

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

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

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

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

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

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

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

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

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

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

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

Amended definitions of "contribution" and "expenditure".

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

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

Definitions amended.

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

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

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

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

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

New definition for "Surplus campaign funds".

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

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

Deleted text from "political committee", "unless the aggregate ..."
Amended by R.1989 d.100, effective February 21, 1989.

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

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

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

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

Definition added for file.

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

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

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

Administrative Corrections to "expenditure".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Inserted "Contributor".

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

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

In "Candidate", inserted a reference to fire districts in 1, neutralized a gender reference in 2, and inserted 3; in "Continuing political committee", added the last sentence in the introductory paragraph, and added 1 and 2; in "Contribution", rewrote the first sentence, and deleted a reference to N.J.A.C. 19:25-3.1 and deleted "not" following "are" in the last sentence; inserted "Depository," "campaign depository," and "organizational depository", "In-kind contribution" and "National committee of a political party"; in "Expenditure", deleted a reference to N.J.A.C. 19:25-3.1 and deleted "not" following "are" in the last sentence; in "Joint candidates committee", inserted a reference to fire districts; in "Political committee", substituted a reference to groups and associations for a reference to clubs in the introductory paragraph, and rewrote 2; and in "Public question", inserted a reference to budget adoptions.

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

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

In "Continuing political committee" and "Political committee", increased dollar amounts.

Case Notes

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

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

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

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

The reporting thresholds and contribution limits for candidates, candidate committees, joint candidates committees, political committees, continuing political committees, political party committees, and legislative leadership committees set forth in the Act and in the provisions of this chapter shall be applicable in any election subject to the Act pursuant to N.J.S.A. 19:44A-4 or in any recall election conducted pursuant to the Uniform Recall Election Law, N.J.S.A. 19:27A-1 et seq.

New Rule, R.1996 d.582, effective December 16, 1996 (operative January 1, 1997).
See: 28 N.J.R. 4388(b), 28 N.J.R. 5193(b).

19:25-1.10 Preparation of reports

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

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

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

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

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

New Rule, R.1999 d.282, effective August 16, 1999.
See: 31 N.J.R. 1584(a), 31 N.J.R. 2371(a).

SUBCHAPTER 2. ADMINISTRATIVE**19:25-2.1 Office**

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

Amended by R.1984 d.324, effective August 6, 1984.
See: 16 N.J.R. 1044(a), 16 N.J.R. 2154(a).
Zip code changed from "08625" to "08608".
Amended by R.1990 d.526, effective November 5, 1990.

See: 22 N.J.R. 2251(a), 22 N.J.R. 3391(a).
Address and telephone number changed.
Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).
Added the last sentence.

19:25-2.2 Access to documents

(a) Every document accepted for filing by the Commission, including all reports, certified statements, requests for advisory opinions and answers or pleadings relating to a complaint issued by the Commission shall be maintained with the date of filing noted thereon by the Commission.

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

Amended by R.1984 d.324, effective August 6, 1984.
See: 16 N.J.R. 1044(a), 16 N.J.R. 2154(a).
"certified statements" substituted for "affidavits".
Recodified from 19:25-2.3 by R.1993 d.509, effective October 18, 1993.
See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).
Prior text at 19:25-2.2, Hours of operation, repealed by R.1990 d.172, effective March 19, 1990. See: 22 N.J.R. 982(b).
Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).
Rewrote (a).

19:25-2.3 Copies of documents; fees

(a) Photocopies of documents maintained by the Commission pursuant to N.J.A.C. 19:25-2.2 shall be provided at a fee of \$0.50 per page for the first 10 pages, \$0.25 per page for the 11th through the 20th pages, and \$0.15 per page for all pages over 20 pages, and for purposes of establishing fees under this section a two-sided photocopy shall be deemed as two pages.

(b) Computer-generated data shall be provided at the following fees:

1. \$0.10 per page (approximately 15 inches by 8½ inches) of computer-printed data;
2. \$0.10 per computer-printed gummed, address label.

(c) The above fees shall be due and payable at such time as the photocopies or computer-generated data have been prepared.

Amended by R.1984 d.324, effective August 6, 1984.
See: 16 N.J.R. 1044(a), 16 N.J.R. 2154(a).
(a)1.-3. inserted.
Amended by R.1990 d.172, effective March 19, 1990.
See: 22 N.J.R. 22(a), 22 N.J.R. 982(b).
N.J.A.C. 19:25-2.4(a) and (b) deleted and (a), (b) and (c) added.
Amended by R.1991 d.207, effective April 15, 1991.
See: 23 N.J.R. 292(a), 23 N.J.R. 1150(a).
In (a), increased copying fees.
Recodified from 19:25-2.4 by R.1993 d.509, effective October 18, 1993.
See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).
Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).
In (a), changed N.J.A.C. reference; and deleted former (b)3.

19:25-2.4 Release of documents

No original filed document referred to in N.J.A.C. 19:25-2.3 shall be released from the custody of the commission except upon express written direction of the executive director or upon court order.

As amended, R.1984 d.324, effective August 6, 1984.
See: 16 N.J.R. 1044(a), 16 N.J.R. 2154(a).
Recodified from 19:25-2.5 by R.1993 d.509, effective October 18, 1993.
See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).

19:25-2.5 Signatures

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

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

New Rule, R.1985 d.238, effective May 20, 1985.
See: 17 N.J.R. 683(b), 17 N.J.R. 1335(a).
Recodified from 19:25-2.6 by R.1993 d.509, effective October 18, 1993.
See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).
Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

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

SUBCHAPTER 3. (RESERVED)**SUBCHAPTER 4. ESTABLISHMENT OF REPORTING COMMITTEES****19:25-4.1 Candidate and joint candidates committees**

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

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

(c) A candidate who has established and is maintaining a candidate committee, or a joint candidates committee, or

both, for an office in an election may not establish or maintain another candidate committee, or joint candidates committee, for that office in any other election, with the following exceptions:

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

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

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

New Rule, R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2940(a).

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

19:25-4.1A Establishment of a candidate committee

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

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

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

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

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

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

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

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

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

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

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

Recodified from N.J.A.C. 19:25-4.1 and amended by R.2000 d.322, effective August 7, 2000.

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

Rewrote (a) and (b); and in (c), inserted “, provides political identification required pursuant to N.J.A.C. 19:25-13.2” following “expenditures”.

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

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

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

19:25-4.2 Establishment of a joint candidates committee

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

(b) For the purposes of establishing a joint candidates committee pursuant to this section only, the following offices shall be deemed to be the same elective public offices:

1. The offices of member of the Senate and members of the General Assembly in a legislative district; or
2. The offices of county executive in a county and member of the board of chosen freeholders; or
3. The offices of mayor and member of the municipal governing body in a municipality.

(c) No later than 10 days after establishing a joint candidates committee the joint candidates committee shall file a certificate of organization and designation of campaign depository (Form D-2) containing the following information for each depository the joint candidates committee has established:

1. The full name of the joint candidates committee, which name must contain the surname of each of the joint candidates, except that the surnames may be omitted provided that:

- i. The name of the joint candidates committee identifies the legislative district, county, municipality or other jurisdiction in which the candidates jointly seek nomination for election or election and identifies the political party of the candidates; and

- ii. The name of the joint candidates committee is not the same as that of any political party committee or any other joint candidates committee.

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

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

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

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

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

(f) The joint candidates committee shall file an amendment to the certificate of organization and designation of campaign depository no later than three days after any of the information required in (c) above changes.

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

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

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

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

In (a), deleted a former second sentence; in (b) and (c), rewrote the introductory paragraphs; and in (d), inserted “, provides political identification required pursuant to N.J.A.C. 19:25-13.2” following “expenditures”.

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

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

In (c), deleted “or DX” following “Form D-2” in the introductory paragraph.

19:25-4.3 Individual seeking multiple offices

An individual who is a candidate for two or more offices in an election shall establish separate candidate committees, or separate joint candidates committees, or both, for each office sought.