

SUBTITLE H. 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-22.3.

Source and Effective Date

R.2000 d.322, effective July 17, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Executive Order No. 66(1978) Expiration Date

Chapter 25, Regulations of the Election Law Enforcement Commission, expires on July 17, 2005.

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Subchapter 4, Reporting Requirements, was repealed and Subchapter 4, Establishment of Reporting Committees, was adopted as new rules; Subchapter 5, Appointment of Treasurers and Depositories, was repealed and Subchapter 5, Appointment of Campaign Officers and Depositories, was adopted as new rules; Subchapter 6, Deposit of Funds, was repealed and Subchapter 6, Receipt and Use of Funds, was adopted as new rules; Subchapter 7, Use or Transmittal of Deposited Funds; Surplus Campaign Funds, was in part repealed and in part recodified as Subchapter 6, Receipt and Use of Funds; Subchapter 8, Recordkeeping, was recodified as Subchapter 7, Recordkeeping; Subchapter 8,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Political Committee Reporting, was adopted as new rules; and Subchapter 9, Pre-Election and Post-Election Reports, was repealed by R.1993 d.509, effective October 18, 1993.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and Legislative Leadership Committee Reporting, was adopted as new rules, and Subchapter 10, Quarterly Reports, was repealed by R.1994 d.573, effective November 21, 1994.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Subchapter 11, Contributions; Reporting of, was repealed and Subchapter 10, Contribution Reporting, and Subchapter 11, Contribution Limits, were adopted as new rules by R.1995 d.209, effective April 17, 1995.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: 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 and following ("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, and the Legislative Activities Disclosure Act of 1971, N.J.S.A. 52:13C-18 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.

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 regulations

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.

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.

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".

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.

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, L.1973, c.83, as amended, N.J.S.A. 19:44A-1 and following.

"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 contri-

butions and makes expenditures for any of the purposes authorized by N.J.S.A. 19:44A-11.2; and

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;
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 regulations.

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.

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

Public Notice.

See: 34 N.J.R. 1284(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 \$2,600, 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 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 \$260,000 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 \$260,000 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 candi-

date 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.

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 \$2,600 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 \$2,600 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).

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 (i.e. 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).

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.

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 \$2,600 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 \$2,600 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.

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; and

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.

(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 \$260,000 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 \$2,600, and that at least \$260,000 of such contributions have been expended. "Expended" for this purpose shall mean disbursed or committed for expenditure in the campaign.

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

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

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

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

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

(g) The initial certification shall include three photocopies of checks as evidence of expenditures made from the depository or matching fund bank accounts, receipted bills, contracts or the like, sufficient to prove the expenditure or commitment to expend at least \$260,000 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 cannot be handwritten.

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

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

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

2. Be separated into an alphabetical list of all contributors whose contributions in the aggregate exceed \$400.00 and an alphabetical list of all contributors whose contributions are in the aggregate \$400.00 or less and which shall indicate on the first submission in the general election whether or not the candidate authorizes public disclosure in the general election only of contributors whose contributions in the aggregate exceed \$400.00.

(l) The lists of contributors submitted pursuant to this section shall also include for each contributor who is an individual and whose aggregate contributions to the candidate in the general election exceed \$400.00 the occupation of the individual and the name and mailing address of the individual's employer.

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

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

Substantially amended.

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

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

Added (i).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rewrote (k)2.

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

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

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

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 Monday following the date of the primary election in the year of a general election for the office of Governor of New Jersey, and every other Monday thereafter through August 31, and every Monday thereafter up to and including the Monday immediately preceding 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 Monday following the general election and every other Monday thereafter up to the first Monday following the fifth month after the general election. No statements and certifications for the general election shall be considered by the commission thereafter.

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

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

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

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

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 \$84,000 deposited in such candidate's matching fund account.

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.

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 \$5,600,000.

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.

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;

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 within 14 days following the actual use of such media time 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).

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 these regulations.

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).

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 services 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).

19:25-15.29 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; and

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.

(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.

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 \$2,600 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 moneys 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 moneys received from the fund and any other moneys 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.

(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.

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 eleventh 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).

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.

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.

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 \$400.00 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.

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).

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

(a) Any person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee otherwise eligible to make political contributions to a candidate or a State committee may make a contribution in aid of the candidacy of a candidate after the date of such general election provided such person or committee does not exceed \$2,600 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.

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.

19:25-15.48 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 \$260,000 has been deposited and expended pursuant to N.J.S.A. 19:44A-32 for gubernatorial general election campaign expenses. Evidence that \$260,000 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 \$260,000 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 \$260,000 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 \$260,000.

4. For each contribution from an individual whose aggregate contributions to the candidate in the general election exceed \$400.00 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 cannot be handwritten.

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.

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 \$260,000 has been deposited and expended pursuant to N.J.S.A. 19:44-32 for gubernatorial general election expenses. The statement of qualification shall contain the same information as that required at N.J.A.C. 19:25-15.48(a).

(b) The reports filed pursuant to (a) above to establish qualification for participation in gubernatorial general election debates shall not be available for public inspection.

(c) Any report required to be filed pursuant to (a) above cannot be handwritten.

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.

19:25-15.50 Application to sponsor debates

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

1. Must be unaffiliated with any political party or with any holder of or candidate for public office;

2. Must not have endorsed any candidate in the pending general election for the office of Governor and must agree not to make any such endorsement until the completion of any debate sponsored by the organization; and

3. Must have previously sponsored one or more televised debates among candidates for Statewide office in New Jersey since 1976.

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

(c) Written applications by organizations to sponsor one or both of the gubernatorial general election debates shall be submitted to the Commission on a form provided by the

Commission not later than July 1 of any year in which a general election is held for the office of Governor. The written application shall set forth the following information:

1. The time and date of broadcast of the debate or debates;

2. The specific television and radio stations and other media outlets which have committed to air, broadcast, or simulcast the debate or debates;

3. Plans for coverage of the debate or debates by media outlets broadcasting in a foreign language;

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. Plans for accessibility of the debate or debates to hearing-impaired persons in the broadcast audience;

8. Arrangements for a debate moderator or moderators; and

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

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

1. The number of persons expected in the audience;

2. The method to be used to select the audience, including information on distribution of tickets;

3. Plans for interaction between the candidates and the audience; and

4. Plans for accessibility of the debate to hearing-impaired members of the audience.

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

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

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

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

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

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

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

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

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

Added (c)1 through (c)3.

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

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

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

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

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

19:25-15.51 Selection of debate sponsor

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

i. Actions to notify the participating candidates and the Commission of the rescheduled debate shall in-

clude, but not be limited to, telephone contact and first class mail, return receipt requested.

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

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

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

19:25-15.53 Rules for conduct of debates

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

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

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

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

New Rule, R.1989 d.341, effective June 5, 1989.
See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).
Amended by R.1996 d.583, effective December 16, 1996.
See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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 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 be accompanied by a certification requesting emergent disposition and providing specific reasons why emergent review is necessary, including evidence of irreparable harm to a gubernatorial general election candidate and evidence that the alleged expenditure limit violation is in an amount of at least \$10,000.

(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.

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).

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

Petition for Rulemaking.

See: 33 N.J.R. 2353(a).

Public Notice.

See: 34 N.J.R. 1284(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 \$2,600, 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.

"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 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 \$260,000 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 \$260,000 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.

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 \$2,600 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.

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 \$2,600 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 \$2,600 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.

(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.

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.

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 \$2,600 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 \$2,600 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.

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 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.

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).

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; and
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.

(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 (N.J.S.A. 19:44A-11; 19:44A-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 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 \$260,000 from persons or political committees each of whose contributions in the aggregate do not exceed \$2,600, and that at least \$260,000 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 an original and two photocopies of a typed or printed list of contributors showing each contributor's full name and full mailing address (number, street, city, state, zip code), the date of receipt of each contribution by the candidate and of the deposit into the matching fund account, the dollar amount of each contribution submitted for match, the type of contributor of each contribution from a list of contributor types to be provided by the Commission, and the total amount of all contributions submitted for match. The list of contributors shall be segregated by deposit. The statement shall also include an original and two photocopies of a typed or printed list of contributors of contributions not eligible or submitted for match and any other receipt (for example, in-kind contributions, contributions intended to be repaid, or interest on invested funds), showing each contributor's full name and full mailing address (number, street, city, state, zip code), the date of receipt of each such contribution by the candidate, the dollar amount of each such contribution, and the type of contributor of each contribution from a list of contributor types to be provided by the Commission. The statement shall also include an original and two photocopies of a list of repayment by the candidate of any contribution, including any loan described under N.J.A.C. 19:25-16.31 (Borrowing of funds; repayment).

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

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

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

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

(g) The initial certification shall include three photocopies of checks as evidence of expenditures made from the depository or matching fund bank accounts, receipted bills, contracts or the like, sufficient to prove the expenditure or commitment to expend at least \$260,000 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 not be handwritten.

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

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

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

2. Be separated into an alphabetical list of all contributors whose contributions in the aggregate exceed \$400.00 and an alphabetical list of all contributors whose contributions are in the aggregate \$400.00 or less and which shall indicate on the first submission in the primary election whether or not the candidate authorizes public disclosure in the primary election only of contributors whose contributions in the aggregate exceed \$400.00.

(l) The lists of contributors submitted pursuant to this section shall also include for each contributor who is an individual and whose aggregate contributions to the candidate in the primary election exceed \$400.00 the occupation of the individual and the name and mailing address of the individual's employer.

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

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

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

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

Added (i).

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

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

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

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

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

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

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

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

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

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

Revised (c) and (g).

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

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

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

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

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

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

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

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

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

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

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

Rewrote (k)2.

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

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

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

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 Monday following January 1 of the year of a primary election for nomination for the office of Governor of New Jersey, and the fourth Monday following January 1, and every other Monday thereafter through March 31, and every Monday thereafter up to and including the Monday immediately preceding the primary election being funded.

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

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

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

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

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

Emergency amendment, R.1989 d.59, effective December 30, 1988 (expires February 28, 1989).

See: 21 N.J.R. 209(a).

Added text in (a) "Notwithstanding the candidates . . ."

Emergency amendment, R.1989 d.59 expired on February 28, 1989.

Section reverted to text in effect prior to January 17, 1989.

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

The campaign treasurer or deputy campaign treasurer of any qualified candidate for election to the office of Governor in a primary election shall promptly receive in behalf of such qualified candidate from the funds for primary election campaign expenses moneys in an amount equal to twice the amount of each contribution eligible for match and deposited in such qualified candidate's matching fund account, described in N.J.S.A. 19:44A-32 except that no payment shall be made to any candidate from such fund for primary election campaign purposes for the first \$84,000 deposited in such qualified candidate's matching fund account.

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.

19:25-16.22 Receipt of public funds; limitation

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

(b) The maximum amount which any qualified candidate may receive from public funds shall not exceed \$2,300,000.

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).
See: 21 N.J.R. 788(b).
Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.
See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).
Provisions of emergency amendment R.1989 d.181 readopted without change. Deleted formula for maximum receipt of public funds and established amount at \$1,350,000.

Amended by R.1992 d.516, effective December 21, 1992.
See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).
Revised (b).
Amended by R.1996 d.583, effective December 16, 1996.
See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).
In (b), raised funding amount.
Amended by R.2000 d.473, effective November 20, 2000.
See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).
In (b), increased dollar amount.

19:25-16.23 Receipt of public funds; procedure

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

19:25-16.24 Disclosure of information

The statements and certifications submitted by a candidate in accordance with N.J.A.C. 19:25-16.18, (Matching of funds) shall not be public records and shall not be available for public inspection; provided, however, the Commission shall from time to time publish a listing which shall contain the information included in the statements and certifications for each contribution, except that it shall not include the name, address or amount of contribution of any contributor whose contributions in the aggregate are \$400.00 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.

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 within fourteen days following the actual use of such media time 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).

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 these regulations.

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.

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 (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 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 (N.J.S.A. 19:44A-7).

(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 (N.J.S.A. 19:44A-7) 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).

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).

19:25-16.30 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; and

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.

(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.

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, 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. 19:25-16.30 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 \$2,600 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 moneys 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 moneys received from the fund and any other moneys 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.

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.

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.

19:25-16.33 Post-election contributions; post-election 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 \$2,600 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 these regulations, for example, compliance costs) shall be deemed to be expenditures for such primary election within the meaning of section 7 of the act (N.J.S.A. 19:44A-7).

(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.

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.

19:25-16.35 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 26 hours. If the candidate obtained the use of the helicopter for 27 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 (\$2,700) from that contributor in this instance would have exceeded \$2,600.

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.

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 \$260,000 has been deposited and expended pursuant to N.J.S.A. 19:44A-32 for gubernatorial primary election campaign expenses. Evidence that \$260,000 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 \$260,000 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 \$260,000 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 \$260,000.

4. For each contribution from an individual whose aggregate contributions to the candidate in the primary election exceed \$400.00 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 cannot be handwritten.

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.

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 \$260,000 has been deposited and expended pursuant to N.J.S.A. 19:44-32 for gubernatorial primary election expenses. The statement of qualification shall contain the same information as that required at N.J.A.C. 19:25-16.37(a).

(b) The reports filed pursuant to (a) above to establish qualifications for participation in gubernatorial primary election debates shall not be available for public inspection.

(c) Any report required to be filed pursuant to (a) above cannot be handwritten.

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.

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;
3. Plans for coverage of the debate or debates by media outlets broadcasting in a foreign language;
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. Plans for accessibility of the debate or debates to hearing-impaired persons in the broadcast audience;

8. Arrangements for a debate moderator or moderators; and

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

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

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

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

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.

19:25-16.40 Selection of debate sponsor

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

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

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

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

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

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

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

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

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

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

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

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

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

media coverage of the debate or debates assigned to the sponsor;

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

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

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

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

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

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

19:25-16.48 Complaint alleging violation of primary election expenditure limit

(a) Any complaint filed with the Commission alleging violation by a primary election candidate receiving public matching funds of the primary election expenditure limit in N.J.A.C. 19:25-16.9(a)3 shall:

1. Be in writing and be verified;
2. Be brought solely against a gubernatorial candidate participating in the 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 primary 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 be accompanied by a certification requesting emergent disposition and providing specific reasons why emergent review is necessary, including evidence of irreparable harm to a gubernatorial primary election candidate and evidence that the alleged expenditure limit violation is in an amount of at least \$10,000.

(c) Service of a complaint alleging violation of the primary 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 subsection 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. 19:25-16.9(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. 19:25-16.9(a)3 has been exceeded.

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).

Inserted (b) and recodified former (b) and (c) as (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).

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).

19:25-16.49 Postelection proceedings for return of funds

A candidate for nomination 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. 19:25-16.9(a)3 has been exceeded, or if public funds have been spent in violation of N.J.A.C. 19:25-16.25, or for any other alleged violation pertinent to the legality of funds awarded 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).

SUBCHAPTER 17. COMPLAINTS AND OTHER PROCEEDINGS; VIOLATIONS**19:25-17.1 Opportunity for hearing**

In any penalty proceeding undertaken by the Commission pursuant to N.J.S.A. 19:44A-22 or 19:44A-41, 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.2002 d.230, effective July 15, 2002.

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

Former N.J.A.C. 19:25-17.1, Default for failure to answer complaint, recodified to N.J.A.C. 19:25-17.1A.

Amended by R.2003 d.237, effective June 16, 2003.

See: 35 N.J.R. 1204(a), 35 N.J.R. 2736(a).

Deleted "19:44B-8 or 52:13C-23.1" preceding "each respondent".

19:25-17.1A Default for failure to answer complaint

In any penalty proceeding undertaken by the Commission pursuant to N.J.S.A. 19:44A-22 or 19:44A-41, 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.

Recodified from N.J.A.C. 19:25-17.1 and amended by R.2002 d.230, effective July 15, 2002.

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

Substituted "52:13C-23.1" for "52:13C-22.2".

Amended by R.2003 d.237, effective June 16, 2003.

See: 35 N.J.R. 1204(a), 35 N.J.R. 2736(a).

Deleted "19:44B-8 or 52:13C-23.1" preceding "or other statutory authority".

19:25-17.2 Offenses

(a) The term "reporting transaction" means the receipt of a contribution, the making of an expenditure, or the occurrence of any other event which is subject to the reporting requirements of the act or this chapter.

(b) The term "record keeping transaction" means the receipt of a contribution, the making of an expenditure, or the occurrence of any other event which is subject to the record keeping requirements of the act or regulations.

(c) Each reporting transaction that is not reported in the manner or not filed on the date established for reporting or filing by the act or regulations shall constitute an offense pursuant to the act subject to the penalties provided in N.J.S.A. 19:44A-22.

(d) Each recordkeeping transaction which is not made or maintained in the manner prescribed by the act or regulations shall constitute an offense pursuant to the act subject to the penalties provided in N.J.S.A. 19:44A-22.

(e) Each disbursement or other use of contributions received by a candidate, candidate committee, joint candidates committee, legislative leadership committee, campaign treasurer or organizational treasurer for a purpose that is impermissible pursuant to N.J.S.A. 19:44A-11.2, or is prohibited pursuant to this chapter, shall constitute an offense pursuant to the act subject to the penalties provided in N.J.S.A. 19:44A-22.

New Rule, R.1991 d.364, effective July 15, 1991.
See: 23 N.J.R. 1299(a), 23 N.J.R. 2163(b).
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.2003 d.237, effective June 16, 2003.
See: 35 N.J.R. 1204(a), 35 N.J.R. 2736(a).
Added (e).

19:25-17.3 Penalties

(a) Any person, including any candidate, treasurer, candidate committee or joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee, charged with the responsibility under the terms of the act, for the preparation, certification, filing or retention of any reports, records, notices or other documents, who fails, neglects or omits to prepare, certify, file or retain any such report, record, notice or document at the time or during the time period, as the case may be, and in the manner prescribed by law, or who omits or incorrectly states or certifies any of the information required by law to be included in such report, record, notice or document, any person who proposes to undertake or undertakes a public solicitation, testimonial affair or other activity relating to contributions or expenditures in any way regulated by the provisions of the act who fails to comply with those regulatory provisions, and any other person who in any way violates any of the provisions of the act shall, in addition to any other penalty provided by law, be liable to a penalty of not more than \$4,300 for the first offense and not more than \$8,500 for the second and each subsequent offense.

(b) Any corporation or labor organization of any kind which provides to any of its officers, directors, attorneys, agents or other employees any additional increment of salary, bonus or monetary remuneration of any kind which, in whole or in part, is intended by that corporation or labor organization to be used for the express purpose of paying or making a contribution, either directly or indirectly, of money or other thing of value to any candidate, candidate committee, joint candidates committee, political party committee, legislative leadership committee, political committee or continuing political committee shall in addition to any other penalty provided by law, be liable to a penalty of not more than \$4,300 for the first offense and not more than \$8,500 for the second and each subsequent offense.

(c) A candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, legislative leadership committee, or person that makes, incurs or authorizes an expenditure for the purpose of financing a communication aiding or promoting the nomination, election or defeat of any candidate or aiding the passage or defeat of any public question, which is an expenditure that the candidate, committee, individual or group is required to report pursuant to the act, and that fails, neglects or omits to include required political identification information in the manner prescribed by the act or regulations shall be liable to a penalty of not more than \$4,300 for the first offense and not more than \$8,500 for the second and each subsequent offense.

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).
Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).
Added (c).
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).
Increased dollar amounts throughout.

19:25-17.3A Penalties for failure to file

(a) In determining the amount of penalties to be imposed for the failure to file a report or a reporting transaction, the Commission shall consider such offenses as more egregious than the late filing of that report or that reporting transaction, and the Commission shall impose penalties as provided in this section, in the absence of any aggravating or mitigating factors set forth in N.J.A.C. 19:25-17.3C.

(b) In determining the amount of a penalty to be imposed for failure to file a Candidate—Sworn Statement (Form A-1), a Joint Candidates Committee—Sworn Statement (Form A-2), a Committee—Sworn Statement (Form A-3), or a Recall Committee—Sworn Statement (Form A-4), the Commission shall impose a penalty in an amount that is equal to the maximum penalty provided in N.J.A.C. 19:25-17.3.