

ness is organized under the laws of this State or of any other state or foreign jurisdiction, as a general partnership, limited partnership, limited liability partnership, limited liability company, limited partnership association, or other such form of business organization.

“Political party committee” means:

1. The State committee of a political party, as organized pursuant to N.J.S.A. 19:5-4;
2. Any county committee of a political party, as organized pursuant to N.J.S.A. 19:5-3; or
3. Any municipal committee of a political party, as organized pursuant to N.J.S.A. 19:5-2.

“Principal” means a natural person or other entity who or which owns or controls more than 10 percent of the profits or assets of a business entity or 10 percent of the stock in the case of a business entity that is a corporation for profit.

“Public entity” means any State agency or any local unit, as those terms are defined herein.

“State agency” means any of the principal departments in the Executive Branch of the State government, and any division, board, bureau, office, commission or other instrumentality within or created by such department, the Legislature of the State and any office, board, bureau or commission within or created by the Legislative Branch, and any independent State authority, commission, instrumentality or agency.

“State committee of a political party” means a committee organized pursuant to N.J.S.A. 19:5-4.

Petition for Rulemaking.
Sec: 40 N.J.R. 224(b).

19:25-26.2 Business entity disclosure to a State agency

(a) Not later than 10 days prior to the execution of any contract with a State agency, which contract has an anticipated value in excess of \$17,500, except for a contract that is awarded pursuant to a fair and open process, a business entity **bidding on or negotiating** for the contract shall submit to the State agency, according to procedures established by the State agency, a list of contributions, including contributions deemed to be contributions of the business entity pursuant to N.J.A.C. 19:25-26.6, which shall contain the following:

1. The name of each political party committee, legislative leadership committee, continuing political committee, or candidate committee or joint candidates committee of a candidate for, or holder of, a State elective office to which the business entity made a contribution reportable by the recipient during the 12-month period preceding the date of the execution of the contract with the State agency;
2. The date of the contribution; and
3. The amount of the contribution.

(b) As used in this section, the term “State elective office” shall mean the offices of Governor, State Senate, and General Assembly.

(c) The provisions of this section shall not apply to a contract when a public emergency, as determined by a State agency, requires the immediate delivery of goods or services.

19:25-26.3 Business entity disclosure to a local unit

(a) Not later than 10 days prior to the date of the resolution by a local unit awarding a contract which has an anticipated value in excess of \$17,500, except for a contract that is awarded pursuant to a fair and open process, a business entity bidding on or negotiating for the contract shall submit to the local unit, according to procedures established by the local unit, a list of contributions, including contributions deemed to be contributions of the business entity pursuant to N.J.A.C. 19:25-26.6, as set forth in (b) below.

(b) The business entity shall include the following information on the list of contributions submitted to a local unit pursuant to (a) above:

1. The names of all of the following to which the business entity made a contribution reportable by the recipient during the 12-month period preceding the date of the resolution awarding the contract with the local unit:

- i. Any political party committee;
- ii. Any legislative leadership committee;
- iii. Any continuing political committee; and

iv. Any candidate committee or joint candidates committee of a candidate for, or holder of, an elective office of the local unit awarding the contract, the county in which that local unit is located, another local unit within that county, and the legislative district in which that local unit is located or, when the local unit is a county, of any legislative district which includes all or part of the county;

2. The date of the contribution; and

3. The amount of the contribution.

(c) As used in this section, the term “elective office” shall include an office, other than party office, for which candidates appear on the ballot in a primary, general, municipal, school, or special election.

(d) The provisions of this section shall not apply to a contract when a public emergency, as determined by the local unit, requires the immediate delivery of goods or services.

19:25-26.4 Business entity annual disclosure statement

(a) A business entity shall file an annual disclosure statement with the Commission for each calendar year during which the business entity received \$50,000 or more in the aggregate through agreements or contracts with a public entity

or public entities, which annual disclosure statement shall contain the information described in (b) below.

(b) A business entity shall report the following on the annual disclosure statement:

1. The name and mailing address of the business entity;
2. For each public entity from which the business entity received money in the calendar year:
 - i. The name of the public entity;
 - ii. The amount of money the business entity received from the public entity;
 - iii. The date of each contract or agreement with the public entity and information to identify the specific contract with the public entity; and
 - iv. A description of the goods, services or equipment provided or property sold to the public entity;

3. The name and address of the recipient candidate or committee, the contribution date, and the contribution amount for each contribution reportable by the recipient that was made by the business entity, including contributions deemed to be contributions of the business entity pursuant to N.J.A.C. 19:25-26.6, during the calendar year to the following:

- i. The candidate committee or joint candidates committee of a candidate for or holder of the office of Governor, State Senate, General Assembly, county executive, freeholder, sheriff, clerk, surrogate, and member of a municipal, school board, and fire district governing body;
- ii. A political party committee;
- iii. A legislative leadership committee;
- iv. A political committee; and
- v. A continuing political committee; and

4. The total amount contributed by the business entity during the calendar year to the candidates and committees described in (b)3 above.

(c) A business entity which has received \$50,000 or more in the aggregate during a calendar year through agreements or contracts with a public entity or public entities, but has made no contributions to candidates or committees, as set forth in (b) above, shall file the business entity annual disclosure statement with the Commission to report that no contributions were made during the calendar year.

19:25-26.5 Filing the business entity annual disclosure statement

(a) A business entity shall file the business entity annual disclosure statement with the Commission using the Commission's electronic form available at www.elec.state.nj.us and

shall maintain as part of its records an exact copy of each business entity annual disclosure statement that has been filed electronically.

(b) A business entity which has received \$50,000 or more in the aggregate during calendar year 2006 through agreements or contracts with a public entity or public entities shall file the business entity annual disclosure statement on or before September 28, 2007.

(c) A business entity which has received \$50,000 or more in the aggregate through agreements or contracts with a public entity or public entities during a calendar year beginning on or after January 1, 2007, shall file the business entity annual disclosure statement with the Commission on or before March 30th immediately following the calendar year during which the business entity received \$50,000 or more in the aggregate through agreements or contracts with a public entity or public entities.

19:25-26.6 Contribution deemed to be a contribution by a business entity

(a) For the purposes of this subchapter, when a business entity is a natural person, a contribution made by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity.

(b) For the purposes of this subchapter, when a business entity is other than a natural person, a contribution made by any of the following shall be deemed to be a contribution by the business entity:

1. A person or other business entity having an interest in the business entity;
2. A principal, partner, officer, director, or trustee of the business entity;
3. The spouse of a principal, partner, officer, director, or trustee of the business entity;
4. A subsidiary directly or indirectly controlled by the business entity; and
5. A continuing political committee organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the business entity.

(c) For the purposes of this section, where a corporation owns sufficient shares or voting interest in a second corporation to elect a majority of the directors or trustees of the second corporation, or where a business entity has sufficient control of a second business entity to direct the decision-making of the second business entity, the second corporation or second business entity shall be a subsidiary directly or indirectly controlled by a business entity.

(d) For the purposes of this section, the criteria to be applied to determine whether or not a business entity directly or indirectly controls a continuing political committee shall include, but not be limited to, whether or not the business entity