

2. The name and address of the vendor from whom the purchase was made;
3. The date of the purchase;
4. A description pursuant to N.J.A.C. 19:25-12.2(b) of the purpose of the purchase, including a specific itemization of the goods or services acquired;
5. The amount of the purchase; and
6. The name of the payee, and the number, date and amount of the reimbursement check.

(c) Payment by use of credit card reported pursuant to (a) above shall not be deemed to be in violation of N.J.S.A. 19:44A-11, requiring campaign expenditures to be made through the campaign or organizational treasurer.

#### 19:25-12.5 Expenditures by currency; petty cash fund

Payment of expenditures by currency is permissible if the payment is made from proceeds of a petty cash fund established pursuant to N.J.A.C. 19:25-6.4(b).

#### 19:25-12.6 Payments to individuals; "street money"

(a) Any payment to an individual which is related to efforts by or on behalf of a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee in aid of or to promote a candidate in an election or the passage or defeat of a public question, or to efforts directly to promote or encourage the participation of voters in an election (commonly referred to as "street money"), shall be made by check payable to such named individual.

(b) Any payment to a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, or to any other person, association or group, by a candidate or any such committee or by any other person, association or group, which payment is related to efforts in aid of or to promote the candidacy of a candidate in any election or the passage or defeat of a public question, or to efforts directly to promote or encourage the participation of voters in an election (commonly referred to as "street money"), shall be made by check payable to the named committee, person, association, or group.

(c) Payment in the form of currency for any of the purposes described in (a) and (b) above is prohibited.

(d) A payment or expenditure made for the purposes described in (a) or (b) above shall be reported by including the following information:

1. The date the expenditure was made;
2. The check number;

3. The name and address of the recipient, who shall be the payee;

4. The purpose of the expenditure, including itemization of the specific services provided by the individual-payee; and,

5. The amount of the expenditure.

#### 19:25-12.7 Independent expenditures

Independent expenditures shall be subject to all of the reporting and disclosure requirements of the act. Every person, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee making an independent expenditure and required to report under the act shall include in the reports required under the act a sworn statement on a form provided by the Commission that such independent expenditure was not made with the cooperation or prior consent of, or in consultation with or at the request or suggestion of the candidate or any person or committee acting on behalf of the candidate.

#### 19:25-12.8 Reporting of independent expenditures

Any individual or entity expending from his, her or its own funds more than \$600.00 in an election to support or defeat a candidate or more than \$600.00 to aid the passage or defeat of a public question, and who made such expenditure pursuant to N.J.A.C. 19:25-12.7, that is, made the expenditure without the cooperation or prior consent of, or without consultation with or at the request or suggestion of, a candidate or any person or committee acting on behalf of the candidate, shall report all such expenditures at the same time and in the the same manner as a political committee subject to the provisions of N.J.S.A. 19:44A-8.

Amended by R.1996 d.393, effective August 19, 1996.

See: 28 N.J.R. 2521(a), 28 N.J.R. 3970(a).

Lowered the expenditure amount requiring reporting from \$1,000 to \$500.

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.

#### 19:25-12.9 Expenditures for pre-candidacy activity

When an individual becomes a candidate, all funds received or payments made in connection with his or her testing the waters activity prior to becoming a candidate shall be considered contributions or expenditures under the act and shall be reported in accordance with the applicable reporting requirements in the first report filed by such candidate's candidate committee or joint candidates committee. The individual shall keep records of the name of each contributor, the date of receipt and amount of all contributions received and all expenditures made in connection with the individual's testing the waters activity prior to becoming a candidate.

**19:25-12.10 Allocation**

(a) Where an expenditure is made on behalf of two or more candidates, the expenditure must be allocated between such candidates in a reasonable manner so as to fairly reflect the relative value to each of the candidates of such expenditure. The initial allocation should be made by the committee or candidates on a reasonable basis, and in advance of the expenditure where possible. All documents and financial records relating to the allocation and the expenditure should be retained:

1. Example: "Committee for A and B" is conducting a political campaign on behalf of candidate A and candidate B. The committee proposes to expend \$100.00 for the purchase of a quantity of bumper stickers containing the slogan "Vote for A and B". The committee determines that the stickers are of equal value to each of the candidates. Thus, \$50.00 of the expenditure should be allocated to candidate A and \$50.00 should be allocated to candidate B. Financial records and a record of the facts on which the allocation is based must be retained.

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

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

"should be retained . . . reports A" deleted.

Recodified from 19:25-13.1 by R.1996 d.393, effective August 19, 1996.

See: 28 N.J.R. 2521(a), 28 N.J.R. 3970(a).

**Case Notes**

Allocation required only where expenditure made on behalf of two or more candidates. *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).

**SUBCHAPTER 13. POLITICAL IDENTIFICATION STATEMENTS****Authority**

N.J.S.A. 19:44A-6 and 19:44A-22.3h.

**Source and Effective Date**

R.1996 d.393, effective August 19, 1996.

See: 28 N.J.R. 2521(a), 28 N.J.R. 3970(a).

**Subchapter Historical Note**

Subchapter 13, originally Allocation of Expenditures, was recodified as N.J.A.C. 19:25-12.10 by R.1996 d.393, effective August 19, 1996, and a new subchapter 13, Political Identification Statements, was adopted, effective August 19, 1996. See: Source and Effective Date.

**19:25-13.1 Definitions**

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

"Communication" means a press release, pamphlet, flyer, form letter, sign, billboard or paid advertisement printed in any newspaper or other publication or broadcast on radio or television, or any other form of advertising directed to the electorate.

**19:25-13.2 Political identification requirements**

(a) Whenever a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, legislative leadership committee, or an individual or group making independent expenditures pursuant to N.J.A.C. 19:25-12.8, makes, incurs or authorizes an expenditure for the purpose of financing a communication aiding or promoting the nomination, election or defeat of any candidate which is an expenditure that the committee, individual or group is required to report pursuant to the Act, the communication shall clearly state the name and business or residence address of the committee, individual or group, as that information appears on reports filed with the Commission, and that the communication has been paid for by that committee, individual or group.

(b) Whenever a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, legislative leadership committee, or an individual or group making independent expenditures pursuant to N.J.A.C. 19:25-12.8, makes, incurs or authorizes an expenditure for the purpose of financing a communication aiding the passage or defeat of any public question which is an expenditure that the committee, individual or group is required to report pursuant to the Act, the communication shall clearly state the name and business or residence address of the committee, individual or group, as that information appears on reports filed with the Commission, and that the communication has been paid for by that committee, individual or group.

(c) A candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee filing certified statements pursuant to N.J.A.C. 19:25-8.4 or 9.3 and therefore not required to report expenditures or a school board or write-in candidate not required to file certified statements pursuant to N.J.A.C. 19:25-8.4(d) is nevertheless required within any communication paid for by it, or to be paid for by it, to clearly state the name and address of the committee, as that information appears on reports filed with the Commission, and that the communication has been paid for by that committee.

**19:25-13.3 Independent expenditure communications**

A communication that is paid for by any person, not acting in concert with a candidate or any person or committee acting on behalf of a candidate, that is, is paid for as an independent expenditure pursuant to N.J.A.C. 19:25-12.8, shall in addition to the political identification statement required by this subchapter contain a clear and conspicuous statement that the expenditure 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.

**19:25-13.4 Vendor records**

(a) Any person who accepts compensation from a committee, group or individual described in N.J.A.C. 19:25-13.2 for the purpose of printing, broadcasting, or otherwise disseminating to the electorate a communication subject to political identification statement requirements shall maintain a record of the transaction, which record shall include:

1. An exact copy of the communication;
2. A statement of the number of copies made or, if the communication was broadcast, the dates and times the communication was broadcast; and
3. The name and address of the committee, group or individual paying for the communication and of the candidate or committee, if any, on whose behalf the individual was acting.

(b) The record shall be maintained on file at the principal office of the person accepting the communication for at

least two years, and shall be available for public inspection during normal business hours.

**19:25-13.5 Exemptions**

(a) The following shall be exempt from the political identification requirements in this subchapter:

1. A bona fide news item or editorial contained in any publication of bona fide general circulation;
2. Small, tangible items of de minimis value commonly used in election campaigns to convey a political message, including, but not limited to, buttons, combs, and nail files; and
3. Advertising space costing no more than \$50.00 and purchased by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, legislative leadership committee or other person, in a political program book distributed at a fund-raising event, provided that the payment for the advertising space is subject to reporting under the Act.