

PROPERTY OF  
NEW JERSEY STATE LIBRARY

MAY 16 1974

185 V. a e  
Tre 7, 11

**DEPOSITORY COPY**  
Do Not Remove From Library

STATE OF NEW JERSEY,  
"

ELECTION LAW REVISION COMMISSION ,

R E S O L U T I O N

Adopted January 20, 1971 ,

974.70

E38

1971

2/8'

STATE OF NEW JERSEY  
ELECTION LAW REVISION COMMISSION

R E S O L U T I O N  
Adopted  
January 20, 1971

WHEREAS, On September 1, 1970, this Commission submitted an Interim Report to the Governor and Legislature relating to the contribution and expenditure of election campaign funds, and the reporting thereof; and,

WHEREAS, Appended to the said Interim Report (Appendix, pp. 7-20) was the text of a proposed legislative enactment on the subject dealt with in the Report; and,

WHEREAS, On further consideration of the terms of the said proposed legislative enactment, the Commission has come to the conclusion that certain details of the reporting and other matters procedures provided for therein can be advantageously altered for the better realization of the aims of the said proposed enactment without altering the basic objectives thereof; and,

WHEREAS, The aims of the said alterations, which are hereinafter set forth in full, are (1) to eliminate unnecessarily detailed reporting and bookkeeping requirements, (2) to eliminate certain rigidities in reporting requirements which could lead to unintentional violations (subject to criminal penalties) by contributors unaware of the detailed provisions of the act,

(3) to strengthen the provisions prohibiting contributions

made anonymously or through fictitious donors, (4) to provide for a more efficacious means of conveying to candidates and prospective candidates timely and adequate information as to their actual or prospective obligations under the act, and (5) to make certain other improvements in the language of the bill; now, therefore,

BE IT RESOLVED:

That sections 6,7, 10,11,12and 14 of the proposed legislative enactment published in the Appendix (pp. 7-20) of the Interim Report of the Commission issued on September 1, 1970, be altered to read as follows (language meant to be deleted therefrom being enclosed in brackets, and language meant to be added thereto being underscored):

6. (1) The commission shall appoint a full time executive director and legal counsel, both of whom shall serve at the pleasure of the commission, and shall not have tenure by reason of the provisions of chapter 16 of Title 38 of the Revised Statutes. The commission shall also appoint such other employees as are necessary to carry out the purposes of this act, which appointees shall be in the classified service of the Civil Service and shall be appointed in accordance with and shall be subject to the provisions of Title 11, Civil Service.

(2) The commission shall promulgate such regulations, official forms and perform such duties as are necessary to implement the provisions of this act. Without limiting the generality of the foregoing, the commission is authorized and empowered to:

(a) Develop [prescribed] forms for the making of the required reports;

(b) Prepare and publish a manual for all candidates and committees, prescribing the requirements of the law, including uniform methods of bookkeeping and reporting;

(c) Develop a filing, coding and cross-indexing system;

(d) Permit copying or photo-copying of any report required to be submitted pursuant to this act as requested by any person.

(e) Prepare and make available for public inspection a summary of all reports grouped according to candidates and parties, containing the total receipts and expenditures, and the date, name, address and amount contributed by each contributor; mail copies of such summaries to all newspapers of general circulation in the candidate's constituency.

(f) Prepare and publish prior to May 1 of each year an annual report to the legislature;

(g) Ascertain whether candidates, committees or others have failed to file reports or have filed defective reports; extend, for good cause shown, the dates upon which reports are required to be filed; give notice to delinquents to correct or explain defects; and make available for public inspection a list of such delinquents;

(h) Hold public hearings, investigate allegations of any violations in reporting, and issue subpoenas for the production of documents and the attendance of witnesses;

(i) Forward information concerning violations of any of the provisions of this act to the Attorney General of the State.

(3) The commission shall take such steps as may be necessary or appropriate to furnish timely and adequate information, in appropriate printed summaries and in such other form as it may see fit, to every candidate or prospective candidate for public office who becomes or is likely to become subject to the provisions of this act, informing him

of his actual or prospective obligations and responsibilities under this act. Such steps shall include, but not be limited to, furnishing to every person on whose behalf petitions of nomination are filed for any public office a copy of such printed summary as aforesaid, which shall be furnished to such person by the commission through the public official charged with the responsibility of receiving and accepting such petitions of nomination, at the time when such petitions are filed. The commission shall also make available copies such of/printed summary to any other person requesting the same.

[ (3) ] (4) No certificate of election shall be issued to any candidate whose election is subject to the provisions of this act without the written consent of the Election Law Enforcement Commission; provided, however, that the issuance or non-issuance of such consent shall not be admissible in evidence in any proceeding to determine whether or not such candidate or any other person has complied with the provisions of this act.

[ (4) ] (5) The commission shall be assigned suitable quarters for the performance of its duties hereunder, which quarters shall not be located in the State House, the State House Annex, or in any building owned by the State or any political subdivision thereof.

7. Each state, county and municipal committee of a political party and each political committee shall make a full report, upon a form prescribed by the Election Law Enforcement Commission, of all monies, loans, paid personal services, or other things of value contributed to it and all expenditures made, incurred, or authorized by it in furtherance of the nomination or election or defeat of any candidate, or in aid of the passage or defeat of any public question, during the period ending on the date of the report and beginning on the date of the most recent such report filed. The report shall contain the name and address of each person or group from whom monies, loans, paid personal services or other things of value have been contributed and the amount contributed by each person or group. The report shall also contain the name and address of each person, firm or organization to whom expenditures have been paid and the amount and purpose of each such expenditure. The report shall be filed with the Election Law Enforcement Commission no later than noon on the dates designated in Section 12 hereof. The campaign treasurer of the committee or political committee reporting shall certify to the correctness of each report.

Each state, county and municipal committee of a political party shall also file with the Election Law Enforcement Commission, not later than March 1 of each year, an annual report of all monies, loans, paid personal services or other things of value contributed to it during the previous calendar year and all expenditures made, incurred, or authorized by it, whether or not such expenditures were made, incurred or authorized in furtherance of the election or defeat of any candidate, or in aid of the passage or defeat of any public question. The report shall contain the name and address of

each person or group from whom monies, loans, paid personal services or other things of value have been contributed and the amount contributed by each person or group. The report shall also contain the name and address of each person, firm or organization to whom expenditures have been paid and the amount and purpose of each such expenditure. The campaign treasurer of the committee reporting shall certify to the correctness of each report.

In any report filed pursuant to the provisions of this section the committee reporting may exclude from the report the names and addresses of contributors whose contributions during the period covered by the report did not exceed [\$10.00] \$25.00, but only if the aggregate amount of all contributions not exceeding [\$10.00] \$25.00 during such period, exclusive of proceeds from testimonial affairs, was less than [15%] 20% of the total amount of all monies, loans, paid personal services or other things of value received by such committee during the period covered by the report.

Any report filed pursuant to the provisions of this section shall include an itemized accounting of all receipts and expenditures relative to any testimonial affair held since the date of the most recent report filed, which accounting shall include the names and addresses of each contributor in excess of [\$10.00] \$25.00 to such testimonial affair and the amount contributed by each, the expenses incurred, and the disposition of the proceeds of such testimonial affair.

No state, county or municipal committee of a political party nor any political committee shall be required to file reports pursuant to this section of contributions received or



expenditures made in behalf of any candidate who is not required to file reports pursuant to section 12 of this act.

[Any state, county or municipal committee of any political party, after a primary election, but not prior thereto, may receive and expend funds to be spent in furtherance and in aid of the candidacy of all the candidates of such party, or of any one or more of such candidates, in accordance with the provisions of this act.]

10. No contribution of money or other thing of value, nor obligation therefor, including but not limited to contributions, loans or obligations of a candidate himself or of his family, shall be made or received, and no expenditure of money or other thing of value, nor obligation therefor, including expenditures, loans or obligations of a candidate himself or of his family shall be made or incurred, directly or indirectly, to support or defeat a candidate in[a primary or general/<sup>any</sup>election, or to aid the passage or defeat of any public question, except through:

a. The duly appointed campaign treasurer, or deputy campaign treasurers of the candidate;

b. The duly appointed campaign treasurer or deputy campaign treasurers of the State, county or municipal committee of a political party; or

c. The duly appointed campaign treasurer or deputy campaign treasurers of a political committee.

It shall be lawful, however, for any person, not acting in concert with any other person or group, to expend personally from his own funds a sum which is not to be repaid to him for any purpose not prohibited by law, or to contribute his own personal services and personal traveling expenses, to support or defeat a candidate or to aid the passage or defeat of a public question; provided, however, that [if the amount expended by such person exceeds \$100.00 he] any person making such expenditure or contribution shall be required to report all such expenditures in excess of \$100.00 and the estimated value of all such contributions not made in money, either  
if the estimated value thereof exceeds \$100.00

a. to the campaign treasurer of the candidate,  
political party committee or political committee on whose behalf  
such expenditure or contribution was made, or to his deputy, who

cause  
shall/the same to be included in his report to the Election  
Law Enforcement Commission subject to the provisions of sections 7  
and 8 of this act; or,

b. directly to the Election Law Enforcement Commission  
at the same time and in the same manner as a political committee  
subject to the provisons of section 7 of this act.

Any anonymous contribution received by a campaign  
treasurer or deputy campaign treasurer shall not be used or ex-  
pended, but shall be returned to the donor, if his identity is  
known, and if no donor is found, the contribution shall escheat to  
the state.

Any state, county or municipal committee of any  
political party, after a primary election, but not prior thereto,  
may receive and expend funds to be spent in furtherance and in aid  
of the candidacy of all the candidates of such party, or of any  
one or more of such candidates, in accordance with the provisions  
of this act.

11. All funds received by a campaign treasurer or deputy campaign treasurer of a candidate, of a state, county or municipal committee of a political party, or of a political committee shall be deposited by the campaign treasurer or deputy campaign treasurer in a campaign depository of the candidate, committee or political committee, in an account designated "Campaign Fund of (name of candidate or committee)" no later than the 3rd regular business day of such depository following receipt of such funds.

All deposits made by a campaign treasurer or deputy campaign treasurer shall be accompanied by a statement containing the name and address of each person or group contributing or providing the funds so deposited, and the amount contributed or provided by each person or group, provided that the campaign treasurer or deputy campaign treasurer may exclude from such statement the names and addresses of persons or groups contributing [~~\$10.00~~] \$25.00 or less [if such names and addresses are not required to be included, pursuant to sections 7 or 12 of this act, in the report covering the period in which such funds were contributed]. The statement shall be made upon a form prescribed by the Election Law Enforcement Commission, and one copy thereof shall be filed by the campaign depository with the Election Law Enforcement Commission in accordance with section 12, one copy shall be retained by the campaign depository for its records and one copy shall be retained by the campaign treasurer for his records.

12. Each campaign treasurer of a candidate shall make a full report, upon a form prescribed by the Election Law Enforcement Commission, of all monies, loans, paid personal services or other things of value, contributed to him or to the deputy campaign treasurers of the candidate, and all expenditures paid out of the campaign fund of the candidate, during the period ending on the date of the report and beginning on the date the most recent such report was filed, or, in the case of the first such report filed after the appointment of the campaign treasurer, beginning on the date of the appointment of the campaign treasurer. The report shall also contain the name and address of each person or group from whom monies, loans, paid personal services or other things of value have been contributed and the amount contributed by each person or group. The campaign treasurer and the candidate shall certify the correctness of the report.

The campaign treasurer's report shall be filed with the Election Law Enforcement Commission no later than noon on

a. the 1st Monday of each month during the period between the date of appointment of the campaign treasurer and the [primary or general election] election with respect to which contributions are accepted or expenditures made by him; and

b. the 5th day preceding [the primary or general] such election;

c. [15 days] the 15th day after [the primary or general] such election.

In the case of a primary, [or] general, municipal, school or special election of a candidate for an office elected by a municipal or county-wide constituency or a school district, a duplicate copy of the campaign treasurer's report, duly certified, shall be filed at the same time with the county clerk of the county in which the candidate resides.

There shall be no obligation to file the reports required by this section on behalf of a candidate seeking election to a Board of Education or to a public office in any municipality if such candidate files with the Election Law Enforcement Commission a sworn statement to the effect that the total amount to be expended in behalf of his candidacy by the candidate, by any state, county or municipal committee [or] of a political party, by any political committee, or by any person shall not in the aggregate exceed \$500.00.

In any report filed pursuant to the provisions of this section, the names and addresses of contributors whose contributions during the period covered by the report did not exceed [~~\$10.00~~] \$25.00 may be excluded, but only if the aggregate amount of all contributions not exceeding [~~\$10.00~~] \$25.00 during such period, exclusive of proceeds from testimonial affairs, was less than [~~15%~~] 20% of the total amount of all monies, loans, paid personal services or other things of value received on behalf of the candidate during the period covered by the report.

Any report filed pursuant to the provisions of this section shall include an itemized accounting of all receipts and expenditures relative to any testimonial affair held since the date of the most recent report filed, which accounting shall include the names and addresses of each contributor in excess of [~~\$10.00~~] \$25.00 to such testimonial affair and the amount contributed by each, the expenses incurred, and the disposition of the proceeds of such testimonial affair.

14. No contribution of money or other thing of value, nor obligation therefor, shall be made, and no expenditure of money or other thing of value, nor obligation therefor, shall be made or incurred, directly or indirectly, whether anonymously, in a fictitious name, or by one person or group in the name of another, to support or defeat a candidate in a primary or general election or to aid the passage or defeat of any public question. No person shall contribute, or purport to contribute, to any political candidate, party committee or political committee any funds or property not actually belonging to him and in his full custody and control, or which has been given or furnished to him by any other person or group for the purpose of making a contribution thereof, except in the case of group contributions by persons who are members of the contributing group. No campaign treasurer, candidate or member of a party committee or political committee shall solicit or knowingly accept, agree to accept or  
or acceptance  
concur in or abet the solicitation/of any contribution contrary to the provisions of this section.

[Any person or group contributing over \$100.00 during any campaign to support or defeat a candidate or to aid the passage or defeat of any public question shall sign a statement, on a form prescribed by the Election Law Enforcement Commission, for each contribution exceeding that amount, stating that the contributor is not a person or group prohibited by law from contributing, that the contribution consists of funds or property belonging to the contributor and has not been given or furnished by any other person or group, except in the case of group con-

tributions by persons who are members of the contributing group. The contributors' statements shall be filed with the Election Law Enforcement Commission by the campaign treasurer no later than noon on the nearest of the dates designated in section 12.]



BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to His Excellency, William T. Cahill, Governor of the State of New Jersey, and to the several members of the Senate and General Assembly.

