

SUBTITLE H. ELECTION LAW ENFORCEMENT COMMISSION

CHAPTER 25

REGULATIONS OF THE ELECTION LAW ENFORCEMENT COMMISSION

Authority

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

Source and Effective Date

R.1995 d.509, effective August 16, 1995.  
See: 27 N.J.R. 2564(a), 27 N.J.R. 3621(d).

Executive Order No. 66(1978) Expiration Date

Chapter 25, Regulations of the Election Law Enforcement Commission, expires on August 16, 2000.

Chapter Historical Note

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

1975 Revisions: Amendments became effective December 9, 1975 as R.1975 d.359. See: 7 N.J.R. 527(a), 7 N.J.R. 52(b).

1977 Revisions: Subchapter 15 became effective March 7, 1977 as R.1977 d.72. See: 9 N.J.R. 102(a), 9 N.J.R. 201(a). Rules in Subchapter 18 were originally codified as N.J.A.C. 19:25-15.38 and 15.39 which were adopted as R.1977 d.350, effective September 19, 1977. See: 9 N.J.R. 395(a), 9 N.J.R. 496(b). Further amendments became effective October 6, 1977 as R.1977 d.379. See: 9 N.J.R. 447(b), 9 N.J.R. 548(a).

1979 Revisions: Further amendments became effective March 22, 1979 as R.1979 d.121. See: 11 N.J.R. 107(c), 11 N.J.R. 266(a). Further amendments became effective October 1, 1979 as R.1979 d.391. See: 11 N.J.R. 416(a), 11 N.J.R. 597(b).

1980 Revisions: The text of Subchapter 20 "Financial disclosure by lobbyists and legislative agents" replaced in its entirety text concerning "Lobbying disclosure" which was filed and became effective on August 6, 1980 as R.1980 d.349. See: 12 N.J.R. 442(a), 12 N.J.R. 557(b). Subchapter 19 formerly contained rules concerning public financing of primary elections for governor which became effective September 25, 1980 as R.1980 d.411. See: 12 N.J.R. 555(a), 12 N.J.R. 681(b). Subchapter 19 was repealed and recodified as N.J.A.C. 19:26-16 effective November 6, 1980 as R.1980 d.491. See: 12 N.J.R. 621(a), 12 N.J.R. 732(b). The previous text of Subchapter 16 on public financing of primary election for governor was codified as N.J.A.C. 19:25-19. Also, Investigations by Commission was recodified from Subchapter 16 to 19:25-17.33 effective November 6, 1980 as R.1980 d.491. See: 12 N.J.R. 621(a), 12 N.J.R. 732(b).

1981 Revisions: Substantial amendments which also deleted the existing text of Subchapter 15 and substituted new text became effective February 13, 1981 as R.1981 d.54. See: 13 N.J.R. 49(a), 13 N.J.R. 248(b). Amendments became effective December 7, 1981 as R.1981 d.471. See: 13 N.J.R. 695(a), 13 N.J.R. 895(d), 14 N.J.R. 392(a).

1983 Revisions: Subchapter 19 was readopted effective July 18, 1983 as R.1983 d.285. See: 15 N.J.R. 799(a), 15 N.J.R. 1183(a). Subchapter 3 which contained rules concerning limitation of expenditures was repealed and a new Subchapter 3 became effective July 18, 1983 as R.1983 d.287. See: 15 N.J.R. 616(a), 15 N.J.R. 1182(e).

1984 Revisions: Further amendments and the reoption to Subchapters 12 and 16 became effective March 12, 1984 as R.1984 d.85. See: 16 N.J.R. 236(a), 16 N.J.R. 748(b). Subchapter 20 was recodified

without change from Subchapter 8 and Subchapter 21 was recodified from 19:25-20 and became effective August 6, 1984 as R.1984 d.324. See: 16 N.J.R. 1044(a), 16 N.J.R. 2154(a). Subchapters 2, 4, 5 through 10, 12, 13 and 20 were readopted pursuant to the above R.1984 d.324. Subchapter 8 was originally "Financial disclosure by lobbyists and legislative agents" and was recodified to Subchapter 20, effective August 6, 1984 as R.1984 d.324. See: 16 N.J.R. 1044(a), 16 N.J.R. 2154(a). Subchapter 18 was repealed effective August 6, 1984 as R.1984 d.324. See: 16 N.J.R. 1044(a), 16 N.J.R. 2154(a). Amendments were filed as R.1984 d.461, effective October 15, 1984. See: 16 N.J.R. 2256(a), 16 N.J.R. 2830(a).

1985 Revisions: Subchapters 1, 7 and 11 were readopted pursuant to Executive Order No. 66(1978) filed July 15, 1985 as R.1985 d.398. See: 17 N.J.R. 1399(b), 17 N.J.R. 1917(a).

1986 Revisions: Subchapter 15 was readopted pursuant to Executive Order No. 66(1978) effective January 9, 1986 as R.1986 d.17. See: 17 N.J.R. 2868(b), 18 N.J.R. 312(a). Subchapter 17, Complaints and other proceedings, expired pursuant to Executive Order No. 66(1978) on March 15, 1984. Amendments were filed as R.1986 d.223 and d.224, effective June 16, 1986. See: 18 N.J.R. 630(a), 18 N.J.R. 1310(d); 18 N.J.R. 630(b), 18 N.J.R. 1311(a). New rules for Subchapter 17 became effective June 16, 1986 as R.1986 d.226. See: 18 N.J.R. 632(a), 18 N.J.R. 1311(c).

1989 Revisions: Amendments were filed as R.1989 d.623, effective December 18, 1989. See: 21 N.J.R. 3273(a), 21 N.J.R. 3931(a).

1990 Revisions: Pursuant to Executive Order No. 66(1978), Chapter 25 was readopted as R.1990 d.526, effective October 1, 1990. See: 22 N.J.R. 2251(a), 22 N.J.R. 3391(a).

1993 Revisions: 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, consisting of sections 5.1 through 5.7, 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 recodified from Subchapter 7; Subchapter 7, Use or Transmittal of Deposited Funds; Surplus Campaign Funds, was repealed in part and recodified in part to Subchapter 6, and Subchapter 7, Recordkeeping, was recodified from Subchapter 8; 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).

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

1995 Revisions: Subchapter 11, Contributions; Reporting of, was recodified as Subchapter 10, Contribution Reporting, and Subchapter 11, Contribution Limits, was 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). Subchapter 12 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(a), 27 N.J.R. 3214(a). Pursuant to Executive Order No. 66(1978), Chapter 25 was readopted as R.1995 d.509, effective August 16, 1995. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 19:25-1.1 Scope of regulations
- 19:25-1.2 Short title

- 19:25-16.43 Complaint alleging failure to participate in debate  
 19:25-16.44 Temporary cessation of distribution of public funds  
 19:25-16.45 Response to a complaint for failure to participate in a debate or debates  
 19:25-16.46 Conduct of the hearing  
 19:25-16.47 Final decision of non-participation  
 19:25-16.48 Complaint alleging violation of primary election expenditure limit

#### SUBCHAPTER 17. COMPLAINTS AND OTHER PROCEEDINGS; VIOLATIONS

- 19:25-17.1 Default for failure to answer complaint  
 19:25-17.2 Violations  
 19:25-17.3 Penalties

#### SUBCHAPTER 18. ADVISORY OPINIONS

- 19:25-18.1 Requests for advisory opinions  
 19:25-18.2 Time for issuing advisory opinions  
 19:25-18.3 (Reserved)

#### SUBCHAPTER 19. PERSONAL FINANCIAL DISCLOSURE STATEMENTS

- 19:25-19.1 Authority  
 19:25-19.2 Definitions  
 19:25-19.3 Reporting of earned income  
 19:25-19.4 Reporting of unearned income  
 19:25-19.5 Advisory opinions

#### SUBCHAPTER 20. LOBBYISTS AND LEGISLATIVE AGENTS

- 19:25-20.1 Authority  
 19:25-20.2 Definitions  
 19:25-20.3 Exemptions from the Act  
 19:25-20.4 Legislative agent notice of representation  
 19:25-20.5 Legislative agent quarterly report  
 19:25-20.6 Name tags  
 19:25-20.7 Notice of termination  
 19:25-20.8 Voluntary statements  
 19:25-20.9 Annual report  
 19:25-20.10 Receipts  
 19:25-20.11 Expenditures  
 19:25-20.12 Valuation of contributions and expenditures  
 19:25-20.13 Notice of lobbying benefit  
 19:25-20.14 Contents of annual report  
 19:25-20.15 Audit by Commission; recordkeeping  
 19:25-20.16 Responsibilities for filing annual reports; certification  
 19:25-20.17 Advisory opinions  
 19:25-20.18 Complaint proceedings; investigations; penalties  
 19:25-20.19 Nonresident legislative agents or lobbyists  
 19:25-20.20 Annual fee

#### SUBCHAPTER 21. SEVERABILITY CLAUSE

- 19:25-21.1 Severability clause

#### 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.; 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.

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

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

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

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

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

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

Amended definitions of "contribution" and "expenditure".

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

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

Definitions amended.

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

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

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

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

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

New definition for "Surplus campaign funds".

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

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

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

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

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

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

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

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

Definition added for file.

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

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

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

Administrative Corrections to "expenditure".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Inserted "Contributor".

#### 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).

## 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.

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.

#### 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 replies to requests for advisory opinions, complaints or pleadings relating to a complaint, all final orders, decisions and opinions 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).