

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 Subchapter 19 was repealed and recodified as N.J.A.C. 19:26-16 effective November 6, 1980 as R.1980 d.491.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 readoption 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

- 19:25-1.3 Liberal construction of regulations
- 19:25-1.4 Relaxation
- 19:25-1.5 Amendment of regulations
- 19:25-1.6 Practice where regulations do not govern
- 19:25-1.7 Definitions
- 19:25-1.8 Gender; use of masculine to include feminine
- 19:25-1.9 Candidates and committees subject to thresholds and limits

SUBCHAPTER 2. ADMINISTRATIVE

- 19:25-2.1 Office
- 19:25-2.2 Access to documents
- 19:25-2.3 Copies of documents; fees
- 19:25-2.4 Release of documents
- 19:25-2.5 Signatures

SUBCHAPTER 3. PRE-CANDIDATE ACTIVITY; "TESTING THE WATERS"

- 19:25-3.1 Exemption for activities conducted solely for the purpose of determining whether an individual will become a candidate; "Testing the Waters"
- 19:25-3.2 Recordkeeping for a prospective candidacy

SUBCHAPTER 4. ESTABLISHMENT OF REPORTING COMMITTEES

- 19:25-4.1 Establishment of a candidate committee
- 19:25-4.2 Establishment of a joint candidates committee
- 19:25-4.3 Individual seeking multiple offices
- 19:25-4.4 Establishment of a political committee
- 19:25-4.5 Establishment of a continuing political committee
- 19:25-4.6 Designation by a political party committee
- 19:25-4.7 Establishment of a legislative leadership committee

SUBCHAPTER 5. APPOINTMENT OF CAMPAIGN OFFICERS AND DEPOSITORIES

- 19:25-5.1 Qualifications of campaign or committee officers
- 19:25-5.2 Qualifications of depositories
- 19:25-5.3 (Reserved)
- 19:25-5.4 Deputy treasurers and additional depositories
- 19:25-5.5 Removal or resignation of treasurers

SUBCHAPTER 6. RECEIPT AND USE OF FUNDS

- 19:25-6.1 Receipt and deposit of funds
- 19:25-6.2 Transfer of funds without deposit
- 19:25-6.3 Receipt of transferred funds
- 19:25-6.4 Expenditures through treasurer
- 19:25-6.5 Use or disposition of campaign funds
- 19:25-6.6 Limitations on permissible expenses
- 19:25-6.7 Ordinary and necessary officeholding expenses
- 19:25-6.8 Vehicle use
- 19:25-6.9 Funds remaining unspent at death of candidate

SUBCHAPTER 7. RECORDKEEPING

- 19:25-7.1 Recordkeeping requirements
- 19:25-7.2 Recordkeeping for credit card transactions
- 19:25-7.3 Period of retention
- 19:25-7.4 Affidavit for missing records

SUBCHAPTER 8. CANDIDATE, JOINT CANDIDATES, AND POLITICAL COMMITTEE REPORTING

- 19:25-8.1 Candidate or joint candidates committee election fund reports
- 19:25-8.2 Election-cycle reports
- 19:25-8.3 Quarterly reports
- 19:25-8.4 Candidate certified statements (Form A-1 or A-2)
- 19:25-8.5 Candidate not receiving contributions or making expenditures
- 19:25-8.6 Contributions received immediately before an election
- 19:25-8.7 Termination of election fund reporting
- 19:25-8.8 Political committee election fund reports

- 19:25-8.9 Political committee contributions received immediately before an election
- 19:25-8.10 Political committee expenditures made immediately before an election
- 19:25-8.11 Termination of political committee quarterly reporting
- 19:25-8.12 Time and place of filing reports

SUBCHAPTER 9. CONTINUING POLITICAL COMMITTEE, POLITICAL PARTY COMMITTEE, AND LEGISLATIVE LEADERSHIP COMMITTEE REPORTING

- 19:25-9.1 Quarterly reports
- 19:25-9.2 Certified statement (Form A-3)
- 19:25-9.3 Contributions received immediately before an election
- 19:25-9.4 Continuing political committee expenditures made immediately before a primary or general election
- 19:25-9.5 Termination of continuing political committee reporting
- 19:25-9.6 Time and place of filing reports

SUBCHAPTER 10. CONTRIBUTION REPORTING

- 19:25-10.1 General provisions
- 19:25-10.2 Contributions of more than \$300.00
- 19:25-10.3 Contributions of \$300.00 or less
- 19:25-10.4 Computation of contribution amounts
- 19:25-10.5 Contributions of paid personal services
- 19:25-10.6 Currency contributions
- 19:25-10.7 Public solicitations
- 19:25-10.8 Anonymous contributions
- 19:25-10.9 Contributions for pre-candidacy activity
- 19:25-10.10 Political communication contributions
- 19:25-10.11 Reporting of political communication costs
- 19:25-10.12 Interest income
- 19:25-10.13 Loans as contributions

SUBCHAPTER 11. CONTRIBUTION LIMITS

- 19:25-11.1 Candidates subject to contribution limits
- 19:25-11.2 Contribution limit chart
- 19:25-11.3 Candidate contributions
- 19:25-11.4 Joint candidates committee contribution limits
- 19:25-11.5 Equal attribution requirements
- 19:25-11.6 Public question political committees
- 19:25-11.7 County political party contribution limits
- 19:25-11.8 Return of excessive contributions
- 19:25-11.9 Contributions from affiliated corporations, associations or labor organizations

SUBCHAPTER 12. REPORTING OF EXPENDITURES; INDEPENDENT EXPENDITURES

- 19:25-12.1 General provisions
- 19:25-12.2 Expenditure reporting
- 19:25-12.3 Written notification of a coordinated expenditure
- 19:25-12.4 Expenditures made by credit card
- 19:25-12.5 Expenditures by currency; petty cash fund
- 19:25-12.6 Payments to individuals; "street money"
- 19:25-12.7 Independent expenditures
- 19:25-12.8 Reporting of independent expenditures
- 19:25-12.9 Expenditures for pre-candidacy activity
- 19:25-12.10 Allocation

SUBCHAPTER 13. POLITICAL IDENTIFICATION STATEMENTS

- 19:25-13.1 Definitions
- 19:25-13.2 Political identification requirements
- 19:25-13.3 Independent expenditure communications
- 19:25-13.4 Vendor records
- 19:25-13.5 Exemptions

SUBCHAPTER 14. RECALL ELECTIONS

- 19:25-14.1 Definitions

ELECTION LAW ENFORCEMENT COMMISSION

- 19:25-14.2 Recall committee subject to candidate committee requirements; penalties
- 19:25-14.3 Commencement of fundraising by recall committee
- 19:25-14.4 Recall committee depository and filing requirements
- 19:25-14.5 Registration statement
- 19:25-14.6 Recall committee use restrictions
- 19:25-14.7 Establishment of recall defense committee; subject to candidate committee requirements; penalties
- 19:25-14.8 Recall defense committee depository and filing requirements
- 19:25-14.9 Recall defense committee use restrictions
- 19:25-14.10 Requirements for a nominee to succeed elected official
- 19:25-14.11 Limits applicable to Federal candidates
- 19:25-14.12 Public financing unavailable
- 19:25-14.13 Limit on contributions by a prior defeated candidate
- 19:25-14.14 Identification of paid circulator

SUBCHAPTER 15. PUBLIC FINANCING; GENERAL ELECTIONS FOR THE OFFICE OF GOVERNOR

- 19:25-15.1 Scope of subchapter
- 19:25-15.2 Definitions; generally
- 19:25-15.3 Definitions for this subchapter
- 19:25-15.4 Appointment of treasurers and depositories
- 19:25-15.5 Pre-candidacy activity
- 19:25-15.6 Contribution limits; applicability
- 19:25-15.7 Separately maintained primary and general bank accounts
- 19:25-15.8 Return of contributions; certification
- 19:25-15.9 Candidates deemed non-participating; effect
- 19:25-15.10 Non-participating candidates
- 19:25-15.11 Limitations on participating candidates
- 19:25-15.12 Who may or may not contribute
- 19:25-15.13 Corporate or labor organization communications
- 19:25-15.14 Contributions eligible for match
- 19:25-15.15 Contributions eligible for match; checks and instruments, contributions by children
- 19:25-15.16 Limitation on contributions eligible for match
- 19:25-15.17 Matching of funds
- 19:25-15.18 Dates of submission
- 19:25-15.19 Matching of State committee contributions; submission dates
- 19:25-15.20 Special account for public funds
- 19:25-15.21 Receipt of public funds
- 19:25-15.22 Receipt of public funds; limitation
- 19:25-15.23 Receipt of public funds; procedure
- 19:25-15.24 Use of public funds
- 19:25-15.25 Use of transferred funds
- 19:25-15.26 Expenses not subject to expenditure limits
- 19:25-15.27 Expenditure reporting; travel expenses
- 19:25-15.28 Independent expenditures
- 19:25-15.29 Coordinated expenditures
- 19:25-15.30 Borrowing of funds; repayment
- 19:25-15.31 Computation of value of goods and services
- 19:25-15.32 Establishment of State committee account; contribution limit
- 19:25-15.33 State committee expenditures; ineligible for match; expenditure limit
- 19:25-15.34 State committee treasurer
- 19:25-15.35 Notice by State committee to contributor
- 19:25-15.36 State committee statements
- 19:25-15.37 Certification and delivery of statements
- 19:25-15.38 Transfer of deposits; certification
- 19:25-15.39 County and municipal committee expenditures; reports
- 19:25-15.40 County and municipal committee reports
- 19:25-15.41 County and municipal committees; prohibition on transfers
- 19:25-15.42 Maintenance of records; audit
- 19:25-15.43 Disclosure of information
- 19:25-15.44 Prepared statement on behalf of candidate; reimbursement of ballot statement costs
- 19:25-15.45 Post-election contribution; post-election payment of expenses

- 19:25-15.46 Funds or materials remaining from general election campaign
- 19:25-15.47 Repayment of public or other funds
- 19:25-15.48 Candidate statement of qualification before participation in public financing
- 19:25-15.49 Statement of candidates electing to participate in debates
- 19:25-15.50 Application to sponsor debates
- 19:25-15.51 Selection of debate sponsor
- 19:25-15.52 Dates, times, and location of debates
- 19:25-15.53 Rules for conduct of debates
- 19:25-15.54 Complaint alleging failure to participate in debate
- 19:25-15.55 Temporary cessation of distribution of public funds
- 19:25-15.56 Response to complaint for failure to participate in a debate or debates
- 19:25-15.57 Conduct of the hearing
- 19:25-15.58 Final decision of non-participation
- 19:25-15.59 Inaugural event contribution limit; reporting
- 19:25-15.60 Inaugural event contributions from joint checking account
- 19:25-15.61 Inaugural event contributions from affiliated corporations or unions
- 19:25-15.62 Inaugural event contributions from partnerships
- 19:25-15.63 Inaugural event contributions from children or trusts
- 19:25-15.64 Contributions and loans prior to candidacy
- 19:25-15.65 Complaints alleging violation of general election expenditure limit

SUBCHAPTER 16. PUBLIC FINANCING OF PRIMARY ELECTION FOR GOVERNOR

- 19:25-16.1 Scope of subchapter
- 19:25-16.2 Definitions; generally
- 19:25-16.3 Definitions for this subchapter
- 19:25-16.4 Appointment of treasurers and depositories
- 19:25-16.5 Pre-candidacy activity
- 19:25-16.6 Contribution limits; applicability
- 19:25-16.7 Candidates deemed non-participating; effect
- 19:25-16.8 Non-participating candidates
- 19:25-16.9 Limitations on participating candidates
- 19:25-16.10 Who may or may not contribute
- 19:25-16.11 Contributions eligible for match
- 19:25-16.12 Contributions and loans prior to candidacy
- 19:25-16.13 Contributions eligible for match; checks and instruments
- 19:25-16.14 Limitation on contributions eligible for match
- 19:25-16.15 Contributions; primary and general elections
- 19:25-16.16 Expenditure reporting
- 19:25-16.17 Funds or materials remaining from primary campaign
- 19:25-16.18 Matching of funds
- 19:25-16.19 Dates of submission
- 19:25-16.20 Special account for public funds
- 19:25-16.21 Receipt of public funds
- 19:25-16.22 Receipt of public funds; limitation
- 19:25-16.23 Receipt of public funds; procedure
- 19:25-16.24 Disclosure of information
- 19:25-16.25 Use of public funds
- 19:25-16.26 Use of transferred funds
- 19:25-16.27 Expenses not subject to expenditure limits
- 19:25-16.28 Travel expenses
- 19:25-16.29 Independent expenditures
- 19:25-16.30 Coordinated expenditures
- 19:25-16.31 Borrowing of funds; repayment
- 19:25-16.32 Maintenance of records; audit
- 19:25-16.33 Post-election contributions; post-election payment of expenses
- 19:25-16.34 Repayment of public or other funds
- 19:25-16.35 Computation of value of goods and services
- 19:25-16.36 Corporate or labor organization communications
- 19:25-16.37 Candidate statement of qualification before participation in public financing
- 19:25-16.38 Statement of candidates electing to participate in debates
- 19:25-16.39 Application to sponsor debates
- 19:25-16.40 Selection of debate sponsor
- 19:25-16.41 Dates, times, and location of debates
- 19:25-16.42 Rules for conduct of debates

- 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 Contents of annual report
 19:25-20.14 Audit by Commission; recordkeeping
 19:25-20.15 Responsibilities for filing annual reports; certification
 19:25-20.16 Advisory opinions
 19:25-20.17 Complaint proceedings; investigations; penalties
 19:25-20.18 Nonresident legislative agents or lobbyists
 19:25-20.19 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.

This definition does not include an individual seeking Federal elective office, or State, county or municipal political party office.

"Candidate committee" means a committee established by a candidate pursuant to N.J.S.A. 19:44A-9(a) for the purpose of receiving contributions and making expenditures.

"Commission" means the New Jersey Election Law Enforcement Commission.

"Continuing political committee" includes any group of two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association, including a political club, political action committee, civic association or other organization, which in any calendar year contributes or expects to contribute at least \$3,000 to aid or promote the candidacy of an individual, or the candidacies of individuals, for elective public office, or the passage or defeat of a public question or public questions, and which may be expected to make contributions toward such aid or promotion or passage or defeat during a subsequent election, provided that the group, corporation, partnership, association or other organization has been determined by the commission to be a continuing political committee in accordance with N.J.S.A. 19:44A-8(b).

"Contribution" includes every loan, gift, subscription, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible (but not including services provided without compensation by individuals volunteering a part or all of their time on behalf of a candidate, committee or organization), made to or on behalf of any candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee and any pledge or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the act, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed. As set forth in N.J.A.C. 19:25-3.1, funds or other benefits received solely for the purpose of determining whether an individual should become a candidate are not contributions.

"District" means the State, legislative district, county, municipality or part thereof, school district or other district in which a candidate is seeking election to public office.

"Election" includes any election in which a public question is to be voted upon by the voters of the state or any political subdivision thereof; and any election for any public office of the State or any political subdivision thereof. It does not include Federal elective office, or State, county or municipal political party office.

"Election-related activity" means election activity related to a candidate for public office of the State of New Jersey or

its political subdivisions, or public question submitted to the voters of the State of New Jersey or its political subdivisions as set forth in the act and includes, without limitation, contributions to candidates, expenditures for fundraising, expenditures on behalf of candidates and other related political expenditures.

"Expenditure" includes every transfer of money or other thing of value, including any item of real or personal property, tangible or intangible, made by any candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee and any pledge or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the act, any such commitment or assumption shall be deemed to have been an expenditure upon the date when such commitment is made or liability assumed. As set forth in N.J.A.C. 19:25-3.1, payments or commitments made solely for the purpose of determining whether an individual should become a candidate are not expenditures.

1. Any cost incurred in covering or carrying a news story, commentary, or editorial by any broadcasting station, newspaper, magazine, or other periodical publication is not an expenditure, unless the facility is owned or controlled by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee in which case the cost for a news story which represents a bona fide news account communicated in a publication of general circulation or on a licensed broadcasting facility, and which is part of a general pattern of campaign-related news accounts which give reasonably equal coverage to all opposing candidates in the circulation or listening areas, is not an expenditure.

"Family member" shall mean a spouse, child, parent or sibling.

"File" or "filed" means deposited in the office of the Commission designated in N.J.A.C. 19:25-2.1.

"Joint candidates committee" means a committee established pursuant to N.J.S.A. 19:44A-9(a) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purposes of this definition, the offices of member of the Senate and members of the General Assembly shall be deemed to be the same elective public offices in a legislative district; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

"Legislative leadership committee" means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly, or the Minority Leader of the General Assembly pursuant to N.J.S.A. 19:44A-10.1 for the purpose of receiving contributions and making expenditures.

"Paid personal services" means personal, clerical, administrative or professional services of every kind and nature, including, without limitation, public relations, research, legal, canvassing, telephone, speech writing or other such services performed other than on a voluntary basis, the salary, cost or consideration of which is paid, borne or provided other than by the committee, candidate or organization for whom such services are rendered.

"Political committee" means any group of two or more persons acting jointly, or any corporation, partnership or any other incorporated or unincorporated association which is organized to or does aid or promote the nomination, election or defeat of any candidate or candidates for public office, or which is organized to, or does aid or promote the passage or defeat of a public question in any election if the persons, corporation, partnership, or incorporated or unincorporated association raises or expends \$1,200 or more to so aid or promote the nomination, election or defeat of a candidate or candidates or the passage or defeat of a public question. A club organized to promote the candidacy of one or more candidates or aid or defeat the passage of a public question, without a term of existence substantially longer than the campaign, is a political committee. Political committee does not include:

1. A candidate committee, joint candidates committee, continuing political committee, a political party committee, or a legislative leadership committee.

2. A contributor not involved in fund raising or other election-related activity does not become a political committee solely by virtue of having made a contribution to a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee.

3. A municipal or county charter study commission or the members thereof shall not be deemed to be a political committee with respect to the subject matter of such charter study commission at any time prior to the filing of its report. Thereafter such commission or any two or more members, not otherwise excluded by these regulations, may constitute a political committee for such public question.

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 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 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.

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, CN-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).

19:25-2.3 Copies of documents; fees

(a) Photocopies of documents maintained by the Commission pursuant to N.J.A.C. 19:25-2.3 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 8 1/2 inches) of computer-printed data;
2. \$0.10 per computer-printed gummed, address label; and
3. \$125.00 per magnetic, 9-track computer tape (approximately 3,600 feet).

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

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 commis-

sion 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 or other determinations 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).

SUBCHAPTER 3. PRE-CANDIDATE ACTIVITY; "TESTING THE WATERS"

19:25-3.1 Exemption for activities conducted solely for the purpose of determining whether an individual will become a candidate; "Testing the Waters"

(a) Funds or other benefits received and payments made solely for the purpose of determining whether an individual should become a candidate are not contributions or expenditures. Activities contemplated under this exemption include, but are not limited to, expenses incurred for: conducting a poll, telephone calls and travel, or similar activity undertaken to determine whether an individual who has not established and is not maintaining a candidate committee or joint candidates committee should become a candidate.

(b) If the individual subsequently becomes a candidate, the funds received and payments made are contributions and expenditures subject to the limitations, prohibitions and requirements of the act. Such contributions and expenditures must be reported with the first report filed by the candidate committee or joint candidates committee, regardless of the date the funds were received or the payments made.

(c) This section is not applicable to:

1. A candidate who has established and is maintaining a candidate committee or joint candidates committee;
2. Funds received or payments made for general public political advertising; and
3. Funds received or payments made for activities designed to amass campaign funds that would be spent after the individual becomes a candidate.

(d) In no instance shall permissible activities conducted solely for the purpose of determining whether an individual will become a candidate be confined or limited on the basis of the total funds received or payments made for such purpose.

Amended by R.1984 d.324, effective August 6, 1984.
See: 16 N.J.R. 1044(a), 16 N.J.R. 2154(a).
Text added: "or other benefits".
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.1993 d.509, effective October 18, 1993.
See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).

19:25-3.2 Recordkeeping for a prospective candidacy

(a) Any prospective candidate, or any person or group acting on behalf of the possible candidacy of a prospective candidate, receiving funds or other benefits and making payments for the purpose of determining whether that prospective candidate should become a candidate shall make and maintain written records of all such funds or other benefits received and of all payments made for that purpose.

(b) The records required by (a) above shall be maintained for a period of not less than four years after the transaction to which they relate occurred, or four years after the date of the election to which they relate, whichever is longer.

New Rule, R.1993 d.509, effective October 18, 1993.
See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).

SUBCHAPTER 4. ESTABLISHMENT OF REPORTING COMMITTEES

19:25-4.1 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, unless the candidate has already established a candidate committee which continues under an obligation to file reports. In the event a prior candidate committee exists, no additional candidate committee may be established.

(c) In the event contributions are received as the result of a public solicitation, the date and location of each such public solicitation must be identified in any report showing receipt of proceeds from the public solicitation.

19:25-10.8 Anonymous contributions

(a) No contribution shall be made by a person or received by a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee on an anonymous basis, that is without making known, or knowing, the identity of the person making the contribution, or in a fictitious name, or by one person or group in the name of another, and no person shall contribute or purport to contribute to any candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, any funds or property not actually belonging to him or her and in his or her full custody and control, or which have been given or furnished to him or her by any other person or group for the purpose of making a contribution thereof.

(b) A contribution shall not be deemed anonymous if the identity of the contributor was known to the candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee, or to the treasurer or organizational treasurer of such committee, at the time when the contribution was received, even though the committee or treasurer may later be unable to identify the contributor because of loss or destruction of records. Nothing in this subsection shall be construed to prevent the Commission from imposing a penalty pursuant to the act or these regulations for failure to keep proper records.

(c) A group contribution, that is a contribution made collectively by persons who are members of the contributing group, shall not be deemed an anonymous contribution by any individual member of the group.

19:25-10.9 Contributions for pre-candidacy activity

In the event that an individual who has been receiving funds or other benefits pursuant to N.J.A.C. 19:25-3.1 solely for the purpose of determining whether or not to become a candidate, actually becomes a candidate in an election, all funds or benefits received in connection with his or her pre-candidacy activity shall be considered contributions under the act and shall be reported in accordance with the applicable reporting requirements in the initial report filed by such candidate's candidate committee, or joint candidates committee.

19:25-10.10 Political communication contributions

(a) The term "political communication" means any written statement, pamphlet, advertisement or other printed or broadcast matter containing an explicit appeal for the election or defeat of a candidate which is circulated or broadcast to an audience substantially comprised of persons eligi-

ble to vote for the candidate on whose behalf the appeal is directed. Words such as "Vote for (name of candidate)," "Vote against (name of opposing candidate)," "Elect (name of candidate)," "Support (name of candidate)," "Defeat (name of opposing candidate)," "Reject (name of opposing candidate)," and other similar explicit political directives constitute examples of appeals for the election or defeat of a candidate.

(b) A written statement, pamphlet, advertisement or other printed or broadcast matter that does not contain an explicit appeal pursuant to (a) above for the nomination for election or for the election or defeat of a candidate shall be deemed to be a political communication if it meets the following conditions:

1. The communication is circulated or broadcast within 90 days of the date of any election in which the candidate on whose behalf the communication is made is seeking nomination for election or elected office; except that in the case of a candidate for nomination for the office of Governor in a primary election, the period of time that a communication shall be deemed political shall be on or after January 1st in a year in which a primary election for Governor is being conducted, and in the case of a candidate for election to the office of Governor in a general election, the period of time that a communication shall be deemed political shall begin on the day following the date of the gubernatorial primary election;

2. The communication is circulated or broadcast to an audience substantially comprised of persons eligible to vote for the candidate on whose behalf the communication was made;

3. The communication contains a statement or reference concerning the governmental or political objectives or achievements of the candidate; and

4. The production, circulation or broadcast of the communication, or any cost associated with the production, circulation or broadcast of the communication, has been made in whole or in part with the cooperation of, prior consent of, in consultation with, or at the request or suggestion of the candidate.

(c) Nothing contained in (b) above shall be construed to require reporting of a communication by an incumbent officeholder seeking reelection if the communication is in writing and is made to a constituent in direct response to a prior communication received from that constituent, if it is circulated or broadcast for the sole and limited purpose of communicating governmental events requiring constituents to make applications or take other actions before the date of the upcoming election, or if it is circulated or broadcast to constituents for the sole and limited purpose of communicating facts relevant to a bona fide public emergency.

(d) Nothing contained in (b) above shall be construed to require reporting of a communication by a candidate seeking nomination for election in a primary election if that candidate is not opposed by another candidate seeking nomination for election in that primary election.

19:25-10.11 Reporting of political communication costs

(a) If any political communication as defined in N.J.A.C. 19:25-10.10 is incurred or paid for by any candidate committee or joint candidates committee, the committee shall report such expenditure in accordance with N.J.A.C. 19:25-12.

(b) Any political communication as defined by N.J.A.C. 19:25-10.10 incurred or paid for by any person or entity other than the candidate's candidate committee or joint candidates committee, which political communication is prepared, made or circulated with the consent or cooperation of the candidate, shall be reported by that candidate as a campaign contribution of goods and/or services in accordance with N.J.A.C. 19:25-10.4(a).

(c) Any political communication not prepared, made or circulated with the consent or cooperation of a candidate and incurred or paid for by any other person or entity shall be reported in accordance with N.J.A.C. 19:25-12.

19:25-10.12 Interest income

Any payment received as interest income for funds on deposit in a campaign or organizational depository account established pursuant to N.J.A.C. 19:25-5.2 is not subject to contributor identification requirements, provided that such interest payment amount is included in amounts reported as received and deposited.

19:25-10.13 Loans as contributions

(a) A loan received by a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee, or by the treasurer of such committee, shall be reported as a contribution by the person or entity making the loan.

(b) Notwithstanding (a) above, if a loan is made to a candidate, committee or treasurer by a banking or lending institution, and if the candidate as an individual using personal assets, or some third party person or entity, in the ordinary course of business, has guaranteed, co-signed or otherwise assured repayment of the loan to the banking or lending institution, the contributor of the loan shall be reported as the person or entity guaranteeing, co-signing or otherwise assuring the repayment of the loan, and the banking or lending institution shall not be deemed to be the contributor.

(c) A loan made by a banking or lending institution to a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee which loan is not secured pursuant to (b) above is a contribution to the candidate or committee by that banking or lending institution.

SUBCHAPTER 11. CONTRIBUTION LIMITS

19:25-11.1 Candidates subject to contribution limits

(a) All candidates, candidate committees, and joint candidates committees, and all treasurers of such committees, shall observe the contribution limits set forth in this subchapter and shall not knowingly accept any contribution in excess of such contribution limits, except that candidates for nomination for election to the office of Governor shall be subject to the contribution limits set forth in N.J.A.C. 19:25-16, Public Financing of Primary Election for Governor, and candidates for election to the office of Governor shall be subject to the contribution limits set forth in N.J.A.C. 19:25-15, Public Financing: General Elections for the Office of Governor.

(b) All political committees, continuing political committees, legislative leadership committees, political party committees, and all treasurers or organizational treasurers of such committees, shall observe the contribution limits set forth in this subchapter and shall not knowingly accept any contribution in violation of such contribution limits.

19:25-11.2 Contribution limit chart

(a) The following chart sets forth the contribution limits applicable to persons or entities making contributions to candidates, candidate committees, political committees, continuing political committees, legislative leadership committees, and State, county or municipal political party committees:

Entities Making Contributions

Entities Receiving Contributions

	Candidate Committee (see N.J.A.C. 19:25-11.3)	Political Committee (see N.J.A.C. 19:25-11.6)	Continuing Political Committee	Legislative Leadership Committee	State Political Party Committee	County Political Party Committee	Municipal Political Party Committee
Individual to:	\$1,800	No Limit	No Limit	\$30,000	\$30,000	\$30,000	\$5,900
Corporation or Union to:	\$1,800	No Limit	No Limit	\$30,000	\$30,000	\$30,000	\$5,900
Association or Group to:	\$1,800	No Limit	No Limit	\$30,000	\$30,000	\$30,000	\$5,900
Candidate Committee to:	\$5,900	\$5,900	\$5,900	\$30,000	\$30,000	\$30,000	\$5,900
	per election	per election	per year	per year	per year	per year	per year

Entities Making Contributions

Entities Receiving Contributions

	Candidate Committee (see N.J.A.C. 19:25-11.3)	Political Committee (see N.J.A.C. 19:25-11.6)	Continuing Political Committee	Legislative Leadership Committee	State Political Party Committee	County Political Party Committee	Municipal Political Party Committee
(see N.J.A.C. 19:25-11.3)							
Political Committee to:	\$5,900 per election	\$5,900 per election	\$5,900 per year	\$30,000 per year	\$30,000 per year	\$30,000 per year	\$5,900 per year
Continuing Political Committee to:	\$5,900 per election	\$5,900 per election	\$5,900 per year	\$30,000 per year	\$30,000 per year	\$30,000 per year	\$5,900 per year
Legislative Leadership Committee to:							
State Political Party Committee to:							
County Political Party Committee to:	NO LIMITS, except those set forth in N.J.A.C. 19:26-11.7 for a county political party committee.						
(see N.J.A.C. 19:25-11.7)							
Municipal Political Party Committee to:							
National Political Party Committee to:	\$5,900 per election	\$5,900 per election	\$5,900 per year	\$30,000 per year	\$59,000 per year	\$30,000 per year	\$5,900 per year

(b) No contributing person or entity listed in (a) above shall make a contribution, or aggregate contributions, in excess of the contribution limits set forth in (a) above.

(c) No candidate, candidate committee, political committee, continuing political committee, legislative leadership committee, political party committee, or treasurer or organizational treasurer of any of such committee, shall knowingly accept a contribution, or aggregate contributions, in excess of the contribution limits set forth in (a) above.

(d) A partnership as defined in (e) below shall not be permitted to make contributions as an entity. In the absence of written instructions to the contrary as provided below, a contribution received by a campaign or organizational treasurer drawn on a partnership account must be deemed to be a contribution from the partner or partners, or individual or individuals, who signed the check or written instrument by which the contribution was conveyed or, in the case of a contribution of currency, the partner or individual who has conveyed the currency. If it is the intent of the contributor that any portion of a contribution received from a partnership account is to be attributed or allocated in a manner other than as set forth above, the following written information must be received and maintained by the campaign or organizational treasurer:

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.

(e) 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.

(f) A limited liability company shall not be permitted to make contributions as an entity. In the absence of written instructions to the contrary as provided below, a contribution received by a campaign or organizational treasurer drawn upon a limited liability company account must be deemed to be a contribution from the member or members, or the individual or individuals, who signed the check or written instrument by which the contribution was conveyed or, in the case of the contribution of currency, the member or individual 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 in a manner other than as set forth above, the following written information must be received and maintained by the campaign or organizational 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.

Amended by R.1996 d.167, effective April 1, 1996.

See: 27 N.J.R. 4855(a), 28 N.J.R. 1880(a).

Added provisions relating to partnerships.

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 limits.

Amended by R.1997 d.80, effective February 18, 1997.

See: 28 N.J.R. 3898(a), 28 N.J.R. 4395(a), 29 N.J.R. 590(a).

In (d), substituted "as defined in (e) below" for "of two or more persons conducting a business as co-owners", "signed the check" for "has executed the check", and reference to allocation in an alternate manner for reference to partners or individuals other than those executing the check or written instrument, or conveying the currency; and added (e) and (f).

19:25-11.3 Candidate contributions

(a) A candidate may make a contribution as an individual and subject to the limits set forth in this subchapter notwithstanding any contribution made by the candidate's candidate committee or joint candidates committee, provided that the contribution made by the candidate as an individual is not derived from funds controlled by the candidate committee or joint candidates committee.

(b) Notwithstanding the contribution limits set forth in N.J.A.C. 19:25-11.2 above, a candidate, or a corporation one hundred percent of the stock of which is owned by the candidate, or by the candidate's spouse, child, parent, or sibling residing in the candidate's household, may make contributions without limit to a candidate committee established by that candidate, or to a joint candidates committee established by that candidate.

(c) Notwithstanding the contribution limits set forth in N.J.A.C. 19:25-11.2 above, a candidate committee can make contributions in an election without limit to another candidate committee if both the contributing and recipient candidate committees are established by candidates who are seeking nomination for election, or election to, legislative offices within the same legislative district, or to the same offices within the same political subdivision of this State.

19:25-11.4 Joint candidates committee contribution limits

(a) A joint candidates committee established by candidates who have not established any candidate committees in an election may accept a contribution from a contributor in an amount equal to but not in excess of the sum of the number of candidates participating in the joint candidates committee multiplied by the contribution limit applicable to a contribution made by the contributing entity to a candidate committee of a single candidate.

Example: A joint candidates committee in which three candidates are participating, none of whom have established candidate committees, may receive from an individual a contribution not to exceed \$5,400 in an election, that is three multiplied by the \$1,800 contribution limit applicable to a contribution from an individual to a candidate committee.

(b) A joint candidates committee established by candidates who have not established any candidate committees in an election may make a contribution to a political committee not to exceed \$5,900 per candidate in the election, and may make a contribution to a continuing political committee not to exceed \$5,900 per candidate in a calendar year.

(c) In the event any of the candidates participating in a joint candidates committee also has established a candidate committee in an election, the amount of a contribution that the joint candidates committee may accept from a contributor without violating the contribution limit will be determined by application of the equal attribution requirement set forth in N.J.A.C. 19:25-11.5, Equal attribution requirements.

(d) A joint candidates committee may receive a contribution in an election from another joint candidates committee in an amount equal to \$5,900 multiplied by the number of candidates participating in the contributing joint candidates committee, and that sum may be further multiplied by the number of the candidates participating in the recipient joint candidates committee, provided that the contributing joint candidates committee, and any candidate committee established by any of the participating candidates, have not made any other contributions to the recipient joint candidates committee, or to any candidate committee established by any of the candidates participating in the recipient joint candidates committee.

1. The overall campaign expenditure limit contained in N.J.S.A. 19:44A-7;

2. The \$25,000 limit on own funds contained in N.J.S.A. 19:44A-29;

3. The \$50,000 limit on bank loans contained in N.J.S.A. 19:44A-33; and

4. Any limits on the amount of bank loans to be guaranteed by the candidate personally.

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

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

(b) added: "or herself".

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 and added reference to continuing political committee.

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 and added references to candidate committee, joint candidates committee and legislative leadership committee.

19:25-15.11 Limitations on participating candidates

(a) Each candidate intending to participate in public funding, in addition to any other requirement imposed by the Act (N.J.S.A. 19:44A-1 et seq.) or this subchapter, is subject to the following limitations:

1. No candidate receiving public funds may make expenditures from his or her own funds, including any contributions from his or her own funds, in aid of his or her candidacy in excess of \$25,000. Any loan guaranteed with such candidate's own funds must be included in calculating the aggregate contribution of the candidate in aid of his or her candidacy until such time as the loan is no longer outstanding.

2. No candidate, or his or her campaign treasurer or deputy campaign treasurer, shall borrow an amount that at any one time exceeds \$50,000 in the aggregate, and such loan must be repaid in full not later than 20 days prior to the general election for which the loan was made from moneys accepted or allocated pursuant to N.J.S.A. 19:44A-29. Certification of such repayment shall be made by the borrower to the Commission in accordance with N.J.A.C. 19:25-15.30.

3. The amount which any qualified candidate may spend in aid of his or her candidacy shall not exceed \$6,900,000, which amount shall include all expenditures for testing the waters activity prior to candidacy. Such amount shall not include expenditures listed in N.J.A.C. 19:25-15.26.

4. Contributions by any candidate in excess of \$2,100 from his or her own funds in aid of his or her candidacy shall not be deposited in a matching fund account and shall not be calculated in determining if such candidate is a qualified candidate eligible for public matching funds.

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

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

"or her" added.

(a)3: "except that such" deleted and "which amount . . . such" added.

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).

Increased general election expenditure limit to \$5,000,000 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 (a)3 and 4.

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.

19:25-15.12 Who may or may not contribute

(a) No person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee, other than a candidate contributing his or her own funds to his or her campaign, shall make any contribution to any candidate, the candidate's campaign treasurer or deputy campaign treasurer, or to any other person or committee, in aid of the candidacy of or in behalf of a candidate, whether or not participating in public funding, for election to the office of Governor in a general election, in the aggregate in excess of \$2,100. Any such contribution in excess of \$2,100 must be returned to the contributor pursuant to the requirements of N.J.A.C. 19:25-11.8, and evidence of repayment shall be submitted to the Commission.

(b) Subject to the limitations contained in this subchapter and the act, any person may contribute to more than one candidate.

(c) A corporation, association or labor organization or any subsidiary, affiliate, branch, division, department or local unit of any such corporation, association or labor organization shall not make any contribution to or on behalf of a candidate which, when added to any other contribution by any related or affiliated corporation, association or labor organization, exceeds \$2,100 in the aggregate. Whether such corporation, association or labor organization is related or affiliated shall depend on the circumstances existing at the time of such contribution, including, but not by way of limitation, the degree of control or common ownership with related or affiliated corporations, associations or labor organizations, the source and control of funds used for such contributions and the degree to which the decisions whether to contribute, to what candidate and in what amount are independent decisions.

(d) For the purposes of (c) above, two or more corporations shall be considered affiliated where one individual owns more than a 30 percent interest in each of two or more corporations or where one corporation owns more than a 30 percent interest in each of one or more corporations.

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. 1335(b).

Added text to (a): "Notwithstanding the provision . . . 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).

Deleted unnecessary language in (a) regarding use of term "continuing political committee" 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 (a) and (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; added references to candidate committee, joint candidates committee and legislative leadership committee; and added (d).

Case Notes

Former regulation valid. *Common Cause of New Jersey v. New Jersey Election Law Enforcement Commission*, 155 N.J.Super. 241, 382 A.2d 681 (App.Div.1978).

19:25-15.13 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 nonpartisan 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 general election.

19:25-15.14 Contributions eligible for match

(a) To be eligible for matching with public funds for a gubernatorial general election, a contribution must have been received by a candidate at a time when that candidate was seeking or had sought election for the office of Governor, except that a contribution received and deposited pursuant to N.J.A.C. 19:25-15.7, Separately maintained primary and general bank accounts, or pursuant to N.J.A.C. 19:25-15.5, Pre-candidacy activity, for the purpose of determining whether an individual should become a candidate for election for the office of Governor shall be eligible. Any funds received prior to the inception of such a candidacy, or prior to the inception of fund raising activity to determine whether an individual should become a candidate for election for the office of Governor and not deposited pursuant to N.J.A.C. 19:25-15.5 or pursuant to N.J.A.C. 19:25-15.7(a) shall not be eligible for match.

(b) Only contributions in cash or by check, money order or negotiable instrument shall be contributions eligible for match. Loans shall not be eligible for match. In-kind contributions shall not be eligible for match, but will count toward the individual contribution limit of \$2,100 and the overall expenditure limit contained in N.J.S.A. 19:44A-7 except for expenses not subject to expenditure limits pursuant to N.J.A.C. 19:25-15.26. The total of all contributions eligible for match from any person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee shall not exceed \$2,100 in the aggregate.

(c) A maximum of \$2,100 in the aggregate of a candidate's own funds may be deposited in the matching fund account.

(d) Every contribution eligible for match 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 of, 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.

(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.

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 new (a); recodified old (a)-(c) as (b)-(d); added new (e).

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".

Correction: Reference to N.J.A.C. 19:25-7.1(a) in (a).

See: 21 N.J.R. 1021(b).

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

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

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 (b) and (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 and limits; and added references to candidate committee, joint candidates committee and legislative leadership committee.

19:25-15.15 Contributions eligible for match; checks and instruments, contributions by children

(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. Contributions from a joint checking account by one owner of the account may not be attributed to other owners of the account.

(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. In the absence of written instructions to the contrary as provided below, a contribution received by a campaign treasurer drawn on a partnership account must be deemed to be a contribution from the partner or partners, or individual or individuals, who signed the check or written instrument by which the contribution was conveyed, or in the case of a contribution of currency, the partner or individual who has conveyed the currency. 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 in a manner other than as set forth above, 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. 19:25-15.17:

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. In the absence of written instructions to the contrary as provided below, a contribution received by a campaign treasurer drawn upon a limited liability company account must be deemed to be a contribution from the member or members, or the individual or individuals, who signed the check or written instrument by which the contribution was conveyed or, in the case of the contribution of currency, the member or individual 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 in

a manner other than as set forth above, 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. 19:25-15.17:

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) Contributions by children under the age of 18 shall be attributed to the parent who is responsible for the contribution and not to the child 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 are 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 (f)1 above, evidence is submitted satisfactory to the commission that the child acted independently and with full knowledge of the contribution.

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

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

(d): Deleted text "unless the decision . . . contribution" and substituted "and not to the child unless" and added (d)1 and 2.

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

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).

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 \$2,100 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 \$2,100 limitation.

(c) The purchase price paid to a candidate for a fund raising event, lottery, raffle, 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 or lottery 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.

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 \$210,000 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 \$2,100, and that at least \$210,000 of such contributions have been expended. "Expended" for this purpose shall mean disbursed or irrevocably committed by a legally binding commitment for expenditure in the campaign and ultimately disbursed.

(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, receipted bills, contracts or the like, as proof of the expenditure of at least \$210,000.

(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.