content, timing, location, mode, intended audience, distribution, or placement of the television, radio, direct mail, or other form of communication;

4. Discussed or negotiated with the purchaser, creator, producer, or distributor of the communication concerning the content, timing, location, mode, intended audience, distribution, or placement of the communication;

5. Shared information or held discussions on campaign or media strategy with the person or entity making the communication expenditure or with the purchaser, creator, producer, or distributor of the communication;

6. Shared its polling or other research with the person or entity making the communication expenditure or whether or not the person or entity making the communication expenditure shared its polling or other research with the gubernatorial candidate, his or her candidate committee, or with any agent of the gubernatorial candidate or his or her candidate committee; or

7. Used the same consultants, employees, staff, or agents as the person or entity making the communication expenditure to create, target, or place the communication.

New Rule, R.2004 d.400, effective October 18, 2004.

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

**19:25-16.30 Coordinated expenditures**

(a) Any person or entity expending funds to make a communication shall be deemed to have made a coordinated expenditure for a gubernatorial candidate if:

1. The communication makes a reference to the gubernatorial candidate in an audio, visual, printed, or electronic format which reference names, depicts, pictures, characterizes, represents, dramatizes, or in any written, spoken, visual, or electronic manner represents a gubernatorial candidate or opponent;

2. The gubernatorial candidate or his or her campaign committee has consented to, authorized, or exercised control over the production or circulation of the communication; and

3. The expenditure for the communication was made on or after the date upon which the gubernatorial candidate or committee described in (a)2 above applied to receive matching funds or filed a statement of qualification to receive matching funds pursuant to N.J.A.C. 19:25-16.18 and 16.37.

(b) The amount expended for a coordinated expenditure for a gubernatorial candidate shall be a contribution by the person or entity making the expenditure to that gubernatorial candidate which contribution is subject to the gubernatorial candidate contribution limit established at N.J.A.C. 19:25-16.6(a) and allocable against the gubernatorial candidate expenditure limit established at N.J.A.C. 19:25-16.9(a)3.

(c) For each coordinated communication expenditure pursuant to (a) and (b) above, a gubernatorial candidate shall determine:

1. The cost of preparation and circulation of the communication; and

2. The value of the coordinated communication to the gubernatorial candidate.

(d) The value of a coordinated communication to a gubernatorial candidate may be determined at less than 100 percent of the total cost of preparation and circulation if the coordinated communication referred to one or more non-gubernatorial candidates in the same election, and the percentage of the cost to be allocated to the gubernatorial candidate shall be determined based upon the following:

1. The number of non-gubernatorial candidates identified or otherwise referred to; and

2. The prominence of the reference to the gubernatorial candidate in relation to references to non-gubernatorial candidates. For example, if a printed pamphlet is prepared and circulated at a cost of \$1,000 and features equally one page for a non-gubernatorial candidate and one page for a gubernatorial candidate, the value is 50 percent of the total cost of \$1,000 or \$500.00.

(e) A gubernatorial candidate determining the value to his or her candidacy of a coordinated communication pursuant to (d) above shall establish that value to the nearest five percent of the total cost of preparation and circulation. In no case shall the value be determined to be less than five percent of total cost.

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. N.J.A.C. 19:25-16.30 was recodified to N.J.A.C. 19:25-16.31. New Rule, R.1989 d.382, effective June 23, 1989.

See: 21 N.J.R. 1286(a), 21 N.J.R. 2056(b).

Repeal and New Rule, R.1992 d.458, effective November 16, 1992.

See: 24 N.J.R. 3026(a), 24 N.J.R. 4274(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 (h) and added (i).

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), (c), (d)1, and (h), inserted reference to legislative leadership committee and text "of the same political party as the gubernatorial candidate"; and in (i), inserted reference to legislative leadership committee and substituted references to circulating for reference to preparing.

Amended by R.1997 d.218, effective May 19, 1997.

See: 29 N.J.R. 743(a), 29 N.J.R. 2468(a).

In (d)1, substituted "primary election" for "general election".

New Rule, R.1999 d.300, effective September 7, 1999.

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

Former N.J.A.C. 19:25-16.30, Coordinated expenditures, repealed.

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.

**19:25-16.30A Coordinated expenditures by non-gubernatorial candidates, political party committees and legislative leadership committees**

(a) A reference to a gubernatorial candidate appearing in materials paid for by a non-gubernatorial candidate, as defined in (d) below, or by a political party committee, or legislative leadership committee, as defined in N.J.A.C. 19:25-1.7, of the same political party as the gubernatorial candidate, will be deemed insubstantial and not subject to allocation pursuant to N.J.A.C. 19:25-16.30 provided that:

1. The reference consists of the name or picture of the gubernatorial candidate in equal or less than equal prominence to the prominence given the names or pictures of non-gubernatorial candidates;

2. The names or pictures of the gubernatorial and non-gubernatorial candidates appear on printed campaign materials used in connection with volunteer activities on behalf of the named or pictured non-gubernatorial candidates, such as materials consisting of buttons, pins, bumper stickers, handbills, brochures, posters, yard signs or palm cards; and

3. The materials in (a)2 above are not used in connection with any broadcasting, newspaper, magazine, bill-

board, electronic, or similar type of general public communication or political advertising.

(b) A reference to a gubernatorial candidate appearing in campaign literature or material circulated to voters by direct mail and paid for by a non-gubernatorial candidate, as defined in (d) below, or by a political party committee, or legislative leadership committee, as defined in N.J.A.C. 19:25-1.7, of the same political party as the gubernatorial candidate, shall be deemed insubstantial and not subject to allocation pursuant to N.J.A.C. 19:25-16.30 provided that:

1. The reference consists of no more than a single use of the gubernatorial candidate's name in the text, and a single use of the gubernatorial candidate's name within a slate or listing of the names of gubernatorial and non-gubernatorial candidates, and a single photograph or depiction of the gubernatorial candidate provided that a photograph or depiction of each non-gubernatorial candidate larger or of equal size to the gubernatorial candidate's photograph or depiction is included;

2. The size of the print used to reproduce the name of the gubernatorial candidate is the same or smaller than the size of the print used for the names of the non-gubernatorial candidates; and

3. The predominant theme of the text promotes the candidacy or candidacies of the non-gubernatorial candidate or candidates and not that of the gubernatorial candidate.

(c) A reference to a gubernatorial candidate made in a telephone communication to a voter shall be deemed insubstantial and not subject to allocation pursuant to N.J.A.C. 19:25-16.30 provided that:

1. The telephone communication is part of a get-out-the-vote effort of the non-gubernatorial candidate, as defined in (d) below, or of a political party committee or legislative leadership committee, as defined in N.J.A.C. 19:25-1.7, of the same political party as the gubernatorial candidate, conducted seven or fewer days before the gubernatorial general election; and

2. The reference to the gubernatorial candidate is limited to stating the name of the gubernatorial candidate as part of a slate or together with the names of non-gubernatorial candidates.

(d) For the purposes of this section, the term "non-gubernatorial candidate" shall mean any candidate of the same political party as the gubernatorial candidate, other than a gubernatorial candidate, acting alone in a candidate committee or jointly with other candidates in a joint candidates committee.

(e) For the purposes of this section, the references to a gubernatorial candidate and pictures of a gubernatorial candidate, described in (a), (b) and (c) above, which are deemed insubstantial and not subject to allocation pursuant to

N.J.A.C. 19:25-16.30, shall be strictly limited to references and pictures of a gubernatorial candidate of the same political party as the non-gubernatorial candidate or candidates or political party committee or legislative leadership committee responsible for circulating or causing the circulation of the communication.

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

### 19:25-16.31 Borrowing of funds; repayment

Any candidate, his or her campaign treasurer or deputy campaign treasurer may borrow funds from any national or State bank, provided that no person, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee, other than the candidate, may in any way endorse or guarantee such loan in the aggregate in excess of the \$3,400 contribution limit. Except for a non-participating candidate guaranteeing a loan to his or her campaign, the amount so borrowed shall not at any one time in the aggregate exceed \$50,000 and must be repaid in full by such candidate or his or her campaign treasurer or deputy campaign treasurer from monies accepted or allocated pursuant to N.J.S.A. 19:44A-29 not later than 20 days prior to the primary election. Certification of such repayment shall be made by the borrower to the Commission not later than 15 days prior to the date of primary election. In the event of the failure of the borrower to repay timely the full amount of the loan or to certify properly such repayment to the Commission, all payment of public funds to such candidate shall promptly cease and the Commission shall take action as directed by the Act to prohibit the expenditure by the candidate of monies received from the fund and any other monies received by him or her in aid of his or her candidacy in such primary election.

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. Recodified from N.J.A.C. 19:25-16.30 and increased loan limit 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 text.

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

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

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

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

Substituted "\$2,600" for "\$2,100" in the first sentence.

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" following "aggregate in excess of the".

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

Substituted "\$3,400" for "\$3,000" and substituted "monies" for "moneys" three times.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

Deleted a comma following "political party committee", inserted a comma following the third occurrence of "candidate", and substituted "Act" for "act".

### 19:25-16.32 Maintenance of records; audit

(a) The campaign treasurer or deputy campaign treasurer of each candidate shall retain all written instruments, checks, bank statements and all other records of contributions and expenditures, including originals or photocopies of all documents and instruments submitted to the Commission relating to the primary for a period not less than four years after submission of the final report for the primary election.

(b) Each candidate, campaign treasurer or deputy campaign treasurer shall furnish to the Commission any books and records, including bank records for all accounts and supporting documentation for matching fund submissions as may be requested by the Commission for purposes of an audit or other Commission examination.

(c) Each candidate, campaign treasurer or deputy campaign treasurer shall, in addition to the recordkeeping requirements in (a) above and in this chapter, make and maintain a written record of each expenditure made from a candidate's public fund account which results in the purchase of time on radio and television stations, which record shall contain the exact amount of the total expenditure that was used for each of the following purposes:

1. The purchase of time on radio stations;
2. The amount of any credit for radio time that was not used;
3. The purchase of time on television stations;
4. The amount of any credit for television time that was not used;
5. The payment of the cost to produce the material aired on the radio and television stations;
6. The payment of any commission; and
7. The amount, if any, that is due to be refunded.

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. Recodified from N.J.A.C. 19:25-16.31.

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

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

Added (c).

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (a) and (b), substituted "Commission" for "commission" throughout.

### 19:25-16.33 Postelection contributions; postelection payment of expenses

(a) Any person, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, otherwise eligible to make political contributions to a candidate may make a contribution in aid of the candidacy of such candidate after the date of such primary provided such person or political committee does not exceed \$3,400 in the aggregate for such primary.

(b) Contributions received by a candidate, campaign treasurer or deputy campaign treasurer pursuant to (a) above shall be expended in order to liquidate all obligations and to pay expenses incurred during the primary campaign, but shall not be transferred to the general election campaign of each candidate.

(c) Every payment of expenditures for primary election obligations made by the candidate, campaign treasurer or deputy campaign treasurer, after the date of the primary election (except as otherwise specifically provided by the Act or this chapter, for example, compliance costs) shall be deemed to be expenditures for such primary election within the meaning of section 7 of the Act.

(d) Contributions received by a candidate, campaign treasurer or deputy campaign treasurer after the date of the primary 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. 19:25-16.18 and 19:25-16.19 up to the first Monday following the fifth month after the primary 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.1988 d.447, effective September 19, 1988.

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

(b) and (c) added.

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. 19:25-16.32, increased limit 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.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" preceding "in the aggregate for such primary".

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

Section was "Post-election contributions; post-election payment of expenses". In (a), substituted "make" for "made" and "\$3,400" for "\$3,000".

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (c), substituted "Act or this chapter" for "act or these regulations" and "Act" for "act (N.J.S.A. 19:44A-7)"

#### 19:25-16.34 Repayment of public or other funds

(a) All moneys received by a qualified candidate from the public fund for primary election campaign expenses remaining after the 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 primary election. All moneys, other than moneys received from the public fund, 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 primary election provided however, that nothing herein contained shall require any candidate to pay into the public fund a total amount of moneys in excess of the total amount of 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 primary 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.1988 d.447, effective September 19, 1988.

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

(b) and (c) added.

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

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

Added (b) and (c).

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. 19:25-16.33.

#### 19:25-16.34A Application for termination of reporting with net liabilities by publicly financed candidates

(a) A publicly financed candidate who has returned all public moneys to the Commission in compliance with the requirements of N.J.A.C. 19:25-16.34, but who has continued to file postelection quarterly reports to report net liabilities, that is, outstanding obligations in excess of the total assets of the candidate committee, including its cash balance in all of its depository accounts, may apply to the Commission to file a final report to terminate the reporting of the candidate committee as set forth in (b) through (e) below.

(b) Such application shall not be made earlier than seven years after the date of the election.

(c) Each candidate and treasurer filing an application for termination of reporting shall certify the following:

1. For each outstanding obligation, the date each obligation was incurred and the date it was first reported on a report filed with the Commission;

2. A statement describing the efforts made by the campaign to retire the outstanding obligations, including, without limitation, efforts to compromise or resolve the debt with the vendor or service provider;

3. That the candidate committee expects to receive no further contributions to retire its net liabilities in the election;

4. That the candidate committee has liquidated all assets and applied proceeds from such liquidation to retire debt;

5. That the candidate committee expects to make no further expenditures except to bring any remaining depository account balance to zero; and

6. All reports required by the Reporting Act and this chapter have been timely filed and correctly stated, except for good cause shown.

(d) For each outstanding obligation described in (c)1 above, the candidate and the treasurer shall make a separate certification that no pledge or commitment has been made or received by any candidate or treasurer, or other authorized person or representative of the campaign, or by the candidate committee, that the payment of such obligation will be forgiven or assumed by any party other than the candidate committee.

(e) The Commission shall review each such application and shall grant its approval to such application based upon consideration of all factors set forth in (c) and (d) above, and whether or not all outstanding audit issues have been resolved with the candidate committee.

New Rule, R.2009 d.89, effective March 16, 2009.

See: 40 N.J.R. 6763(a), 41 N.J.R. 1267(c).

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (c)6, substituted "this chapter" for "Commission rules".

#### **19:25-16.34B Final report certification with net liabilities for publicly financed candidates**

(a) Upon approval by the Commission pursuant to the provisions of N.J.A.C. 19:25-16.34A, a publicly financed candidate may file a final report and certification of termination of reporting upon a form prescribed by the Commission.

(b) Each candidate and treasurer filing a final report described in (a) above shall recertify the statements described in N.J.A.C. 19:25-16.34A(d) for each outstanding obligation.

(c) The final report shall show a zero balance in all campaign depository accounts and all final expenditures of the campaign fund in accordance with N.J.A.C. 19:25-16.33, Post-election payment of expenses, and N.J.A.C. 19:25-16.34, Repayment of public or other funds.

(d) An outstanding obligation reported on a certificate of termination of reporting filed pursuant to (a), (b) and (c) above shall not be considered a "contribution" as defined at N.J.A.C. 19:25-1.7.

(e) Notwithstanding (d) above, by enacting these provisions, the Commission does not waive its authority pursuant to N.J.S.A. 19:44A-6(b)10 to make a referral to the Office of the Attorney General for possible violations of N.J.S.A. 19:44A-21(a) and (b), upon subsequent receipt of evidence of false certification or misrepresentation of contributions or expenditures.

New Rule, R.2009 d.89, effective March 16, 2009.

See: 40 N.J.R. 6763(a), 41 N.J.R. 1267(c).

#### **19:25-16.35 Computation of value of goods and services**

(a) Goods and services shall, for purposes of the reports required to be filed under the Act and for purposes of the expenditure limitation contained in N.J.S.A. 19:44A-7 where applicable, be valued by the reasonable commercial value of such goods and services to the candidate, whether or not the cost or value of such goods or services to the contributor or other provider of those services is higher or lower than such reasonable commercial value.

Example 1: Candidate Y, a candidate for the office of Governor who has chosen to accept public funding, obtains the use of a helicopter for travel of the candidate for campaign purposes. By agreement with the owner of the helicopter, the campaign committee for the candidate will pay \$900.00 per hour, which represents the cost to the owner of the maintenance and operation of the helicopter. The reasonable commercial value of the use of the helicopter is \$1,000 per hour. In this example, the amount of \$900.00 per hour paid by the campaign committee of the candidate to the owner for use of the helicopter is not includable as an

expenditure for purposes of the expenditure limitations contained in N.J.S.A. 19:44A-7. The difference between the \$900.00 per hour actually paid for use of the helicopter and the reasonable commercial value normally charged by the owner for the use of the helicopter, represents a contribution from the owner of the helicopter to the candidate in the amount of \$100.00 per hour. The candidate could obtain the use of the helicopter under this arrangement from a lawful contributor for campaign purposes for not more than 34 hours. If the candidate obtained the use of the helicopter for 35 hours under this arrangement, the owner of the helicopter would have made an unlawful contribution to the candidacy of the candidate, since the aggregate of the contributions \$3,500 from that contributor in this instance would have exceeded \$3,400.

Example 2: Candidate Y in example 1, wishes to obtain the use of the helicopter from the owner for 15 hours, and the campaign committee for the candidate pays to the owner the reasonable commercial value of \$1,000 for each hour, or a total of \$15,000. The amount paid to the owner is not an expenditure within the expenditure limitation contained in N.J.S.A. 19:44A-7. On these facts the owner has made no contribution to the candidate.

In Example 1 and Example 2, the total amounts of expenditures, including expenditures not subject to the expenditure limitation of N.J.S.A. 19:44A-7, must be reported in the preelection and postelection report filed on behalf of the candidate.

(b) The costs of a political communication as defined in N.J.A.C. 19:25-10.10 which aids or promotes a candidate for Governor, and is undertaken, made or circulated with the cooperation or consent of the candidate, shall be reported by the candidate in the same manner as the receipt of any goods and services, and shall be valued for the purposes of the contribution limit in N.J.A.C. 19:25-16.6 and the expenditure limit in N.J.A.C. 19:25-16.9(a) 3 in the same manner as any other contributed goods or services.

Amended by R.1984 d.561, eff. 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).

Amended by R.1989 d.262, effective April 24, 1989.

See: 21 N.J.R. 703(b), 21 N.J.R. 1379(a).

Added (b) necessitating the computation of the costs of political communications.

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. 19:25-16.34, increased dollar amounts and number of days in examples.

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) and (a)1.-2.

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) amended a statutory reference.

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

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

Raised monetary amounts in Examples 1 and 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 (a), increased dollar amounts and hours.

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 "30 hours" for "26 hours" following "purposes for not more than", "31 hours" for "27 hours" following "use of helicopter", "\$3,100" for "\$2,700" preceding "since the aggregate of the con-

tributions", "\$3,000" for "\$2,600" following "in this instance would have exceeded" in Example 1.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In Example 1 of (a), substituted "34" for "30", "35" for "31", "\$3,500" for "\$3,100", and "\$3,400" for "\$3,000".

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In the introductory paragraph of (a), substituted "Act" for "act".

**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 \$340,000 has been deposited and expended pursuant to N.J.S.A. 19:44A-32 for gubernatorial primary election campaign expenses. Evidence that \$340,000 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 \$340,000 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 \$340,000 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 \$340,000.

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).

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a)1 through (a)3, substituted "\$340,000" for "\$300,000" throughout; and in (a)2, inserted a comma following first occurrence of "statement".

**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 \$340,000 has been deposited and expended pursuant to N.J.S.A. 19:44-32 for gubernatorial primary elec-



tion 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) A candidate who does not elect to accept public financing but who wishes to participate in the series of interactive candidates' debates pursuant to the provisions of (a) above:

1. May use personal funds to meet all or part of the threshold deposited amount for qualification. Any such candidate must include required documentation of his or her own funds pursuant to the requirements of (a) above; and

2. Shall not use repayment of any loan amount to meet any part of the threshold expended amount for qualification.

(d) 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).

Amended by R.2008 d.326, effective November 3, 2008.

See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

Added new (c); and recodified former (c) as (d).

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a)2, substituted "\$340,000" for "\$300,000".

## 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 eligibility 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.

(c) Where the number of eligible applicants to sponsor gubernatorial primary election debates exceeds the number of prescribed primary election debates, in making its selection, the Commission shall consider the information set forth on the written application pursuant to N.J.A.C. 19:25-16.39(c), (d) and (e).

(d) The Commission shall also consider in making its selection under (c) above, whether or not the applicant is a previously selected sponsor that:

1. Made changes in submitted plans or arrangements and notified the Commission of such changes pursuant to the provisions of N.J.A.C. 19:25-16.41A(a); and

2. Received approval for such changes from the Commission pursuant to the provisions of N.J.A.C. 19:25-16.41A(b).

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".

Amended by R.2008 d.326, effective November 3, 2008.

See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

In (a), inserted "eligibility"; and added (c) and (d).

## 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.

#### **19:25-16.41A Notification to Commission of change in debate plans**

(a) An organization or organizations selected pursuant to N.J.A.C. 19:25-16.40 to sponsor a gubernatorial primary election debate shall provide written notification to the Commission within 48 hours of any change made in the plans

or arrangements for the debate submitted on the application pursuant to N.J.A.C. 19:25-16.39(c), (d) or (e). Such written notification shall include the reason for each change. A selected sponsor may use a facsimile transmission (fax) to the Commission at (609) 292-4238 for the limited purpose of filing this notification. Such fax shall contain identifying information as to transmitter, and the date and time of the transmission.

(b) The Commission shall review any change submitted pursuant to (a) above and notify the organization or organizations whether or not the change is approved. The Commission's determination shall be based upon the degree to which the changes vary from the original approved application and the nature of the changes, including, but not limited to, whether or not such changes:

1. Are within the control of the sponsor(s);
2. Affect the interactive nature of the debates; or
3. Compromise the ability to maximize outreach to the voting public.

New Rule, R.2008 d.326, effective November 3, 2008.

See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

#### **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.

3. Gross neglect of reporting or recordkeeping responsibility;

4. Issuance of a subpoena intended to compel production of documents;

5. Failure to obey a subpoena to appear before the Commission or to produce records; and

6. Failure to cooperate with an investigation being conducted by the Commission.

(e) The Commission shall consider mitigating circumstances, which shall include, but not be limited to, the following:

1. The serious and unanticipated illness or unanticipated hospitalization of a candidate, campaign treasurer or organizational treasurer, or a member of the immediate family of a candidate, campaign treasurer or organizational treasurer at the time a report was required to be filed pursuant to the Act and this chapter; and

2. The undue financial hardship of a candidate, campaign treasurer, or organizational treasurer; and

3. Receipt of full or partial payment of a pending penalty amount prior to Commission Final Decision action.

(f) The Commission shall consider whether or not all required contributor information, such as occupation and employer information, has been filed for a reported contribution, or whether or not all required expenditure information, such as payee address and purpose information, has been filed for a reported expenditure.

New Rule, R.2003 d.237, effective June 16, 2003.

See: 35 N.J.R. 1204(a), 35 N.J.R. 2736(a).

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (e)1, deleted a comma following the third occurrence of "treasurer" and substituted "Act" for "act" and "this chapter" for "these regulations".

### 19:25-17.3D Penalty payment schedule

Where the Commission determines that the dollar amount of a penalty imposed pursuant to N.J.S.A. 19:44A-22 would jeopardize the ability of the candidate to conduct a candidacy in a future election, or jeopardize the ability of a committee to participate in a future election, or would otherwise cause undue financial hardship to a candidate, committee, treasurer, or other person, the Commission may, in its discretion, permit the candidate or committee to pay a penalty in installments on a schedule established by the Commission.

New Rule, R.2003 d.237, effective June 16, 2003.

See: 35 N.J.R. 1204(a), 35 N.J.R. 2736(a).

### 19:25-17.4 Penalty for impermissible use of contributions

In determining the amount of a penalty to be imposed for each disbursement or other use of contributions that is for a

purpose that is impermissible pursuant to N.J.S.A. 19:44A-11.2, or is prohibited pursuant to this chapter, in the absence of factors described in N.J.A.C. 19:25-17.3C, the Commission shall impose a penalty in an amount that is at least equal to the amount of the impermissible use, subject to the maximum penalty provided in N.J.S.A. 19:44A-22.

New Rule, R.2003 d.237, effective June 16, 2003.

See: 35 N.J.R. 1204(a), 35 N.J.R. 2736(a).

### 19:25-17.5 Penalty for making or accepting a contribution in excess of the contribution limit

(a) A candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, legislative leadership committee, campaign treasurer, organizational treasurer, or person, who knowingly, willfully, or intentionally makes or accepts a contribution that, either alone or when aggregated with prior contributions from the same contributor, is in excess of the limits pursuant to N.J.A.C. 19:25-11.2, shall be subject to the penalties prescribed by N.J.S.A. 19:44A-22e.

(b) The knowing, willful, or intentional acceptance of a contribution that, either alone or when aggregated with prior contributions from the same contributor, is in excess of the limits pursuant to N.J.A.C. 19:25-11.2, shall refer to the act of receiving a contribution and retaining for a period of more than 48-hours the amount of the contribution that is in excess of the applicable limit established pursuant to N.J.A.C. 19:25-11.2.

(c) The knowing, willful, or intentional making of a contribution that, either alone or when aggregated with prior contributions from the same contributor, is in excess of the limits pursuant to N.J.A.C. 19:25-11.2, shall refer to the act of making a contribution in an amount that is in excess of the applicable limit established pursuant to N.J.A.C. 19:25-11.2 and delivering the contribution or causing the contribution to be delivered to a candidate, or to a campaign or organizational treasurer, or to any other person authorized to receive funds on behalf of a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee.

New Rule, R.2003 d.237, effective June 16, 2003.

See: 35 N.J.R. 1204(a), 35 N.J.R. 2736(a).

## SUBCHAPTER 18. ADVISORY OPINIONS

### 19:25-18.1 Requests for advisory opinions

(a) A person or committee subject to, or reasonably believing he, she or it may be subject to, any provision or requirement of the Campaign Reporting Act may request that the Commission provide an advisory opinion pursuant to

N.J.S.A. 19:44A-6. Such request shall be in writing and shall include the following:

1. The full name, mailing address and daytime telephone number of the person or committee on whose behalf the opinion is requested;
2. A description of the current filing status, if any, of the person or committee and the name under which the person or committee is filing reports with the Commission if that name is different from the name given in (a)1 above;
3. A full and complete statement of all pertinent facts and contemplated activities that are the subject of the inquiry. Such statement must affirmatively state that the contemplated activities have not been previously undertaken by the person or committee requesting the opinion, and that the person or committee has standing to seek the opinion, that is the opinion will affect the person's or committee's reporting or other requirements under the Act;
4. A statement of the cognizable question of law arising under the Act, including specific citations to pertinent sections of the Act and this chapter;
5. A statement of the result that the person or committee seeks, and a statement of the reasoning supporting that result;
6. The signature of the person requesting the opinion, or in the case of a request submitted on behalf of a candidate or joint candidates committee, the signature of the candidate or candidates on whose behalf a candidate committee has been established, or in the case of any other committee, the signature of the committee treasurer; and
7. A statement of whether or not the person or committee seeking the advisory opinion consents to a 30-day period for issuance of the Commission's opinion, which period shall start from the date of Commission receipt of the completed advisory opinion request. Such consent shall be understood to be consent to an extension of the 10-day period provided in N.J.S.A. 19:44A-6f for issuance of the opinion.

(b) A request for an advisory opinion submitted by a New Jersey attorney on behalf of the attorney's client shall not require any signature other than that of the attorney provided that the attorney affirmatively states in writing that the attorney has been authorized to represent the person or committee seeking the opinion.

Repeal and New Rule, R.1996 d.468, effective October 7, 1996.  
See: 28 N.J.R. 2804(a), 28 N.J.R. 4510(a).

Section was "Scope of advisory opinions".

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (a)4, deleted "Campaign Reporting" preceding both occurrences of "Act" and substituted "this chapter" for "these rules".

#### Case Notes

Advisory opinions cannot alter legislative enactment or frustrate statutory policy; contested opinions invalid. Friends of Governor Tom Kean

v. New Jersey Election Law Enforcement Commission, 203 N.J.Super. 523, 497 A.2d 555 (App.Div.1985), affirmed 102 N.J. 319, 508 A.2d 200 (1985).

#### 19:25-18.2 Time for issuing advisory opinions

(a) A request for an advisory opinion shall not be deemed as received by the Commission until all the requirements of N.J.A.C. 19:25-18.1 have been satisfied.

(b) Unless an extension of time is consented to by any person requesting an advisory opinion, the Commission shall issue its opinion within 10 days of receipt of the request for that opinion. For the purpose of this subchapter, the term "days" shall mean days that the Commission is open for the conduct of its business, and shall exclude Saturdays, Sundays, legal holidays and any day in which offices of the State of New Jersey are closed.

Repeal and New Rule, R.1996 d.468, effective October 7, 1996.

See: 28 N.J.R. 2804(a), 28 N.J.R. 4510(a).

Section was "Extension of time".

#### 19:25-18.3 (Reserved)

Repealed by R.1996 d.468, effective October 7, 1996.

See: 28 N.J.R. 2804(a), 28 N.J.R. 4510(a).

Section was "Procedure for advisory opinions".

### SUBCHAPTER 19. PERSONAL FINANCIAL DISCLOSURE STATEMENTS

#### 19:25-19.1 Authority

The provisions of this subchapter, covering personal financial disclosure statements of candidates for the Office of Governor or for State legislative office are promulgated pursuant to the Act requiring the filing of financial disclosure statements by certain candidates, Laws 1981, c. 129 (N.J.S.A. 19:44B-1, and following the Personal Financial Disclosure Statement Act).

#### Case Notes

Fine upheld for candidate's failure to timely file personal financial disclosure statement. New Jersey Election Law Enforcement Commission v. Fuscaldo, 96 N.J.A.R.2d (ELE) 1.

Failure to certify and file personal financial disclosure statement warranted imposition of monetary penalty. Election Law Enforcement v. Grant, 95 N.J.A.R.2d (ELE) 1.

Candidate for governor fined; untimely filing of Personal Financial Disclosure Statement. Election Law Enforcement Commission v. Ziruolo, 94 N.J.A.R.2d (ELE) 1.

#### 19:25-19.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless a different meaning clearly appears from the context.

"Candidate" means:

1. An individual seeking election to the office of Governor, Senate, or General Assembly;
2. An individual who has received funds or other benefits or has made payments solely for the purpose of determining whether the individual should become a candidate for the office of Governor, Senate, or General Assembly; and
3. An individual appointed to fill a vacancy, which vacancy occurs in the nomination of a candidate by primary election or by direct petition for the office of Governor, Senate, or General Assembly.

"Gift" means any money or thing of value received other than as income, and for which a consideration of equal or greater value is not received, but does not include any political contribution reported as otherwise required by law, any loan made in the ordinary course of business, or any devise, bequest, intestate estate distribution or principal distribution of a trust or gift received from a member of a person(s) household or from a relative within the third degree of consanguinity of the person or his spouse, or from the spouse of that relative.

"Income" means any money or thing of value received, or to be received, as a claim on future services, whether in the

form of a fee, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense, or any combination thereof.

"Member of household" means the spouse of a candidate for the Office of Governor or of a candidate for the Senate or General Assembly residing in the same domicile and any dependent children.

"Relative" shall mean a son, daughter, grandson, granddaughter, father, mother, grandfather, grandmother, great-grandfather, greatgrandmother, brother, sister, nephew, niece, uncle, or aunt. Relatives by adoption, half-blood, marriage, or re-marriage shall be treated as relatives of the whole kinship.

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

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

Inserted "Candidate".

### 19:25-19.3 Reporting of earned income

(a) The Personal Financial Disclosure Statement shall include the name and address of the corporation, professional association, partnership or sole proprietorship which is the source of each of the following categories of earned income totalling more than \$1,000 for the preceding calendar year: salaries, bonuses, royalties, fees, commissions, and profit sharing.



(b) Each source within any category which exceeds \$1,000 must be identified by name, except that identification of name and address shall not be required as to any source which totals \$100.00 or less for the year; an indication whether the total receipts from all sources within the categories exceeds \$1,000 shall be included in the statement.

Example: Candidate A receives commissions each year in the amount of \$990.00 from BCD Corporation, and also receives commissions each year in the amount of \$50.00 from EFG Corporation. The Personal Financial Disclosure Statement filed by Candidate A must include the name and address of BCD Corporation but not of EFG Corporation, as a source; the statement will also indicate receipts in excess of \$1,000 in commissions.

(c) Income received from a public body, other than from the State of New Jersey, must be included under the category of Earned Income.

#### 19:25-19.4 Reporting of unearned income

(a) The statement shall include the name and address of the corporation, professional association, partnership or sole proprietorship which is the source of each of the following categories of unearned income totalling more than \$1,000 for the preceding calendar year: rents, dividends and other income received from named investments, trusts and estates; except that no address need be provided with respect to a source of dividends if the source of dividends is a listed security.

(b) Each source within any category which exceeds \$1,000 must be identified by name, except that identification of name and address shall not be required as to any source which totals \$100.00 or less for the year; an indication whether the total receipts from all sources within the category exceeds \$1,000 shall be included in the statement.

Example: Candidate A receives dividends each year in the amount of \$990.00 from BCD Corporation, and also receives dividends each year in the amount of \$50.00 from EFG Corporation. The Personal Financial Disclosure Statement filed by Candidate A must include the name and address of BCD Corporation but not of EFG Corporation as a source; the statement will also indicate receipts in excess of \$1,000 in dividends.

(c) Where such rents, dividends or other income are received by joint owners, one of whom is the candidate, the interest of the candidate shall be reportable if the proportionate share of such rents, dividends or other income exceeds \$1,000.

(d) In calculating whether rental income exceeds \$1,000, the rental used shall be gross rental, without deduction of any of the expenses of operating or maintaining the rented property.

#### 19:25-19.5 Advisory opinions

The Commission may issue advisory opinions as to the applicability of the Personal Financial Disclosure Act and this subchapter to a given set of facts and circumstances.

#### 19:25-19.6 Offenses

(a) The term "reporting transaction" means each source of earned or unearned income, fee, honorarium, reimbursement, gift, or any interest in land or building in any city in which casino gambling is authorized, which is subject to the reporting requirements of the Personal Financial Disclosure Statement Act or this subchapter.

(b) Each reporting transaction that is not reported in the manner or not filed on the date established for reporting or filing by the Personal Financial Disclosure Statement Act or this subchapter shall constitute an offense and shall be subject to a penalty of not more than \$1,000 for the first offense, and not more than \$2,000 for the second and each subsequent offense.

New Rule, R.2000 d.322, effective August 7, 2000.  
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

#### 19:25-19.6A Opportunity for hearing

In any penalty proceeding undertaken by the Commission pursuant to N.J.S.A. 19:44B-8, each respondent shall be afforded the opportunity for a hearing pursuant to the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and N.J.A.C. 1:1.

New Rule, R.2003 d.238, effective June 16, 2003.  
See: 35 N.J.R. 1208(a), 35 N.J.R. 2739(a).

#### 19:25-19.6B Default for failure to answer complaint

In any penalty proceeding undertaken by the Commission pursuant to N.J.S.A. 52:13C-23.1 or other statutory authority, the Commission may enter a Final Decision, including penalty, against any respondent who fails to file with the Commission a written responsive pleading or answer within 20 days after service on such respondent in conformity with the rules of the New Jersey Office of Administrative Law of a copy of a complaint alleging a specific violation of the law within the Commission's jurisdiction to enforce.

New Rule, R.2003 d.238, effective June 16, 2003.  
See: 35 N.J.R. 1208(a), 35 N.J.R. 2739(a).

#### 19:25-19.7 Time and place for filing

(a) Each candidate for nomination in a primary election to the office of Governor, Senate, or General Assembly, shall file and certify the correctness of the Personal Financial Disclosure Statement on or before the 10th day following the last day for filing a petition to appear on the ballot in the primary election.

(b) Each candidate nominated directly by petition for the general election to the office of Governor, Senate, or General Assembly shall file and certify the correctness of the Personal Financial Disclosure Statement on or before the 10th day following the day of the holding of the primary election for the general election.

(c) When a vacancy occurs in the nomination of a candidate by primary election or by direct petition for the office of Governor, Senate or General Assembly, the individual who is named to fill the vacancy shall file and certify the correctness of the Personal Financial Disclosure Statement on or before the 10th day following the filing with the Attorney General, Secretary of State or County Clerk of the petition of a successor nominee or the certificate to fill a vacancy.

(d) An original and two copies of the Personal Financial Disclosure Statement shall be received at the Commission offices no later than 5:00 P.M. on the date the report is due for filing pursuant to (a), (b), or (c) above in order to be deemed timely filed. A report submitted by United States mail postmarked on or before a filing date but not received until after 5:00 P.M. of the date the report is due for filing will not be deemed timely filed.

New Rule, R.2000 d.322, effective August 7, 2000.  
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

## SUBCHAPTER 20. LOBBYISTS AND GOVERNMENTAL AFFAIRS AGENTS

### 19:25-20.1 Authority

The provisions of this subchapter are promulgated pursuant to the Legislative and Governmental Process Activities Disclosure Act (P.L. 1971, c.183), as amended, N.J.S.A. 52:13C-18 et seq., and following ("the Act").

Amended by R.1992 d.32, effective January 21, 1992.  
See: 23 N.J.R. 3077(a), 24 N.J.R. 298(a).

Revised text.  
Amended by R.2005 d.427, effective December 5, 2005 (operative date of January 1, 2006).  
See: 37 N.J.R. 2838(a), 37 N.J.R. 4559(a).  
Substituted "Legislative and Governmental Process" for "Legislature."

#### Law Review and Journal Commentaries

New ELEC Regulations Compel More Disclosure. M. Paige Berry, 131 N.J.L.J. No. 19, 6 (1992).

### 19:25-20.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless a different meaning clearly appears from the context.

"Act" shall mean the Legislative and Governmental Process Activities Disclosure Act, as amended, N.J.S.A. 52:13C-18 et seq.

"Benefit recipient" means any member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch who is the recipient of a benefit paid for or otherwise derived from a lobbyist's or governmental affairs agent's expenditures providing that benefit or benefits.

"Commission" means the New Jersey Election Law Enforcement Commission.

"Communication with a member of the Legislature", "with legislative staff", "with the Governor", "with the Governor's staff", or "with an officer or staff member of the Executive Branch" shall mean any communication, oral or in writing or any other medium, addressed, delivered, distributed or disseminated, respectively, to a member of the Legislature, to legislative staff, to the Governor, to the Governor's staff, or to an officer or staff member of the Executive Branch, as distinguished from communication to the general public, including, but not limited to, a member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch. If any person shall obtain, reproduce or excerpt any communication or part thereof which in its original form was not a communication under this definition and shall cause such excerpt or reproduction to be addressed, delivered, distributed or disseminated to a member of the Legislature, to legislative staff, to the Governor, to the Governor's staff, or to an officer or staff member of the Executive Branch, such communication, reproduction or excerpt shall be deemed a communication with the member of the Legislature, with legislative staff, with the Governor, with the Governor's staff, or with an officer or staff member of the Executive Branch by such person.

"Communication with the general public" means any communication that is:

1. Disseminated to the general public through direct mail or in the form of a paid advertisement in a newspaper, magazine, or other printed publication of general circulation or aired on radio, television, or other broadcast medium, including the Internet; and

2. Which explicitly supports or opposes a particular item or items of legislation or regulation, or the content of which can reasonably be understood, irrespective of whether the communication is addressed to the general public or to persons in public office or employment, as intended to influence legislation or to influence regulation.

3. A communication with the general public does not include:

- i. A communication by a partnership, committee, association, corporation, labor union, or charitable organization made only to its members, partners, employees, and stockholders; or