

ELECTION LAW ENFORCEMENT COMMISSION

CHAPTER 25

REGULATIONS OF THE ELECTION LAW ENFORCEMENT COMMISSION

Authority

N.J.S.A. 19:27-17, 19:44A-6, 19:44A-38, 19:44B-7 and 52:13C-23.2; and P.L. 2004, c. 121, § 19 and P.L. 2007, c. 60, § 20.

Source and Effective Date

R.2005 d.192, effective May 26, 2005.
See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 25, Regulations of the Election Law Enforcement Commission, expires on November 22, 2010. See: 41 N.J.R. 4682(a).

Chapter Historical Note

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

Pursuant to Executive Order No. 66(1978), Chapter 25, Regulations of the Election Law Enforcement Commission, was readopted as R.1990 d.526, effective October 1, 1990. See: 22 N.J.R. 2251(a), 22 N.J.R. 3391(a).

Subchapter 4, Reporting Requirements, was repealed and Subchapter 4, Establishment of Reporting Committees, was adopted as new rules; Subchapter 5, Appointment of Treasurers and Depositories, was repealed and Subchapter 5, Appointment of Campaign Officers and Depositories, was adopted as new rules; Subchapter 6, Deposit of Funds, was repealed and Subchapter 6, Receipt and Use of Funds, was adopted as new rules; Subchapter 7, Use or Transmittal of Deposited Funds; Surplus Campaign Funds, was in part repealed and in part recodified as Subchapter 6, Receipt and Use of Funds; Subchapter 8, Recordkeeping, was recodified as Subchapter 7, Recordkeeping; Subchapter 8,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Political Committee Reporting, was adopted as new rules; and Subchapter 9, Pre-Election and Post-Election Reports, was repealed by R.1993 d.509, effective October 18, 1993.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).

Subchapter 9, Continuing Political Committee, Political Party Committee, and Legislative Leadership Committee Reporting, was adopted as new rules, and Subchapter 10, Quarterly Reports, was repealed by R.1994 d.573, effective November 21, 1994. See: 26 N.J.R. 3138(a), 26 N.J.R. 4638(a).

Subchapter 11, Contributions; Reporting of, was repealed and Subchapter 10, Contribution Reporting, and Subchapter 11, Contribution Limits, were adopted as new rules by R.1995 d.209, effective April 17, 1995.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).

Pursuant to Executive Order No. 66(1978), Chapter 25, Regulations of the Election Law Enforcement Commission, was readopted as R.1995 d.509, effective August 16, 1995. See: 27 N.J.R. 2564(a), 27 N.J.R. 3621(d).

Subchapter 12, Reporting of Expenditures; Independent Expenditures, 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(c), 27 N.J.R. 3214(a).

Subchapter 14, Advisory Opinions, was recodified as Subchapter 18, Advisory Opinions, and Subchapter 14, Recall Elections, was adopted as

new rules by R.1996 d.10, effective January 2, 1996. See: 27 N.J.R. 3592(a), 27 N.J.R. 3770(a), 28 N.J.R. 177(a).

Subchapter 13, Allocation of Expenditures, was recodified as N.J.A.C. 19:25-12.10, Allocation, and Subchapter 13, Political Identification Statements, was adopted as new rules by R.1996 d.393, effective August 19, 1996. See: 28 N.J.R. 2521(a), 28 N.J.R. 3970(a).

Pursuant to Executive Order No. 66(1978), Chapter 25, Regulations of the Election Law Enforcement Commission, was readopted as R.2000 d.322, effective July 17, 2000. Subchapter 3, Pre-Candidate Activity; "Testing the Waters", was repealed by R.2000 d.322, effective August 7, 2000. See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Subchapter 3, Electric Filing, was adopted as new rules by R.2004 d.280, effective July 19, 2004. See: 36 N.J.R. 1895(a), 36 N.J.R. 3418(a).

Chapter 25, Regulations of the Election Law Enforcement Commission, was readopted as R.2005 d.192, effective May 26, 2005. As a part of R.2005 d.192, Subchapter 21, Professional Campaign Fund Raisers, was adopted as new rules and former Subchapter 21, Severability Clause, was recodified as Subchapter 22, effective June 20, 2005. See: Source and Effective Date. See, also, section annotations.

Subchapter 23, New Jersey Fair and Clean Elections Pilot Project, was adopted as R.2005 d.272, effective August 15, 2005. See: 37 N.J.R. 1704(a), 37 N.J.R. 3051(b).

Subchapter 20, Lobbyists and Legislative Agents, was renamed Lobbyists and Governmental Affairs Agents by R.2005 d.427, effective December 5, 2005 (operative date of January 1, 2006). See: 37 N.J.R. 2838(a), 37 N.J.R. 4559(a).

Subchapter 24, State Contractor Contributions Prohibited; and Subchapter 25, Legislative, County and Municipal Contractor Contributions Prohibited, were adopted as new rules by R.2006 d.166, effective May 1, 2006. See: 38 N.J.R. 111(a), 38 N.J.R. 1864(a).

Subchapter 26, Contribution Disclosure by For-Profit and Nonprofit Entities, was adopted as new rules by R.2007 d.108, effective April 16, 2007. See: 38 N.J.R. 4661(a), 39 N.J.R. 1498(a).

Subchapter 23, New Jersey Fair and Clean Elections Pilot Project, was repealed and Subchapter 23, New Jersey Fair and Clean Elections Pilot Project, was adopted as special new rules by R.2007 d.162, effective April 23, 2007. See: 39 N.J.R. 2140(a). Subchapter 23, New Jersey Fair and Clean Elections Pilot Project, expired September 28, 2008.

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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.; the Uniform Recall Election Law, P.L. 1995, c. 105, N.J.S.A. 19:27A-1, 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.

Amended by R.2000 d.322, effective August 7, 2000.
 See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Inserted a reference to the Uniform Recall Election Law.

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 or fire district at any election;
2. An individual who shall have been elected or failed of election to an office, other than a party office, for which he or she sought election and who receives contributions and makes expenditures for any of the purposes authorized by N.J.S.A. 19:44A-11.2; and
3. An individual who has received funds or other benefits or has made payments solely for the purpose of determining whether the individual should become a candidate as defined in paragraphs 1 and 2 above.

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 \$4,900 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). A continuing political committee does not include:

1. A candidate committee, joint candidates committee, political committee, a political party committee, or a legislative leadership committee.
2. A contributor not involved in fundraising (that is, not soliciting or accepting contributions to aid or promote candidates, or the passage or defeat of public questions), and not conducting any election-related activity other than making contributions from its own funds to a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee.

"Contribution" includes every loan, gift, subscription, advance or transfer of money or other thing of value, including any in-kind contribution, 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. Funds or other benefits received solely for the purpose of determining whether an individual should become a candidate are contributions.

"Contributor" means an individual, corporation, labor organization, association, group, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee making a contribution. "Contributor" does not include an unincorporated business entity, a partnership entity as defined in N.J.A.C. 19:25-11.10(b) or a limited liability company as defined in N.J.A.C. 19:25-11.10(c), which entities are not permitted to make contributions.

"Currency" means United States government notes and coins in circulation as a medium of exchange.

"Depository," "campaign depository," and "organizational depository" mean any bank account, whether checking, savings, or other, that is established by a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee for the purpose of receiving contributions and making expenditures to aid or promote a candidate in an election, or to support or oppose a public question.

"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. Payments or commitments made solely for the purpose of determining whether an individual should become a candidate are 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.

"In-kind contribution" means a contribution of goods or services received by a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee, which contribution is paid for by a person or entity other than the recipient committee, but does not

include services provided without compensation by an individual volunteering a part of or all of his or her time on behalf of a candidate or committee.

"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 or fire 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.

"Legal guardian" or "legal guardians" means the person or persons who are the natural or adoptive parents of a minor or the person or persons who have been appointed by a court or other competent authority to act as the guardian of the person or property of a minor.

"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.

"Minor" means any person under the age of 18 years.

"Minor's earned income" means wages, salaries, and other amounts received by a minor as compensation for personal services actually rendered by the minor in accordance with N.J.S.A. 34:2-21.1 et seq., provided that the minor's earned income shall not include wages, salaries, and other compensation paid to the minor by the legal guardian or legal guardians of the minor.

"National committee of a political party" means the principal organization supporting election activities of a State political party committee, which activities shall include the making of contributions to that State political party committee pursuant to N.J.S.A. 19:44A-11.4a(2). There shall be no more than a single national committee of a political party for each State political party committee.

"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 \$2,100 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 group or association 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 (that is, not soliciting or accepting contributions to aid or promote candidates, or the passage or defeat of public questions), and not conducting other election-related activity other than making contributions from its own funds 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, budget adoption 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.

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

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

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

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

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

Inserted "Contributor".

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In "Candidate", inserted a reference to fire districts in 1, neutralized a gender reference in 2, and inserted 3; in "Continuing political committee", added the last sentence in the introductory paragraph, and added 1 and 2; in "Contribution", rewrote the first sentence, and deleted a reference to N.J.A.C. 19:25-3.1 and deleted "not" following "are" in the last sentence; inserted "Depository," "campaign depository," and "organizational depository", "In-kind contribution" and "National committee of a political party"; in "Expenditure", deleted a reference to N.J.A.C. 19:25-3.1 and deleted "not" following "are" in the last sentence; in "Joint candidates committee", inserted a reference to fire districts; in "Political committee", substituted a reference to groups and associations for a reference to clubs in the introductory paragraph, and rewrote 2; and in "Public question", inserted a reference to budget adoptions.

Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

In "Continuing political committee" and "Political committee", increased dollar amounts.

Amended by R.2004 d.471, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4071(a), 36 N.J.R. 5692(b).

In "Continuing political committee", substituted "\$4,300" for "\$3,700"; in "Political committee", substituted "\$1,800" for "\$1,500".

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Added "Currency".

Amended by R.2008 d.358, effective December 1, 2008 (operative January 1, 2009).

See: 40 N.J.R. 4723(a), 40 N.J.R. 6858(a).

In the introductory paragraph of definition "Continuing political committee", substituted "\$4,900" for "\$4,300"; and in the introductory paragraph of definition "Political committee", inserted a comma following first occurrence of "association", and substituted "\$2,100" for "\$1,800".

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 pur-

suant 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).

19:25-1.10 Preparation of reports

(a) Any report or form filed with or submitted to the Commission shall be legible, and shall be prepared by use of any of the following:

1. Print lettering and numbering in black ink;
2. Typed lettering and numbering; or
3. Electronically generated printed or typed lettering and numbering in a format in conformity to that of the corresponding Commission form.

(b) The printed, typed, or electronically generated lettering and numbering must be in black and no smaller than nine point.

(c) Cursive writing or lettering is not permitted on any report or form required to be filed or submitted to the Commission, except for a signature.

(d) The use of pencil is not permitted on any report or form required to be filed or submitted to the Commission.

New Rule, R.1999 d.282, effective August 16, 1999.

See: 31 N.J.R. 1584(a), 31 N.J.R. 2371(a).

SUBCHAPTER 2. ADMINISTRATIVE

19:25-2.1 Office

The office of the Election Law Enforcement Commission is located at 28 W. State Street, Trenton, New Jersey. All correspondence may be sent to the following address only: Election Law Enforcement Commission, PO Box 185, Trenton, New Jersey 08625-0185. The telephone number is: (609) 292-8700. The Commission maintains an Internet site at www.elec.state.nj.us.

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.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Added the last sentence.

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 answers or pleadings relating to a complaint issued by the Commission 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).

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Rewrote (a).

19:25-2.3 Copies of documents; fees

Photocopies of documents maintained by the Commission pursuant to N.J.A.C. 19:25-2.2 shall be provided upon payment of the fees established pursuant to the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.). For the purposes of establishing fees under this section, a two-sided photocopy shall be deemed as two pages.

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).

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (a), changed N.J.A.C. reference; and deleted former (b)3.

Amended by R.2002 d.375, effective November 18, 2002.

See: 34 N.J.R. 2962(a), 34 N.J.R. 3973(a).

Rewrote the section.

19:25-2.4 Release of documents

(a) A copy of a report filed with the Commission pursuant to the New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.); the Uniform Recall Election Law (N.J.S.A. 19:27A-1 et seq.); the Gubernatorial Legislative Disclosure Act (N.J.S.A. 19:44B-1 et seq.); and the Legislative Activities Disclosure Act (N.J.S.A. 52:13C-20 et seq.) shall be made available for public access within seven business days after the date on which that report is required to be filed with the Commission.

(b) No original filed document referred to in N.J.A.C. 19:25-2.3 shall be released from the custody of the Commission 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).

Amended by R.2002 d.375, effective November 18, 2002.

See: 34 N.J.R. 2962(a), 34 N.J.R. 3973(a).

Added (a); recodified existing uncodified paragraph as (b).

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, subpoenas or other documents 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).

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (a), inserted a reference to subpoenas, and substituted a reference to documents for a reference to determinations.

SUBCHAPTER 3. ELECTRONIC FILING

19:25-3.1 Application for registration number and personal identification number

(a) A candidate, candidate committee, or joint candidates committee shall make a written application for a registration number and personal identification number (PIN) prior to its use of the Commission's electronic filing software. The written request shall include the name, address, and telephone number of the candidate or candidates and the campaign treasurer and such other information as may be required by the Commission.

(b) A political committee, continuing political committee, political party committee or legislative leadership committee shall make a written application for a registration number and personal identification number (PIN) prior to its use of the Commission's electronic filing software. The written request shall include the name, address, and telephone number of the campaign or organizational treasurer and such other information as may be required by the Commission.

(c) Insertion in an electronic report of the registration number and personal identification number (PIN) provided by the Commission to the candidate or candidates, campaign treasurer, or organizational treasurer shall satisfy the obligation to certify the correctness of a report required to be filed by the Act or this chapter.

19:25-3.2 Filing of an electronic report

(a) The Commission will accept a report in an electronic medium from a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee only if the report has been prepared using the computer software supplied to the candidate or committee by the Commission.

(b) A candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee filing a report using computer software provided by the Commission shall use the most current version of the software.

(c) The Commission will accept a report in an electronic medium from a candidate, candidate committee, or joint candidates committee only if the report has been completed according to the methodology in the Commission's software using the confidential registration and personal identification number (PIN) and any other means of identification required from the candidate or candidates and the campaign treasurer.

(d) The Commission will accept a report in an electronic medium from a political committee, continuing political committee, political party committee or legislative leadership committee only if the report has been completed according to the methodology in the Commission's software using the confidential registration and personal identification number (PIN) and any other means of identification required from the campaign treasurer or organizational treasurer.

(e) A candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee shall maintain as part of its records an exact copy of each report that has been filed electronically.

19:25-3.3 Required electronic filing

(a) Beginning on January 1, 2006, a candidate for election to the office of member of the Senate or the office of member of the General Assembly who raises or spends, or expects to raise or spend in excess of \$100,000 in a general election, shall file election fund reports, as defined in N.J.A.C. 19:25-8.2(b), and quarterly reports, as defined in N.J.A.C. 19:25-8.3(b), using electronic filing software supplied to the candidate by the Commission pursuant to N.J.A.C. 19:25-3.

(b) Beginning on January 1, 2006, candidates for election to the office of member of the Senate or the office of member of the General Assembly who are participating in a joint candidates committee and who raise or spend, or expect to raise or spend, in excess of \$100,000 in the joint candidates committee in a general election, shall file election fund reports, as defined in N.J.A.C. 19:25-8.2(b), and quarterly reports, as defined in N.J.A.C. 19:25-8.3(b), using electronic filing software supplied to the candidates by the Commission pursuant to N.J.A.C. 19:25-3.

(c) A candidate for nomination for election to the office of member of the Senate or the office of member of the General Assembly in a primary election occurring after June 5, 2007, who raises or spends, or expects to raise or spend in excess of \$100,000 in the primary election, shall file election fund reports, as defined in N.J.A.C. 19:25-8.2(b), and quarterly reports, as defined in N.J.A.C. 19:25-8.3(b), using electronic filing software supplied to the candidate by the Commission pursuant to N.J.A.C. 19:25-3.

(d) Candidates for nomination for election to the office of member of the Senate or the office of member of the General Assembly in a primary election occurring after June 5, 2007, who are participating in a joint candidates committee, and who raise or spend, or expect to raise or spend, in excess of \$100,000 in the joint candidates committee in a primary election, shall file election fund reports, as defined in N.J.A.C. 19:25-8.2(b), and quarterly reports, as defined in N.J.A.C. 19:25-8.3(b), using electronic filing software supplied to the candidate by the Commission pursuant to N.J.A.C. 19:25-3.

(e) Beginning on January 1, 2006, a candidate for nomination for or for election to the office of Governor in an election occurring after that date who raises or spends, or expects to raise or spend, in excess of \$100,000 in a primary or general election, shall file election fund reports, as defined in N.J.A.C. 19:25-8.2(b), and quarterly reports, as defined in N.J.A.C. 19:25-8.3(b), using electronic filing software supplied to the candidate by the Commission pursuant to N.J.A.C. 19:25-3.

New Rule, R.2005 d.192, effective June 20, 2005.
See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

SUBCHAPTER 4. ESTABLISHMENT OF REPORTING COMMITTEES

19:25-4.1 Candidate and joint candidates committees

(a) A candidate for an office in an election shall establish a candidate committee, a joint candidates committee, or both, for an office sought in an election.

SUBCHAPTER 5. APPOINTMENT OF CAMPAIGN OFFICERS AND DEPOSITORIES

19:25-5.1 Qualifications of campaign or committee officers

(a) Any competent person 18 years of age or older may serve as a campaign treasurer, deputy campaign treasurer, organizational treasurer, deputy organizational treasurer, committee chairperson, committee vice-chairperson, or committee member provided that person maintains a resident address within the State of New Jersey, or alternatively files a consent to service of legal process within the State of New Jersey as set forth in (d) below.

(b) A candidate may serve as his or her own campaign or deputy campaign treasurer, or as committee chairperson, vice-chairperson or member.

(c) Notwithstanding (a) above, no person serving as the chairperson of a political party committee or a legislative leadership committee shall be eligible to be appointed to or serve as:

1. Chairperson, campaign treasurer, or deputy treasurer of a candidate committee or joint candidates committee, other than a candidate committee or joint candidates committee established to further the election of that person as a candidate;
2. Chairperson, campaign treasurer, or deputy treasurer of a political committee; or
3. Chairperson, organizational treasurer, or deputy organizational treasurer of a continuing political committee.

(d) Any person appointed to serve, or serving, in any capacity specified in (a) above and not maintaining a resident address within the State of New Jersey shall file a consent to service of legal process at an address within this State within three days of appointment, or within three days of abandoning a resident address within this State.

Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (a), made an internal reference change; and in (c), substituted references to campaign treasurers for references to treasurers throughout.

19:25-5.2 Qualifications of depositories

(a) Any bank authorized by law to transact business in and maintaining a branch or office in the State of New Jersey may be designated for the purpose of establishing a campaign or organizational depository, and may serve as the campaign or organizational depository for any number of candidates or committees.

(b) For the limited purpose of investing campaign or organizational funds, a recognized investment institution authorized by law to transact business in the State of New Jersey may be designated as an additional depository, pro-

vided that the invested funds are not used for the benefit of any person or enterprise in which the candidate, or a campaign or committee official, has an economic interest.

(c) Notwithstanding (a) above, a continuing political committee may designate a bank or investment institution located outside the State of New Jersey as an organizational depository provided that the bank or investment institution files a consent to service of legal process at an address within this State prior to accepting or receiving any organizational funds.

Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Rewrote (a); and in (b), inserted a reference to continuing political committees.

Amended by R.2004 d.280, effective July 19, 2004.
See: 36 N.J.R. 1895(a), 36 N.J.R. 3418(a).

In (b), deleted "establishing a depository for" preceding "investing campaign" and substituted "an additional" following "may be designated as".

19:25-5.3 Required treasurer training

(a) Each campaign treasurer of a candidate committee or a joint candidates committee for a candidate, or candidates, for the Senate, the General Assembly or the office of Governor shall, on or before filing a designation of campaign treasurer and depository pursuant to N.J.A.C. 19:25-4, be a trained campaign treasurer who has completed a treasurer training program offered by the Commission or shall complete such training within 90 days of designation as a campaign treasurer. Any other campaign treasurer of a candidate committee, a joint candidates committee, or a political committee may be a trained treasurer.

(b) Each organizational treasurer of a State political party committee or of a legislative leadership committee shall, on or before filing a designation of organizational treasurer and depository pursuant to N.J.A.C. 19:25-4, be a trained organizational treasurer, who has completed a treasurer training program offered by the Commission or shall complete such training within 90 days of appointment as an organizational treasurer. An organizational treasurer of any other political party committee or a continuing political committee may be a trained treasurer.

Repealed by R.1996 d.258, effective June 3, 1996.
See: 28 N.J.R. 1611(a), 28 N.J.R. 3006(a).

Section was "Names of depositories".
New Rule, R.2005 d.192, effective June 20, 2005.
See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).
Former N.J.A.C. 19:25-5.3 was reserved.

19:25-5.4 Deputy treasurers and additional depositories

(a) A campaign treasurer of a candidate committee or joint candidates committee may appoint deputy campaign treasurers, and may designate additional campaign depositories pursuant to N.J.A.C. 19:25-5.2.

(b) A campaign treasurer of a political committee, or an organizational treasurer of a political party committee, a continuing political committee, or a legislative leadership committee, may appoint deputy campaign or organizational treasurers, and may designate additional campaign organizational depositories.

(c) A campaign or organizational treasurer appointing deputy treasurers or designating additional depositories shall no later than five days after such appointment or designation file a notice (Form DX), certified as true and correct by such campaign or organizational treasurer, containing the following information:

1. The name of the committee;
2. The name of the campaign or organizational treasurer;
3. The name, mailing and resident address and phone number of each person appointed deputy campaign or deputy organizational treasurer; and
4. The name, mailing address and phone number of the bank at which each additional campaign or organizational depository has been established, the account number of each additional depository, and the names, mailing addresses and phone numbers of all persons authorized to sign checks or otherwise made transactions for each depository.

(d) The campaign treasurer or organizational treasurer shall file an amendment to each appointment or designation made pursuant to this section within 10 days of the occurrence of any change in any of the information required in (c) above.

Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Rewrote (a); in (c), inserted "designating" following "treasurers or", and inserted a reference to Form DX; and added (d).

19:25-5.5 Removal or resignation of treasurers

In the case of the death, resignation or removal of a campaign treasurer, deputy campaign treasurer, organizational treasurer, or deputy organizational treasurer, the candidate or committee shall notify the commission of such event within 10 days of its occurrence. The candidate or committee shall appoint a successor as soon as practicable but in no case more than 20 days after such death, resignation or removal and shall notify the commission of the appointment of the successor and file his or her name and address with the commission within three days of such appointment.

As amended, R.1980 d.348, effective August 6, 1980.
See: 12 N.J.R. 439(b), 12 N.J.R. 557(a).
As amended, R.1984 d.324, effective August 6, 1984.
See: 16 N.J.R. 1044(a), 16 N.J.R. 2154(a).

Section recodified with amendments from N.J.A.C. 19:25-5.5.
Recodified from 19:25-5.8 and 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.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Inserted references to deputy campaign treasurers and deputy organizational treasurers.

SUBCHAPTER 6. RECEIPT AND USE OF FUNDS

19:25-6.1 Receipt and deposit of funds

(a) Funds received by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee shall be delivered to the campaign or organizational treasurer and deposited by that treasurer in the campaign or organizational depository within 10 days of receipt by the committee, unless transferred prior to deposit pursuant to N.J.A.C. 19:25-6.2.

(b) The date of receipt by a committee of any funds is the date on which a campaign or organizational treasurer, or any other person so authorized, receives funds on behalf of the candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee.

19:25-6.2 Transfer of funds without deposit

(a) A campaign or organizational treasurer may transfer funds (without depositing them) to a duly designated campaign or organizational treasurer of another candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee. Such a transfer of funds without deposit must be made within 10 days of receipt of the funds being transferred, and must be authorized by the candidate, candidates or committee which designated the treasurer.

(b) Any amount transferred pursuant to (a) above shall not be in excess of the amount that a candidate may contribute to another candidate in any election pursuant to N.J.S.A. 19:44A-11.3, except that this subsection shall not be construed to prohibit a county or municipal political party committee from transferring funds as authorized in (a) above.

(c) A campaign or organizational treasurer making any transfer pursuant to this section shall make a written record of all non-deposited funds so transferred, identifying those funds as to source and amount in the same manner as deposited funds, and a copy of that written record shall be included in the next campaign or quarterly report filed by the entity that made the transfer.

19:25-6.3 Receipt of transferred funds

A candidate committee, joint candidates committee, political committee, continuing political committee, political par-

ty committee, or legislative leadership committee receiving any transfer of undeposited funds shall deliver those funds to its organizational or campaign treasurer for deposit in its campaign or organizational depository within 10 days of receipt.

19:25-6.4 Expenditures through treasurer

(a) No expenditure of money or other thing of value, nor obligation therefor, including, but not limited to, expenditures, loans or obligations of a candidate or of the candidate's family, shall be made or incurred, directly or indirectly, by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee except through:

1. The duly appointed campaign treasurer or deputy campaign treasurers of the candidate committee, joint candidates committee, or political committee;
2. The duly appointed organizational treasurer or deputy organizational treasurers of a political party committee, continuing political committee, or legislative leadership committee.

(b) Any expenditure by a candidate in the furtherance of his or her candidacy, or by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee shall be made from the organizational or campaign depository established by the committee, except that nothing in this section shall be construed to prohibit an expenditure to establish a petty cash fund not to exceed \$100.00 to be used for occasional and incidental expenses, or an expenditure not to exceed \$100.00 to reimburse a candidate or campaign or organizational worker who has personally incurred an occasional and incidental expense on behalf of the committee.

Recodified from 19:25-7.1 and 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.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (b), inserted "a candidate in the furtherance of his or her candidacy" following "expenditure by", and substituted a reference to organizational workers for a reference to organizational officers.

19:25-6.5 Use or disposition of campaign funds

(a) All contributions received by a candidate, candidate committee, joint candidates committee or legislative leadership committee shall be used only for the following purposes:

1. The payment of "campaign expenses" as that term is defined in (b) below.

2. The making of donations to any charitable organization described in section 170(c) of the Internal Revenue Code of 1954, as amended or modified, or non-profit organization which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954;

3. Transmittal to another candidate, candidate committee, joint candidates committee, political committee, continuing political committee, legislative leadership committee, or political party committee for the lawful use of such other candidate or committee;

4. The payment of the candidate committee's, joint candidates committee's or legislative leadership committee's overhead and administrative expenses related to its operation;

5. The pro-rata repayment of contributors, except that contributors of \$300.00 or less may be excluded from repayment; or

6. The payment of ordinary and necessary expenses of holding public office, as provided in N.J.A.C. 19:25-6.7.

(b) The term "campaign expenses" means any expense incurred or expenditure made by a candidate, candidate committee, joint candidates committee or legislative leadership committee from a campaign or organizational depository account for the purpose of paying for or leasing items or services used in connection with an election campaign, other than those items or services which may reasonably be considered to be for the "personal use" of the candidate, any person associated with the candidate or any of the members of a legislative leadership committee.

(c) The term "personal use" as used in (b) above means any use of contributions to pay or fulfill a commitment, obligation or expense of any person that would arise or exist irrespective of the candidate's campaign or irrespective of the candidate's ordinary and necessary expense of holding public office. "Personal use" includes, but is not limited to, the following:

1. A mortgage payment on property not owned by a candidate committee, joint candidates committee or legislative leadership committee making the payment;

2. A purchase, loan or lease payment on a vehicle not owned or leased by the candidate committee, joint candidates committee or legislative leadership committee making the payment, except that nothing herein shall be construed to prohibit reimbursement for use of a vehicle pursuant to N.J.A.C. 19:25-6.8;

3. The purchase of clothing, household food, and personal hygiene or health items or services;

4. A tuition payment, unless made for a course of study specifically related to the candidacy or officeholding duties of the candidate or officeholder who established or who controls the candidate committee, joint candidates committee or legislative leadership committee making the payment;

5. A payment for dues, fees or gratuities paid to a country club, fitness club, or other social or fraternal association, to its employees, or to a person working on its premises, unless the payment is part of the cost of a fundraising event held on the premises; or

6. The payment of a salary to a candidate by that candidate's candidate committee or joint candidates committee, or to a legislator by a legislative leadership committee established by or under the control of that legislator.

Recodified from 19:25-7.4 and 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.2000 d.472, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

In (a)5, increased dollar amount.

Amended by R.2004 d.471, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4071(a), 36 N.J.R. 5692(b).

In (a), substituted "\$300.00" for "\$400.00" in 5.

19:25-6.6 Limitations on permissible expenses

(a) A candidate committee, or a joint candidates committee, may pay a salary or fee to a family member of a candidate who has established or who controls the committee provided that the salary or fee paid for bona fide services received by the committee does not exceed fair market value.

(b) A legislative leadership committee may pay a salary or fee to a family member of a legislator who has established or who controls the committee provided that the salary or fee paid for bona fide services received by the committee does not exceed fair market value.

(c) A candidate committee, or a joint candidates committee, may pay for the use of an office or other property owned or leased by a candidate who has established or who controls the committee provided that the office or property is used by the committee and the payment does not exceed the fair market value for the bona fide use by the committee.

(b) Permissible use of funds for legal fees and expenses shall not include legal fees and expenses for defense of a candidate or officeholder, who is the subject of a criminal inquiry or criminal investigation, or defense of a criminal indictment or other criminal proceeding.

(c) Permissible use of funds for legal fees and expenses shall not include such fees and expenses incurred in connection with the candidate or officeholder's personal or business affairs, or which would otherwise qualify as "personal use" under N.J.A.C. 19:25-6.5(c).

New Rule, R.1998 d.118, effective March 2, 1998.

See: 29 N.J.R. 5056(a), 30 N.J.R. 862(a).

Amended by R.2009 d.165, effective May 18, 2009.

See: 41 N.J.R. 393(a), 41 N.J.R. 2142(b).

In the introductory paragraph of (a), deleted "from" following "public office or", and inserted "ordinary and necessary"; in (a)3, substituted "a civil" for "an", and inserted "administrative"; added new (b); and recodified former (b) as (c).

SUBCHAPTER 7. RECORDKEEPING

19:25-7.1 Recordkeeping requirements

(a) An organizational or campaign treasurer, or deputy organizational or campaign treasurer of a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, shall make and maintain a written record of all funds and contributions, including non-monetary contributions, and shall record the name and address of the contributor, the amount and date the contribution was received, the name of the account on which a contribution check is drawn and if the contributor is an individual, the occupation of the individual and the name and mailing address of the individual's employer.

(b) An organizational or campaign treasurer, or deputy organizational or campaign treasurer, of a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, shall make and maintain a written record of all funds expended by the committee, including the name and address of the recipient, the amount and date of the expenditure, and the purpose of the expenditure. The organizational or campaign treasurer, or deputy organizational or deputy campaign treasurer, shall include as part of the record of each expenditure a receipt, invoice, bill, or other documentation for each expenditure made from each campaign, organizational, or additional depository.

(c) The campaign or organizational treasurer of a candidate committee, joint candidates committee, or legislative leadership committee shall include as part of the record of any expenditure of such a committee, a notation or other reference disclosing which of the six enumerated permissible uses of funds set forth in N.J.A.C. 19:25-6.5(a) is applicable to the expenditure.

(d) A candidate, the candidates of a joint candidates committee, or the chairman of a political committee, continuing political committee, political party committee, or legislative leadership committee, shall take such steps as are necessary and appropriate to insure that a campaign treasurer, or organizational treasurer, appointed by the candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, complies with the recordkeeping requirements of this section and this chapter.

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 in (a) "was received".

Recodified from 19:25-8.1 and 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.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (a), inserted "the name of the account on which a contribution check is drawn" following "received".

Amended by R.2004 d.280, effective July 19, 2004.

See: 36 N.J.R. 1895(a), 36 N.J.R. 3418(a).

In (b), added the last sentence.

19:25-7.2 Recordkeeping for credit card transactions

(a) Whenever a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee purchases, or authorizes purchase of, goods or services by use of a credit card, the campaign or organizational treasurer shall make and maintain a record of the following information:

1. The exact name or title of the owner of the card, and the name of the lending institution that issued the card;
2. The date of the purchase;
3. The name and address of the vendor from whom the purchase was made;
4. The purpose of the purchase; and
5. The cost and description of the goods or services purchased.

New Rule, R.1993 d.509, effective October 18, 1993.

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

19:25-7.3 Period of retention

All records required to be made pursuant to this subchapter shall be maintained for a period of not less than four years after the date of the election to which they are relevant, or a period of not less than four years after the transaction to which they relate occurred, whichever is longer.

Recodified from 19:25-8.2 and 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.2004 d.280, effective July 19, 2004.

See: 36 N.J.R. 1895(a), 36 N.J.R. 3418(a).

Substituted "pursuant to this subchapter" for "by N.J.A.C. 19:25-7.1".

19:25-7.4 Affidavit for missing records

(a) An organizational or campaign treasurer unable to produce any record required to be made pursuant to N.J.A.C. 19:25-7.1, Recordkeeping requirements, shall submit to the Commission within 10 days after the Commission so requests an affidavit specifying which record cannot be produced and the reasons the record is unavailable. The affidavit shall specify:

1. Whether a written record was made at the time of the transaction and, if so, the name of the person who made it, the position of that person in the campaign or organization, and the reasons the record is no longer available; or

2. If no contemporaneous record was made, the name of the person, if any, assigned responsibility for making such a record and the reasons the record was not made.

(b) Any affidavit prepared pursuant to (a) above shall include a re-creation of the missing records based on bank statements, copies of negotiated checks or instruments, or any other source. A description of the efforts undertaken to re-create the missing record shall be included in the affidavit.

(c) The submission of an affidavit pursuant to (a) above shall not preclude or otherwise estop the Commission from undertaking penalty proceedings for failure to make or maintain records.

New Rule, R.1989 d.100, effective February 21, 1989.

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

Recodified from 19:25-8.3 and amended by R.1993 d.509, effective October 18, 1993.

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

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

19:25-8.1 Candidate or joint candidates committee election fund reports

(a) A candidate committee, or a joint candidates committee, shall file election fund reports of all contributions received, all expenditures made, and all other transactions of the election fund subject to reporting under the act and these regulations.

(b) The term "election fund reports" shall mean election-cycle reports as defined in N.J.A.C. 19:25-8.2(b), or quarterly reports as defined in N.J.A.C. 19:25-8.3(b), which reports shall be filed in accordance with N.J.A.C. 19:25-8.12, Time and place of filing reports.

(c) The initial election fund report of a candidate committee, or joint candidates committee, shall be either a 29-day

preelection report or a quarterly report. In the event the committee is established within five months or less of the due date of the 29-day preelection report for the election in which the candidate or joint candidates is or are seeking office, the committee shall file the 29-day preelection report described in N.J.A.C. 19:25-8.2 report as its initial election fund report. However, if the committee is established more than five months prior to the due date of the 29-day preelection report for the election in which the candidate or joint candidates is or are seeking office, the committee shall file as its initial election fund report any quarterly report described in N.J.A.C. 19:25-8.3 that is due for filing within five months of the date the committee is established.

(d) The initial election fund report shall begin with the reporting of the first contribution received or expenditure made in the election (including funds or other benefits received and payments made to determine whether or not an individual should become a candidate), and shall report all subsequent contributions, expenditures, or other reportable transactions of the election fund occurring before the closing date applicable to the report.

(e) A candidate committee, or joint candidates committee, shall continue to file election fund reports for an election until such time as it terminates its reporting requirements and files a final election fund report for that election pursuant to N.J.A.C. 19:25-8.11.

(f) A candidate for nomination for, or for election to, the office of Governor, the office of member of the Senate, or the office of member of the General Assembly shall, in the circumstances described in N.J.A.C. 19:25-3.3, be required to file election fund reports using electronic filing software supplied to the candidate by the Commission.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Rewrote (d); and in (e), inserted references to elections.

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Added (f).

19:25-8.2 Election-cycle reports

(a) A candidate committee, or joint candidates committee, shall file election-cycle reports during any election in which the candidate, or joint candidates, is or are seeking election, or nomination for election.

(b) The term "election-cycle reports" shall mean the reports described below, which reports shall be due for filing on the following dates and shall report all contributions, expenditures, or other transactions of the election fund occurring within the following periods of time:

1. The 29-day preelection report shall be due for filing on the 29th day before the election. The 29-day preelection report shall include all contributions received or expenditures made in an election (including funds or other benefits received and payments made to determine whether an individual should become a candidate) for the following period of time: beginning with the first transaction made for an election, and ending with the last transaction occurring on the 32nd day preceding the date of the election. However, if the candidate committee, or joint candidates committee, filed, or was required to file, a prior quarterly report pursuant to N.J.A.C. 19:25-8.3, its 29-day preelection report shall begin with the first transaction occurring on the day after the date on which the reporting period of the prior quarterly report ended.

2. The 11-day preelection report shall be due for filing on the 11th day before the election. The 11-day preelection report shall include all contributions received or expenditures made for the following period of time: beginning with the first transaction occurring on the 31st day preceding the date of the election, and ending with the last transaction occurring on the 14th day preceding the date of the election; and

3. The 20-day postelection report shall be due for filing on the 20th day following the election. The 20-day postelection report shall include all contributions received or expenditures made for the following period of time: beginning with the first transaction occurring on the 13th day preceding the date of the election, and ending with the last transaction occurring on the 17th day following the date of the election.

(c) Notwithstanding (b) above, a candidate committee or joint candidates committee comprised only of a candidate or candidates certified to participate in a municipal run-off election shall not be required to file the 20-day postelection report following the municipal election or the 29-day preelection report for the municipal run-off election. The 11-day preelection municipal run-off election report shall begin with the reporting of the first transaction occurring on the 13th day preceding the municipal election, and shall end with the reporting of the last transaction occurring on the 14th day preceding the municipal run-off election.

(d) The campaign treasurer and the candidate shall file and certify the correctness of a candidate committee election-cycle report, and shall certify that no contributions have been received in violation of the contribution limits prescribed by the act.

(e) The campaign treasurer and the joint candidates shall file and each certify the correctness of a joint candidates committee election-cycle report, and certify that no contributions have been received in violation of the contribution limits prescribed by the act.

Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (b)1, rewrote the first sentence; and in (c), substituted "comprised only of a candidate or candidates certified to participate" for "that is filing election fund reports" in the first sentence.

Amended by R.2003 d.41, effective January 21, 2002.

See: 34 N.J.R. 3595(a), 35 N.J.R. 447(a).

Rewrote (b) and (c).

Case Notes

Grand jury transcripts would not be disclosed to Election Law Enforcement Commission (ELEC), even though investigation dealt with election law. Matter of Grand Jury Testimony, 124 N.J. 443, 591 A.2d 614 (1991).

19:25-8.2A Winning primary election candidates

(a) A candidate who has won nomination for election to an office in a primary election, or the candidates of a joint candidates committee who have won nomination to an office for election in a primary election, shall designate the 20-day post election report for that primary election described in N.J.A.C. 19:25-8.1 as the final report of the candidate committee, or joint candidates committee, for that primary election, and shall transfer the funds in the depository account, and outstanding obligations and liabilities, to a depository account established for the same office in the general election for which the candidate or candidates have been nominated, except that a candidate or joint candidates with net liabilities arising out of that primary election may maintain the depository account for the purpose of retiring such net liabilities pursuant to N.J.A.C. 19:25-8.7A.

(b) A candidate, or joint candidates, winning a primary election for the nomination for election to an office, and who has designated his or her or their 20-day post election report for that primary election as a final report pursuant to (a) above, shall next file a 29-day preelection report described in N.J.A.C. 19:25-8.1 for the office in the general election for which the candidate or candidates have been nominated. Such report shall include all contributions received or expenditures made for the following period of time: beginning with the first transaction occurring on or after the 18th day following the date of the primary election, and ending with the last transaction occurring on the 32nd day preceding the date of the election.

(c) A candidate, or joint candidates, may designate the depository account that the candidate, or joint candidates, established for a primary election for an office as the depository account of the candidate, or joint candidates, for that office in the general election provided the candidate, or joint candidates, files a new designation pursuant to N.J.A.C. 19:25-4.1A(b).

New Rule, R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Amended by R.2003 d.41, effective January 21, 2003.

See: 34 N.J.R. 3595(a), 35 N.J.R. 447(a).

Rewrote (b).

19:25-8.3 Quarterly reports

(a) A candidate committee, or joint candidates committee, shall file quarterly reports for any period of time it is not required to file election-cycle reports pursuant to N.J.A.C. 19:25-8.2.

(b) The term "quarterly reports" shall mean the reports described below, which reports shall be due for filing and shall include the following periods of time:

1. The first quarterly report shall be due for filing on April 15 of a calendar year. The first quarterly report shall include all contributions received or expenditures made for the following period of time: beginning with the first transaction occurring on or after January 1 of the calendar year of the filing date, and ending with the last transaction occurring on March 31 of that calendar year;

2. The second quarterly report shall be due for filing on July 15 of a calendar year. The second quarterly report shall include all contributions received or expenditures made for the following period of time: beginning with the first transaction occurring on or after April 1 of the calendar year of the filing date, and ending with the last transaction occurring on June 30 of that calendar year;

3. The third quarterly report shall be due for filing on October 15 of a calendar year. The third quarterly report shall include all contributions received or expenditures made for the following period of time: beginning with the first transaction occurring on or after July 1 of the calendar year of the filing date, and ending with the last transaction occurring on September 30 of that calendar year; and

4. The fourth quarterly report shall be due for filing on January 15 of a calendar year. The fourth quarterly report shall include all contributions received and expenditures made for the following period of time: beginning with the first transaction occurring on or after October 1 of the calendar year preceding the calendar year of the filing date, and ending with the last transaction occurring on December 31 of the calendar year preceding the calendar year of the filing date.

(c) A candidate committee, or joint candidates committee, that does not terminate its election-cycle filing requirements with its 20-day postelection report and is therefore required to file quarterly reports, shall start filing quarterly reports on the following dates:

1. For a school board candidate, or joint candidates, the committee shall file a third quarter report on October 15 of the calendar year of the school board election;

2. For a municipal or municipal run-off election candidate, or joint candidates, the committee shall file a third quarter report on October 15 of the calendar year of the municipal or municipal run-off election;

3. For a primary election candidate, or joint candidates, who is or are defeated in a primary election or otherwise is

or are not running in the following general election, the committee shall file a third quarter report on October 15 of the calendar year of the primary election;

4. For a general election candidate, or joint candidates, the committee shall file a first quarter report on April 15 of the calendar year following the general election; or

5. For a special election candidate, or joint candidates, the committee shall file a quarterly report on a quarterly report filing date set forth in (b) above that falls within five months of the date on which the 20-day postelection report closed, that is, within five months of the 17th day after the date of the special election.

(d) The initial quarterly report filed by a candidate committee, or joint candidates committee, after the filing of a 20-day postelection report, shall begin with the reporting of the first contribution received, expenditure made, or other reportable transaction occurring on the 18th day following the date of election. Subsequent quarterly reports shall include the time periods set forth in (b) above.

(e) The campaign treasurer and the candidate, or joint candidates, shall file and each certify the correctness of each quarterly report, and shall certify that no contributions have been received in violation of the contribution limits prescribed by the act.

Amended by R.2003 d.41, effective January 21, 2003.

See: 34 N.J.R. 3595(a), 35 N.J.R. 447(a).

Rewrote (b); in (c)5, substituted "within five months of the 17th day" for "12:00 A.M."; in (d), deleted "after 12:00 A.M." following "occurring" and substituted "include" for "cover" preceding "the time periods".

19:25-8.4 Candidate certified statements (Form A-1 or A-2)

(a) There shall be no obligation to file the election fund reports referred to in N.J.A.C. 19:25-8.1 on behalf of any candidate committee of a candidate who files no later than five months after the date on which the committee is established, or no later than the 29th day before the election in which the candidate is seeking office, whichever is earlier, a certified statement (Form A-1) to the effect that the total amount expended or to be expended on behalf of his or her candidacy by the candidate committee, or by any candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, legislative leadership committee or person shall not in the aggregate exceed \$4,000 in that election.

(b) There shall be no obligation to file the election fund reports referred to in N.J.A.C. 19:25-8.1 on behalf of a joint candidates committee if the joint committee files no later than five months after the date on which the committee is established, or no later than the 29th day before the election in which the joint candidates are seeking office, whichever is earlier, a certified statement (Form A-2) to the effect that the total amount to be expended on behalf of the joint candidacies by the joint candidates committee or by any candidate com-

19:25-8.7 Termination of candidate reporting

(a) A candidate committee, or a joint candidates committee, shall certify its 20-day postelection report or its first quarterly postelection report as its final election fund report for an office in an election and thereby terminate further quarterly reporting for that office in that election, with the following exceptions:

1. The candidate is maintaining the committee for the sole purpose of receiving contributions to retire net liabilities of the election pursuant to N.J.A.C. 19:25-8.7A;

2. The candidate is maintaining the committee to receive contributions and make expenditures pursuant to N.J.A.C. 19:25-11.12 or 12.11 because of a recount or election contest being conducted for that office in the election; or

3. The candidate is or will become an elected officeholder and has no current intention to seek reelection to that office or election to another office subject to the act, and is maintaining the committee for the limited purpose of paying officeholding expenses. Such a candidate shall not receive contributions on or after the date when the candidate ceases to be an officeholder and shall spend any funds remaining in the campaign depository or depositories pursuant to N.J.S.A. 19:44A-11.2 and N.J.A.C. 19:25-6.

(b) The campaign treasurer, and the candidate, or each joint candidate, shall file and each shall certify the following statements in a final election fund report:

1. There is no remaining balance in any depository opened or maintained by the candidate committee, or joint candidates committee, or if there is a remaining balance or assets, that balance and assets have been transferred to a depository established by the candidate, or joint candidates, for a future election;

2. There are no outstanding obligations of the candidate committee, or joint candidates committee; or, if outstanding obligations exist, the outstanding obligations have been assumed by a candidate committee established by the candidate for a subsequent election, or the total amount of the outstanding obligation does not exceed \$1,000, or does not exceed 10 percent of the expenditures of the election fund with respect to the election, whichever amount is less; or written evidence is provided that any existing outstanding obligations are likely to be discharged or forgiven; and

3. The candidate committee, or joint candidates committee, has been dissolved and wound up its business for the past election.

(c) Notwithstanding (a) above, if after filing a final election fund report, a candidate, or joint candidates, receives or receive any subsequent contributions, makes or make any expenditures, or assumes or assume any obligation in connection with the election for which the candidate or joint candidates was or were seeking office, the candidate, or joint

candidates, shall establish a candidate committee, or joint candidates committee, and that committee shall resume filing election fund reports pursuant to N.J.A.C. 19:25-8.1.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Rewrote (a) and (b).

Amended by R.2004 d.280, effective July 19, 2004.

See: 36 N.J.R. 1895(a), 36 N.J.R. 3418(a).

In (a), added the last sentence in 3.

19:25-8.7A Retirement of net liabilities

(a) A candidate committee, or joint candidates committee, which files a 20-day postelection report reporting outstanding liabilities in excess of the total assets of the committee including its cash balance in all of the candidate committee depositories for an office in an election, otherwise referred to in this section as net liabilities, may continue to receive contributions to satisfy such net liabilities for that past election for that office, subject to the following:

1. Each contribution received shall indicate in writing a clear designation from the contributor indicating the office and past election to which the contribution is to be applied;

2. Each contribution received shall be aggregated with any other contribution made by that contributor for that office in that past election, and the aggregate contribution cannot exceed the applicable contribution limit for that past election; and

3. Each contribution received shall be deposited into the campaign depository account established for the office in the past election.

(b) The total amount of all contributions received during the postelection quarterly reporting periods for an office in a past election shall not exceed the amount of the net liabilities incurred for that office in that past election, plus the reasonable and necessary expenses to raise contributions to satisfy those net liabilities.

(c) A candidate committee or joint candidates committee which receives contributions under the provisions of (a) above shall continue to file postelection quarterly reports for the office sought in a past election for which such contributions are received until such time as the outstanding obligations are satisfied or transferred to a future election, and the committee files a final report.

(d) A candidate committee or joint candidates committee which receives contributions under the provisions of (a) above may establish a candidate committee and/or joint candidates committee and receive contributions for a future election, provided that:

1. The candidate committee or joint candidates committee shall establish and designate a separate campaign depository for the deposit of the contributions that are received for the future election;

2. The designation of the new campaign depository for the future election shall be reported to the Commission on the Form D-1 or D-2; and

3. Contributions received for the future election by a candidate committee or joint candidates committee which is also continuing to receive contributions for a past election pursuant to the provisions of (a) above shall be designated by the contributor for that future election.

New Rule, R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

19:25-8.8 Political committee election fund reports

(a) A political committee receiving or expending \$2,100 or more in an election shall file election fund reports of all contributions received, all expenditures made, and all other financial transactions of its election fund subject to reporting, and such reports shall be filed on the same dates and be pertinent to the same periods of time as set forth in N.J.A.C. 19:25-8.1 for candidate committee reports.

(b) The campaign treasurer of the political committee shall file and certify the correctness of the reports described in (a) above, and shall certify that no contributions have been received in violation of the contribution limits prescribed by the act.

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.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.

Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

In (a), increased dollar amount.

Amended by R.2004 d.471, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4071(a), 36 N.J.R. 5692(b).

In (a), substituted "\$1,800" for "\$1,500".

Amended by R.2008 d.358, effective December 1, 2008 (operative January 1, 2009).

See: 40 N.J.R. 4723(a), 40 N.J.R. 6858(a).

In (a), substituted "\$2,100" for "\$1,800".

19:25-8.9 Political committee contributions received immediately before an election

(a) A campaign treasurer of a political committee shall file a report (Form C-1) or other written notice of any contribution in excess of \$1,200, or any aggregate contributions from a contributor, which total in excess of \$1,200, received on or after the 13th day preceding the date of the election and received up to and including the date of the election, which report shall contain:

1. The name of the recipient political committee;
2. The date the contribution was received;
3. The amount of the contribution;

4. The name and mailing address of the contributor; and

5. If the contributor is an individual, the occupation of the individual and the name and mailing address of the individual's employer.

(b) The report or written notice described in (a) above shall be filed with the Commission within 48 hours of receipt of the contribution, and shall be signed by the campaign treasurer. Use of electronic facsimile transmission (that is, fax) to file the report or written notice is permitted.

Amended by R.1995 d.253, effective May 15, 1995.

See: 27 N.J.R. 1161(a), 27 N.J.R. 2010(a).

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.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.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (a), inserted a reference to Form C-1 in the introductory paragraph. Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2000).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

In (a), increased dollar amounts.

Amended by R.2003 d.41, effective January 21, 2003.

See: 34 N.J.R. 3595(a), 35 N.J.R. 447(a).

In (a), deleted "12:00 A.M. on" preceding "the 13th day" in the introductory paragraph.

Amended by R.2004 d.471, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4071(a), 36 N.J.R. 5692(b).

In (a), substituted "\$1,000" for "\$800.00" in the introductory paragraph.

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

In (b), deleted "except that a report made by telegram need not be signed" following "campaign treasurer".

Amended by R.2008 d.358, effective December 1, 2008 (operative January 1, 2009).

See: 40 N.J.R. 4723(a), 40 N.J.R. 6858(a).

In the introductory paragraph of (a), substituted "\$1,200" for "\$1,000" twice, inserted a comma following "contributor", and substituted "and" for "an" preceding "including".

19:25-8.10 Political committee expenditures made immediately before an election

(a) A campaign treasurer of a political committee shall file a report (Form E-1) of any expenditure of money or other thing of value in excess of \$1,200 made, incurred or authorized by the political committee to support or defeat a candidate in an election, or to aid the passage or defeat of a public question, which expenditure is made, incurred or authorized on or after the 13th day preceding the date of the election and up to and including the date of the election. The report shall contain:

1. The name of the political committee;
2. The name and mailing address of the person, firm or recipient; or organization to whom or which the expenditure was paid or given; and
3. The amount and purpose of the expenditure.

(b) The report or written notice described in (a) above shall be filed with the Commission within 48 hours of the making of the expenditure, and shall be signed by the campaign treasurer. Use of electronic facsimile transmission (that is, fax) to file the report or written notice is permitted.

Amended by R.1995 d.253, effective May 15, 1995.

See: 27 N.J.R. 1161(a), 27 N.J.R. 2010(a).

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.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.

Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

In (a), increased dollar amount.

Amended by R.2003 d.41, effective January 21, 2003.

See: 34 N.J.R. 3595(a), 35 N.J.R. 447(a).

In (a), deleted "12:00 A.M. on" preceding "the 13th day" in the introductory paragraph.

Amended by R.2004 d.471, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4071(a), 36 N.J.R. 5692(b).

In (a), substituted "\$1,000" for "\$800.00" in the introductory paragraph.

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

In (b), deleted " , except that a report made by telegram need not be signed" following "campaign treasurer".

Amended by R.2008 d.358, effective December 1, 2008 (operative January 1, 2009).

See: 40 N.J.R. 4723(a), 40 N.J.R. 6858(a).

In the introductory paragraph of (a), substituted "\$1,200" for "\$1,000".

19:25-8.11 Termination of political committee quarterly reporting

(a) A political committee may certify a 20-day postelection report or a quarterly report as its final election fund report for an election and thereby terminate further reporting for that election provided:

1. There is no remaining balance in any depository opened or maintained by the political committee;

2. There are no outstanding obligations of the political committee; or, if outstanding obligations exist, the total amount does not exceed \$1,000, or does not exceed 10 percent of the expenditures of the election fund with respect to the election, whichever amount is less; or written evidence is provided that any existing outstanding obligations are likely to be discharged or forgiven; and

3. The political committee has been dissolved and wound up its business for the past election.

(b) The campaign treasurer of the political committee shall certify and file the final election fund report.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (a), inserted references to election in the introductory paragraph, and deleted a reference to elections in 3.

19:25-8.12 Time and place of filing reports

(a) An original and two copies of all reports required to be filed must be received at the Commission offices no later than 5:00 P.M. on the date the report is due for filing in order to be deemed timely filed. A report submitted by United States mail postmarked on or before a filing date but not received until after 5:00 P.M. of the date the report is due for filing will not be deemed timely filed. A report or written notice of contributions received immediately before an election made pursuant to N.J.A.C. 19:25-8.6 or 8.9, or a report or written notice of expenditures made immediately before an election pursuant to N.J.A.C. 19:25-8.10, may be filed by electronic facsimile transmission (that is, fax).

(b) For election-cycle reports filed pursuant to N.J.A.C. 19:25-8.2 for primary and general elections only, filing may be accomplished by filing an original and three copies with the appropriate county clerk for transmittal to the Commission, provided that the reports are filed with the county clerk no later than 12:00 noon on the date due for filing. Any reports filed after 12:00 noon on the date due for filing will not be deemed timely filed until received by the Commission. The county clerk shall retain one of the copies of the report, and transmit the original and two copies to the Commission. The copy retained by the county clerk shall be duly certified by the campaign treasurer as a duplicate copy. This subsection is not applicable to election-cycle reports other than primary or general elections, and is not applicable to quarterly reports.

(c) With the exception of reports filed with a county clerk pursuant to (b) above, an additional copy of a candidate committee, or joint candidates committee, report filed pursuant to N.J.A.C. 19:25-8.1 shall be filed with the county clerk of the county in which the candidate, or joint candidates, seek office. A candidate, or joint candidates, for State legislative office shall file a copy with the county clerk of the county, or county clerks of the counties, in which the candidate, or joint candidates, resides or reside, if the legislative district includes more than one county. Such a report shall be duly certified as a duplicate copy by the campaign treasurer.

(d) A candidate committee, joint candidates committee, or political committee shall, for the period of time provided in N.J.A.C. 19:25-7.3, retain an exact copy of each report as that report has been filed with the Commission.

Amended by R.1995 d.253, effective May 15, 1995.

See: 27 N.J.R. 1161(a), 27 N.J.R. 2010(a).

Amended by R.2003 d.41, effective January 21, 2003.

See: 34 N.J.R. 3595(a), 35 N.J.R. 447(a).

Added (d).

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

19:25-9.1 Quarterly reports

(a) A continuing political committee, a political party committee, or a legislative leadership committee shall file quarterly reports of all contributions received, all expenditures made, and all other transactions of its election fund subject to reporting, which reports shall be due for filing and shall include the following periods of time:

1. The first quarterly report shall be due for filing on April 15 of a calendar year. The first quarterly report shall include all contributions received or expenditures made for the following period of time: beginning with the first transaction occurring on or after January 1 of the calendar year of the filing date, and ending with the last transaction occurring on March 31 of that calendar year;

2. The second quarterly report shall be due for filing on July 15 of a calendar year. The second quarterly report shall include all contributions received or expenditures made for the following period of time: beginning with the first transaction occurring on or after April 1 of the calendar year of the filing date, and ending with the last transaction occurring on June 30 of that calendar year;

3. The third quarterly report shall be due for filing on October 15 of a calendar year. The third quarterly report shall include all contributions received or expenditures made for the following period of time: beginning with the first transaction occurring on or after July 1 of the calendar year of the filing date, and ending with the last transaction occurring on September 30 of that calendar year; and

4. The fourth quarterly report shall be due for filing on January 15 of a calendar year. The fourth quarterly report shall include all contributions received and expenditures made for the following period of time: beginning with the first transaction occurring on or after October 1 of the calendar year preceding the calendar year of the filing date, and ending with the last transaction occurring on December 31 of the calendar year preceding the calendar year of the filing date.

(b) The initial quarterly report shall be filed for the calendar year quarter in which the continuing political committee, political party committee, or legislative leadership committee was established or required to be established, and, in the case of a continuing political committee, quarterly reports shall continue to be filed in each calendar year quarter pursuant to (a) above until such time as a final quarterly report is filed pursuant to N.J.A.C. 19:25-9.5. A political party committee or a legislative leadership committee cannot terminate quarterly reporting requirements.

(c) The organizational treasurer shall file and certify the correctness of the quarterly report, and shall certify that no contributions have been received in violation of the contribution limits prescribed by the act.

Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Substituted references to 12:00 A.M. for references to 12:01 A.M. throughout.

Amended by R.2003 d.41, effective January 21, 2003.
See: 34 N.J.R. 3595(a), 35 N.J.R. 447(a).

In (a), substituted "include" for "cover" in the introductory paragraph and rewrote 1 through 4.

19:25-9.2 Certified statement (Form A-3)

(a) There shall be no obligation to file the quarterly reports referred to in N.J.A.C. 19:25-9.1 on behalf of a continuing political committee, political party committee, or legislative leadership committee that files no later than January 15 of a calendar year a certified statement (Form A-3) to the effect that the total amount to be raised or expended in that calendar year shall not exceed \$4,900. Such committee is required to file the certified statement (Form A-3) notwithstanding that the committee did not receive any contribution or make any expenditure in a calendar year.

(b) In the event a continuing political committee, political party committee, or legislative leadership committee files a certified statement (Form A-3) pursuant to (a) above, and total expenditures exceed \$4,900 during the calendar year for which the statement was filed, the committee shall:

1. File a quarterly report pursuant to N.J.A.C. 19:25-9.1 on the date relevant to the calendar year quarter in which \$4,900 of expenditures was exceeded, and that quarterly report shall include all contributions received and all expenditures made from the beginning of the calendar year; and

2. Continue filing quarterly reports for the remainder of that calendar year, unless a final quarterly report is filed pursuant to N.J.A.C. 19:25-9.5.

(c) If a continuing political committee, political party committee, or legislative leadership committee, which has filed a certified statement for a calendar year pursuant to (a) above, receives during any calendar year quarter a contribution, or aggregate contributions from a contributor, that exceeds the sum of \$300.00, or receives a currency contribution in any amount, that committee shall file on the dates provided in N.J.A.C. 19:25-9.1 a report containing the following information:

1. The name and mailing address of the contributor;
2. The date the contribution was received;
3. The amount of the contribution, or if the contribution was other than money, a description of the contribution and its value as determined pursuant to N.J.A.C. 19:25-10.4; and

4. If the contributor was an individual, the occupation of the contributor and the name and mailing address of the individual's employer.

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.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.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).
In (a), added a second sentence.
Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).
See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).
Increased dollar amounts throughout.
Amended by R.2004 d.471, effective December 20, 2004 (operative January 1, 2005).
See: 36 N.J.R. 4071(a), 36 N.J.R. 5692(b).
In (a) and (b), substituted "\$4,300" for "\$3,700" throughout; in (c), substituted "\$300.00" for "\$400.00" in the introductory paragraph.
Amended by R.2005 d.192, effective June 20, 2005.
See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).
In (c), inserted "or receives a currency contribution in any amount," following "that exceeds the sum of \$300.00," in the introductory paragraph.
Amended by R.2008 d.358, effective December 1, 2008 (operative January 1, 2009).
See: 40 N.J.R. 4723(a), 40 N.J.R. 6858(a).
In (a), the introductory paragraph of (b) and (b)1, substituted "\$4,900" for "\$4,300".

Case Notes

Joint campaign committee was subject a single fine. N.J.S.A. 19:44A-22. Election Law Enforcement Com'n v. Condo, 93 N.J.A.R.2d (ELE) 1.

19:25-9.3 Contributions received immediately before an election

(a) An organizational treasurer of a continuing political committee, a political party committee, or a legislative leadership committee shall file a report or other written notice with the Commission of any contribution in excess of \$1,200, or any aggregate contributions from a contributor, which total in excess of \$1,200, received after the closing date of its most recent quarterly report and on or before the date of an election in which the committee has made or intends to make any contribution or expenditure to aid or promote any candidate or the passage or defeat of any public question. The closing dates of quarterly reports are set forth in N.J.A.C. 19:25-9.1(a).

(b) The report or written notice described in (a) above shall be filed with the Commission within 48 hours of receipt of a contribution in excess of \$1,200, or within 48 hours of receipt of aggregate contributions from a contributor, which total in excess of \$1,200, except that all such contributions or aggregate contributions received prior to the 13th day preceding the date of an election may be reported together on a report or written notice to be filed with the Commission no later than the 11th day before that election. A contribution or aggregate contributions from a contributor totaling in excess of \$1,200 received on or after the 13th day before the election must be reported within 48 hours of receipt.

(c) The report or written notice described in (a) above shall contain the following information:

1. The name of the recipient committee;
2. The date the contribution was received;
3. The amount of the contribution, or if the contribution was other than money, a description of the contribution and its value as determined pursuant to N.J.A.C. 19:25-10.4;
4. The name and mailing address of the contributor; and
5. If the contributor is an individual, the occupation of the individual and the name and mailing address of the individual's employer.

(d) The report or written notice described in (a) above shall be signed by the organizational treasurer. Use of electronic facsimile transmission (that is, fax) to file the report or written notice is permitted.

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.253, effective May 15, 1995.
See: 27 N.J.R. 1161(a), 27 N.J.R. 2010(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.
Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).
In (b), substituted references to 12:00 A.M. for references to 12:01 A.M. throughout.
Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).
See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).
In (a) and (b), increased dollar amounts.
Amended by R.2003 d.41, effective January 21, 2003.
See: 34 N.J.R. 3595(a), 35 N.J.R. 447(a).
In (b), deleted "12:00 A.M. of" preceding "the 13th day" throughout.
Amended by R.2004 d.471, effective December 20, 2004 (operative January 1, 2005).
See: 36 N.J.R. 4071(a), 36 N.J.R. 5692(b).
In (a) and (b), substituted "\$1,000" for "\$800.00" throughout.
Amended by R.2005 d.192, effective June 20, 2005.
See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).
In (d), deleted "," except that a report made by telegram need not be signed" following "signed by the organizational treasurer".
Amended by R.2008 d.358, effective December 1, 2008 (operative January 1, 2009).
See: 40 N.J.R. 4723(a), 40 N.J.R. 6858(a).
In (a) and (b), substituted "\$1,200" for "\$1,000" throughout; in (a), inserted a comma following "contributor"; and in (b), inserted a comma following the first occurrence of "contributor".

19:25-9.4 Continuing political committee expenditures made immediately before a primary or general election

(a) An organizational treasurer of a continuing political committee shall file a report (Form E-3) of an expenditure of money or other thing of value in excess of \$1,200, or aggregate expenditures that total in excess of \$1,200, made, incurred or authorized in a primary or general election by the continuing political committee to support or defeat a candi-

date, or to aid the passage or defeat of a public question, which expenditure is, or aggregate expenditures are, made, incurred or authorized after March 31 and on or before the day of the primary election, or after September 30 and on or before the day of the general election. The report shall contain:

1. The name of the continuing political committee making the expenditure;
2. The name and mailing address of the person, firm or recipient; or the name and mailing address of the organization to whom or which the expenditure was paid or given; and
3. The amount and purpose of the expenditure.

(b) The report or written notice described in (a) above shall be signed by the organizational treasurer and filed with the Commission within 48 hours of the making, authorizing or incurring of the expenditure, or aggregate expenditures, except that all expenditures or aggregate expenditures made, incurred or authorized before the 13th day preceding the date of a primary or general election may be reported together on a report or written notice to be filed no later than the 11th day before that election. A report of an expenditure or aggregate expenditures in excess of \$1,200 made, incurred or authorized on or after the 13th day preceding the date of a primary or general election shall be filed within 48 hours of receipt. Use of electronic facsimile transmission (that is, fax) to file the report or written notice is permitted.

Amended by R.1995 d.253, effective May 15, 1995.
See: 27 N.J.R. 1161(a), 27 N.J.R. 2010(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.
Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).
In (b), substituted references to 12:00 A.M. for references to 12:01 A.M. throughout.
Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).
See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).
Increased dollar amounts throughout.
Amended by R.2003 d.41, effective January 21, 2003.
See: 34 N.J.R. 3595(a), 35 N.J.R. 447(a).
In (b), deleted "12:00 A.M. on" preceding "the 13th day" throughout.
Amended by R.2004 d.471, effective December 20, 2004 (operative January 1, 2005).
See: 36 N.J.R. 4071(a), 36 N.J.R. 5692(b).
In (a) and (b), substituted "\$1,000" for "\$800.00" throughout.
Amended by R.2005 d.192, effective June 20, 2005.
See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).
In (b), deleted ", and such a report made by telegram need not be signed" following "filed within 48 hours of receipt".
Amended by R.2008 d.358, effective December 1, 2008 (operative January 1, 2009).
See: 40 N.J.R. 4723(a), 40 N.J.R. 6858(a).
In the introductory paragraph of (a) and in (b), substituted "\$1,200" for "\$1,000" throughout; and in the introductory paragraph of (a), inserted a comma following "are".

19:25-9.4A Political party committee and legislative leadership committee expenditures made immediately before a primary or general election

(a) An organizational treasurer of a political party committee or an organizational treasurer of a legislative leadership committee shall file a report (Form E-3) or written notice of an expenditure of money or other thing of value in excess of \$1,200, or aggregate expenditures that total in excess of \$1,200, made, incurred or authorized in a primary or general election by the political party committee or legislative leadership committee to support or defeat a candidate, or to aid the passage or defeat of a public question, which expenditure is, or aggregate expenditures are, made, incurred or authorized after March 31 and on or before the day of the primary election, or after September 30 and on or before the day of the general election. The report shall contain:

1. The name of the continuing political committee making the expenditure;
2. The name and mailing address of the person, firm or recipient; or the name and mailing address of the organization to whom or which the expenditure was paid or given; and
3. The amount and purpose of the expenditure.

(b) The report or written notice described in (a) above shall be signed by the organizational treasurer and filed with the Commission within 48 hours of the making, authorizing or incurring of the expenditure, or aggregate expenditures, except that all expenditures or aggregate expenditures made, incurred or authorized before the 13th day preceding the date of a primary or general election may be reported together on a report or written notice to be filed no later than the 11th day before that election. A report of an expenditure or aggregate expenditures in excess of \$1,200 made, incurred or authorized on or after the 13th day preceding the date of a primary or general election shall be filed within 48 hours of receipt. Use of electronic facsimile transmission (that is, fax) to file the report or written notice is permitted.

New Rule, R.2005 d.192, effective June 20, 2005.
See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).
Amended by R.2008 d.358, effective December 1, 2008 (operative January 1, 2009).
See: 40 N.J.R. 4723(a), 40 N.J.R. 6858(a).
In the introductory paragraph of (a) and in (b), substituted "\$1,200" for "\$1,000" throughout; and in the introductory paragraph of (a), inserted a comma following "are".

19:25-9.5 Termination of continuing political committee reporting

(a) A continuing political committee may certify a quarterly report as its final quarterly report and thereby terminate further quarterly reporting provided:

1. The continuing political committee has ceased making contributions to aid or promote any candidate, or to aid or promote the passage or defeat of any public question;

2. The final quarterly report makes a final accounting of any funds used or relating to aiding or promoting any candidate or the passage or defeat of any public question, including the final disposition of any remaining balance; and

3. The continuing political committee is dissolved.

(b) The chairperson and the organizational treasurer shall file and each certify the final quarterly report.

19:25-9.6 Time and place of filing reports

(a) An original and two copies of all reports required to be filed must be received at the Commission offices no later than 5:00 P.M. on the date the report is due for filing in order to be deemed timely filed. A report submitted by United States mail postmarked on or before a filing date but not received until after 5:00 P.M. of the date the report is due for filing will not be deemed timely filed. A report or written notice pursuant to N.J.A.C. 19:25-9.3 of contributions received immediately before an election, or a report of written notice

pursuant to N.J.A.C. 19:25-9.4 of expenditures made immediately before an election, may be made by electronic facsimile transmission (that is, fax).

(b) A continuing political committee, political party committee, or legislative leadership committee shall, for the period of time provided in N.J.A.C. 19:25-7.3, retain an exact copy of each report as that report has been filed with the Commission.

Amended by R.1995 d.253, effective May 15, 1995.
See: 27 N.J.R. 1161(a), 27 N.J.R. 2010(a).
Amended by R.2003 d.41, effective January 21, 2003.
See: 34 N.J.R. 3595(a), 35 N.J.R. 447(a).
Codified former section as (a) and added (b).

SUBCHAPTER 10. CONTRIBUTION REPORTING

19:25-10.1 General provisions

Each contribution received by a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee must be reported at the time and in the manner provided in the act and this subchapter.

19:25-10.2 Contributions of more than \$300.00; currency contributions

(a) A contribution received by a candidate committee, joint candidates committee, or political committee during an election fund report period established in N.J.A.C. 19:25-8 in an amount of more than \$300.00, or aggregate contributions received by such a committee in an election from a contributor totaling more than \$300.00 during such a report period, or a currency contribution, in any amount received during such a reporting period, must be reported by providing the following information:

1. The date the contribution was received or, if more than one contribution was received in the reporting period, the dates the aggregate contributions were received;
2. The name and mailing address of the contributor;
3. If the contributor is an individual, the occupation of the individual and the name and mailing address of the individual's employer pursuant to N.J.A.C. 19:25-10.2A;
4. The amount of the contribution, or amount of aggregate contributions in the reporting period; and
5. The total amount of all contributions received from the contributor in the election to date.

(b) A contribution received by a continuing political committee, a political party committee, or a legislative leadership committee during a calendar year of more than \$300.00 from a contributor, or aggregate contributions received by such a committee during a calendar year from a contributor totaling more than \$300.00, or a currency contribution, in any amount received during a calendar year, must be reported by providing the following information:

1. The date the contribution was received or, if more than one contribution was received in the reporting period, the dates the aggregate contributions were received;
2. The name and mailing address of the contributor;
3. If the contributor is an individual, the occupation of the individual and the name and mailing address of the individual's employer pursuant to N.J.A.C. 19:25-10.2A;
4. The amount of the contribution, or amount of aggregate contributions in the reporting period; and
5. The total amount of all contributions received from the contributor in the calendar year to date.

(c) A candidate committee or joint candidates committee which has filed a certified statement (that is, Form A-1 or A-2) in an election and which receives a contribution in that election of more than \$300.00, or aggregate contributions from a contributor of more than \$300.00, or a currency contribution, in any amount, shall file the report provided in N.J.A.C. 19:25-8.4(c).

(d) A continuing political committee, political party committee, or legislative leadership committee which has filed a

certified statement (Form A-3) in a calendar year and which receives in that calendar year a contribution of more than \$300.00, or aggregate contributions from a contributor of more than \$300.00, or a currency contribution, in any amount, shall file the report provided in N.J.A.C. 19:25-9.2(c).

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.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (a)3 and (b)3, added references to N.J.A.C. 19:25-10.2A.

Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

Increased dollar amounts throughout.

Amended by R.2004 d.471, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4071(a), 36 N.J.R. 5692(b).

Substituted "\$300.00" for "\$400.00" throughout.

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Inserted references to currency contributions in any amount throughout.

19:25-10.2A Reporting of occupation and employer information

(a) Occupation and employer information shall be reported for each individual contributor whose contribution is more than \$300.00, or whose contributions are more than \$300.00 in the aggregate, in an election to a candidate committee, joint candidates committee, or political committee, or in a calendar year to a continuing political committee, political party committee, or legislative leadership committee.

(b) The following occupation information shall be reported for each contributor who is an individual:

1. For an individual who earns a source of livelihood, a description of the individual's source of livelihood shall be provided, such as "florist," "attorney," "doctor," "custodian" or "electrician." Descriptions such as "self-employed," "owner" or "sole proprietor" are insufficient.

2. For an individual who does not have a source of livelihood, a description such as "retired," "student," or "none" shall be reported, but in all cases some written description shall be provided and the information shall not be left blank or empty.

(c) The following employer information shall be reported for each contributor who is an individual:

1. For an individual who earns a source of livelihood, the name of the employer shall include the legal or trade name under which the employer does business. In the event the individual contributor's source of income or his or her livelihood is derived from his or her own business or corporation, the name of the employer shall include, in addition to any description such as "self-employed," "owner" or "sole proprietor," the legal or trade name

under which the individual does business. The employer's mailing address shall include the address from which the business is operated whether or not it is the same as the address reported for the contributor.

2. For an individual who does not earn a source of livelihood and a description such as "retired," "student" or "none" was supplied, employer information is not required.

New Rule, R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

In (a), increased dollar amounts.

Amended by R.2004 d.471, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4071(a), 36 N.J.R. 5692(b).

In (a), substituted "\$300.00" for "\$400.00".

19:25-10.3 Contributions of \$300.00 or less

(a) Except as provided in N.J.A.C. 19:25-10.2 for currency contributions, a contribution received by a candidate, candidate committee, joint candidates committee or political committee in an amount of \$300.00 or less in an election must be reported on the election fund report required by N.J.A.C. 19:25-8.2 or 8.3 for the time period in which the contribution was received by including the amount of the contribution in the total sum reported in the report for all contributions received in the amount of \$300.00 or less, but the name and mailing address of the contributor or the occupation of a contributor who is an individual and the name and mailing address of the individual's employer is not required to be reported.

(b) At any time during an election pursuant to (a) above, if the aggregate amount received from a contributor by a candidate, candidate committee, joint candidates committee, or political committee exceeds the sum of \$300.00, the contribution resulting in aggregate contributions totaling more than \$300.00 and each subsequent contribution (regardless of amount) received from the contributor during the election must be reported on the pertinent election fund report in the same manner as a contribution of more than \$300.00 pursuant to N.J.A.C. 19:25-10.2(a).

(c) Except as provided in N.J.A.C. 19:25-10.2 for currency contributions, a contribution received by a continuing political committee, a political party committee or a legislative leadership committee in an amount of \$300.00 or less in a calendar year must be reported on the quarterly report required by N.J.A.C. 19:25-9.1 for the calendar year quarter in which the contribution was received by including the amount of the contribution in the total sum reported for the quarterly reporting period of all contributions received in the amount of \$300.00 or less, but the name and mailing address of the contributor or the occupation of a contributor who is an individual and name and mailing address of the individual's employer is not required to be reported.

(d) At any time during a calendar year pursuant to (c) above, if the aggregate amount received from a contributor by a continuing political committee, political party committee, or legislative leadership committee exceeds the sum of \$300.00, the contribution resulting in aggregate contributions totaling more than \$300.00 and each subsequent contribution (regardless of amount) received from the contributor during the remainder of the calendar year must be reported on the pertinent quarterly report in the same manner as a contribution of more than \$300.00 pursuant to N.J.A.C. 19:25-10.2(b).

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.

Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

Increased dollar amounts throughout.

Amended by R.2004 d.471, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4071(a), 36 N.J.R. 5692(b).

Substituted "\$300.00" for "\$400.00" throughout.

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

In (a) and (c), substituted "Except as provided in N.J.A.C. 19:25-10.2 for currency contributions, a" for "A".

19:25-10.4 Computation of contribution amounts

(a) A contribution received in the form of goods (that is, an in-kind contribution) shall be reported in an amount equal to the fair market value of the goods to the candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee receiving such goods.

(b) A contribution in the form of "paid personal services" as defined in N.J.A.C. 19:25-1.7, Definitions, shall be reported in an amount equal to the amount of salary, compensation or consideration for said services paid by the contributor to the individual performing said services.

(c) Personal services performed by an individual on a voluntary, non-compensated basis do not constitute a reportable contribution.

1. Example 1: E is a certified public accountant, who, in aid of the candidacy of candidate A has undertaken to set up the necessary books and records to reflect the financial operations of the campaign of candidate A. E employs in his office several accountants, bookkeepers and clerical personnel who perform some of the work required to maintain the financial records for the campaign of candidate A. The services of E do not constitute a contribution to candidate A since they are voluntary and uncompensated personal services. The value of the services of the accountants and other employees of E, estimated as described in (b) above, are a contribution to candidate A.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In(a), inserted references to in-kind contributions and to candidates.

19:25-10.5 Contributions of paid personal services

(a) The treasurer or organizational treasurer of a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee shall upon receipt of a contribution in the form of paid personal services pursuant to N.J.A.C. 19:25-10.4(b) obtain from the person contributing the paid personal services a written statement setting forth the amount of compensation paid by the contributor to the individual performing the services.

(b) In any written statement required pursuant to (a) above, if the individual performing the services for the candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee, also performed other services during the same period for the contributor, and the manner of payment was such that payment for the contributed services cannot readily be segregated from contemporary payment for the other services, the contributor shall so state in the written statement and shall either:

1. Set forth the contributor's best estimate of the dollar amount of payment to each such individual which is attributable to the contribution of the paid personal services, and shall certify the substantial accuracy of the same; or
2. If unable to determine such amount with sufficient accuracy, set forth the total compensation paid by the contributor to each such individual for the period of time during which the paid personal services were performed.

19:25-10.6 Currency contributions

(a) A candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, or the treasurer or organizational treasurer of such committee, may accept a contribution in the form of currency provided that it is received in an aggregate amount not to exceed \$200.00 in an election, or a calendar year, whichever is applicable to the recipient candidate or committee, and provided the contributor simultaneously submits a written record to the committee or treasurer containing the following:

1. The date the contribution was made;
2. The name and mailing address of the contributor;
3. If the contributor is an individual, the occupation of the individual and the name and mailing address of the individual's employer;
4. The amount of the contribution; and

5. The signature of the contributor.

(b) A contributor may make a contribution in the form of currency provided that the contribution in an aggregate amount does not exceed \$200.00 in an election to a candidate, candidate committee, joint candidates committee, or political committee, or does not exceed \$200.00 in a calendar year to a continuing political committee, political party committee or legislative leadership committee, and provided such contributor shall simultaneously submit to the committee or its treasurer a written record containing the following:

1. The date the contribution was made;
2. The name and mailing address of the contributor;
3. If the contributor is an individual, the occupation of the individual and the name and mailing address of the individual's employer;
4. The amount of the contribution; and
5. The signature of the contributor.

(c) No currency contribution pursuant to (a) and (b) above may be made or accepted in the currency of any foreign country.

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Rewrote (c).

19:25-10.7 Public solicitations

(a) The term "public solicitation" means any activity by or on behalf of any candidate, political committee, continuing political committee, candidate committee, joint candidates committee, legislative leadership committee or political party committee whereby either:

1. Members of the general public are personally solicited for on-the-spot cash contributions not to exceed \$20.00 per person; or
2. Members of the general public are personally solicited for on-the-spot purchase of items having tangible value as merchandise, at a price not to exceed \$20.00 per item.

(b) A written record shall be made of each currency contribution received as the result of a public solicitation, pursuant to (a) above, which record shall contain the information set forth in N.J.A.C. 19:25-10.6, and each such currency contribution shall be subject to reporting, regardless of the amount of the contribution.

(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.

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Rewrote (b).

19:25-10.8 Prohibition of anonymous contributions and of contributions in the name of another

(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.

Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

19:25-10.9 Contributions for an inaugural or other election-related event

(a) Funds given to and received by a candidate, candidate committee or joint candidates committee for the purpose of the contributor attending or otherwise participating in an inaugural or swearing-in celebratory event of a candidate, or other election-related event, shall be reported by the recipient candidate or committee as contributions and are subject to the requirements of the act and this chapter.

(b) Funds given to and received by a gubernatorial candidate for the purpose of the contributor attending or otherwise participating in an inaugural event are subject to the provisions of N.J.A.C. 19:25-15.

Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).
Rewrote the section.

19:25-10.10 Political communication contributions

(a) The term "political communication" means any written or electronic statement, pamphlet, advertisement or other printed or broadcast matter or statement, communication, or advertisement delivered or accessed by electronic means, including, but not limited to, the Internet, containing an explicit appeal for the election or defeat of a candidate which is circulated or broadcast to an audience substantially comprised of persons eligible 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

(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 or statement, communication, or advertisement delivered or accessed by electronic means, including, but not limited to, the Internet, 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. For the purposes of this section, the term "opposed" shall mean that no opposing candidate has filed a petition for nomination for election in that primary election.

Amended by R.1999 d.300, effective September 7, 1999.
See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

In (a), inserted a reference to electronic statements; and in (a) and (b), inserted references to statements, communications and advertisements delivered or accessed by electronic means.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (d), added a second sentence.

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 pre-

pared, 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.

(e) In the event that a joint candidates committee makes a contribution to another joint candidates committee as described in (c) above, but there have been one or more contributions by the contributing joint candidates committee, or by a candidate committee established by one of the joint candidates committee's candidates, to one or more candidate committees of a candidate or candidates participating in the recipient joint candidates committee, or to the recipient joint candidates committee, the amount of a contribution that the recipient joint candidates committee may receive cannot, after application of the equal attribution requirement set forth in N.J.A.C. 19:25-11.5, exceed \$8,200 per candidate in the election.

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.2000 d.472, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

Increased dollar amounts throughout.

Amended by R.2004 d.471, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4071(a), 36 N.J.R. 5692(b).

Increased dollar amounts throughout.

19:25-11.5 Equal attribution requirements

(a) A candidate who has established a candidate committee in an election and is also participating in a joint candidates committee in that election may not receive contributions to those committees from a contributor that in the aggregate exceed the applicable contribution limit set forth in N.J.A.C. 19:25-11.2.

(b) Each contribution received in an election by the joint candidates committee of a candidate who has also established a candidate committee in that election must be equally attributed to each of the candidates participating in the joint candidates committee, and the contribution limits in this subchapter must be applied to those participating candidates and to any candidate committee established by any of the participating candidates.

1. Example: The ABC joint candidates committee, consisting of Candidates A, B and C, receives a contribution from an individual in the amount of \$7,800 in an election. For purposes of applying the contribution limits to the participating candidates and their individual candidate committees, the contribution must be equally attributed to each of the three participating candidates so that each is deemed to have received a contribution in the amount of \$2,600 in the election from the contributor. The sum of \$2,600 is the maximum amount an individual can contribute to a candidate in an election. Therefore, no further contributions can be made by the contributor in the election to the ABC joint candidates committee, or to any candidate committee established in the election by candidates A, B or C.

2. Example: The ABC joint candidates committee receives a contribution of \$300.00 in an election from a contributor who has contributed \$2,600 in that election to an individual candidate committee established or maintained by candidate A. The sum of \$2,600 is the maximum amount an individual can contribute to a candidate committee in an election. Application of the equal attribution requirement set forth in (a) above would result in the attribution of \$100.00 to Candidate A of the total \$300.00 contribution to joint candidates committee ABC. Since the sum of the amount contributed to the candidate committee of A \$2,600 plus the attribution of \$100.00 of the \$300.00 contribution made to the ABC joint candidates committee, results in a total contribution from the contributor in the election of \$2,700 to Candidate A, the ABC joint candidates committee must refund the \$300.00 contribution to avoid receipt of an excessive contribution, or alternatively the candidate committee of A must refund \$100.00 in order that the total contribution from the contributor in the election does not exceed the \$2,600 per election contribution limit of candidate 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 limits.

Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

In (b), increased dollar amounts throughout.

Amended by R.2004 d.471, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4071(a), 36 N.J.R. 5692(b).

Increased dollar amounts throughout.

19:25-11.6 Public question political committees

(a) A political committee which is organized to, or does, aid or promote the passage or defeat of a public question in an election, may accept a contribution from a contributor without limit, notwithstanding the contribution limits set forth in N.J.A.C. 19:25-11.2.

(b) A political committee which is organized to, or does, aid or promote the passage or defeat of a public question in an election, may make contributions without limit to another political committee, or to a continuing political committee.

19:25-11.7 County political party contribution limits

(a) In addition to the limits set forth in N.J.A.C. 19:25-11.2, a county political party committee shall not make a contribution, or aggregate contributions, in excess of \$8,200 in an election to a candidate committee established by a candidate seeking election for an office in another county.

(b) In addition to the limits set forth in N.J.A.C. 19:25-11.2, a county political party committee shall not make a contribution, or aggregate contributions, in excess of \$7,200 in a calendar year to a municipal political party committee in another county.

(c) In addition to the limits set forth in N.J.A.C. 19:25-11.2, a county political party committee may make contributions, or aggregate contributions, subject to the following limits:

1. To a candidate for State legislature in a legislative district in which less than 20 percent of the legislative district's population resides in the county of the contributing county political party committee, a contribution not to exceed \$7,200 in the election; and

2. To a candidate for State legislature in a legislative district in which at least 20 percent but less than 40 percent of the legislative district's population resides in the county of the contributing county political party committee, a contribution not to exceed \$37,000 in the election.

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 and limits.

Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

Increased dollar amounts throughout.

Amended by R.2004 d.471, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4071(a), 36 N.J.R. 5692(b).

Increased dollar amounts throughout.

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Amended dollar amounts throughout.

19:25-11.7A Limitations on contributions between county political party committees

(a) In addition to any other applicable limit prescribed by law, between January 1 and June 30 of each year, a county committee of a political party shall not make a contribution to any other county committee of a political party, nor shall any such county committee accept a contribution from any other county committee during that time period.

(b) In addition to any other penalty provided by law, a county committee of a political party that willfully and intentionally violates this section, or willfully and intentionally makes a contribution to any candidate or committee with the intent, condition, understanding or belief that the candidate or committee has made or shall make a contribution to another county committee of a political party, shall be liable to a penalty equal to four times the amount of the contribution.

(c) For the purposes of this section, a county committee of a political party shall have willfully and intentionally made a contribution in violation of this section if that county committee of a political party fails to request in writing within 48 hours of making the contribution that the recipient county committee of a political party or candidate return the contribution.

(d) For the purposes of this section, a county committee of a political party shall have willfully and intentionally

accepted a contribution in violation of this section if the recipient county committee of a political party fails to return the contribution within 48 hours of receipt to the candidate or county committee of a political party which made the contribution.

New Rule, R.2006 d.166, effective May 1, 2006.

See: 38 N.J.R. 111(a), 38 N.J.R. 1864(a).

19:25-11.8 Return of excessive contributions

(a) A candidate, candidate committee, joint candidates committee, political committee, continuing political committee, legislative leadership committee, or political party committee, or a treasurer or organizational treasurer of such a committee, who receives a contribution in an amount exceeding any contribution limit set forth in this subchapter, shall return that portion of the contribution which exceeds the contribution limit to the contributor within 48 hours of such receipt, and shall make and maintain a written record of the contribution containing the following:

1. The date the contribution was received;
2. The name and mailing address of the contributor;
3. If the contributor is an individual, the occupation of the individual and the name and mailing address of the individual's employer;
4. The amount of the contribution;
5. The amount of the contribution that exceeds the applicable contribution limit;
6. A photocopy of the check or written instrument received as a contribution; and
7. A photocopy of the refund check issued by the committee.

(b) A candidate, committee or treasurer who makes a refund pursuant to (a) above, shall report the refund transaction on the election fund or quarterly report required for the reporting period in which the refund was made.

(c) Failure to make a refund pursuant to (a) and (b) above may result in a finding of a knowing violation of the contribution limits set forth in this subchapter or the act.

19:25-11.9 Contributions from affiliated corporations, associations or labor organizations

(a) A corporation, association or labor organizations 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, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee which, when added to any other contribution by any related or affiliated corporation, association or labor organization, to the candidate, candidate committee, joint candidates committee,

political committee, continuing political committee, political party committee, or legislative leadership committee exceeds in the aggregate the applicable contribution limit in N.J.A.C. 19:25-11.2(a). 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 contribution and the degree to which the decisions whether to contribute, to what candidate and in what amount are independent decisions.

(b) In considering the criteria set forth in (a) above, two or more corporations shall be conclusively deemed to be affiliated if:

1. Any individual, corporation, partnership, company, association, or other entity owns, directly or indirectly, more than a 30 percent interest in each of such corporations; or
2. One such corporation owns, directly or indirectly, more than a 30 percent interest in the other such corporation.

New Rule, R.1997 d.81, effective February 18, 1997.
See: 28 N.J.R. 5059(a), 29 N.J.R. 591(a).

Amended by R.2004 d.280, effective July 19, 2004.
See: 36 N.J.R. 1895(a), 36 N.J.R. 3418(a).

In (a), inserted "political committee, continuing political committee," preceding "political party committee" throughout the first sentence.

19:25-11.10 Partnership contributions prohibited

(a) A partnership entity as defined in (b) below shall not be permitted to make contributions as an entity. A contribution received by a campaign or organizational treasurer and made by means of a check or written instrument drawn on a partnership account shall be signed by a partner or partners and shall be deemed to be a contribution from the partner or partners who signed the check or written instrument by which the contribution was conveyed or, in the case of a contribution of currency, the partner who has conveyed the currency. If the check or written instrument is drawn on a partnership account and is signed by an individual other than a partner, or 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 to a partner or partners who have not signed the check or written instrument, or in the case of a currency contribution if the currency was conveyed by an individual who is not a partner, the following written information shall 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.

(b) For the purposes of this section, the term "partnership entity" 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.

(c) A limited liability company organized pursuant to N.J.S.A. 42:2B-1 et seq., shall not be permitted to make contributions as an entity. A contribution received by a campaign or organizational treasurer drawn upon a limited liability company account and made by means of a check or written instrument drawn on the account of a limited liability company shall be signed by a member or members and shall be deemed to be a contribution from the member or members who signed the check or written instrument by which the contribution was conveyed or, in the case of the contribution of currency, the member who has conveyed the currency. If the check or written instrument is drawn on a limited liability company account and is signed by an individual other than a member, or 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 to a member or members who have not signed the check or written instrument, or in the case of a currency contribution, if the currency was conveyed by an individual who is not a member, the following written information shall 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.

(d) In the case of a partnership entity, as defined in (b) above, and in the case of a limited liability company, as described in (c) above, whose partners or members are making contributions by means of a check issued by the partnership entity or limited liability company to a continuing political committee that is established and controlled by the partners or members, provided that the partnership entity or limited liability company controls only a single continuing political committee, the requirement to obtain a signed acknowledgment from each contributing partner or member shall be satisfied if the check from the partnership entity or limited liability company is accompanied by a list of the names of all contributing partners or members and a certification from an authorized partner or member or other authorized individual identifying any partner or member whose contributions to the continuing political committee in the calendar year exceed \$300.00 in the aggregate.

(e) A contribution received by an organizational treasurer from a contributing partner or member by means of a check drawn on the account of a partnership entity, as defined in (b) above, or limited liability company, as described in (c) above, shall be reported pursuant to N.J.A.C. 19:25-9.3, 10.2 and 10.3.

New Rule, R.1998 d.584, effective December 21, 1998.

See: 30 N.J.R. 3391(a), 30 N.J.R. 4389(a).

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (a) and (c), rewrote the introductory paragraphs.

Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

In (d), increased dollar amount.

Amended by R.2004 d.471, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4071(a), 36 N.J.R. 5692(b).

In (d), substituted "\$300.00" for "\$400.00".

19:25-11.11 Contributions received from out-of-State candidates and committees

(a) A contribution received from an organization or entity that is filing campaign finance reports with the Federal Election Commission, or filing campaign finance reports in another state, and is not filing reports with the Commission, shall be received by a New Jersey candidate, candidate committee, joint candidates committee, political committee, continuing political committee, legislative leadership com-

mittee, or political party committee as a contribution from an association or group, and such contribution shall be subject to the contribution limit applicable to an association or group.

(b) A contribution received from a candidate committee of a candidate for Federal elected office, or for elected office in another state, shall be received by a New Jersey candidate, candidate committee, joint candidates committee, political committee, continuing political committee, legislative leadership committee, or political party committee as a contribution from an association or group, and such contribution shall be subject to the contribution limit applicable to an association or group.

(c) A contribution received from the personal funds of an individual who is a candidate for elected Federal office, or a candidate for elected office in another state, shall be received by a New Jersey candidate, candidate committee, joint candidates committee, political committee, continuing political committee, legislative leadership committee, or political party committee as a contribution from an individual, and such contribution shall be subject to the contribution limit applicable to an individual.

New Rule, R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

19:25-11.12 Contribution received for a recount or election contest

A contribution received by a candidate, candidate committee or joint candidates committee during the pendency of a recount of votes for an office in an election, pursuant to N.J.S.A. 19:28-1 et seq., or for an election contest for an office in an election, pursuant to N.J.S.A. 19:29-1 et seq., shall be subject to the contribution limits applicable in the election that is the subject of the recount or election contest.

New Rule, R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

19:25-11.13 Contribution from an estate

A contribution received by a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee by means of a check drawn on the account of an estate shall be deemed to be a contribution from the decedent, and shall be subject to the contribution limit applicable to an individual, if the estate has been admitted to probate and if the will of the decedent provides a specific bequest authorizing the contribution to the recipient candidate or committee. In the absence of a specific bequest authorizing the contribution from an estate to the recipient candidate or committee, or if the estate has not been admitted to probate, a candidate, candidate committee joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee shall not deposit or otherwise accept a contribution from the account of an estate.

New Rule, R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

19:25-11.14 Solicitation and making of contributions on State property prohibited

(a) For the purposes of this section, the terms "contribution," "candidate," "candidate committee," and "joint candidates committee," shall have the meanings prescribed for those terms in the act and at N.J.A.C. 19:25-1.7; and the term "property" means buildings used for the discharge of official government functions, business, duties, or purposes.

(b) No candidate for nomination for or for election to the office of Governor or for nomination for or for election to the office of member of the Legislature, or any holder of that elective public office, or their agent or representative, while located on any property exclusively owned or leased by the State, or any agency of the State, shall, directly or indirectly, solicit any contribution to or on behalf of any candidate for nomination for or for election to the office of Governor or for nomination for or for election to the office of member of the Senate or General Assembly, or any candidate for another elective public office held or sought by a candidate for or holder of the office of member of the Legislature, or the candidate committee or joint candidates committee of any such candidate.

(c) The provisions of this section shall not apply to any casual or inadvertent communication otherwise made in connection with, but without intent to solicit, such a contribution.

(d) No person, while located on any property exclusively owned or leased by the State, or any agency of the State, shall, directly or indirectly, make any contribution to or on behalf of any candidate for nomination for or for election to the office of Governor or for nomination for or for election to the office of member of the Senate or General Assembly, or any candidate for another elective public office held or sought by a candidate for or holder of the office of member of the Legislature, or the candidate committee or joint candidates committee of any such candidate.

(e) Any candidate for nomination for or for election to the office of Governor or for nomination for or for election to the office of member of the Legislature or any holder of that elective public office, or their agent or representative, or any person, who is determined by the Commission to have violated this section shall be liable to a penalty of not less than \$5,000 for each violation, which penalty may be recovered by a summary proceeding pursuant to the "Penalty Enforcement Law of 1999" (P.L. 1999, c.274).

(f) In the event property exclusively owned or leased by the State, or any agency of the State, or part thereof, is made available, through rent, reservation or otherwise, for the exclusive use of any group for a non-governmental purpose as a meeting location, the prohibition in (b) above shall not apply, and the solicitation or making of contributions or funds of any nature from any or among or by the members of the group during the time the group is using the property made available as a meeting location is permitted.

New Rule, R.2005 d.192, effective June 20, 2005.
See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

SUBCHAPTER 12. REPORTING OF EXPENDITURES; INDEPENDENT EXPENDITURES

19:25-12.1 General provisions

(a) An expenditure made by a candidate, candidate committee, joint candidates committee or political committee shall be reported as provided by N.J.A.C. 19:25-8, and as provided by this subchapter.

(b) An expenditure made by a continuing political committee, political party committee, or legislative leadership committee shall be reported as provided in N.J.A.C. 19:25-9, and as provided by this subchapter.

19:25-12.2 Expenditure reporting

(a) An expenditure shall be reported by providing the following information:

1. The date the expenditure was made;
2. The full name and address of the payee;
3. The purpose of the expenditure;
4. The amount of the expenditure; and
5. The number of the check.

(b) In describing the purpose of an expenditure pursuant to (a)3 above, the specific election-related reason for the expenditure shall be provided. Descriptions such as "operations," "campaign expense," "petty cash," or "reimbursement" do not satisfy the reporting requirement because they do not provide any specific election-related information. Examples of satisfactory descriptions include such information as "newspaper advertising," "telephone expense," "postage," "printing of campaign flyers," "headquarter rental" and similarly specific items.

(c) If a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or a legislative leadership committee has established and is using more than a single campaign or depository account, its expenditures shall be reported on a separate schedule for each depository account, and each schedule shall state the name and number of the depository account from which the expenditures were made.

Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (a), deleted a former 2, and recodified former 3 through 5 as 2 through 4; in (b), inserted a reference to petty cash; and added (c).
Amended by R.2003 d.41, effective January 21, 2003.
See: 34 N.J.R. 3595(a), 35 N.J.R. 447(a).

Added (a)5.

19:25-12.3 Written notification of a coordinated expenditure

(a) Whenever a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or a legislative leadership committee makes or authorizes an expenditure on behalf of a candidate with the cooperation or prior consent of that candidate, or in consultation with or at the request or suggestion of that candidate, or of any person acting on behalf of that candidate, the committee shall provide immediate written notification to that candidate's candidate committee of the expenditure.

(b) When an individual seeking political party office makes or authorizes an expenditure on behalf of a candidate with the cooperation or prior consent of that candidate, or in consultation with or at the request or suggestion of that candidate, or of any person acting on behalf of that candidate, the individual shall provide immediate written notification to the candidate's candidate committee of the expenditure.

(c) "Immediate written notification" for the purposes of this section shall mean written notice delivered to the candidate or the candidate's candidate committee or joint candidates committee within 48 hours of the making or authorizing of the expenditure, which notice shall contain:

1. The date of the making or authorizing of the expenditure;
2. The name and address of the payee;
3. The purpose of the expenditure; and
4. The amount of the expenditure.

(d) "Expenditure on behalf of a candidate" for the purposes of this section shall mean an expenditure made to a payee or recipient other than that candidate's candidate committee or joint candidates committee and made for the purpose of aiding or promoting the candidate's candidacy, such as the purchase for a vendor of brochures advocating the candidate's election (commonly described as "in-kind contributions"). A contribution made directly to a candidate committee or joint candidates committee is not included in the meaning of "expenditure on behalf of a candidate."

19:25-12.4 Expenditures made by credit card

(a) If an expenditure is authorized by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee to be made by use of or by a charge against a credit card account that was not established in the name of that candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee, the person or entity owning the credit card and who is liable for any debt charged against that credit

card account shall be deemed to have made a loan to that committee subject to reporting as a loan in the amount charged until such time as the committee reimburses that person or entity for that amount.

(b) Whenever a committee pursuant to (a) above makes an expenditure to reimburse a person or entity for a charge made against that person's or entity's credit card account, that committee shall report the following information for each such charge:

1. The exact name or title of the person or entity owning the credit card account, and the name of the lending institution that issued the card;
2. The name and address of the vendor from whom the purchase was made;
3. The date of the purchase;
4. A description pursuant to N.J.A.C. 19:25-12.2(b) of the purpose of the purchase, including a specific itemization of the goods or services acquired;
5. The amount of the purchase; and
6. The name of the payee, and the number, date and amount of the reimbursement check.

(c) For the purposes of this section, the term "reimbursement" shall include an expenditure made payable to either the person or entity owning the credit card account and who is liable for any debt charged against that credit card account or an expenditure made payable to the issuer of the credit card account.

(d) A candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee that makes an expenditure to pay for goods or services using a credit card account that is owned by and issued in the name of the candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, shall report the following information:

1. The name and address of the lending institution that issued the credit card account;
2. The check number, payment date, and amount of the expenditure paid to the issuer of the credit card; and
3. For each purchase itemized on the statement issued for the credit card account, the name and address of the vendor, the date and amount of the purchase, and a description pursuant to N.J.A.C. 19:25-12.2(b) of the purpose of the purchase, including a specific itemization of the goods or services acquired.

(e) A candidate committee, joint candidates committee, or political committee shall report to the Commission on its election fund report as an outstanding obligation any amount owed on a credit card account issued to the candidate committee, joint candidates committee, or political committee, pursuant to (d) above, which amount remains unpaid on the final date of an election fund report period.

(f) A continuing political committee, political party committee, or legislative leadership committee shall report to the Commission on its quarterly report as an outstanding obligation any amount owed on a credit card account issued to the continuing political committee, political party committee, or legislative leadership committee, pursuant to (d) above, which amount remains unpaid on the final date of a quarterly report period.

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

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (a), substituted "authorized by" for "made on behalf of" following "expenditure is", and inserted "to be made" following "committee". Amended by R.2004 d.280, effective July 19, 2004.

See: 36 N.J.R. 1895(a), 36 N.J.R. 3418(a).

Added a new (c); added (d) and (e); recodified former (c) as (f) and inserted "and (c)" preceding "above".

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Rewrote the section.

19:25-12.4A Expenditures made by debit card

(a) A debit card that is owned by and issued in the name of a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee, may be used to make an expenditure provided that the debit card draws against funds in a campaign or organizational depository. A debit card expenditure transaction shall be reported by providing the following information:

1. The name and address of the vendor from whom the purchase was made;
2. The date of the purchase;
3. A description pursuant to N.J.A.C. 19:25-12.2(b) of the purpose of the purchase, including a specific itemization of the goods or services acquired;
4. The amount of the purchase; and
5. The use of the term "debit card" on reports filed with the Commission in place of a check number for the transaction.

New Rule, R.2003 d.41, effective January 21, 2003.

See: 34 N.J.R. 3595(a), 35 N.J.R. 447(a).

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

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

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

(a) Any payment by candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee to an individual which is related to efforts by or on behalf of a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee in aid of or to promote a candidate in an election or the passage or defeat of a public question, or to efforts directly to promote or encourage the participation of voters in an election including, but not limited to, get-out-the-vote efforts, poll watching and challenging, (hereafter referred to as "street money"), shall be made by check issued from the depository account of the candidate or committee making the payment and shall be payable to such named individual.

(b) Any payment by a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee to any vendor, group, association or other entity made for the purpose of providing funds for further distribution to an individual or individuals as "street money" as described in (a) above shall be made by check issued from the depository account of the candidate or committee making the payment and shall be payable to such vendor, group, association or other entity. A candidate or committee making any payment pursuant to this subsection shall, in addition to the information required by (d) below, report the name and address of each individual receiving any payment as "street money" from the vendor, group, association or other entity, and shall report the date the individual received the payment, and the amount of the payment.

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

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

1. The date the expenditure was made;
2. The check number;
3. The name and address of any recipient, who shall be the payee;
4. The purpose of the expenditure, including itemization of the specific services provided by the individual-payee; and,
5. The amount of the expenditure.

Amended by R.1997 d.40, effective January 21, 1997.
See: 28 N.J.R. 4568(a), 29 N.J.R. 377(b).
Substantially amended (a) and rewrote (b).

19:25-12.7 Independent expenditures

(a) An expenditure by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee to support or defeat a candidate, which expenditure is made without the cooperation or prior consent of, or in consultation with or at the request or suggestion of, a candidate or any person or committee acting on behalf of a candidate, or an expenditure for a communication to aid the passage or defeat of a public question, which expenditure is made without consultation with or at the suggestion of any person or committee supporting or opposing a public question, is an independent expenditure.

(b) An expenditure by a person from his, her, or its own funds of more than \$1,200 in an election to support or defeat a candidate, which expenditure is made without the cooperation or prior consent of, or without consultation with or at the request or suggestion of, a candidate or any person or committee acting on behalf of the candidate, or an expenditure by a person from his, her or its own funds of more than \$1,200 for a communication to aid the passage or defeat of a public question, which expenditure is made without consultation with or at the suggestion of any individual or committee supporting or opposing a public question, is an independent expenditure.

(c) A communication that is paid for by means of an independent expenditure pursuant to (a) or (b) above shall include the political identification information required in N.J.A.C. 19:25-13.

Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Rewrote the section.
Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

In (b), increased dollar amounts.

Amended by R.2004 d.471, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4071(a), 36 N.J.R. 5692(b).

In (b), substituted "\$1,000" for "\$800.00".

Amended by R.2008 d.358, effective December 1, 2008 (operative January 1, 2009).

See: 40 N.J.R. 4723(a), 40 N.J.R. 6858(a).

In (b), substituted "\$1,200" for "\$1,000" twice; and inserted the opening parenthesis preceding designation (c).

19:25-12.8 Reporting of independent expenditures

(a) An independent expenditure, as defined in N.J.A.C. 19:25-12.7(a), made by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee shall be subject to the reporting requirements of the act and this chapter.

(b) An independent expenditure, as defined in N.J.A.C. 19:25-12.7(b), made by a person from his, her or its own funds, shall be reported on the dates established for filing as a political committee set forth in N.J.A.C. 19:25-8, on a form prescribed by the Commission which shall contain the following information:

1. The name and mailing address of the person making the independent expenditure;
2. If the person is an individual, the occupation of the individual and the name and mailing address of the individual's employer; and
3. An itemization of the expenditures, including the dates the expenditures were made, the names and addresses of the payees, the amount of each expenditure, and the total amount expended.

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

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

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

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

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

Raised contribution thresholds.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Rewrote the section.

19:25-12.8A Independent expenditures made immediately before an election

(a) A person who makes an independent expenditure in an amount in excess of \$1,200, as defined in N.J.A.C. 19:25-12.7(b), from his, her, or its own funds during the period of time between the 13th day prior to an election and the date of the election, shall file a written notice of the expenditure with the Commission, which notice shall include the following:

1. The name and mailing address of the person making the independent expenditure;
2. If the person is an individual, the occupation of the individual and the name and mailing address of the individual's employer; and
3. An itemization of the expenditures, including the dates the expenditures were made, the names and addresses of the payees, the amount of each expenditure, and the total amount expended.

(b) The report or written notice described in (a) above shall be filed with the Commission within 48 hours of the making, authorizing, or incurring of the independent expenditure. Use of electronic facsimile transmission (that is, fax) to file the report or written notice is permitted.

New Rule, R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Amended by R.2008 d.358, effective December 1, 2008 (operative January 1, 2009).

See: 40 N.J.R. 4723(a), 40 N.J.R. 6858(a).

In the introductory paragraph of (a), substituted "\$1,200" for "\$1,000".

19:25-12.9 Expenditures for an inaugural or other election related event

(a) Funds expended by a candidate, candidate committee or joint candidates committee for the purpose of paying for an inaugural or swearing-in celebratory event of a candidate, or other election related event, shall be reported by the recipient candidate or committee as expenditures and are subject to the requirements of the act and these regulations.

(b) Funds expended by a gubernatorial candidate for the purpose of paying for an inaugural event are subject to the provisions of N.J.A.C. 19:25-15.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Rewrote the section.

19:25-12.10 Allocation

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

Example: A municipal political party committee is expending \$100.00 for the purchase of a quantity of bumper stickers containing the slogan "Vote for Candidates A and B." The committee determines that the stickers are of equal value to each of the candidates. Thus, \$50.00 of the expenditure should be allocated to Candidate A and \$50.00 should be allocated to Candidate B. Financial records and a record of the facts on which the allocation is based must be retained.

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

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

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

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

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

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (a), inserted "or among" following "between" in the first sentence, and rewrote the example.

Case Notes

Allocation required only where expenditure made on behalf of two or more candidates. *Friends of Governor Tom Kean v. New Jersey Election Law Enforcement Commission*, 203 N.J.Super. 523, 497 A.2d 555 (App.Div.1985), affirmed 102 N.J. 319, 508 A.2d 200 (1985).

19:25-12.11 Expenditures for a recount or election contest

An expenditure made by a candidate, candidate committee or joint candidates committee for a recount of votes for an office in an election, pursuant to N.J.S.A. 19:28-1 et seq., or

3. The name, mailing and resident address and telephone number of the person appointed as treasurer;

4. The name, mailing address and telephone number of the bank at which the campaign depository has been established, the account name and number, and the names, mailing addresses and telephone numbers of all persons authorized to sign checks or otherwise make transactions.

(c) A recall defense committee shall file its initial election fund report certified as true and correct by the chairperson and treasurer no later than on the first date established for candidate committee reports by N.J.A.C. 19:25-8.3(b) falling after the date of the establishment of the recall defense committee depository.

(d) A recall defense committee shall continue to file election fund reports certified as true and correct by the chairperson and treasurer on the dates set forth in N.J.A.C. 19:25-8.1 and following for candidate committee reports, provided that in no event shall more than three months elapse between the last day of a period covered by one such report and the last day of the period covered by the next such report.

19:25-14.9 Recall defense committee use restrictions

(a) All contributions received by a recall defense committee shall be used only for the following:

1. The payment of campaign expenses incurred in the course of and directly related to the committee's effort to oppose the recall effort or the passage of the question of recall at the recall election;
2. The payment of the overhead and administrative expenses related to the operation of the committee; or
3. The pro-rata repayment of contributors.

19:25-14.10 Requirements for a nominee to succeed elected official

(a) Any nominee to succeed an elected official shall be treated as and shall be subject to the same organizational, reporting, contribution limit and other requirements for a candidate provided in the Campaign Reporting Act and the regulations promulgated pursuant to it, except as otherwise provided in this Chapter.

(b) A nominee to succeed an elected official shall be subject to the penalties provided in the Campaign Reporting Act for a candidate committee.

19:25-14.11 Limits applicable to Federal candidates

(a) The limits on contributions established by 2 U.S.C. 441a shall apply to:

1. A Federal elected official sought to be recalled;
2. A candidate to succeed a Federal elected official; or

3. A recall committee seeking to recall a Federal elected official.

19:25-14.12 Public financing unavailable

A Governor who is sought to be recalled shall not be entitled to public support or financing pursuant to N.J.S.A. 19:44A-27 et seq. for the purpose of opposing the recall effort.

19:25-14.13 Limit on contributions by a prior defeated candidate

Contributions to a recall committee by a candidate committee or joint candidates committee of a candidate who was defeated by the official sought to be recalled at the last election for that office shall be subject to the limits on contributions established by the Campaign Reporting Act and regulations.

Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Substituted a reference to the Campaign Reporting Act to a reference to the act.

19:25-14.14 Identification of paid circulator

(a) If a solicitation for signatures to a recall petition is presented to prospective petition signers by a paid print advertisement or paid mailing, or if a recall petition is presented to a prospective signer by a paid circulator, the solicitation or petition, respectively, shall disclose prominently in a statement printed in at least 10-point type the following:

1. The full name and residence address of the person paying for the printed or personal solicitation; and
2. The fact that the circulator is paid.

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

Subchapter Historical Note

Public Notice: Public Financing of Primary and General Elections for the Office of Governor. See: 34 N.J.R. 1284(a).

Public Notice: Election Law Enforcement Commission: Public Hearings Regarding Financing of Primary and General Elections for the Office of Governor. See: 38 N.J.R. 1354(a).

Public Notice: Election Law Enforcement Commission: Public Hearings Regarding Financing of Primary and General Elections for the Office of Governor. See: 42 N.J.R. 677(a).

19:25-15.1 Scope of subchapter

The provisions of this subchapter shall be applicable to the general election campaign for nomination for election to the office of Governor of New Jersey in November 1977 and every such gubernatorial campaign held thereafter, except that the provisions shall not apply to any general election

campaign for the office of Governor for which the Legislature fails to make an appropriation for public funding.

19:25-15.2 Definitions; generally

The words and terms used in this subchapter are used as defined herein or in N.J.A.C. 19:25-1.7.

19:25-15.3 Definitions for this subchapter

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Candidate” means an individual who has filed a nominating petition, or has filed a form D-1 with the Commission, or has solicited contributions or made or incurred expenditures on behalf of his or her candidacy, or has allowed others to solicit contributions or make or incur expenditures on behalf of his or her candidacy for election to the office of Governor of New Jersey, or who has received funds or other benefits or has made payments solely for the purpose of determining whether or not the individual should become a candidate for the office of Governor of New Jersey in any general election for which the Legislature makes an appropriation for public funding.

“Contribution” is used as defined in N.J.A.C. 19:25-1.7 and includes loans, except that a loan in the ordinary course of business by a bank pursuant to N.J.S.A. 19:44A-44 is not a contribution by that bank.

“Contribution eligible for match” means contributions from one contributor to be matched from public funds on a two-for-one basis. No contribution, which must be or is intended by the contributor or the recipient to be refunded or repaid at any time, no loan obtained pursuant to N.J.S.A. 19:44A-44, no amount of the candidate’s own funds in the aggregate in excess of \$3,400, no in-kind contribution and no other moneys received by the candidate, his or her campaign treasurer, or deputy campaign treasurer, except those contributions described in N.J.S.A. 19:44A-29(a) shall be deemed contributions eligible for match.

“County committee” means the county committee of a political party established pursuant to N.J.S.A. 19:5-3.

“Debate sponsor” means the organization or organizations to which the Commission has delegated the responsibility for conducting one or both of the televised interactive general election debates.

“Depository bank account” means the campaign bank account designated by a candidate pursuant to N.J.S.A. 19:44A-9 for the deposit pursuant to N.J.S.A. 19:44A-12 of funds received by the campaign treasurer.

“Gubernatorial inaugural fund-raising event” means any event or events held between the date of the general election for the office of Governor and 30 days after the date of the

inauguration of the Governor, whether the event is sponsored by the inaugural committee, the state committee representing the party of the Governor-elect is a prominent participant or for which solicitations of contributions include the name of the Governor-elect in prominent display.

“Interactive general election debate” means the moderated reciprocal discussion of issues among the candidates for the office of Governor which involves responses by the candidates to questions posed by the representative or representatives of the sponsor organization.

“Matching fund account” means the campaign bank account or accounts opened pursuant to N.J.S.A. 19:44A-32 by a campaign treasurer of a candidate, or deputy campaign treasurer, in which only contributions eligible for match may be deposited.

“Municipal committee” means the municipal committee of a political party established pursuant to N.J.S.A. 19:5-2.

“Non-participating candidate” means any candidate who does not make application for public funding in a general election pursuant to N.J.S.A. 19:25-15.17, or who is not a “qualified candidate” as that term is defined in this section. In no case shall a candidate who qualified for and receives any public funding for a general election be subsequently deemed a non-participating candidate for that election.

“Own funds” means funds to which the candidate is legally and beneficially entitled, but shall not include funds as to which the candidate is a trustee or funds given or otherwise transferred to the candidate by any person other than the spouse of the candidate for use in aid of his or her candidacy.

“Person” includes an individual, a corporation, an association or a labor union. For purposes of this subchapter, person does not include a partnership. A spouse of any person is deemed to be a separate person.

“Public fund account” means the campaign bank account maintained by the commission pursuant to N.J.A.C. 19:25-15.20 on behalf of a qualified candidate and for the deposit of public matching funds.

“Qualified candidate” means:

1. Any candidate for election to the office of Governor whose name appears on the general election ballot and who has deposited and expended \$340,000 pursuant to N.J.S.A. 19:44A-32; and who, not later than September 1 preceding a general election in which the office of Governor is to be filled, notifies the Election Law Enforcement Commission in writing that the candidate intends that application will be made on the candidate’s behalf for monies for general election campaign expenses pursuant to N.J.S.A. 19:44A-33, and signs a statement of agreement, in a form to be prescribed by the Commission, to participate in two interactive gubernatorial general election debates; or

2. Any candidate for election to the office of Governor whose name does not appear on the general election ballot, but who has deposited and expended \$340,000 pursuant to N.J.S.A. 19:44A-32 and who, not later than September 1 preceding a general election in which the office of Gover-

nor is to be filled, notifies the Election Law Enforcement Commission in writing that the candidate intends that application will be made on the candidate's behalf for monies for general election campaign expenses pursuant to

N.J.S.A. 19:44A-33, and signs a statement of agreement, in a form to be prescribed by the Commission, to participate in two interactive gubernatorial general election debates.

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

“State committee account” means the campaign bank account created by a State committee of a political party pursuant to N.J.S.A. 19:44A-29(d) in behalf of any candidate the committee intends to or does assist for election to the office of Governor in a general election, and in which only contributions eligible for match may be deposited and proceeds from any loan made by the State committee pursuant to N.J.S.A. 19:44A-44.

“Statement of agreement” means a written declaration by a candidate for election to the office of Governor who intends that application will be made on that candidate’s behalf to receive monies for general election campaign expenses pursuant to N.J.S.A. 19:44A-33 that the candidate undertakes to abide by the terms of any rules established by any private organization sponsoring a gubernatorial general election debate. The statement of agreement shall include an acknowledgment of notice to the candidate who signs it that failure on that candidate’s part to participate in either of the gubernatorial general election debates may be cause for termination of the payment of such monies on the candidate’s behalf and for the imposition of liability for the return to the Commission of such monies as may previously have been so paid.

As amended, R.1983 d.287, effective July 18, 1983.
See: 15 N.J.R. 616(a), 15 N.J.R. 1182(e).

New language added to definition of “contribution eligible for match”; “Funds received ... of the regulations.”; “contributed” changed to “deposited”, in “matching fund account”.

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. 1326(b).

Added text to definition political committee: “When used 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).

Increased contribution limit from \$800.00 to \$1,500; expanded definition of “qualified candidate”; and added definitions for “debate sponsor”, “interactive general election debate” and “statement of agreement”.

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised definitions.

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

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Deleted definition of political committee.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Rewrote “Candidate”; in “Contribution eligible for match”, deleted a former third sentence; and deleted “Independent expenditure” and “Principal campaign committee”.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In “Contributions eligible for match” and “Qualified candidate” increased dollar amounts.

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

In “Matching fund account”, inserted “or accounts” following “campaign bank account”.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In “Contribution eligible for match” substituted “\$3,000” for \$2,600” following “aggregate in excess of”; in “Qualified candidate means”, substituted “\$300,000” for “\$260,000” following “who has deposited and expended” in 1 and 2.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In definition “Contribution eligible for match”, inserted a comma following the first occurrence of “contribution” and substituted “\$3,400” for “\$3,000”; and in definition “Qualified candidate”, substituted “\$340,000” for “\$300,000” throughout.

Case Notes

Independent expenditure defined. *Friends of Governor Tom Kean v. New Jersey Election Law Enforcement Commission*, 203 N.J.Super. 523, 497 A.2d 555 (App.Div.1985), affirmed 102 N.J. 319, 508 A.2d 200 (1985).

19:25-15.4 Appointment of treasurers and depositories

(a) Each candidate for election to the office of Governor in a general election, whether or not intending to participate in public funding, shall on or before the first Monday following the date of the primary election for nomination for the office of Governor designate to the Commission the name and address of his or her candidate committee for the general election.

(b) Each candidate for election to the office of Governor in a general election, whether or not intending to participate in public funding, shall appoint a campaign treasurer and designate a depository bank account and shall notify the Commission pursuant to N.J.A.C. 19:25-4.1A of such appointment and designation no later than the tenth day after receipt of any contribution or after incurring or making any expenditure, whichever comes first.

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

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

(b) and (c) added.

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

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

Section substantially amended.

New Rule, R.1989 d.43, effective January 17, 1989.

See: 20 N.J.R. 2642(a), 21 N.J.R. 173(d).

Repealed old text.

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 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 (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.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Rewrote the section.

19:25-15.5 (Reserved)

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

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

New Rule, R.1989 d.43, effective January 17, 1989.

See: 20 N.J.R. 2642(a), 21 N.J.R. 173(d).

Repealed old text.

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

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

Amended to implement statutory changes made by Section 8 of P.L. 1989 c4, added language to (c) and new (d).
 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 (d).
 Repealed by R.2000 d.322, effective August 7, 2000.
 See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).
 Section was "Pre-candidacy activity".

19:25-15.6 Contribution limits; applicability

(a) No candidate for the office of Governor, whether or not intending to participate in public funding, and no campaign treasurer or deputy campaign treasurer of such candidate shall knowingly accept from any person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee any contribution in aid of the candidacy of or in behalf of such candidate in the aggregate in excess of \$3,400 in any general election.

(b) No State committee, and no campaign treasurer or deputy campaign treasurer of such State committee, shall knowingly accept from any person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee any contribution in aid of the candidacy of or in behalf of any candidate for the office of Governor in the aggregate in excess of \$3,400 in any general election, whether or not such candidate intends to participate in public funding.

(c) Contributions from a joint account by one owner of the account shall not be attributed to other owners of the account.

Amended by R.1989 d.341, effective June 5, 1989.
 See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Added "continuing political committee" as entity 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 text.
 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 added references to candidate committee, joint candidates committee and legislative leadership committee.

Amended by R.2000 d.473, effective November 20, 2000.
 See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a) and (b), increased dollar amounts; and added (c).
 Amended by R.2004 d.472, effective December 20, 2004.
 See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a) and (b), substituted "\$3,000" for "\$2,600" following "aggregate in excess of".
 Amended by R.2008 d.359, effective December 1, 2008.
 See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a) and (b), substituted "\$3,400" for "\$3,000".

19:25-15.7 Separately maintained primary and general bank accounts

(a) Any candidate may establish and designate to the Commission a depository bank account, and/or a matching fund account pursuant to N.J.A.C. 19:25-15.17(b), for a gubernatorial general election and may deposit contributions in such respective accounts at any time after designation. Such general election bank accounts may be established prior to the

date of the primary election for nomination for the office of Governor, and prior to the conclusion of any such candidate's primary election campaign. However, if a candidate establishes general election bank accounts prior to or on the date of the primary election for the office of Governor, and such candidate is also a candidate in such primary election, no moneys deposited in such candidate's general election accounts may be transferred or expended until the day following such primary election and may not be expended at any time for primary election expenses.

(b) No candidate establishing bank accounts for the general election may deposit or transfer at any time into such accounts any contributions received on behalf of such candidate's primary election campaign.

(c) No moneys deposited in a candidate's campaign bank accounts for the primary election may be expended at any time for any general election expense of such candidate.

(d) The primary election campaign bank accounts of each candidate (i.e. depository bank account, matching fund account and public fund account) shall be separate from the general election campaign bank accounts of such candidate and shall be separately designated in reports required to be filed under the act. Funds in primary election campaign accounts shall not be commingled with funds in general election campaign accounts.

(e) An expenditure which was made from a candidate's primary election bank account and which is determined after the date of the primary election to be allocable in part to that candidate's general election candidacy shall be reimbursed to the candidate's primary election depository account, established pursuant to N.J.A.C. 19:25-16.4, with general election funds. In no case shall funds from a candidate's primary election public funds account established pursuant to N.J.A.C. 19:25-16.20 be used for any purpose attributable to the general election.

(f) Reimbursements pursuant to (e) above shall be limited strictly to reimbursements for ordinary office expenditures for such purposes as office, furniture, and equipment rental and insurance and salaries, and shall be made on a date after the date of the primary election.

As amended, R.1984 d.561, effective December 17, 1984.
 See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Deleted the text "with commission approval".
 Amended by R.1989 d.341, effective June 5, 1989.
 See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

"Commission" capitalized.
 Amended by R.1996 d.583, effective December 16, 1996.
 See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).
 Added (e) and (f).

19:25-15.8 Return of contributions; certification

(a) Any candidate in the general election who receives and deposits any contributions in such candidate's general election depository bank account or matching fund account on or prior to the date of the primary election for nomination

to the office of Governor, and who is defeated at such primary election thereby terminating such candidate's general election campaign must promptly return to each contributor any contribution received and deposited on behalf of such candidate's general election campaign.

(b) Any candidate who receives contributions as described in (a) above shall certify to the Commission in a report to be filed within 30 days after the primary election for nomination to the office of Governor 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, the dollar amount of each contribution, the date and amount of each contribution returned by the candidate, and for each contributor who is an individual and whose aggregate contributions to the candidate in the general election exceed \$300.00, the occupation of the individual and the name and mailing address of the individual's employer. In the event a candidate is unable to return any contribution, or part thereof, for any reason, such candidate shall certify in such report the reasons for inability to return such contribution. In no event shall any such unreturned contribution be withdrawn by the candidate from his or her general election depository bank account until the Commission has approved of disposition of such unreturned contributions.

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

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

Deleted text and substituted "number, street, city, state, zip code".

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

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (b), increased dollar amount.

Amended by R.2004 d.472, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (b), substituted "\$300.000" for "\$400.00" following "general election exceed".

Case Notes

Transfers of general election money to campaign committee warranted imposition of penalty. *People for Whitman Committee v. Florio, '93, Inc.*, 93 N.J.A.R.2d (ELE) 17.

19:25-15.9 Candidates deemed non-participating; effect

Any candidate who does not by September 1 preceding a general election in which the office of Governor is to be filled apply for public funding in a general election pursuant to N.J.A.C. 19:25-15.17 shall be deemed non-participating in public funding of that general election and shall not receive public funds on his or her behalf.

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

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

Substituted "the candidate" for "he".

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

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

September 1 established as deadline for applying for public funds; (b) deleted.

19:25-15.10 Non-participating candidates

(a) A non-participating candidate is subject to the \$3,400 limitation on contributions from a person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee, pursuant to N.J.S.A. 19:44A-29.

(b) A non-participating candidate is subject to the \$3,400 limit on guarantors of bank loans, except if the guarantor is the non-participating candidate himself or herself.

(c) A non-participating candidate is not subject to:

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-44; and

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

(d) A non-participating candidate who elects to participate in the series of interactive debates pursuant to the provisions of N.J.S.A. 19:44A-45 is subject to the restrictions on qualifying expenditures set forth at N.J.A.C. 19:25-15.49.

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.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (c)3, changed N.J.A.C. reference.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a) and (b), increased dollar amounts.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a) and (b), substituted "\$3,000" for "\$2,600" following "candidate is subject to the".

Amended by R.2008 d.326, effective November 3, 2008.

See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

Added (d).

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a) and (b), substituted "\$3,400" for "\$3,000".

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 \$10.9 million, which amount shall include payments made solely for the purpose of determining whether to become a candidate. Such amount shall not include expenditures listed in N.J.A.C. 19:25-15.26.

4. Contributions by any candidate in excess of \$3,400 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.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Rewrote (a)3.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), increased dollar amounts.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$9,600,000" for "\$8,400,000" following "candidacy shall not exceed" in 3, and substituted "\$3,000" for "\$2,600" in 4.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a)3, substituted "\$10.9 million" for "\$9,600,000"; and in (a)4, substituted "\$3,400" for "\$3,000".

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 \$3,400. Any such contribution in excess of \$3,400 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) A joint candidates committee established by candidates who have not established any candidate committees in an election may make a contribution to a candidate for election to the office of Governor in an amount not to exceed the sum of the number of candidates participating in the joint candidates committee multiplied by \$3,400. If a candidate has established both a candidate committee and a joint candidates committee in an election, the total amount which may be contributed by that candidate's joint candidates committee and candidate committee to a candidate for election to the office of Governor may not exceed \$3,400 per candidate participating in the joint candidates committee.

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

(d) 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 \$3,400 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.

(e) In considering the criteria set forth in (d) above, two or more corporations shall be conclusively deemed to be affiliated if:

1. Any individual, corporation, partnership, company, association, or other entity owns, directly or indirectly, more than a 30 percent interest in each of such corporations; or

2. One such corporation owns, directly or indirectly, more than a 30 percent interest in the other such corporation.

(f) Contributions by minors shall be attributed to the legal guardian(s) of the minor for the purposes of N.J.A.C. 19:25-15.6, and not to the minor unless:

1. The minor is 14 years or older;
2. The contribution is made from funds comprised of the minor's earned income as defined in N.J.A.C. 19:25-1.7; and
3. Sworn statements made by the minor and by the minor's legal guardian(s) are submitted with the contribution which state that the decision to contribute was solely that of the minor and that the funds used to make the contribution were comprised solely of the minor's earned income.

(g) For the purposes of (f) above, if the minor has more than one legal guardian, the contribution shall be attributed equally to each legal guardian of the minor.

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).

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

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

Added (e) and (f).

Amended by R.1997 d.218, effective May 19, 1997.

See: 29 N.J.R. 743(a), 29 N.J.R. 2468(a).

Rewrote (d).

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Inserted a new (b); recodified former (b) through (f) as (c) through (g); and in new (e) and (g), made internal reference changes.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

Increased dollar amounts throughout.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$3,000" for "\$2,600" throughout.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a), (b), and (d), substituted "\$3,400" for "\$3,000" throughout; and in (d), inserted a comma following the first occurrence of "candidate".

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, or must have been received by the candidate for the purpose of determining whether or not to become a candidate for election to 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, shall be eligible. Any funds received prior to the inception of such a candidacy 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 \$3,400 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 \$3,400 in the aggregate.

(c) A maximum of \$3,400 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.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Rewrote (a).

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (b) and (c), increased dollar amounts.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$3,000" for "\$2,600" throughout.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (b) and (c), substituted "\$3,400" for "\$3,000" throughout.

19:25-15.15 Contributions eligible for match; checks and instruments; partnership contributions prohibited; contributions by electronic transfer of funds

(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. A contribution received by a campaign treasurer and made by means of a

check or written instrument drawn on a partnership account shall be signed by a partner or partners and shall be deemed to be a contribution from the partner or partners who signed the check or written instrument by which the contribution was conveyed, or in the case of a contribution of currency, the partner who has conveyed the currency. If the check or written instrument is drawn on a partnership account and is signed by an individual other than a partner, or 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 to a partner or partners who have not signed the check or written instrument, or in the case of a currency contribution if the currency contribution was conveyed by an individual who is not a partner, 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. A contribution received by a campaign treasurer drawn upon a limited liability company account and made by means of a check or written instrument drawn on the account of a limited liability company shall be signed by a member or members and shall be deemed to be a contribution from the member or members who signed the check or written instrument by which the contribution was conveyed or, in the case of the contribution of currency, the member 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 to a member or members who have not signed the check or written instrument, or in the case of a currency

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.

Amended by R.1999 d.300, effective September 7, 1999.
See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

In (c), rewrote the last sentence; and rewrote (g).
Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Rewrote (k)2.
Amended by R.2000 d.473, effective November 20, 2000.
See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (c), (g), (k) and (l), increased dollar amounts.
Amended by R.2004 d.400, effective October 18, 2004.
See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Added (a)3.
Amended by R.2004 d.472, effective December 20, 2004 (amendments to (k)2 and (l) operative January 1, 2005).
See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Changed dollar amount throughout.
Amended by R.2005 d.192, effective June 20, 2005.
See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Rewrote (i).
Amended by R.2008 d.326, effective November 3, 2008.
See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

In (d), inserted designations (d)1 through (d)3; in the introductory paragraph of (d), inserted "the following:"; rewrote (d)1 and (d)2; in (d)3, substituted "An electronic" for "The statement shall also include an original and two photocopies of a"; in (f), substituted "a scanned image" for "three photocopies", "provided" for "photocopied" and "scanned images" for "copies", and inserted "images of" following "campaign committee,"; in (g), substituted "scanned images" for "three photocopies"; and deleted (k) and (l).

Amended by R.2008 d.359, effective December 1, 2008.
See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (c) and (g), substituted "\$340,000" for "\$300,000" throughout; and in (c), substituted "\$3,400" for "\$3,000".

19:25-15.17A Reporting of issue advocacy organization information

(a) A candidate seeking to qualify for receipt of public matching funds who participated in an issue advocacy organization during the four years prior to the date upon which he or she became a candidate for election to the Office of Governor, or who is at the time of the application for receipt of public matching funds participating in an issue advocacy organization, shall be ineligible to receive public matching funds unless the candidate files an Issue Advocacy Organization Report of Contributions and Expenditures (Form P-2). For the purposes of this section, a candidate shall be deemed to be participating in an issue advocacy organization if the candidate forms or formed, assists or assisted in the formation of, or was or is involved in any way in the management of an issue advocacy organization.

(b) For the purposes of this section, the term "issue advocacy organization" shall mean:

1. An issue advocacy organization organized under section 527 of the Federal Internal Revenue Code (26 U.S.C. § 527);

2. An organization organized under paragraph (4) of subsection c. of section 501 of the Federal Internal Revenue Code (26 U.S.C. § 501); or

3. An organization organized under any other current or future section of the Federal Internal Revenue Code which the Election Law Enforcement Commission determines is similar to any of the organizations described above.

(c) The report filed pursuant to (a) above shall include the following:

1. The name(s) of the issue advocacy organization(s) in which the candidate was a participant during the four years prior to the date upon which he or she became a candidate for election to the Office of Governor or in which the candidate is a participant;

2. The section of the Federal Internal Revenue Code under which the issue advocacy organization is organized;

3. A list from each issue advocacy organization, verified as correct by the candidate, which shall report all contributions received from the inception of the issue advocacy organization, and which shall include for each contribution, the date of receipt, the name of the contributor, the amount of the contribution, and if the contribution was a monetary contribution, an in-kind contribution, or loan;

4. A list from each issue advocacy organization, verified as correct by the candidate, which shall report all expenditures made from the inception of the issue advocacy organization, and which shall include for each expenditure, the date of the payment, the payee name, and the payment amount; and

5. A certification by the candidate of the correctness of the report.

(d) A candidate shall continue to file the Issue Advocacy Organization Report of Contributions and Expenditures (Form P-2) on each date that the candidate applies to receive public matching funds pursuant to N.J.A.C. 19:25-15.18 and on each date established for reporting by a candidate committee pursuant to N.J.A.C. 19:25-8, until such time as the candidate certifies that there are no funds remaining in the issue advocacy organization or organizations and that the issue organization or organizations have wound up their business and been dissolved.

(e) A candidate shall not be required to file the Issue Advocacy Organization Report of Contributions and Expenditures (Form P-2) if the candidate certifies and files the Candidate Certification-Issue Advocacy Organization Participation (Form P-2A) to the effect that:

1. The candidate was not, during the four years prior to the date upon which he or she became a candidate for election to the Office of Governor, a participant in any issue advocacy organization and is not at the time of the application for receipt of public matching funds participating in any issue advocacy organization; or

2. The candidate participated during the four years prior to the date upon which he or she became a candidate

for election to the Office of Governor in an issue advocacy organization or organizations, or is a participant in an issue advocacy organization or organizations at the time of the application for receipt of public matching funds, but the organization or organizations file reports of contributions and expenditures with the Commission or with the Federal Election Commission.

New Rule, R.2004 d.400, effective October 18, 2004.
See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

19:25-15.18 Dates of submission

(a) Statements and certifications may be submitted to the commission by candidates on or before 12:00 noon of the first Tuesday following the date of the primary election in the year of a general election for the office Governor of New Jersey, and every other Tuesday thereafter through August 31, and every Tuesday thereafter up to and including the date of the general election being funded.

(b) Statements and certifications may be submitted to the commission by candidates on or before 12:00 noon of the first Tuesday following the general election and every other Tuesday thereafter up to the first Tuesday following the fifth month after the general election. No statements and certifications for the general election shall be considered by the commission thereafter.

(c) In the event that a date for submission shall fall on a holiday, then the submission may be on the next succeeding business day which is not a holiday. The commission shall promptly approve the certification submitted by the candidate or so much of it as the commission deems to be proper. In the event that all of the submission is not approved for match, the commission will promptly so notify the candidate.

(d) Nothing herein contained shall relieve any candidate or committee from the preelection or post-election reporting requirements contained in N.J.S.A. 19:44A-8 or 19:44A-16.

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.2004 d.400, effective October 18, 2004.
See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

In (a) and (b), substituted "Tuesday" for "Monday" throughout; in (a), substituted "date of" for "Monday immediately preceding" preceding "the general election".

19:25-15.19 Matching of State committee contributions; submission dates

(a) The campaign treasurer or deputy campaign treasurer of any candidate seeking matching funds must, on the dates of submission provided in N.J.A.C. 19:25-15.18 deliver to the Commission any statement of contributors or expenditures and photocopies received from any State committee pursuant to N.J.A.C. 19:25-15.37 and must so certify to the Commission. In the event no contribution from a State committee has been received and therefore no deposit made of such State committee contributions in such candidate's matching fund

account, the campaign treasurer or deputy campaign treasurer shall so certify to the Commission.

(b) No submission or application for public funds pursuant to N.J.A.C. 19:25-15.18 will be considered by the Commission unless accompanied by written certification in compliance with (a) above.

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).

Commission capitalized and N.J.A.C. cite corrected.

19:25-15.20 Special account for public funds

(a) The Commission shall maintain for each qualified candidate a separate segregated public fund account for deposit of public funds. All public funds received by the Commission from the General Treasury of the State shall be promptly deposited by the Commission into such separate segregated public fund account. No funds other than such public funds shall be deposited in such separate segregated public fund account, and all expenditures from such account shall be separately identified in reports filed with the Commission.

(b) The campaign treasurer of a candidate on whose behalf a public fund account has been established shall file with the Commission on each date upon which a submission for public matching funds has been made pursuant to N.J.A.C. 19:25-15.17, Matching of funds, and N.J.A.C. 19:25-15.18, Date of submission, and for as long as said public fund account is open and such submissions are being made, a report identifying each disbursement made out of the public fund account since the last such submission for public matching funds. The initial report shall identify all such disbursements. The identification of each disbursement from the public fund account shall include the check number, date of payment, amount of payment, full name of payee, full payee mailing address and a complete statement of purpose of the expenditure indicating which of the permitted purposes set forth in N.J.A.C. 19:25-15.24, Use of public funds, is applicable. Failure to file any such report, failure to provide the identification information required in such report, or failure to expend public funds in compliance with N.J.A.C. 19:25-15.24 may result in immediate cessation of public fund deposits by the Commission.

(c) Any report filed pursuant to this section disclosing an expenditure in an aggregate sum exceeding \$5,000 for the purpose of purchase of media consultant services or other services shall be accompanied by a certification from the payee categorizing media advertising purchases or other services provided, incurred or contemplated, and certifying that such funds have been or will be expended in compliance with N.J.A.C. 19:25-15.24.

(d) The reports of disbursements made from the public fund account submitted pursuant to this section shall not be available for public inspection.

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 (b)-(d).

19:25-15.21 Receipt of public funds

(a) The campaign treasurer or deputy campaign treasurer of any qualified candidate for election to the office of Governor in a general election shall promptly receive in behalf of such qualified candidate public moneys in an amount equal to twice the amount of each contribution eligible for match and deposited in such qualified candidate's matching fund account, described in N.J.S.A. 19:44A-32, except that no payment shall be made to any candidate from such fund for general election campaign purposes for the first \$109,000 deposited in such candidate's matching fund account.

(b) No candidate for election to the office of Governor or his or her campaign treasurer or deputy campaign treasurer shall receive any general election public matching funds if the Commission determines that an application for matching funds, submitted pursuant to N.J.A.C. 19:25-15.17, contains a contribution or contributions in excess of the general election contribution limit. The Commission shall permit the candidate or his or her campaign treasurer or deputy campaign treasurer to submit proof that the excessive portion of a contribution or contributions has been refunded.

Amended by R.1993 d.207, effective May 17, 1993.
 See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).
 Revised text.
 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.
 Amended by R.2000 d.473, effective November 20, 2000.
 See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).
 Increased dollar amount.
 Amended by R.2004 d.400, effective October 18, 2004.
 See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).
 Designated section as (a) and added (b).
 Amended by R.2004 d.472, effective December 20, 2004.
 See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).
 In (a), substituted "\$96,000" for "\$84,000" preceding "deposited in such candidate's matching fund account".
 Amended by R.2008 d.359, effective December 1, 2008.
 See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).
 In (a), substituted "\$109,000" for "\$96,000".

19:25-15.22 Receipt of public funds; limitation

(a) No public funds shall be deposited by the Commission in the public fund account of any qualified candidate on or before the date of the primary election for nomination for the office of Governor of New Jersey immediately preceding the general election for the same office.

(b) The maximum amount which any qualified candidate may receive from public funds shall not exceed \$7.3 million.

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).
 Maximum amount of public funding to candidate changed to \$3,300,000.

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).
 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.
 Amended by R.2000 d.473, effective November 20, 2000.
 See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).
 In (b), increased dollar amount.
 Amended by R.2004 d.472, effective December 20, 2004.
 See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).
 In (b), substituted "\$6,400,000" for "\$5,600,000".
 Amended by R.2008 d.359, effective December 1, 2008.
 See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).
 In (b), substituted "\$7.3 million" for "\$6,400,000".

19:25-15.23 Receipt of public funds; procedure

The Commission shall certify to the Treasurer of New Jersey the amount to be disbursed to the Commission for the public fund account of each candidate. The Treasurer shall then deliver such amount to the Commission.

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).
 Capitalized "Commission".

19:25-15.24 Use of public funds

(a) Public funds received on behalf of a qualified candidate from the fund for general election campaign expenses shall be deposited by the commission in the candidate's public fund account and the candidate's use of such funds shall be strictly limited to the following purposes:

1. Purchase of time on radio and television stations;
2. Purchase of rental space on outdoor signs or billboards;
3. Purchase of advertising space in newspapers and regularly published magazines and periodicals;
4. Payment of the cost of producing the material aired or displayed on radio, television, outdoor signs or billboards, and in newspapers, regularly published magazines and periodicals;
5. Payment of the cost of printing and mailing campaign literature and brochures distributed under the name of the candidate;
6. Payment of the cost of legal and accounting expenses incurred in complying with the public financing regulations of the commission and with the public financing provisions of the act;
7. Payment of the cost of telephone deposits, and installation charges and monthly billings in excess of deposits. Within six months after the general election, a candidate shall return to the commission the amount of any public funds used to pay such telephone deposits which are later returned.

(b) Expenditures made prior to the receipt of public funds, including expenditures made for the purpose of determining

whether an individual should become a candidate for election to the office of Governor, which fit within (a)1 through 7 above, shall be expenses properly payable out of public funds.

(c) Any expenditure made from a candidate's public fund account which results in the purchase of time on radio and television stations pursuant to (a) above shall be documented by an invoice prepared by the radio or television station listing the media time used and the cost to the candidate. The invoice shall be obtained by the candidate, his or her campaign treasurer, or deputy campaign treasurer no later than 10 days following the due date for the 20-day postelection report and shall be maintained pursuant to N.J.A.C. 19:25-15.42.

(d) Any expenditure made from a candidate's public fund account shall be identified on election fund reports and submissions for public matching funds to include the check number, date of payment, full name of payee, full payee mailing address, amount of payment, a detailed description of the election-related purpose of the expenditure which includes the applicable permitted use of public funds contained in (a) above and the type of expenditure for each expenditure from a list of expenditure types to be provided by the Commission.

(e) A reimbursement made to a depository or matching fund account of a candidate from the public fund account of that candidate for an expenditure or expenditures permitted under (a) above shall:

1. Be made by individual check from the public fund account in the exact amount of the expenditure or expenditures being reimbursed;
2. Be specifically identified as a reimbursement on the report required pursuant to N.J.A.C. 19:25-15.20(b) and on campaign reports required by the Act; and
3. Contain a list of the previously paid expenditure or expenditures permissible under (a) above for which the reimbursement is being made.

(f) Contributions, other than public funds, received by or in behalf of any candidate (including contributions eligible for match) shall not be subject to the limitations of (a) above, but may be expended for any lawful purpose in furtherance or aid of the candidacy of the candidate.

(g) Transfer of public funds from the public funds account established pursuant to N.J.A.C. 19:25-15.20 to an interest-bearing account or other investment account or vehicle is prohibited.

As amended, R.1983 d.287, effective July 18, 1983.
See: 15 N.J.R. 616(a), 15 N.J.R. 1182(e).
New (b) added and old (b) changed to (c).

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.1993 d.207, effective May 17, 1993.
See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Added new (c) through (e); redesignated existing (c) to (f).
Amended by R.1996 d.583, effective December 16, 1996.
See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Changed disbursement to expenditure throughout the section.
Amended by R.1999 d.300, effective September 7, 1999.
See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

Added (g).
Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Rewrote (b) and (c).
Amended by R.2004 d.400, effective October 18, 2004.
See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

In (c), rewrote the second sentence.

19:25-15.25 Use of transferred funds

Notwithstanding the provisions of N.J.A.C. 19:25-6.2, any transfer of funds from the general election campaign of the gubernatorial candidate to any other candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, legislative leadership committee, or political club will be considered to be an expenditure on behalf of the gubernatorial candidate under N.J.S.A. 19:44A-7. No such transferee shall make any contribution to or on behalf of the gubernatorial candidate prior to or subsequent to such transfer.

Amended by R.1996 d.583, effective December 16, 1996.
See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

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

19:25-15.26 Expenses not subject to expenditure limits

(a) The following expenditures by a qualified candidate shall not be subject to the expenditure limit described in N.J.A.C. 19:25-15.11(a)3:

1. Reasonable and necessary compliance with the reporting and certification requirements imposed by the public finance provisions of the act shall not be deemed to be expenditures within the meaning of N.J.S.A. 19:44A-7. Such expenses shall be specifically identified as such in all reports required under these regulations.

2. Travel expenses of the candidate, as that term is defined in N.J.A.C. 19:25-15.27(a), or of any person other than the candidate if such traveling expenses are voluntarily paid by such person without any understanding or agreement with such candidate that they shall be, directly or indirectly, repaid to him or her by the candidate, shall not be deemed expenditures within the meaning of N.J.S.A. 19:44A-7.

3. The reasonable value of food and beverage to persons who attend a testimonial affair on behalf of or in aid of a candidate and for whom a contribution in excess of the reasonable value of such food and beverages is reported as provided in N.J.A.C. 19:25-12.2.

4. Election night celebration or event expenses as defined in N.J.A.C. 19:25-15.47(c).

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 (a)4.

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

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

Correction to N.J.A.C. cite.

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

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

19:25-15.27 Expenditure reporting; travel expenses

(a) Each expenditure from the depository account, matching fund account, or public funds account established by a gubernatorial candidate shall be reported on election fund reports and as required on submissions for public matching funds by providing the following information:

1. The date the expenditure was made;
2. The checking account title and number;
3. The full name and address of the payee;
4. The purpose of the expenditure;
5. The amount of the expenditure; and,
6. The type of expenditure from a list of expenditure types provided by the Commission.

19:25-15.29 Coordinated expenditures

(a) Any person or entity expending funds to make a communication shall be deemed to have made a coordinated expenditure for a gubernatorial candidate if:

1. The communication makes a reference to the gubernatorial candidate in an audio, visual, printed, or electronic format which reference names, depicts, pictures, characterizes, represents, dramatizes, or in any written, spoken, visual, or electronic manner represents a gubernatorial candidate or opponent;

2. The gubernatorial candidate or his or her campaign committee has consented to, authorized, or exercised control over the production or circulation of the communication; and

3. The expenditure for the communication was made on or after the date upon which the gubernatorial candidate or committee described in (a)2 above applied to receive matching funds or filed a statement of qualification to receive matching funds pursuant to N.J.A.C. 19:25-15.17 and 15.48.

(b) The amount expended for a coordinated expenditure for a gubernatorial candidate shall be a contribution by the person or entity making the expenditure to that gubernatorial candidate which contribution is subject to the gubernatorial candidate contribution limit established at N.J.A.C. 19:25-15.6(a) and allocable against the gubernatorial candidate expenditure limit established at N.J.A.C. 19:25-15.11(a)3.

(c) For each coordinated communication expenditure pursuant to (a) and (b) above, a gubernatorial candidate shall determine:

1. The cost of preparation and circulation of the communication; and

2. The value of the coordinated communication to the gubernatorial candidate.

(d) The value of a coordinated communication to a gubernatorial candidate may be determined at less than 100 percent of the total cost of preparation and circulation if the coordinated communication referred to one or more non-gubernatorial candidates in the same election, and the percentage of the cost to be allocated to the gubernatorial candidate shall be determined based upon the following:

1. The number of non-gubernatorial candidates identified or otherwise referred to; and

2. The prominence of the reference to the gubernatorial candidate in relation to references to non-gubernatorial candidates. For example, if a printed pamphlet is prepared and circulated at a cost of \$1,000 and features equally one page for a non-gubernatorial candidate and one page for a gubernatorial candidate, the value is 50 percent of the total cost of \$1,000 or \$500.00.

(e) A gubernatorial candidate determining the value to his or her candidacy of a coordinated communication pursuant to (d) above shall establish that value to the nearest five percent of the total cost of preparation and circulation. In no case shall the value be determined to be less than five percent of total cost.

New Rule, R.1989 d.382, effective June 23, 1989.

See: 21 N.J.R. 704(a), 21 N.J.R. 1286(a), 21 N.J.R. 2056(b).

N.J.A.C. 19:25-15.29 was formerly entitled Borrowing of Funds; repayment, and has been recodified as N.J.A.C. 19:25-15.30. Emergency amendment, R.1989 d.456, effective August 3, 1989 (expires October 2, 1989).

See: 21 N.J.R. 2673(a).

(a) and (b) revised; new (c) and (d) added; existing (c)-(e) redesignated (e)-(g); (h) added.

Adopted concurrent proposal, R.1989 d.545, effective October 2, 1989.

See: 21 N.J.R. 2673(a), 21 N.J.R. 3477(b).

Provisions of emergency amendment R.1989 d.456 readopted without change.

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Stylistic revision in (c)1.

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

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Added references to legislative leadership and added (i).

New Rule, R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

Former N.J.A.C. 19:25-15.29, Coordinated expenditures, repealed.

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Added (a)3.

19:25-15.29A Coordinated expenditures by non-gubernatorial candidates, political party committees and legislative leadership committees

(a) A reference to a gubernatorial candidate appearing in materials paid for by a non-gubernatorial candidate, as defined in (d) below, or by a political party committee, or legislative leadership committee, as defined in N.J.A.C. 19:25-1.7, of the same political party as the gubernatorial candidate, will be deemed insubstantial and not subject to allocation pursuant to N.J.A.C. 19:25-15.29 provided that:

1. The reference consists of the name or picture of the gubernatorial candidate in equal or less than equal prominence to the prominence given the names or pictures of non-gubernatorial candidates;

2. The names or pictures of the gubernatorial and non-gubernatorial candidates appear on printed campaign materials used in connection with volunteer activities on behalf of the named or pictured non-gubernatorial candidates, such as materials consisting of buttons, pins, bumper stickers, handbills, brochures, posters, yard signs or palm cards; and

3. The materials in (a)2 above are not used in connection with any broadcasting, newspaper, magazine, billboard, electronic, or similar type of general public communication or political advertising.

(b) A reference to a gubernatorial candidate appearing in campaign literature or material circulated to voters by direct mail and paid for by a non-gubernatorial candidate, as defined in (d) below, or by a political party committee, or legislative leadership committee, as defined in N.J.A.C. 19:25-1.7, of the same political party as the gubernatorial candidate, shall be deemed insubstantial and not subject to allocation pursuant to N.J.A.C. 19:25-15.29 provided that:

1. The reference consists of no more than a single use of the gubernatorial candidate's name in the text, and a single use of the gubernatorial candidate's name within a slate or listing of the names of gubernatorial and non-gubernatorial candidates, and a single photograph or depiction of the gubernatorial candidate provided that a photograph or depiction of each non-gubernatorial candidate larger or of equal size to the gubernatorial candidate's photograph or depiction is included;
2. The size of the print used to reproduce the name of the gubernatorial candidate is the same or smaller than the size of the print used for the names of the non-gubernatorial candidates; and
3. The predominant theme of the text promotes the candidacy or candidacies of the non-gubernatorial candidate or candidates and not that of the gubernatorial candidate.

(c) A reference to a gubernatorial candidate made in a telephone communication to a voter shall be deemed insubstantial and not subject to allocation pursuant to N.J.A.C. 19:25-15.29 provided that:

1. The telephone communication is part of a get-out-the-vote effort of the non-gubernatorial candidate, as defined in (d) below, or of a political party committee or legislative leadership committee, as defined in N.J.A.C. 19:25-1.7, of the same political party as the gubernatorial candidate, conducted seven or fewer days before the gubernatorial general election; and
2. The reference to the gubernatorial candidate is limited to stating the name of the gubernatorial candidate as part of a slate or together with the names of non-gubernatorial candidates.

(d) For the purposes of this section, the term "non-gubernatorial candidate" shall mean any candidate of the same political party as the gubernatorial candidate, other than a gubernatorial candidate, acting alone in a candidate committee or jointly with other candidates in a joint candidates committee.

(e) For the purposes of this section, the references to a gubernatorial candidate and pictures of a gubernatorial candidate, described in (a), (b) and (c) above, which are deemed insubstantial and not subject to allocation pursuant to N.J.A.C. 19:25-15.29, shall be strictly limited to references and pictures of a gubernatorial candidate of the same political party as the non-gubernatorial candidate or candidates or

political party committee or legislative leadership committee responsible for circulating or causing the circulation of the communication.

New Rule, R.1999 d.300, effective September 7, 1999.
See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

19:25-15.30 Borrowing of funds; repayment

Any candidate, the candidate's campaign treasurer or deputy campaign treasurer may borrow funds from any national or State bank, provided that no person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee other than the candidate or the State committee may in any way endorse or guarantee such loan in the aggregate in excess of the \$3,400 contribution limit. Except for a non-participating candidate guaranteeing a loan to his or her campaign, the amount so borrowed shall not at any one time in the aggregate exceed \$50,000 and must be repaid in full by such candidate or his or her campaign treasurer or deputy campaign treasurer from monies accepted or allocated pursuant to N.J.S.A. 19:44A-29 not later than 20 days prior to the general election. Certification of such repayment shall be made by the borrower to the Commission not later than 15 days prior to the date of the general election. In the event of the failure of the borrower to repay timely the full amount of the loan or to certify properly such repayment to the Commission, all payment of public funds to such candidate shall promptly cease and the Commission shall take action as directed by the act to prohibit the expenditure by the candidate of monies received from the fund and any other monies received by him or her in aid of his or her candidacy in such general election.

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).

Recodified from N.J.A.C. 19:25-15.29 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 text.

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.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

Substituted "\$2,600" for "\$2,100" in the first sentence.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$3,000" for "\$2,600" following "aggregate in excess of".

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

Substituted "\$3,400" for "\$3,000" and substituted "monies" for "monies" throughout.

19:25-15.31 Computation of value of goods and services

(a) Goods and services shall, for purposes of the reports required to be filed under the act and for purposes of the expenditure limitation contained in N.J.S.A. 19:44A-7 where applicable, be valued by the reasonable commercial value of

such goods and services to the candidate, whether or not the cost or value of such goods or services to the contributor or other provider of those services is higher or lower than such reasonable commercial value.

Example 1: Candidate Y, a candidate for the office of Governor who has chosen to accept public funding, obtains the use of a helicopter for travel of the candidate for campaign purposes. By agreement with the owner of the helicopter, the campaign committee for the candidate will pay \$900.00 per hour, which represents the cost to the owner of the maintenance and operation of the helicopter. The reasonable commercial value of the use of the helicopter is \$1,000 per hour. In this example, the amount of \$900.00 per hour paid by the campaign committee of the candidate to the owner for use of the helicopter is not includable as an expenditure for purposes of the expenditure limitations contained in N.J.S.A. 19:44A-7. The difference between the \$900.00 per hour actually paid for use of the helicopter and the reasonable commercial value normally charged by the owner for the use of the helicopter, represents a contribution from the owner of the helicopter to the candidate in the amount of \$100.00 per hour. The candidate could obtain the use of the helicopter under this arrangement from a lawful contributor for campaign purposes for not more than 34 hours. If the candidate obtained the use of the helicopter for 35 hours under this arrangement, the owner of the helicopter would have made an unlawful contribution to the candidacy of the candidate, since the aggregate of the contributions \$3,500 from that contributor in this instance would have exceeded \$3,400.

Example 2: Candidate Y in example 1, wishes to obtain the use of the helicopter from the owner for 15 hours, and the campaign committee for the candidate pays to the owner the reasonable commercial value of \$1,000 for each hour, or a total of \$15,000. The amount paid to the owner is not an expenditure within the expenditure limitation contained in N.J.S.A. 19:44A-7. On these facts the owner has made no contribution to the candidate.

In Example 1 and Example 2, the total amounts of expenditures, including expenditures not subject to the expenditure limitation of N.J.S.A. 19:44A-7, must be reported in the preelection and postelection reports filed on behalf of the candidate.

(b) The costs of a political communication as defined in N.J.A.C. 19:25-10.10 which aids or promotes a candidate for Governor, and is undertaken, made or circulated with the cooperation or consent of the candidate, shall be reported by the candidate in the same manner as the receipt of any goods and services, and shall be valued for the purposes of the contribution limit in N.J.A.C. 19:25-15.6 and the expenditure limit in N.J.A.C. 19:25-15.11(a) 3 in the same manner as any other contributed goods or services.

Amended by 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).

Recodified from N.J.A.C. 19:25-15.30 and increased dollar amounts in examples 1 and 2 and added new (b).

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)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).

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), increased dollar amounts and hours.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "30 hours" for "26 hours" following "purposes for not more than", "31 hours" for "27 hours" following "use of the helicopter", "\$3,100" for "\$2,700" following "since the aggregate of the contributions", "\$3,000" for "\$2,600" following "in this instance would have exceeded" in Example 1.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In Example 1 of (a), substituted "34" for "30", "35" for "31", "\$3,500" for "\$3,100", and "\$3,400" for "\$3,000".

19:25-15.32 Establishment of State committee account; contribution limit

(a) A State committee may establish a State committee account in a national or State bank, authorized to do business in the State of New Jersey, in behalf of any candidate for election to the office of Governor in a general election.

(b) Upon or after establishment of a State committee account by a State committee, such State committee may allocate and deposit certain contributions received by it in such account. Only a contribution of up to \$3,400, or up to \$3,400 of a contribution in excess of \$3,400 may be so deposited, and only if such deposit does not result in the contributor exceeding a contribution of \$3,400 in the aggregate to such or on behalf of such candidate.

(c) Notwithstanding any provision of this section, any contribution allocated and deposited in a State committee account must be of moneys or other things of value pledged to or received by such State committee in a calendar year in which the gubernatorial election being funded is held.

(d) Any deposit in a State committee account must be from contributions eligible for match, except that proceeds of a loan to the State committee made pursuant to N.J.S.A. 19:44A-44 may be deposited.

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

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

Recodified from N.J.A.C. 19:25-15.31 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).

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.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (b), increased dollar amounts.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (b), substituted "\$3,000" for "\$2,600" throughout.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (b) substituted "\$3,400" for "\$3,000" throughout.

19:25-15.33 State committee expenditures; ineligible for match; expenditure limit

(a) Any expenditure by a State committee on behalf of a candidate for election to the office of Governor shall be made only from the State committee account as defined in this subchapter of such State committee.

(b) Any contribution deposited in a State committee account and expended, and thereby unavailable for transfer and deposit in a matching fund account of a candidate, shall not be eligible for match.

(c) Any expenditure by a State committee in aid of the candidacy of a candidate shall be included in determining total expenditures of such candidate subject to the expenditure limit contained in N.J.A.C. 19:25-15.11(a)3.

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

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

Recodified from N.J.A.C. 19:25-15.32.

19:25-15.34 State committee treasurer

The campaign treasurer or deputy campaign treasurer of any State committee, designated by such State committee pursuant to N.J.S.A. 19:44A-10, shall be the campaign treasurer or deputy campaign treasurer of any State committee account established by said State committee.

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

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

Recodified from N.J.A.C. 19:25-15.33.

19:25-15.35 Notice by State committee to contributor

(a) The campaign treasurer or deputy campaign treasurer of any State committee depositing any contribution in a State committee account of such State committee must give written notice of such deposit to the contributor within 48 hours of such deposit, and such notice shall contain the following information:

1. The State committee has allocated part or all, as the case may be, of a contribution made by the contributor to a candidate for the office of Governor;
2. The allocated contribution counts toward the \$3,400 the contributor may contribute to a candidate for the office of Governor;
3. The name and address of the contributor;
4. The amount and date of the contribution to the State committee;
5. The amount of the contribution deposited on behalf of the candidate.

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

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

Recodified from N.J.A.C. 19:25-15.34 and increased contribution limit from \$800 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)2.

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.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a)2, increased dollar amount.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$3,000" for "\$2,600" in 2.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a)2 substituted "\$3,400" for "\$3,000".

19:25-15.36 State committee statements

(a) The campaign treasurer or deputy campaign treasurer of a State committee that has established a State committee account shall prepare and maintain a statement of contributors whose contributions have, in whole or part, been deposited in said State committee account. Such statement of contributors shall conform in content and form to that described in N.J.A.C. 19:25-15.17(d).

(b) The campaign treasurer or deputy campaign treasurer of a State committee shall prepare and maintain a statement of expenditures from a State committee account of such State committee. Such statement of expenditures shall contain for each expenditure a check number, date, name and address of payee, amount and brief description of purpose.

(c) The statement of contributors described in (a) above shall include a photocopy of the face of each check or other written instrument as described in N.J.A.C. 19:25-15.14 for each contribution reported on the statement of contributors. Where a check is endorsed by some person other than the campaign treasurer or deputy campaign treasurer of the State 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 N.J.A.C. 19:25-15.17(d) and accompanied by copies of the relevant receipted deposit slips.

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

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

(c) added: "sorted in the order ... N.J.A.C. 19:25-15.17(d)".

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

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

Recodified from N.J.A.C. 19:25-15.35.

Case Notes

Former regulation regarding post-primary payment of primary expenses invalid; non-profit association standing. *Common Cause v. New Jersey Election Law Enforcement Commission*, 151 N.J.Super. 265 (App.Div.1977), aff'd 74 N.J. 231 (1977).

19:25-15.37 Certification and delivery of statements

(a) The campaign treasurer or deputy campaign treasurer of a State committee that has established a State committee account on behalf of a candidate shall certify to the campaign

treasurer or deputy campaign treasurer of such candidate, and to the Commission, the correctness of the statements and photocopies prepared pursuant to N.J.A.C. 19:25-15.36.

(b) The statements and photocopies certified pursuant to (a) above shall be delivered by the campaign treasurer or deputy campaign treasurer of such State committee to the

campaign treasurer or deputy campaign treasurer of the candidate on whose behalf the statements and photocopies have been prepared and to the commission no later than the Thursday preceding the dates of submission for matching fund applications of candidates set forth in N.J.A.C. 19:25-15.18.

(c) The statements and photocopies to be delivered pursuant to (b) above shall include all contributions and expenditures during the periods of time as follows:

1. The statement of contributors prepared pursuant to N.J.A.C. 19:25-15.36(a) shall include contributions deposited in the State committee account from the date of the most previous statement of contributors delivered to the candidate or, if no previous statement has been delivered, from the date the State committee account was established, until the date preceding the transfer to the candidate;

2. The statement of expenditures prepared pursuant to N.J.A.C. 19:25-15.36(b) shall include all expenditures from the date of the most previous statement of expenditures delivered to the candidate or, if no previous statement has been delivered, from the date the State committee account was established, until the date preceding the transfer to the candidate;

3. Photocopies of checks prepared pursuant to N.J.A.C. 19:25-15.36(c) shall pertain to contributions listed in the statement of contributors.

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).

Recodified from N.J.A.C. 19:25-15.36 and changed internal N.J.A.C. cite.

19:25-15.38 Transfer of deposits; certification

(a) A State committee may transfer deposits made on behalf of a candidate in its State committee account to the matching fund account of such candidate, provided certified statements and photocopies relating to such deposits have been delivered to the treasurer or deputy campaign treasurer of such candidate as provided in N.J.A.C. 19:25-15.37.

(b) At the time of making a transfer pursuant to (a) above, the campaign treasurer or deputy campaign treasurer of the State committee shall certify in writing to the campaign treasurer or deputy campaign treasurer of the candidate in whose matching fund account a transfer is to be made, and certify to the Commission, that the deposit includes only contributions eligible for match and does not include any contribution which must be or is intended by the contributor or recipient to be refunded or repaid at any time and that no contribution by any county or municipal committee is included.

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).

Recodified from N.J.A.C. 19:25-15.37 and updated internal N.J.A.C. cite.

19:25-15.39 County and municipal committee expenditures; reports

(a) The county committee of a political party in a county and the municipal committees of that political party in the same county may make an expenditure or expenditures in the aggregate of \$10,000 in aid of the candidacy of or in behalf of the candidate for election to the office of Governor in a general election.

(b) A candidate or his or her campaign treasurer or deputy campaign treasurer shall determine the exact amount that individual county committees or municipal committees may contribute in aid of the candidacy of or in behalf of such candidate, and shall file a report of such determination with the commission no later than the eleventh day prior to the general election being funded.

(c) Any expenditures in aid of the candidacy of a candidate by the county committee of a political party and the municipal committees of that political party in the same county shall be included in determining the total expenditures of such candidate subject to the expenditure limit contained in N.J.A.C. 19:25-15.11(a)3.

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).

Recodified from N.J.A.C. 19:25-15.38 and amended to implement the statutory changes in the amounts county and municipal political party committees are permitted to spend in a general election on behalf of a gubernatorial candidate (see Section 5 of P.L. 1989, c.4, amending N.J.S.A. 19:44A-29). Also, subsection (c) has been added to specify that such expenditures must be allocated and counted in determining a gubernatorial candidate's compliance with the expenditure limit (see N.J.S.A. 19:44A-7, amended by Section 2, P.L. 1989, c.4).

19:25-15.40 County and municipal committee reports

Any county or municipal committee making any expenditure on behalf of any candidate for the office of Governor in a general election shall file quarterly reports pursuant to N.J.S.A. 19:44A-8 and shall provide written notice to the candidate pursuant to N.J.A.C. 19:25-12.3.

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

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

Added "and shall provide . . . of candidates."

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

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

Recodified from N.J.A.C. 19:25-15.39.

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

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

19:25-15.41 County and municipal committees; prohibition on transfers

No county committee or municipal committee may transfer or contribute any funds to any candidate or to any candidate's campaign treasurer or deputy campaign treasurer, or to any political committee supporting any candidate.

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

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

Recodified from N.J.A.C. 19:25-15.40.

19:25-15.42 Maintenance of records; audit

(a) The campaign treasurer or deputy treasurer of each candidate and each State committee shall retain all written instruments, checks, bank statements and all other records of contributions and expenditures, including originals or photocopies of all documents and instruments submitted to the Commission relating to the general election for a period of not less than four years after submission of the final report for the general election.

(b) Each candidate, campaign treasurer or deputy campaign treasurer, or State committee campaign treasurer or deputy campaign treasurer, shall furnish to the Commission any books and records, including bank records for all accounts and supporting documentation for matching fund submissions as may be requested by the Commission for purposes of an audit or other Commission examination.

(c) Each candidate, campaign treasurer or deputy campaign treasurer shall, in addition to the recordkeeping requirements in (a) above and in this chapter, make and maintain a written record of each expenditure made from a candidate's public fund account which results in the purchase of time on radio and television stations, which record shall contain the exact amount of the total expenditure that was used for each of the following purposes:

1. The purchase of time on radio stations;
2. The amount of any credit for radio time that was not used;
3. The purchase of time on television stations;
4. The amount of any credit for television time that was not used;
5. The payment of the cost to produce the material aired on the radio and television stations;
6. The payment of any commission; and
7. The amount, if any, that is due to be refunded.

Amended by R.1984 d.561, effective December 17, 1984.
See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Added: "submission of the final report for general election."

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

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

Recodified from N.J.A.C. 19:25-15.41.

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Added (c).

19:25-15.43 Disclosure of information

The statements and certifications submitted by a candidate in accordance with N.J.A.C. 19:25-15.17 shall not be public records and shall not be available for public inspection; provided, however, the Commission shall from time to time publish a listing which shall contain the information included in the statements and certifications for each contribution, except that it shall not include the name, address or amount of contribution of any contributor whose contributions in the aggregate are \$300.00 or less unless the candidate authorizes such disclosure in writing.

Amended by R.1984 d.561, effective December 17, 1984.

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

Added "unless the candidate authorizes such disclosure in writing."

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

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

Recodified from N.J.A.C. 19:25-15.42.

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Deleted text in section.

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.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

Increased dollar amount.

Amended by R.2004 d.472, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$300.00" for "\$400.00."

19:25-15.44 Prepared statement on behalf of candidate; reimbursement of ballot statement costs

(a) Each candidate shall be entitled to have a statement in English and in Spanish submitted by the candidate to the Commission, printed and mailed by each county clerk with the sample ballot to each registered voter in the county, together with a short explanation from the Commission that such statements are provided pursuant to the act and this subchapter to assist the voters in making a determination among the candidates for the office of Governor.

(b) Each candidate who wishes such a statement mailed on his or her behalf shall submit to the Commission, on forms to be provided by the Commission, his or her proposed statement in English and in Spanish which shall not exceed 500 words in length. The statement shall be submitted to the Commission on or before the 80th day prior to the date on which the general election is to be held.

(c) On or before the 45th day prior to the date on which the general election is to be held, the Commission shall supply each county clerk with the text of the statement received from each candidate for election to the office of Governor.

(d) On or before the 45th day prior to the date on which the general election is to be held, the Commission shall determine the total amount of funds available for reimbursement to all 21 counties of the cost of printing and mailing of such ballot statements and shall notify all county clerks of the total amount of funds available for reimbursement. Such reimbursement shall be made on a pro rata basis if adequate funds are not appropriated by the Governor and the Legislature to reimburse all counties fully. Reimbursement shall not be made to the counties if no funds are appropriated to the Commission by the Governor and the Legislature for that purpose.

(e) No later than December 15th following a general election for the office of Governor, each county clerk shall submit to the Commission on a form provided by the Commission a claim for reimbursement only of the added sample ballot costs which are attributable directly to the printing and mailing of the gubernatorial candidates' statements.

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

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

Substituted "80th" day for "60th" day.

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

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

Recodified from N.J.A.C. 19:25-15.43 and new (d) added.

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

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Substantially amended (d) and added (e).

19:25-15.45 Postelection contribution; postelection payment of expenses

(a) Any person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee otherwise eligible to make political contributions to a candidate or a State committee may make a contribution in aid of the candidacy of a candidate after the date of such general election provided such person or committee does not exceed \$3,400 in the aggregate for such general election.

(b) Contributions received by a candidate or a State committee, or a campaign treasurer or deputy campaign treasurer of a candidate or State committee pursuant to (a) above shall be expended in order to liquidate all obligations and to pay expenses incurred during the general election campaign.

(c) Every payment of expenditures for general election obligations made by the candidate or State committee, or campaign treasurer or deputy campaign treasurer of a candidate or State committee after the date of the general election (except as otherwise specifically provided by the act or this subchapter, for example, compliance costs) shall be deemed to be expenditures for such general election within the meaning of N.J.S.A. 19:44A-7.

(d) Contributions received by a candidate or State committee, or campaign treasurer or deputy campaign treasurer of a candidate or State committee after the date of the general election for that election shall be eligible for matching of funds and shall be matched provided they are submitted pursuant to N.J.A.C. 19:25-15.17 and 19:25-15.18 up to the first Monday following the fifth month after the general election.

Amended by 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).

Recodified from N.J.A.C. 19:25-15.44; 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 text.

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.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), increased dollar amount.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$3,000" for "\$2,600".

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

Section was "Post-election contribution; post-election payment of expenses". In (a), substituted "\$3,400" for "\$3,000".

19:25-15.46 Funds or materials remaining from general election campaign

Public moneys received by a qualified candidate may be retained by such qualified candidate for a period not exceeding six months after the general election for which such moneys were received in order to liquidate all obligations and to pay expenses for the purposes permitted by N.J.A.C. 19:25-15.24 which expenses were incurred during the general election campaign.

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

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

Recodified from N.J.A.C. 19:25-15.45.

19:25-15.47 Repayment of public or other funds

(a) All public moneys received by a qualified candidate remaining after liquidation of all lawful obligations with respect to that election shall be repaid to the Commission (for return to the Treasurer of the State of New Jersey) not later than six months after the date of such general election. All moneys other than public moneys, remaining available to any qualified candidate after the liquidation of all obligations, shall also be repaid to the Commission (for return to the Treasurer of the State of New Jersey) not later than six months after the date of such general election; provided, however, that nothing herein contained shall require any candidate to pay to the State Treasurer, a total amount of moneys in excess of the total amount of public moneys received by such qualified candidate from the public fund.

(b) No candidate who has received public funds shall incur any debt or make any expenditure after the date of the election for any purpose other than the following:

1. To satisfy outstanding obligations incurred on or before the date of the election made for appropriate campaign purposes; or

2. To pay the reasonable and necessary costs of closing the campaign.

(c) An election night celebration or event conducted by a candidate who has received public funds will be deemed a reasonable and necessary cost of closing the campaign provided that it is conducted on the date of the general election.

Correction: In (a), ... with respect to ("their" deleted) "that" added.

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

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

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

Recodified from N.J.A.C. 19:25-15.46.

19:25-15.47A Disposal of assets

Any materials remaining from the general election campaign of a publicly financed candidate, including, but not lim-

ited to, campaign literature, buttons, office supplies, and any other equipment, may not be transferred or given to any other election campaign of such candidate or of any other candidate or entity, but must be purchased by a person or entity for cost or other reasonable value.

New Rule, R.2004 d.400, effective October 18, 2004.
See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

19:25-15.47B Application for termination of reporting with net liabilities by publicly financed candidates

(a) A publicly financed candidate who has returned all public moneys to the Commission in compliance with the requirements of N.J.A.C. 19:25-15.47, but who has continued to file postelection quarterly reports to report net liabilities, that is, outstanding obligations in excess of the total assets of the candidate committee, including its cash balance in all of its depository accounts, may apply to the Commission to file a final report to terminate the reporting of the candidate committee as set forth in (b) through (e) below.

(b) Such application shall not be made earlier than seven years after the date of the election.

(c) Each candidate and treasurer filing an application for termination of reporting shall certify the following:

1. For each outstanding obligation, the date each obligation was incurred and the date it was first reported on a report filed with the Commission;
2. A statement describing the efforts made by the campaign to retire the outstanding obligations, including, without limitation, efforts to compromise or resolve the debt with the vendor or service provider;
3. That the candidate committee expects to receive no further contributions to retire its net liabilities in the election;
4. That the candidate committee has liquidated all assets and applied proceeds from such liquidation to retire debt;
5. That the candidate committee expects to make no further expenditures except to bring any remaining depository account balance to zero; and
6. All reports required by the Reporting Act and Commission rules have been timely filed and correctly stated, except for good cause shown.

(d) For each outstanding obligation described in (c)1 above, the candidate and the treasurer shall make a separate certification that no pledge or commitment has been made or received by any candidate or treasurer, or other authorized person or representative of the campaign, or by the candidate committee, that the payment of such obligation will be forgiven or assumed by any party other than the candidate committee.

(e) The Commission shall review each such application and shall grant its approval to such application based upon consideration of all factors set forth in (c) and (d) above, and whether or not all outstanding audit issues have been resolved with the candidate committee.

New Rule, R.2009 d.89, effective March 16, 2009.
See: 40 N.J.R. 6763(a), 41 N.J.R. 1267(c).

19:25-15.47C Final report certification with net liabilities for publicly financed candidates

(a) Upon approval by the Commission pursuant to the provisions of N.J.A.C. 19:25-15.47B, a publicly financed candidate may file a final report and certification of termination of reporting upon a form prescribed by the Commission.

(b) Each candidate and treasurer filing a final report described in (a) above shall recertify the statements described in N.J.A.C. 19:25-15.47B(d) for each outstanding obligation.

(c) The final report shall show a zero balance in all campaign depository accounts and all final expenditures of the campaign fund in accordance with N.J.A.C. 19:25-15.45, Post-election payment of expenses, and N.J.A.C. 19:25-15.47, Repayment of public or other funds.

(d) An outstanding obligation reported on a certificate of termination of reporting filed pursuant to (a), (b) and (c) above shall not be considered a "contribution" as defined at N.J.A.C. 19:25-1.7.

(e) Notwithstanding (d) above, by enacting these provisions, the Commission does not waive its authority pursuant to N.J.S.A. 19:44A-6(b)10 to make a referral to the Office of the Attorney General for possible violations of N.J.S.A. 19:44A-21(a) and (b), upon subsequent receipt of evidence of false certification or misrepresentation of contributions or expenditures.

New Rule, R.2009 d.89, effective March 16, 2009.
See: 40 N.J.R. 6763(a), 41 N.J.R. 1267(c).

19:25-15.48 Candidate statement of qualification before participation in public financing

(a) A candidate who intends to apply to the Commission for public matching funds on a date later than September 1 preceding a general election for the office of Governor must on or before September 1 preceding the general election for Governor file:

1. A certified statement of qualification containing evidence that \$340,000 has been deposited and expended pursuant to N.J.S.A. 19:44A-32 for gubernatorial general election campaign expenses. Evidence that \$340,000 has been deposited and expended shall be filed with the Commission on September 1 preceding a general election for the office of Governor and in a form to be prescribed by the Commission.

2. Each contribution submitted in the report required by (a)1 above as evidence that \$340,000 in contributions has been deposited 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 for, or specially endorsed without qualification to, the candidate or to his campaign committee, if such check, money order or instrument contains all of the foregoing information.

3. Each disbursement submitted in the report required by (a)1 above as evidence that \$340,000 has been expended for general election expenses shall include two photocopies of checks, receipted bills, contracts, or similar documents as evidence of the expenditure of at least \$340,000.

4. For each contribution from an individual whose aggregate contributions to the candidate in the general election exceed \$300.00 which is submitted in the report required pursuant to this section, the certified statement of qualification shall include the occupation of the individual and the name and mailing address of the individual's employer.

(b) The reports filed pursuant to (a) above to establish qualification shall not be available for public inspection.

(c) Any report required to be filed pursuant to (a) above shall be filed using electronic filing software supplied by the Commission pursuant to N.J.A.C. 19:25-3.

New Rule, R.1989 d.341, effective June 5, 1989.

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

Rule formerly at this cite was recodified to N.J.A.C. 19:25-15.60.

Administrative correction to (a)3.

See: 21 N.J.R. 2530(a).

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).

Amended by R.1993 d.363, effective July 19, 1993.

See: 25 N.J.R. 1957(b), 25 N.J.R. 3240(a).

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.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), increased dollar amounts.

Amended by R.2004 d.472, effective December 20, 2004 ((a)4 operative January 1, 2005).

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$300,000" for "\$260,000" throughout 1 through 3, and substituted "\$300.00" for "\$400.00" in 4.

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Rewrote (c).

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a)1 through (a)3, substituted "\$340,000" for "\$300,000" throughout; and in (a)2, inserted a comma following the first occurrence of "statement".

19:25-15.49 Statement of candidates electing to participate in debates

(a) A candidate who has not by September 1 preceding a general election applied to the Commission for public matching funds may elect to participate in the series of interactive gubernatorial general election debates by:

1. Notifying the Commission in writing no later than September 1 preceding the general election for the office of Governor of his or her intent to participate in the series of gubernatorial general election debates; and

2. Filing a statement of qualification containing evidence that \$340,000 has been deposited and expended pursuant to N.J.S.A. 19:44A-32 for gubernatorial general election expenses. The statement of qualification shall contain the same information, as that required at N.J.A.C. 19:25-15.48(a).

(b) The reports filed pursuant to (a) above to establish qualification for participation in gubernatorial general election debates shall not be available for public inspection; however, the Commission shall publish a listing which shall contain the information included in the statement of qualification, filed pursuant to (a)2 above, for each contribution, except that it shall not include the name, address or amount of contribution of any contributor whose contributions in the aggregate are \$300.00 or less unless the candidate authorizes such disclosure in writing.

New Rule, R.1989 d.341, effective June 5, 1989.
See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

19:25-15.57 Conduct of the hearing

(a) The complainant and the respondent candidate shall appear at the hearing. Other interested persons may appear as permitted by N.J.A.C. 1:1-16 and may be represented as permitted by N.J.A.C. 1:1-5.

(b) The hearing shall be governed by the New Jersey Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(c) The complainant shall have the burden of proving non-participation by a preponderance of the credible evidence, and the respondent candidate charged with the failure to participate in a debate shall have the burden of proving justification or excuse by a preponderance of the credible evidence.

(d) At the request of the complainant or respondent candidate, subpoenas shall be issued to compel the attendance of witnesses to testify at the hearing held to determine a candidate's failure to participate in a debate.

(e) The Commission may refer the matter for hearing to the Office of Administrative Law as a contested case pursuant to the provisions of the New Jersey Uniform Administrative Procedure Rules. N.J.A.C. 1:1.

(f) The Commission shall have the authority to assess the costs associated with a hearing held pursuant to this section against any complainant, respondent or interested person permitted to appear.

New Rule, R.1989 d.341, effective June 5, 1989.
See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

19:25-15.58 Final decision of non-participation

(a) At the conclusion of a hearing, the Commission shall determine by majority vote:

1. Whether a candidate required to participate in a general election debate has failed to do so;
2. Whether the failure to participate occurred under circumstances which were beyond the control of the candidate and of such a nature that a reasonable person would find the failure justifiable or excusable.

(b) The Commission shall serve its written decision upon the participants or upon their legal representatives as soon as practicable.

(c) If it is determined by the Commission that the respondent candidate failed to participate in a general election debate without reasonable justification or excuse, the Commission shall:

1. Calculate the total amount of public moneys distributed by the Commission pursuant to N.J.S.A. 19:44A-33 to the respondent candidate for campaign expenses;
2. Notify the respondent candidate and campaign treasurer in writing of the total dollar amount of the

liability of the campaign for repayment and of the interest due upon the amount at the rate of one percent for each month or fractional part of a month during which the liability remains unpaid; and

3. Cease certification of any further public fund amounts to the candidate.

(d) Within 10 calendar days of receipt of notification of the amount of repayment required to the Commission, the respondent candidate and his or her campaign shall submit to the Commission a written schedule for repayment of public funds which specifies dates and amount of repayment installments.

New Rule, R.1989 d.341, effective June 5, 1989.
See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

19:25-15.59 Inaugural event contribution limit; reporting

(a) No person, candidate, candidate committee, joint candidates committee, political committee, or continuing political committee otherwise eligible to make political contributions, shall make any contribution or contributions for the purpose of any gubernatorial inaugural fund raising event or events in the aggregate in excess of \$500.00. A contributor to a gubernatorial inaugural fund raising event may make a contribution not to exceed \$500.00 in the aggregate notwithstanding any contribution by such contributor to a candidate for election to the office of Governor.

(b) No person or committee sponsoring a gubernatorial inaugural fund raising event shall accept for deposit in any bank account maintained for the purposes of such event any contribution or contributions from a contributor in the aggregate in excess of \$500.00. Any contribution or contributions received from a single contributor in the aggregate in excess of \$500.00 shall be returned to the contributor pursuant to the requirements of N.J.A.C. 19:25-11.8.

(c) Any person or committee sponsoring a gubernatorial inaugural fund raising event shall appoint a treasurer and designate a bank account no later than the 10th day after receiving any contribution or expending any money for the gubernatorial inaugural fund raising event, and shall file with the commission the name and mailing address of the appointed treasurer and the bank name, mailing address and number of the designated bank account no later than the tenth day after receiving any contribution or expending any money for the gubernatorial inaugural fund raising event.

(d) Any person or committee sponsoring a gubernatorial inaugural fund raising event shall make a full report to the Commission of all contributions and expenditures with respect to the event within 45 days following the event in accordance with the provisions of the act, and the designated treasurer shall certify the correctness of such report and shall file and shall certify the correctness of quarterly reports thereafter pursuant to N.J.A.C. 19:25-8.3(b), beginning on July 15 following the due date for the 45-day report, until all obligations are liquidated and the account closed.

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

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

(c) and (d) substantially amended.

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

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

Recodified from N.J.A.C. 19:25-15.47 and inaugural event contribution limit increased from \$250.00 to \$500.00.

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

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Added references to candidate committee, and joint candidates committee; and made provision for returning contributions in excess of \$500.00.

19:25-15.60 Inaugural event contributions from joint checking account

(a) A contribution to a gubernatorial fund raising event by check drawn on a joint checking account shall be deemed to be made by the joint checking account owner whose signature appears on the check.

(b) If a check drawn on a joint checking account bears the signatures of more than one contributing owner, the contribution will be deemed to have been made equally by all contributing owners whose signatures appear on the check.

(c) If a check drawn on a joint checking account is accompanied by a written statement signed by each contributing owner and containing information identifying the amount of contribution of each contributing owner, the amount of the contribution made by each contributing owner shall be determined as specified in the signed written statement.

New Rule. R.1986 d.225, effective June 16, 1986.

See: 18 N.J.R. 631(a), 18 N.J.R. 1311(b).

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

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

Recodified from N.J.A.C. 19:25-15.48.

19:25-15.61 Inaugural event contributions from affiliated corporations or unions

(a) 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 a gubernatorial fund raising event which, when added to any other contribution by any related or affiliated corporation, association or labor organization, exceeds \$500.00 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 or not to contribute, to what candidate and in what amount are independent decisions.

(b) For the purposes of (a) 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.

New Rule. R.1986 d.225, effective June 16, 1986.

See: 18 N.J.R. 631(a), 18 N.J.R. 1311(b).

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

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

Recodified from N.J.A.C. 19:25-15.49 and increased inaugural event contribution limit from \$250.00 to \$500.00.

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

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Added (b).

19:25-15.62 Partnership contributions to inaugural events prohibited

(a) A partnership as defined in (b) below shall not be permitted to make contributions as an entity. A contribution received by an inaugural event treasurer and made by means of a check or written instrument drawn on a partnership account shall be signed by a partner or partners and shall be deemed to be a contribution from the partner or partners who signed the check or written instrument by which the contribution was conveyed, or in the case of a contribution of currency, the partner who has conveyed the currency. If the check or written instrument is drawn on a partnership account and is signed by an individual other than a partner, or 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 to a partner or partners who have not signed the check or written instrument, or in the case of a currency contribution if the currency contribution was conveyed by an individual who is not a partner, the following written information shall be received and maintained by the inaugural event 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.

(b) 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.

(c) A limited liability company shall not be permitted to make contributions as an entity. A contribution received by an inaugural event treasurer drawn upon a limited liability company account and made by means of a check or written instrument drawn on the account of a limited liability company shall be signed by a member or members and shall be deemed to be a contribution from the member or members who signed the check or written instrument by which the contribution was conveyed or, in the case of the contribution of currency, the member who has conveyed the currency. If the check or written instrument is drawn on a limited liability company account and is signed by an individual other than a member, or 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 to a member or members who have not signed the check or written instrument, or in the case of a currency contribution, if the currency was conveyed by an individual who is not a member, the following written information must be received and maintained by the inaugural event 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.

New Rule, R.1986 d.225, effective June 16, 1986.
 See: 18 N.J.R. 631(a), 18 N.J.R. 1311(b).
 Recodified by R.1989 d.341, effective June 5, 1989.
 See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).
 Recodified from N.J.A.C. 19:25-15.50.
 Amended by R.1996 d.583, effective December 16, 1996.
 See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).
 Rewrote section.
 Amended by R.2000 d.322, effective August 7, 2000.
 See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).
 In (a) and (c), rewrote the introductory paragraphs.

19:25-15.63 Inaugural event contributions from children or trusts

(a) A contribution to a gubernatorial fund raising event by a child under the age of 18 shall be deemed made by the parent who is responsible for the contribution 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 were 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 (a)1 above, evidence is submitted satisfactory to the commission that the child acted independently and with full knowledge of the contribution.

(b) A contribution to a gubernatorial fund raising event by a check drawn on an escrow or trust account shall be deemed to be made by the person who is the beneficial owner of the account, and the check or an accompanying written instrument must bear the signature of such beneficial owner.

New Rule, R.1986 d.225, effective June 16, 1986.
 See: 18 N.J.R. 631(a), 18 N.J.R. 1311(b).
 Recodified by R.1989 d.341, effective June 5, 1989.
 See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).
 Recodified from N.J.A.C. 19:25-15.51.

19:25-15.64 (Reserved)

New Rule, R.1989 d.341, effective June 5, 1989.
 See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).
 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.
 Amended by R.1996 d.583, effective December 16, 1996.
 See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).
 In (a)3, raised contribution amounts and added references to candidate committee, joint candidates committee, and legislative leadership committee; and in (a)3i, raised contribution amount.
 Repealed by R.2000 d.322, effective August 7, 2000.
 See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).
 Section was "Contributions and loans prior to candidacy".

19:25-15.65 Complaints alleging violation of general election expenditure limit

(a) Any complaint filed with the Commission alleging violation by a general election candidate receiving public matching funds of the general election expenditure limit in N.J.A.C. 19:25-15.11(a)3 shall:

1. Be in writing and be verified;
2. Be brought solely against a gubernatorial candidate participating in the pending general election gubernatorial public financing program;
3. Specifically identify the name and address of the complainant and the name and address of the respondent; and
4. Contain a detailed statement alleging with specificity all facts known to the complainant pertinent to the alleged violation of the general election expenditure limit, including the complainant's best estimate of the amount expended by the gubernatorial candidate and the alleged facts supporting that estimate.

(b) A complaint filed pursuant to (a) above which requests emergent review in a preelection time period shall:

1. Be accompanied by a certification requesting emergent disposition and providing specific reasons why emergent review is necessary, including evidence of irreparable harm to the complainant gubernatorial general election candidate and evidence that the alleged general election expenditure limit violation is in an amount of at least \$10,000;
2. Be brought by a gubernatorial candidate in the same general election as the respondent publicly financed gubernatorial candidate; and

3. Be filed sufficiently in advance of the date of the general election to permit emergent hearing proceedings to be conducted pursuant to (d) below.

(c) Service of a complaint alleging violation of the general election expenditure limit shall be made by the complainant by personal service or by certified mail, return receipt requested, upon the respondent candidate, the Commission, and any person named in the complaint.

(d) Any hearing conducted by the Commission arising from a complaint filed pursuant to this section shall be governed by the New Jersey Uniform Administrative Procedure Rules, N.J.A.C. 1:1, and the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(e) Relief in an action brought pursuant to this section shall be limited to either or both of the following:

1. A finding or findings that an expenditure or expenditures be counted toward the respondent's expenditure limit in N.J.A.C. 19:25-15.11(a)3; and/or

2. A finding or findings that the respondent shall return public matching funds to the State as directed by the Commission because the expenditure limit in N.J.A.C. 19:25-15.11(a)3 has been exceeded.

(f) The Executive Director of the Commission or his or her designee shall be authorized to find that a verified complaint requesting emergent review pursuant to (b) above is deficient and shall not be referred to the Commission for emergent hearing consideration. The Executive Director shall notify the complainant in writing that the verified complaint is deficient. The grounds for finding that a verified complaint is deficient shall include, but not be limited to, any one or more of the following:

1. The verified complaint names as the complainant a person or entity other than a gubernatorial candidate in the election that is the subject of the complaint;

2. The verified complaint names as the respondent a person or entity other than a publicly financed gubernatorial candidate in the election that is the subject of the complaint;

3. The verified complaint does not allege a violation of the general election expenditure limit; or

4. The verified complaint does not contain specific evidence that the alleged expenditure limit violation is in an amount of at least \$10,000.

New Rule, R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

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

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Inserted (a)2; recodified existing (a)2 as (a)3; inserted (b); recodified existing (b) as (c); and added (d).

Amended by R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

In (a), inserted a new 2, recodified former 2 and 3 as 3 and 4, and added "including the complainant's best estimate of the amount ex-

pended by the gubernatorial candidate and the alleged facts supporting that estimate" at the end of the new 4; in (b), added "and evidence that the alleged expenditure limit violation is in an amount of at least \$10,000" at the end; and added (e).

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

In (a)2, inserted "pending general election" preceding "gubernatorial public financing"; in (b), rewrote the introductory paragraph and added 1 through 3; added (f).

19:25-15.66 Postelection proceedings for return of funds

A candidate for election to the office of Governor who has qualified to and receives public matching funds in an election shall be subject to postelection proceedings undertaken by the Commission seeking reimbursement if the expenditure limit in N.J.A.C. 19:25-15.11(a)3 has been exceeded, or if public funds have been spent in violation of N.J.A.C. 19:25-15.24, or for any other alleged violation pertinent to the legality of funds awarded in the general election.

New Rule, R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

SUBCHAPTER 16. PUBLIC FINANCING OF PRIMARY ELECTION FOR GOVERNOR

Subchapter Historical Note

Petition for Rulemaking. See: 33 N.J.R. 2353(a).

Public Notice: Public Financing of Primary and General Elections for the Office of Governor. See: 34 N.J.R. 1284(a).

Public Notice: Election Law Enforcement Commission: Public Hearings Regarding Financing of Primary and General Elections for the Office of Governor. See: 38 N.J.R. 1354(a).

Public Notice: Election Law Enforcement Commission: Public Hearings Regarding Financing of Primary and General Elections for the Office of Governor. See: 42 N.J.R. 677(a).

19:25-16.1 Scope of subchapter

The provisions of this subchapter shall be applicable to the primary election campaign for nomination for election to the office of Governor of New Jersey in June 1981 and every such primary gubernatorial campaign held thereafter, except that the provisions shall not apply to any primary election campaign for nomination for the office of Governor for which the Legislature fails to make an appropriation for public funding.

19:25-16.2 Definitions; generally

The words and terms used in this subchapter are used as defined in this subchapter or in N.J.A.C. 19:25-1.7.

19:25-16.3 Definitions for this subchapter

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Candidate” means an individual who has filed a nominating petition, or has filed a form D-1 with the Commission, or has solicited contributions or made or incurred expenditures on behalf of his or her candidacy, or has allowed others to solicit contributions or make or incur expenditures on behalf of his or her candidacy for nomination for election to the office of Governor of New Jersey, or who has received funds or other benefits or has made payments solely for the purpose of determining whether or not the individual should become a candidate for the office of Governor of New Jersey in any primary election for which the Legislature makes an appropriation for public funding.

“Contribution” is used as defined in N.J.A.C. 19:25-1.7 and includes loans, except that a loan in the ordinary course of business by a bank pursuant to section 15 of P.L. 1980, c.74 (N.J.S.A. 19:44A-44) is not a contribution by that bank.

“Contribution eligible for match” means contributions from one contributor to be matched from public funds on a two-for-one basis. No contribution, which must be or is intended by the contributor or the recipient to be refunded or repaid at any time, no loan obtained pursuant to N.J.S.A. 19:44A-44, no amount of the candidate’s own funds in the aggregate in excess of \$3,400, no in-kind contribution and no other monies received by the candidate, his or her campaign treasurer, or deputy campaign treasurer, except those contributions described in N.J.S.A. 19:44A-29(a), shall be deemed contributions eligible for match. Funds received by an individual who is testing the waters may be matched when the individual becomes a candidate, if such contributions meet all the requirements of the regulation.

“Debate sponsor” means the organization or organizations to which the Commission has delegated the responsibility for conducting one or more of the televised interactive primary election debates.

“Depository bank account” means the campaign bank account designated by a candidate pursuant to N.J.S.A. 19:44A-9 for the deposit pursuant to N.J.S.A. 19:44A-12 of funds received by the campaign treasurer.

“Interactive primary election debate” means the moderated reciprocal discussion of issues among the candidates of a political party which involves responses by the candidates to questions posed by the representative or representatives of the sponsor organization.

“Matching fund account” means the campaign bank account or accounts opened pursuant to N.J.S.A. 19:44A-32 by a campaign treasurer of a candidate, or deputy campaign treasurer, in which only contributions eligible for match may be deposited.

“Non-participating candidate” means any candidate who does not make application for public funding in a primary election pursuant to N.J.A.C. 19:25-16.18 (Matching of funds), or who is not a “qualified candidate” as that term is defined by N.J.A.C. 19:25-16.3. In no case shall a candidate

who qualifies for and receives any public funding for a primary election be subsequently deemed a non-participating candidate for that election.

“Own funds” means funds to which the candidate is legally and beneficially entitled, but shall not include funds as to which he or she is a trustee or funds given or otherwise transferred to the candidate by any person other than the spouse of the candidate for use in aid of his or her candidacy.

“Person” includes an individual, a corporation, an association or a labor union. For purposes of this subchapter, person does not include a partnership. A spouse of any person is deemed to be a separate person.

“Public fund account” means the campaign bank account maintained by the commission pursuant to N.J.A.C. 19:25-16.20 on behalf of a qualified candidate and for the deposit of public matching funds.

“Qualified candidate” means:

1. Any candidate for nomination for election to the office of Governor whose name appears on the primary election ballot and who has deposited and expended \$340,000 pursuant to N.J.S.A. 19:44A-32; and who, not later than the last day for filing petitions to nominate candidates to be voted upon in a primary election for a general election in which the office of Governor is to be filled, notifies the Election Law Enforcement Commission in writing that the candidate intends that application will be made on the candidate’s behalf for monies for primary election campaign expenses pursuant to N.J.S.A. 19:44A-33, and signs a statement of agreement, in a form to be prescribed by the Commission, to participate in two interactive gubernatorial primary election debates; or

2. Any candidate for nomination for election to the office of Governor whose name does not appear on the primary election ballot, but who has deposited and expended \$340,000 pursuant to N.J.S.A. 19:44A-32 and who, not later than the last day for filing petitions to nominate candidates to be voted upon in a primary election for a general election in which the office of Governor is to be filled, notifies the Election Law Enforcement Commission in writing that the candidate intends that application will be made on the candidate’s behalf for monies for primary election campaign expenses pursuant to N.J.S.A. 19:44A-33, and signs a statement of agreement, in a form to be prescribed by the Commission, to participate in two interactive gubernatorial primary election debates.

“Statement of agreement” means a written declaration, by a candidate for nomination for election to the office of Governor who intends that application will be made on that candidate’s behalf to receive monies for primary election campaign expenses pursuant to N.J.S.A. 19:44A-33, that the candidate undertakes to abide by the terms of any rules established by any private organization sponsoring a gubernatorial primary election debate in which the candidate is to participate. The statement of agreement shall include an

acknowledgment of notice to the candidate who signs it that failure on that candidate's part to participate in any of the gubernatorial primary election debates may be cause for termination of the payment of such monies on the candidate's behalf and for the imposition of liability for the return to the Commission of such monies as may previously have been so paid.

Amended by R.1983 d.287, effective July 18, 1983.

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

New language added to definition "contribution eligible for match": "Funds received of the regulations."

"contributed" changed to "deposited", in "matching fund account".

Amended by 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 definition "Political committee".

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Contribution limit increased from \$800.00; candidate threshold increased from \$50,000.00; added definitions for "debate sponsor", "interactive primary election debate" and "statement of agreement".

Amended by R.1992 d.458, effective November 16, 1992.

See: 24 N.J.R. 3026(a), 24 N.J.R. 4274(a).

Added definition "principal campaign committee".

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised definitions "Contribution eligible for match" and "Qualified candidate".

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

In "Debate sponsor" deleted "private" preceding "organization"; in "Person" added individuals and substituted "partnership" for "political committee"; in "Principal campaign committee" substituted "single" for "political"; and deleted "Political committee".

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

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In "contribution eligible for match", deleted cites to P.L. 1980, c.74 and increased contribution amount; and in "qualified candidate" raised deposit and expenditure amounts.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Rewrote "Candidate"; in "Contribution eligible for match", deleted a former third sentence; and deleted "Independent expenditure" and "Principal campaign committee".

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In "Contributions eligible for match" and "Qualified candidate", increased dollar amounts.

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

In "Matching fund account" inserted "or accounts" following "campaign bank account".

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In "Contribution eligible for match" substituted "\$3,000" for "\$2,600" following "aggregate in excess of"; in "Qualified candidate means", substituted "\$300,000" for "\$260,000" following "who has deposited and expended" in 1 and 2.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In definition "Contribution eligible for match", inserted a comma following the first occurrence of "contribution", and substituted "\$3,400" for "\$3,000" and "monies" for "moneys"; and in definition "Qualified candidate", substituted "\$340,000" for "\$300,000" twice.

Case Notes

Financing provision of statute that increased public matching grants and expenditure limits for gubernatorial candidates did not violate equal protection but instead worked to ensure the similar treatment of gubernatorial candidates; under existing law, vacancy candidates were not distinguished from other candidates in relation to public financing, and statute simply continued to treat originally nominated candidates and those appointed by a vacancy committee as equal for purposes of public funding. *Schundler v. Paulsen*, 774 A.2d 585 (2001).

19:25-16.4 Appointment of treasurers and depositories

(a) Each candidate in a primary election, whether or not intending to participate in public funding, shall:

1. Designate the name and address of his or her candidate committee for the primary election;
2. Appoint a campaign treasurer;
3. Designate a depository bank account; and
4. Notify the Commission pursuant to N.J.A.C. 19:25-4.1A of such appointment and designation no later than the 10th day after receipt of any contribution or after incurring or making any expenditure, whichever comes first.

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

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

(a): substantially amended.

(b) and (c): deleted.

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

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

New Rule, R.1988 d.447, effective September 19, 1988.

See: 20 N.J.R. 1339(a), 20 N.J.R. 2395(a).

Repealed "Designation of principal campaign committee".

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (a), deleted "whether or not publicly declared and" following "election," in the introductory paragraph, substituted "candidate" for "principal campaign" in 1, and changed N.J.A.C. reference in 4.

19:25-16.5 (Reserved)

Amended by R.1983 d.287, effective July 18, 1983.

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

(b) and (c) added.

Amended by R.1984 d.561, effective December 17, 1984.

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

(a) substantially amended.

Amended by R.1988 d.447, effective September 19, 1988.

See: 20 N.J.R. 1339(a), 20 N.J.R. 2395(a).

Substantially amended.

Repealed by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Section was "Pre-candidate activity".

19:25-16.6 Contribution limits; applicability

(a) Each candidate, whether or not intending to participate in public funding, and each campaign treasurer or deputy campaign treasurer of such candidate shall not knowingly accept from any person, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee any contribution in aid of the candidacy of or in behalf

of such candidate in the aggregate in excess of \$3,400 in any primary election.

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

Amended by R.1984 d.561, effective December 17, 1984.

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

Added (c)1 and 2.

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Limit increased from \$800.00 to \$1,500.00.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (a).

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Amended (a).

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

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (a), raised contribution amount.

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

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

Deleted (c), providing, with specified exceptions, that contributions by children under 18 are attributed to the parent responsible for the contribution.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), increased dollar amount.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$3,000" for "\$2,600" following "aggregate in excess of".

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a), substituted "\$3,400" for "\$3,000".

19:25-16.7 Candidates deemed non-participating; effect

Any candidate who does not by the last day for filing petitions to nominate candidates to be voted upon in a primary election for governor make application for public funding in a primary election pursuant to N.J.A.C. 19:25-16.18 (Matching of funds) shall be deemed non-participating in public funding of that primary election and shall not receive public funds on behalf of his or her campaign.

Amended by R.1984 d.561, effective December 17, 1984.

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

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Language added regarding deadline for application as being "last day for filing petitions ..."; (b) deleted. Language incorporated in first paragraph.

19:25-16.8 Non-participating candidates

(a) A non-participating candidate is subject to the \$3,400 limitation on contributions from a person, candidate committee, joint candidates committee, political committee, continu-

ing political committee, political party committee or legislative leadership committee pursuant to N.J.S.A. 19:44A-29.

(b) A non-participating candidate is subject to the \$3,400 limit on guarantors of bank loans, except if the guarantor is the non-participating candidate himself or herself.

(c) A non-participating candidate is not subject to the overall campaign expenditure limit contained in N.J.S.A. 19:44A-7; is not subject to the \$25,000 limit on own funds contained in N.J.S.A. 19:44A-29; is not subject to the \$50,000 limit on bank loans contained in N.J.S.A. 19:44A-44; and is not subject to any limits on the amount of bank loans to be guaranteed by the candidate personally.

(d) A non-participating candidate who elects to participate in the series of interactive debates pursuant to the provisions of N.J.S.A. 19:44A-45, is subject to the restrictions on qualifying expenditures set forth at N.J.A.C. 19:25-16.38.

Amended by R.1984 d.561, effective December 17, 1984.

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

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Limit on contributions increased from \$800.00 to \$1,500.00.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (a) and (b).

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Amended (a), and in (c) deleted noncodified statutory references.

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

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (a) and (b), raised contribution amount.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (c), changed N.J.S.A. reference.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a) and (b), increased dollar amounts.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$3,000" for "\$2,600" throughout.

Amended by R.2008 d.326, effective November 3, 2008.

See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

Added (d).

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a) and (b), substituted "\$3,400" for "\$3,000".

19:25-16.9 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 primary 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. 19:25-16.31 (Borrowing of funds, repayment).

3. The amount which any qualified candidate may spend in aid of his or her candidacy shall not exceed \$5 million, which amount shall include payments made solely for the purpose of determining whether to become a candidate. Such amount shall not include expenditures listed in N.J.A.C. 19:25-16.27.

4. Contributions by any candidate in excess of \$3,400 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.

Amended by R.1983 d.287, effective July 18, 1983.

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

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

Amended by R.1984 d.561, effective December 17, 1984.

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

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Candidate spending formula deleted and replaced with flat amount of \$2,200,000.00 and contribution limit increased from \$800.00 to \$1,500.00.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (a)3 and 4.

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

In (a)2 amended statutory references.

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

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (a)3, raised expenditure amount; in (a)4, raised contribution amount.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (c)3, rewrote the first sentence.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), increased dollar amounts.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), changed dollar amount in 3 and 4.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In the introductory paragraph of (a), substituted "this subchapter" for "these regulations"; in (a)3, substituted "\$5 million" for "\$4,400,000"; and in (a)4, substituted "\$3,400" for "\$3,000".

19:25-16.10 Who may or may not contribute

(a) No person, other than a candidate contributing his or her own funds to his or her campaign, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee 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 nomination for election to the office of Governor in a primary election, in the aggregate in excess of \$3,400. Any such contribution in excess of \$3,400 must be returned to the contributor pursuant to the requirements of N.J.A.C. 19:25-11.8, and evidence of the repayment shall be submitted to the Commission.

(b) A joint candidates committee established by candidates who have not established any candidate committees in an election may make a contribution to a candidate for nomination for election to the office of Governor in an amount not to exceed the sum of the number of candidates participating in the joint candidates committee multiplied by \$3,400. If a candidate has established both a candidate committee and a joint candidates committee in an election, the total amount which may be contributed by that candidate's joint candidates committee and candidate committee to a candidate for nomination for election to the office of Governor may not exceed \$3,400 per candidate participating in the joint candidates committee.

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

(d) 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 \$3,400 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 contribution and the degree to which the decisions whether to contribute, to what candidate and in what amount are independent decisions.

(e) In considering the criteria set forth in (d) above, two or more corporations shall be conclusively deemed to be affiliated if:

1. Any individual, corporation, partnership, company, association, or other entity owns, directly or indirectly, more than a 30 percent interest in each of such corporations; or

2. One such corporation owns, directly or indirectly, more than a 30 percent interest in the other such corporation.

(f) Contributions by minors shall be attributed to the legal guardian(s) of the minor for the purposes of N.J.A.C. 19:25-16.6, and not to the minor unless:

1. The minor is 14 years or older;
2. The contribution is made from funds comprised of the minor's earned income as defined in N.J.A.C. 19:25-1.7; and
3. Sworn statements made by the minor and by the minor's legal guardian(s) are submitted with the contribution which state that the decision to contribute was solely that of the minor and that the funds used to make the contribution were comprised solely of the minor's earned income.

(g) For the purposes of (f) above, if the minor has more than one legal guardian, the contribution shall be attributed equally to each legal guardian of the minor.

Amended by 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)."

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Contribution limit increased from \$800.00 to \$1,500.00.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (a) and (c).

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Amended (a) and added (d).

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

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (a) and (c), raised contribution amounts.

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

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

Added (e) and (f).

Amended by R.1997 d.218, effective May 19, 1997.

See: 29 N.J.R. 743(a), 29 N.J.R. 2468(a).

Rewrote (d).

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Inserted a new (b); recodified former (b) through (f) as (c) through (g); and in the new (e) and (g), made internal reference changes.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), (b) and (d), increased dollar amounts.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$3,000" for "\$2,600" throughout.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a), (b) and (d), substituted "\$3,400" for "\$3,000" throughout.

19:25-16.11 Contributions eligible for match

(a) To be eligible for matching with public funds for a gubernatorial primary election, a contribution must have been received by a candidate at a time when that candidate was seeking or had sought nomination for election for the office of Governor, or must have been received by the candidate for the purpose of determining whether or not to become a candidate for nomination for election to the office of Governor. Any funds received prior to the inception of such a candidacy shall not be eligible for match.

(b) Only contributions in cash or by check, money order or negotiable instruments 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 \$3,400 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. 19:25-16.27. The total of all contributions eligible for match from any person, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee shall not exceed \$3,400 in the aggregate.

(c) A maximum of \$3,400 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.

Amended by R.1984 d.561, effective December 17, 1984.

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

Amended by R.1988 d.447, effective September 19, 1988.

See: 20 N.J.R. 1339(a), 20 N.J.R. 2395(a).

Substantially amended.

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".

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Contribution limit increased from \$800.00 to \$1,500.00.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (b) and (c).

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Amended (b) and (e).

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

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (b) and (c), raised contribution amounts.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Rewrote (a).

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (b) and (c), increased dollar amounts.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$3,000" for "\$2,600" throughout.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (b) and (c), substituted "\$3,400" for "\$3,000" throughout.

19:25-16.12 (Reserved)

Amended by R.1983 d.287, effective July 18, 1983.

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

Section substantially amended.

Amended by R.1984 d.561, effective December 17, 1984.

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

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Contribution limit increased from \$800.00 to \$1,500.00.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (a).

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Amended (a)3 and (e).

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

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (a)3 and (a)3i, raised expenditure amounts.

Repealed by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Section was "Contributions and loans prior to candidacy".

19:25-16.13 Contributions eligible for match; checks and instruments; partnership contributions prohibited; contributions by electronic transfer or funds

(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.

(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. A contribution received by a campaign treasurer and made by means of a check or written instrument drawn on a partnership account shall be signed by a partner or partners and shall be deemed to be a contribution from the partner or partners who signed the check or written instrument by which the contribution was conveyed, or in the case of a contribution of currency, the partner who has conveyed the currency. If the check or written instrument is drawn on a partnership account and is signed by an individual other than a partner, or 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 to a partner or partners who have not signed the check or written instrument, or in the case of a currency contribution if the currency contribution was conveyed by an individual who is not a partner, 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. 19:25-16.18:

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. A contribution received by a campaign treasurer drawn upon a limited liability company account and made by means of a check or written instrument drawn on the account of a limited liability company shall be signed by a member or members and shall be deemed to be a

contribution from the member or members who signed the check or written instrument by which the contribution was conveyed or, in the case of the contribution of currency, the member 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 to a member or members who have not signed the check or written instrument, or in the case of a currency contribution, if the currency was conveyed by an individual who is not a member, 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. 19:25-16.18:

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) To be eligible for match pursuant to N.J.A.C. 19:25-16.18, a contribution received by means of an electronic transfer of funds, including a credit card, shall be deposited directly into a matching fund account established pursuant to N.J.A.C. 19:25-16.18(b). For each contribution received by an electronic transfer of funds, including a credit card, the matching fund submission shall include a deposit slip or dated receipt from the bank or financial institution which specifically identifies the contributor and the amount of the contribution and a written statement which includes the signature of the contributor, the name of the contributor as it appears on the account used for the electronic transfer of funds or credit card account, the name of the owner of the account used for the electronic transfer of funds or credit card account, and the billing address of the account used for the electronic transfer of funds or credit card.

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

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

Added text "or other accompanying written instrument".

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Rewrote (c).

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

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Amended (c) and added (d) and (e).

Amended by R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

In (e), changed N.J.A.C. reference at the end of the introductory paragraph; and added (f).

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (c) and (e), rewrote the introductory paragraphs.

19:25-16.14 Limitation on contributions eligible for match

(a) Any contribution 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 \$3,400 contribution limit.

(b) A contribution in the form of the purchase price paid for admission to a dinner or 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 \$3,400 limitation.

(c) The purchase price paid to a candidate for a fund raising event 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 and the promotional materials shall state that the purchase price represents a political contribution to the candidate.

Amended by R.1988 d.447, effective September 19, 1988.

See: 20 N.J.R. 1339(a), 20 N.J.R. 2395(a).

Split subsection to (a) and (b) and added (c).

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Contribution limit increased from \$800.00 to \$1,500.00.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(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).

In (a) and (b), raised contribution amounts.

Amended by R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

In (c), deleted a reference to lotteries in the last sentence.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a) and (b), increased dollar amounts.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$3,000" for "\$2,600" throughout.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a) and (b), substituted "\$3,400" for "\$3,000".

19:25-16.15 Contributions; primary and general elections

(a) No moneys deposited in a candidate's campaign bank accounts for the primary election may be expended for any candidate's general election expenses.

(b) Any candidate may establish and designate a bank account pursuant to N.J.S.A. 19:44A-12 for the ensuing general election and may deposit contributions for said general election before the date of the primary election. However, no moneys deposited in such candidate's general election account may be transferred or expended until the day following the primary election and may not be expended at any time for primary election expenses.

(c) Contributions made in aid of the anticipated general election candidacy of a candidate in a primary election shall

be returned to the contributors in the event such primary candidate fails to be nominated.

(d) The primary election campaign bank accounts of each candidate shall be separate from the general election campaign bank accounts of such candidate and shall be separately designated in reports required to be filed under the act. Funds in primary election campaign accounts shall not be commingled with funds in general election campaign accounts.

(e) An expenditure made from a candidate's primary election bank account which is determined after the date of the primary election to be allocable in part to that candidate's general election candidacy shall be reimbursed to the candidate's primary election depository account, established pursuant to N.J.A.C. 19:25-16.4, with general election funds. In no case shall funds from a candidate's primary election public funds account established pursuant to N.J.A.C. 19:25-16.20 be used for any purpose attributable to the general election.

(f) Reimbursements pursuant to (e) above shall be made on a date after the date of the primary election and shall be limited strictly to reimbursements for the administrative and compliance costs associated with receipt of unsolicited general election contributions, and for ordinary office expenditures for such purposes as office, furniture, and equipment rental and insurance and salaries.

Amended by R.1996 d.389, effective August 19, 1996.
See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Added (e) and (f).
Amended by R.2004 d.400, effective October 18, 2004.
See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Rewrote (f).

19:25-16.16 Expenditure reporting

(a) Each expenditure from the depository account, matching fund account, or public funds account established by a gubernatorial candidate shall be reported on election fund reports and as required on submissions for public matching funds by providing the following information:

1. The date the expenditure was made;
2. The checking account title and number;
3. The full name and address of the payee;
4. The purpose of the expenditure;
5. The amount of the expenditure; and
6. The type of expenditure from a list of expenditure types provided by the Commission.

(b) In describing the purpose of an expenditure pursuant to (a)4 above, the specific election-related reason for the expenditure shall be provided. Descriptions such as "operations," "campaign expense" or "reimbursement" do not satisfy the reporting requirement because they do not provide any specific election-related information. Examples of satisfactory descriptions include such information as "newspaper advertis-

ing," "telephone expense," "postage," "printing of campaign flyers," "headquarters rental" and similarly specific items.

Repealed by R.1992 d.458, effective November 16, 1992.
See: 24 N.J.R. 3026(a), 24 N.J.R. 4274(a).

Section was "Political party committee contributions prohibited".
New Rule, R.1996 d.389, effective August 19, 1996.
See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

19:25-16.17 Funds or materials remaining from primary campaign

(a) Moneys received by a qualified candidate from the fund for primary election expenses may be retained by such qualified candidate for a period not exceeding six months after the primary election for which such moneys were received in order to liquidate all obligations and to pay expenses for the purposes permitted by N.J.A.C. 19:25-16.25 (Use of public funds) which expenses were incurred during the primary campaign.

(b) Materials such as campaign literature, buttons and office supplies and equipment remaining from the primary campaign of a candidate may not be transferred to the general election campaign of such candidate if nominated or to any other election campaign of such candidate or of any other candidate or political committee but may be purchased by the general election campaign for cost or other reasonable value.

As amended, R.1984 d.561, effective December 17, 1984.
See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Added text "or to any other ... political committee".

19:25-16.18 Matching of funds

(a) Any candidate seeking to qualify for receipt of public matching funds shall not later than the last day for filing petitions to nominate candidates to be voted upon in a primary election for Governor 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 primary election debates;
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. 19:25-16.37; and
3. A certification or report concerning the candidate's participation in an issue advocacy organization or organizations as set forth in N.J.A.C. 19:25-16.18A.

(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 section 5 of P.L. 1980, c.74 (N.J.S.A. 19:44A-29) and sections 11 and 12 of the act (N.J.S.A. 19:44A-11; 19:44A-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 primary election and that he or she has received and deposited into his or her matching fund account contributions eligible for match of at least \$340,000 from persons or political committees each of whose contributions in the aggregate do not exceed \$3,400, and that at least \$340,000 of such contributions has been expended. "Expended" for this purpose shall mean disbursed or committed for expenditure in the campaign.

(d) The statement referred to in (c) above shall include the following:

1. An electronic 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; for each contributor who is an individual and whose aggregate contributions to the candidate in the primary election exceed \$300.00, the occupation of the individual and the name and mailing address of the individual's employer, and the total amount of all contributions submitted for match. The list of contributors shall be segregated by deposit;

2. An electronic 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, the type of contributor of each contribution from a list of contributor types to be provided by the Commission, and for each contributor who is an individual and whose aggregate contributions to the candidate in the primary election exceed \$300.00, the occupation of the individual and the name and mailing address of the individual's employer; and

3. An electronic list of repayment by the candidate of any contribution, including any loan described under N.J.A.C. 19:25-16.31 (Borrowing of funds; repayment).

(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 primary 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 section 7 of the act (N.J.S.A. 19:44A-7).

(f) The certification shall include a scanned image of the face of each check or other written instrument as described in N.J.A.C. 19:25-16.11 (Contributions eligible for match; generally) 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, images of the face and back must be provided. The scanned images shall be segregated by deposit, sorted in the order in which the contributors are listed pursuant to (d) above and accompanied by scanned images of the relevant receipted deposit slips.

(g) The initial certification shall include scanned images of checks as evidence of expenditures made from the depository or matching fund bank accounts, receipted bills, contracts or the like, sufficient to prove the expenditure or commitment to expend at least \$340,000 no later than the date of the primary election.

(h) Once eligibility has been established, subsequent statements and certifications shall be submitted confirming the continued compliance of the candidate with subsections (a), (b) and (c) above and such information as is required by (d), (e) and (f) above.

(i) Any statement or list submitted pursuant to this section shall be filed using electronic filing software supplied by the Commission pursuant to N.J.A.C. 19:25-3.

(j) Each submission for public matching fund payments following the date on which a candidate is determined to be a qualified candidate shall contain no less than \$12,500 of contributions eligible for match. Upon determination by the Commission that each submission contains no less than \$12,500 of contributions eligible for match, public matching funds will be awarded based upon the total amount of contributions determined to be eligible for match.

Amended by R.1984 d.561, effective December 17, 1984.

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

Amended by R.1988 d.447, effective September 19, 1988.

See: 20 N.J.R. 1339(a), 20 N.J.R. 2395(a).

Added (i).

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Established deadline for application for public matching funds as last day for filing petition to nominate; established requirement that candidate agree to two debates and that filing of application or certification for matching funds is necessary; established increased limits

on contributions as well as amounts available as public match funds and added (j).

Amended by R.1992 d.458, effective November 16, 1992.

See: 24 N.J.R. 3026(a), 24 N.J.R. 4274(a).

Revised (b), (d) and (f); added (k).

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (c) and (g).

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

In (k)2 changed the contribution amounts from \$100 to \$200, and added (l).

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

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (c), (k)2, and (l), raised contribution amounts; and in (g); raised expenditure amount.

Amended by R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

In (c), rewrote the last sentence; and rewrote (g).

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Rewrote (k)2.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (c), (g), (k) and (l), increased dollar amounts.

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Added (a)3.

Amended by R.2004 d.472, effective December 20, 2004 ((l) operative January 1, 2005).

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Changed dollar amount throughout.

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Rewrote (i).

Amended by R.2008 d.326, effective November 3, 2008.

See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

In (d), inserted designations (d)1 through (d)3; in the introductory paragraph of (d), inserted "the following:"; rewrote (d)1 and (d)2; in (d)3, substituted "An electronic" for "The statement shall also include an original and two photocopies of a"; in (f), substituted "a scanned image" for "three photocopies", "provided" for "photocopied" and "scanned images" for "copies"; and inserted "images of" following "campaign committee,"; in (g), substituted "scanned images" for "three photocopies"; and deleted (k) and (l).

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (c) and (g), substituted "\$340,000" for "\$300,000" throughout and in (c), substituted "\$3,400" for "\$3,000".

19:25-16.18A Reporting of issue advocacy organization information

(a) A candidate seeking to qualify for receipt of public matching funds who participated in an issue advocacy organization during the four years prior to the date upon which he or she became a candidate for nomination for election to the Office of Governor, or who is at the time of the application for receipt of public matching funds participating in an issue advocacy organization, shall be ineligible to receive public matching funds unless the candidate files an Issue Advocacy Organization Report of Contributions and Expenditures (Form P-2). For the purposes of this section, a candidate shall be deemed to be participating in an issue advocacy organization if the candidate forms or formed, assists or assisted in the formation of, or was or is involved in any way in the management of an issue advocacy organization.

(b) For the purposes of this section, the term "issue advocacy organization" shall mean:

1. An issue advocacy organization organized under section 527 of the Federal Internal Revenue Code (26 U.S.C. § 527);

2. An organization organized under paragraph (4) of subsection c. of section 501 of the Federal Internal Revenue Code (26 U.S.C. § 501); or

3. An organization organized under any other current or future section of the Federal Internal Revenue Code which the Election Law Enforcement Commission determines is similar to any of the organizations described above.

(c) The report filed pursuant to (a) above shall include the following:

1. The name(s) of the issue advocacy organization(s) in which the candidate was a participant during the four years prior to the date upon which he or she became a candidate for election to the Office of Governor or in which the candidate is a participant;

2. The section of the Federal Internal Revenue Code under which the issue advocacy organization is organized;

3. A list from each issue advocacy organization, verified as correct by the candidate, which shall report all contributions received from the inception of the issue advocacy organization, and which shall include for each contribution, the date of receipt, the name of the contributor, the amount of the contribution, and if the contribution was a monetary contribution, an in-kind contribution, or loan;

4. A list from each issue advocacy organization, verified as correct by the candidate, which shall report all expenditures made from the inception of the issue advocacy organization, and which shall include for each expenditure, the date of the payment, the payee name, and the payment amount; and

5. A certification by the candidate of the correctness of the report.

(d) A candidate shall continue to file the Issue Advocacy Organization Report of Contributions and Expenditures (Form P-2) on each date that the candidate applies to receive public matching funds pursuant to N.J.A.C. 19:25-16.19 and on each date established for reporting by a candidate committee pursuant to N.J.A.C. 19:25-8, until such time as the candidate certifies that there are no funds remaining in the issue advocacy organization or organizations and that the issue organization or organizations have wound up their business and been dissolved.

(e) A candidate shall not be required to file the Issue Advocacy Organization Report of Contributions and Expenditures (Form P-2) if the candidate certifies and files the

Candidate Certification-Issue Advocacy Organization Participation (Form P-2A) to the effect that:

1. The candidate was not during the four years prior to the date upon which he or she became a candidate for nomination for election to the Office of Governor a participant in any issue advocacy organization and is not at the time of the application for receipt of public matching funds participating in any issue advocacy organization; or

2. The candidate participated during the four years prior to the date upon which he or she became a candidate for nomination for election to the Office of Governor in an issue advocacy organization or organizations, or is a participant in an issue advocacy organization or organizations at the time of the application for receipt of public matching funds, but the organization or organizations file reports of contributions and expenditures with the Commission or with the Federal Election Commission.

New Rule, R.2004 d.400, effective October 18, 2004.
See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

19:25-16.19 Dates of submission

(a) Statements and certifications may be submitted by candidates on or before 12:00 noon of the first Tuesday following January 1 of the year of a primary election for nomination for the office of Governor of New Jersey, and the fourth Tuesday following January 1, and every other Tuesday thereafter through March 31, and every Tuesday thereafter up to and including the date of the primary election being funded.

(b) Statements and certification may be submitted by candidates on or before 12:00 noon of the first Tuesday following the primary election and every other Tuesday thereafter up to the first Tuesday following the fifth month after the primary election. No statements and certifications for the primary election shall be considered by the commission thereafter.

(c) In the event that a date for submission shall fall on a holiday, then the submission may be on the next succeeding business day which is not a holiday. The commission shall promptly approve the certification submitted by the candidate or so much of it as the commission deems to be proper. In the event that all of the submission is not approved for match, the commission will promptly so notify the candidate.

(d) Nothing herein contained shall relieve any candidate or committee from the preelection or post-election reporting requirements contained in N.J.S.A. 19:44A-8 or 19:44A-16.

As amended, R.1984 d.561, effective December 17, 1984.
See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).
Emergency amendment, R.1989 d.59, effective December 30, 1988 (expires February 28, 1989).
See: 21 N.J.R. 209(a).

Added text in (a) "Notwithstanding the candidates ...".
Emergency amendment, R.1989 d.59 expired on February 28, 1989.
Section reverted to text in effect prior to January 17, 1989.

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Substituted "Tuesday" for "Monday" throughout.

Amended by R.2008 d.326, effective November 3, 2008.

See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

In (d), substituted "post-election" for "post election" and deleted "sections 8 or 16 of the act (" preceding and a closing parenthesis following the N.J.S.A. references.

19:25-16.20 Special account for public funds

(a) The Commission shall maintain for each qualified candidate a separate segregated public fund account for deposit of public funds. All public funds received by the Commission from the General Treasury of the State shall be promptly deposited by the Commission into such separate segregated public fund account. No funds other than such public funds shall be deposited in such separate segregated public fund account, and all expenditures from such account shall be separately identified in reports filed with the Commission.

(b) The campaign treasurer of a candidate on whose behalf a public fund account has been established shall file with the Commission on each date upon which a submission for public matching funds has been made pursuant to N.J.A.C. 19:25-16.18 (Matching of funds) and N.J.A.C. 19:25-16.19 (Dates of submission) and for as long as said public fund account is open and such submissions are being made, a report identifying each disbursement made out of the public fund account since the last such submission for public matching funds. The initial report shall identify all such disbursements. The identification of each disbursement from the public fund account shall include the check number, date of payment, full name of payee, full payee mailing address and a complete statement of purpose of the expenditure indicating which of the permitted purposes set forth in N.J.A.C. 19:25-16.25 (Use of public funds) is applicable. Failure to file any such report, failure to provide the identification information required in such report, or failure to expend public funds in compliance with N.J.A.C. 19:25-16.25, may result in immediate cessation of public fund deposits by the Commission.

(c) Any report filed pursuant to this section disclosing an expenditure in an aggregate sum exceeding \$5,000 for the purpose of media consultant services or other services shall be accompanied by a certification from the payee categorizing media advertising purchases or other services provided, incurred or contemplated, and certifying that such funds have been or will be expended in compliance with N.J.A.C. 19:25-16.25.

(d) The reports of disbursements made from the public fund account submitted pursuant to this section shall not be available for public inspection.

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.1988 d.447, effective September 19, 1988.

See: 20 N.J.R. 1339(a), 20 N.J.R. 2395(a).

Added (b)-(d).

19:25-16.21 Receipt of public funds

(a) The campaign treasurer or deputy campaign treasurer of any qualified candidate for election to the office of Governor in a primary election shall promptly receive in behalf of such qualified candidate from the funds for primary election campaign expenses monies in an amount equal to twice the amount of each contribution eligible for match and deposited in such qualified candidate's matching fund account, described in N.J.S.A. 19:44A-32 except that no payment shall be made to any candidate from such fund for primary election campaign purposes for the first \$109,000 deposited in such qualified candidate's matching fund account.

(b) No candidate for nomination for election to the office of Governor or his or her campaign treasurer or deputy campaign treasurer shall receive any primary election public matching funds if the Commission determines that an application for matching funds, submitted pursuant to N.J.A.C. 19:25-16.18, contains a contribution or contributions in excess of the primary election contribution limit. The Commission shall permit the candidate or his or her campaign treasurer or deputy campaign treasurer to submit proof that the excessive portion of a contribution or contributions has been refunded.

Amended by R.1992 d.516, effective December 21, 1992.
See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised text.

Amended by R.1996 d.583, effective December 16, 1996.
See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised required deposit amount.

Amended by R.2000 d.473, effective November 20, 2000.
See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

Increased dollar amount.

Amended by R.2004 d.400, effective October 18, 2004.
See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Designated section as (a) and added (b).

Amended by R.2004 d.472, effective December 20, 2004.
See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$96,000" for "\$84,000" preceding "deposited in such qualified candidate's matching fund account.

Amended by R.2008 d.359, effective December 1, 2008.
See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a), substituted "monies" for "moneys" and "\$109,000" for "\$96,000".

19:25-16.22 Receipt of public funds; limitation

(a) No public funds shall be deposited by the commission in the public fund account of any qualified candidate on or before January 1 of the year of the primary election for nomination for the office of governor of New Jersey.

(b) The maximum amount which any qualified candidate may receive from public funds shall not exceed \$3.1 million.

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Deleted formula for maximum receipt of public funds and established amount at \$1,350,000.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (b).

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

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (b), raised funding amount.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (b), increased dollar amount.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (b), substituted "\$2,300,000" for "\$2,700,000" at the end.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (b), substituted "\$3.1 million" for "\$2,700,000".

19:25-16.23 Receipt of public funds; procedure

The commission shall certify to the Treasurer of New Jersey the amount to be disbursed to the commission for the public fund account of each candidate. The Treasurer shall then deliver such amount to the commission, out of the General Treasury of the State from the fund for campaign expenses for the primary election to the office of Governor.

19:25-16.24 Disclosure of information

The statements and certifications submitted by a candidate in accordance with N.J.A.C. 19:25-16.18 (Matching of funds) shall not be public records and shall not be available for public inspection; provided, however, the Commission shall from time to time publish a listing which shall contain the information included in the statements and certifications for each contribution, except that it shall not include the name, address or amount of contribution of any contributor whose contributions in the aggregate are \$300.00 or less unless the candidate authorizes such disclosure in writing.

Amended by R.1984 d.561, effective December 17, 1984.

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

Added text "unless the candidate authorizes such disclosure in writing".

Amended by R.1992 d.458, effective November 16, 1992.

See: 24 N.J.R. 3026(a), 24 N.J.R. 4274(a).

Stylistic revision.

Administrative Correction.

See: 25 N.J.R. 711(d).

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Changed the contribution amount from \$100 to \$200.

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 amount.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

Increased dollar amount.

Amended by R.2004 d.472, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$300.00" for "\$400.00" following "in the aggregate are."

19:25-16.25 Use of public funds

(a) Public funds received on behalf of a qualified candidate from the fund for primary election campaign expenses shall be deposited by the commission in the candidate's

public fund account and the candidate's use of such funds shall be strictly limited to the following purposes:

1. Purchase of time on radio and television stations;
2. Purchase of rental space on outdoor signs or billboards;
3. Purchase of advertising space in newspapers and regularly published magazines and periodicals;
4. Payment of the cost of producing the material aired or displayed on radio, television, outdoor signs or billboards, and in newspapers, regularly published magazines and periodicals;
5. Payment of the cost of printing and mailing campaign literature and brochures distributed under the name of the candidate;
6. Payment of the cost of legal and accounting expenses incurred in complying with the public financing regulations of the commission and with the public financing provisions of the act;
7. Payment of the cost of telephone deposits, and installation charges and monthly billings in excess of deposits. Within six months after the primary election, a candidate shall return to the commission the amount of any public funds used to pay telephone deposits which are later returned.

(b) Expenditures made prior to the receipt of public funds, including expenditures made for the purpose of determining whether an individual should become a candidate for nomination for election to the office of Governor, which fit within (a)1 through 7 above, shall be expenses properly payable out of public funds.

(c) Any expenditure made from a candidate's public fund account which results in the purchase of time on radio and television stations pursuant to (a) above shall be documented by an invoice prepared by the radio or television station listing the media time used and the cost to the candidate. The invoice shall be obtained by the candidate, his or her campaign treasurer, or deputy campaign treasurer no later than 10 days following the due date for the 20-day postelection report and shall be maintained pursuant to N.J.A.C. 19:25-16.32.

(d) Any expenditure made from a candidate's public fund account shall be identified on election fund reports and submissions for public matching funds to include the check number, date of payment, full name of payee, full payee mailing address, amount of payment, a detailed description of the election-related purpose of the expenditure which includes the applicable permitted use of public funds contained in (a) above and the type of expenditure for each expenditure from a list of expenditure types to be provided by the Commission.

(e) A reimbursement made to the depository or matching fund account of a candidate from the public fund account of that candidate for an expenditure or expenditures permitted under (a) above shall:

1. Be made by individual check from the public fund account in the exact amount of the expenditure or expenditures being reimbursed;
2. Be specifically identified as a reimbursement on the report required pursuant to N.J.A.C. 19:25-16.20(b) and on campaign reports required by the Act; and
3. Contain a list of the previously paid expenditure or expenditures permissible under (a) above for which the reimbursement is being made.

(f) Contributions, other than public funds, received by or in behalf of any candidate (including contributions eligible for match) shall not be subject to the limitations of (a) above, but may be expended for any lawful purpose in furtherance or aid of the candidacy of the candidate.

(g) Transfer of public funds from the public funds account established pursuant to N.J.A.C. 19:25-16.20 to an interest-bearing account or other investment account or vehicle is prohibited.

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

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

New (b) added. Old (b) changed to (c).

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.1992 d.458, effective November 16, 1992.

See: 24 N.J.R. 3026(a), 24 N.J.R. 4274(a).

Added (c)-(e); redesignated existing (c) as (f).

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Amended (c) and (d).

Amended by R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

Added (g).

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Rewrote (b) and (c).

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

In (c), rewrote the second sentence.

19:25-16.26 Use of transferred funds

Notwithstanding the provisions of N.J.A.C. 19:25-6.2, any transfer of funds from the primary campaign of the gubernatorial candidate to any other candidate, political committee, political party committee or political club will be considered to be an expenditure on behalf of the gubernatorial candidate under N.J.S.A. 19:44A-7. No such transferee shall make any contribution to or on behalf of the gubernatorial candidate prior to or subsequent to such transfer.

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.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Amended statutory references.

19:25-16.27 Expenses not subject to expenditure limits

(a) The following expenditures by a qualified candidate shall not be subject to the expenditure limit described in N.J.A.C. 19:25-16.9(a)3 (Limitations on participating candidates):

1. Reasonable and necessary compliance with the reporting and certification requirements imposed by the public finance provisions of the act shall not be deemed to be expenditures within the meaning of N.J.S.A. 19:44A-7. Such expenses shall be specifically identified as such in all reports required under these regulations.

2. Travel expenses of the candidate, as that term is defined in N.J.A.C. 19:25-16.28(a) (Travel expenses), or of any person other than the candidate if such traveling expenses are voluntarily paid by such person without any understanding or agreement with such candidate that they shall be, directly or indirectly, repaid to him or her by the candidate, shall not be deemed expenditures within the meaning of N.J.S.A. 19:44A-7.

3. The reasonable value of food and beverage to persons who attend a testimonial affair on behalf of or in aid of a candidate and for whom a contribution in excess of the reasonable value of such food and beverages is reported as provided in N.J.A.C. 19:25-12.2.

4. Election night celebration or event expenses incurred pursuant to N.J.A.C. 19:25-16.34(c).

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.1988 d.447, effective September 19, 1988.
See: 20 N.J.R. 1339(a), 20 N.J.R. 2395(a).
Added (a)4.

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) and (a)4.

Amended by R.1996 d.389, effective August 19, 1996.
See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

In (a)3 amended the statutory reference.

19:25-16.28 Travel expenses

(a) "The traveling expenses of the candidate" as used in N.J.A.C. 19:25-16.27 (Expenses not subject to expenditure limits), shall mean the reasonable and necessary expenses of transportation, food and lodging in connection with travel related to the candidacy of the candidate, and shall include expenses of the candidate and of members of the political campaign staff and immediate family of the candidate traveling with the candidate in the same or accompanying vehicles. The phrase does not include travel expenses of members of the candidate's staff when they are traveling not in the company of the candidate, nor does it include expenses of members of the media or others who are not members of the staff, whether or not those media members are accompanying the candidate.

(b) All of the expenditures, including those excluded from the expenditure limitation contained in section 7 of the

act (N.J.S.A. 19:44A-7), must be disclosed in the preelection and post-election reports on behalf of the candidate.

1. Example 1: Candidate X, a candidate for the office of Governor in the primary election who will receive public funding, travels to a city with five members of the candidate's staff in two automobiles for campaign purposes. The candidate's staff arranges for rooms at a hotel in that city. In the course of the stay, the candidate and staff hold numerous meetings and provide food and beverages for visitors in the course of the various meetings. Only the reasonable and necessary expenses of the use of automobiles and other means of transportation and the reasonable and necessary cost of meals and sleeping accommodations for the candidate and staff during the trip, are excludable for purposes of the expenditure limitation contained in section 7 of the act (N.J.S.A. 19:44A-7).

(c) If any individual, including a candidate, uses a government-owned or government-leased vehicle for transportation to aid or promote a campaign for nomination for election to the office of Governor, such use shall:

1. Be reported as a travel expense pursuant to (b) above;

2. Be valued for purposes of reports required to be filed under the Act and for purposes of the expenditure limit contained in the Act (N.J.S.A. 19:44A-7) by the reasonable commercial value of the transportation services to the candidate pursuant to N.J.A.C. 19:25-16.35; and

3. Be reimbursed immediately from campaign funds to the appropriate government entity providing the conveyance or vehicle.

Amended by R.1984 d.561, effective December 17, 1984.
See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).
Amended by R.1992 d.458, effective November 16, 1992.
See: 24 N.J.R. 3026(a), 24 N.J.R. 4274(a).
Added (c).

19:25-16.29 Independent expenditures

(a) A person, candidate committee, joint candidates committee, political committee, continuing political committee, county or municipal political party committee, State political party committee which has not voted to endorse a candidate for nomination for election to the office of Governor, or legislative leadership committee that makes, incurs or authorizes an independent expenditure, as that term is defined in N.J.A.C. 19:25-12.7, for a communication to support or defeat a gubernatorial candidate in a primary election shall:

1. Report the independent expenditure pursuant to N.J.A.C. 19:25-12.8;

2. Clearly state on the communication the name and address of the person, candidate committee, joint candidates committee, political committee, or continuing political committee making the independent expenditure pursuant to N.J.A.C. 19:25-13.2(a), and that the communication has been paid for by that person or committee; and

3. Include in the communication a clear and conspicuous statement that the communication was not made with the cooperation or prior consent of, or in consultation with or at the request or suggestion of, any candidate, or any person or committee acting on behalf of any candidate.

(b) An independent expenditure made by a person, candidate committee, joint candidates committee, political committee, continuing political committee, county or municipal political party committee, State political party committee which has not voted to endorse a candidate for nomination for election to the office of Governor, or legislative leadership committee pursuant to (a) above shall not be deemed to be an expenditure of a gubernatorial candidate in the primary election within the meaning of N.J.S.A. 19:44A-7.

Amended by R.1984 d.561, effective December 17, 1984.

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

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.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Rewrote the section.

Amended by R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

In (a) and (c), substituted references to county and municipal political party committees for references to political party committees, and inserted references to State political party committees which have not voted to endorse a candidate for nomination for election to the office of Governor.

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Rewrote the section.

19:25-16.29A Prohibition on independent expenditures by State political party committees

No State committee of a political party whose members have voted to endorse a candidate for nomination for election to the office of Governor shall make an independent expenditure to support or defeat a candidate for nomination for election to the office of Governor or in aid of the candidacy of a candidate for nomination for election to the office of Governor in the primary election.

New Rule, R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

19:25-16.29B Determination of independence or coordination of an expenditure

(a) To determine whether or not a person, candidate committee, joint candidates committee, political committee, continuing political committee, county or municipal political party committee, State political party committee which has not voted to endorse a candidate for nomination for election to the office of Governor, or legislative leadership committee has made an independent expenditure, pursuant to N.J.A.C. 19:25-16.29, for a communication to support or defeat a candidate for nomination for election to the office of Governor in the primary election, the Commission shall consider, but not be limited to, the factors set forth in (c) below.

(b) To determine whether or not a person or entity, other than the gubernatorial candidate or his or her candidate committee, expending funds to make a communication shall be deemed to have made a coordinated expenditure, pursuant to N.J.A.C. 19:25-16.30, the Commission shall consider, but not be limited to, the factors set forth in (c) below.

(c) The Commission shall determine whether or not the gubernatorial candidate, his or her candidate committee, any member of the staff of the gubernatorial candidate or his or her candidate committee, or any agent of the gubernatorial candidate or his or her candidate committee:

1. Cooperated with, consented to, authorized, or exercised control over the production or circulation of the communication expenditure;

2. Requested or suggested that the communication expenditure be made;

3. Provided information to the person or entity making the communication expenditure with regard to the content, timing, location, mode, intended audience, distribution, or placement of the television, radio, direct mail, or other form of communication;

4. Discussed or negotiated with the purchaser, creator, producer, or distributor of the communication concerning the content, timing, location, mode, intended audience, distribution, or placement of the communication;

5. Shared information or held discussions on campaign or media strategy with the person or entity making the communication expenditure or with the purchaser, creator, producer, or distributor of the communication;

6. Shared its polling or other research with the person or entity making the communication expenditure or whether or not the person or entity making the communication expenditure shared its polling or other research with the gubernatorial candidate, his or her candidate committee, or with any agent of the gubernatorial candidate or his or her candidate committee; or

7. Used the same consultants, employees, staff, or agents as the person or entity making the communication expenditure to create, target, or place the communication.

New Rule, R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

19:25-16.30 Coordinated expenditures

(a) Any person or entity expending funds to make a communication shall be deemed to have made a coordinated expenditure for a gubernatorial candidate if:

1. The communication makes a reference to the gubernatorial candidate in an audio, visual, printed, or electronic format which reference names, depicts, pictures, characterizes, represents, dramatizes, or in any written, spoken, visual, or electronic manner represents a gubernatorial candidate or opponent;

2. The gubernatorial candidate or his or her campaign committee has consented to, authorized, or exercised control over the production or circulation of the communication; and

3. The expenditure for the communication was made on or after the date upon which the gubernatorial candidate or committee described in (a)2 above applied to receive matching funds or filed a statement of qualification to receive matching funds pursuant to N.J.A.C. 19:25-16.18 and 16.37.

(b) The amount expended for a coordinated expenditure for a gubernatorial candidate shall be a contribution by the person or entity making the expenditure to that gubernatorial candidate which contribution is subject to the gubernatorial candidate contribution limit established at N.J.A.C. 19:25-16.6(a) and allocable against the gubernatorial candidate expenditure limit established at N.J.A.C. 19:25-16.9(a)3.

(c) For each coordinated communication expenditure pursuant to (a) and (b) above, a gubernatorial candidate shall determine:

1. The cost of preparation and circulation of the communication; and

2. The value of the coordinated communication to the gubernatorial candidate.

(d) The value of a coordinated communication to a gubernatorial candidate may be determined at less than 100 percent of the total cost of preparation and circulation if the coordinated communication referred to one or more non-gubernatorial candidates in the same election, and the percentage of the cost to be allocated to the gubernatorial candidate shall be determined based upon the following:

1. The number of non-gubernatorial candidates identified or otherwise referred to; and

2. The prominence of the reference to the gubernatorial candidate in relation to references to non-gubernatorial candidates. For example, if a printed pamphlet is prepared and circulated at a cost of \$1,000 and features equally one page for a non-gubernatorial candidate and one page for a gubernatorial candidate, the value is 50 percent of the total cost of \$1,000 or \$500.00.

(e) A gubernatorial candidate determining the value to his or her candidacy of a coordinated communication pursuant to (d) above shall establish that value to the nearest five percent of the total cost of preparation and circulation. In no case shall the value be determined to be less than five percent of total cost.

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. N.J.A.C. 19:25-16.30 was recodified to N.J.A.C. 19:25-16.31.

New Rule, R.1989 d.382, effective June 23, 1989.

See: 21 N.J.R. 1286(a), 21 N.J.R. 2056(b).

Repeal and New Rule, R.1992 d.458, effective November 16, 1992.

See: 24 N.J.R. 3026(a), 24 N.J.R. 4274(a).

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Amended (h) and added (i).

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

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (b), (c), (d)1, and (h), inserted reference to legislative leadership committee and text "of the same political party as the gubernatorial candidate"; and in (i), inserted reference to legislative leadership committee and substituted references to circulating for reference to preparing.

Amended by R.1997 d.218, effective May 19, 1997.

See: 29 N.J.R. 743(a), 29 N.J.R. 2468(a).

In (d)1, substituted "primary election" for "general election".

New Rule, R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

Former N.J.A.C. 19:25-16.30, Coordinated expenditures, repealed.

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Added (a)3.

19:25-16.30A Coordinated expenditures by non-gubernatorial candidates, political party committees and legislative leadership committees

(a) A reference to a gubernatorial candidate appearing in materials paid for by a non-gubernatorial candidate, as defined in (d) below, or by a political party committee, or legislative leadership committee, as defined in N.J.A.C. 19:25-1.7, of the same political party as the gubernatorial candidate, will be deemed insubstantial and not subject to allocation pursuant to N.J.A.C. 19:25-16.30 provided that:

1. The reference consists of the name or picture of the gubernatorial candidate in equal or less than equal prominence to the prominence given the names or pictures of non-gubernatorial candidates;

2. The names or pictures of the gubernatorial and non-gubernatorial candidates appear on printed campaign materials used in connection with volunteer activities on behalf of the named or pictured non-gubernatorial candidates, such as materials consisting of buttons, pins, bumper stickers, handbills, brochures, posters, yard signs or palm cards; and

3. The materials in (a)2 above are not used in connection with any broadcasting, newspaper, magazine, billboard, electronic, or similar type of general public communication or political advertising.

(b) A reference to a gubernatorial candidate appearing in campaign literature or material circulated to voters by direct mail and paid for by a non-gubernatorial candidate, as defined in (d) below, or by a political party committee, or legislative leadership committee, as defined in N.J.A.C. 19:25-1.7, of the same political party as the gubernatorial candidate, shall be deemed insubstantial and not subject to allocation pursuant to N.J.A.C. 19:25-16.30 provided that:

1. The reference consists of no more than a single use of the gubernatorial candidate's name in the text, and a single use of the gubernatorial candidate's name within a slate or listing of the names of gubernatorial and non-

gubernatorial candidates, and a single photograph or depiction of the gubernatorial candidate provided that a photograph or depiction of each non-gubernatorial candidate larger or of equal size to the gubernatorial candidate's photograph or depiction is included;

2. The size of the print used to reproduce the name of the gubernatorial candidate is the same or smaller than the size of the print used for the names of the non-gubernatorial candidates; and

3. The predominant theme of the text promotes the candidacy or candidacies of the non-gubernatorial candidate or candidates and not that of the gubernatorial candidate.

(c) A reference to a gubernatorial candidate made in a telephone communication to a voter shall be deemed insubstantial and not subject to allocation pursuant to N.J.A.C. 19:25-16.30 provided that:

1. The telephone communication is part of a get-out-the-vote effort of the non-gubernatorial candidate, as defined in (d) below, or of a political party committee or legislative leadership committee, as defined in N.J.A.C. 19:25-1.7, of the same political party as the gubernatorial candidate, conducted seven or fewer days before the gubernatorial general election; and

2. The reference to the gubernatorial candidate is limited to stating the name of the gubernatorial candidate as part of a slate or together with the names of non-gubernatorial candidates.

(d) For the purposes of this section, the term "non-gubernatorial candidate" shall mean any candidate of the same political party as the gubernatorial candidate, other than a gubernatorial candidate, acting alone in a candidate committee or jointly with other candidates in a joint candidates committee.

(e) For the purposes of this section, the references to a gubernatorial candidate and pictures of a gubernatorial candidate, described in (a), (b) and (c) above, which are deemed insubstantial and not subject to allocation pursuant to N.J.A.C. 19:25-16.30, shall be strictly limited to references and pictures of a gubernatorial candidate of the same political party as the non-gubernatorial candidate or candidates or political party committee or legislative leadership committee responsible for circulating or causing the circulation of the communication.

New Rule, R.1999 d.300, effective September 7, 1999.
See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

19:25-16.31 Borrowing of funds; repayment

Any candidate, his or her campaign treasurer or deputy campaign treasurer may borrow funds from any national or State bank, provided that no person, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative

leadership committee, other than the candidate may in any way endorse or guarantee such loan in the aggregate in excess of the \$3,400 contribution limit. Except for a non-participating candidate guaranteeing a loan to his or her campaign, the amount so borrowed shall not at any one time in the aggregate exceed \$50,000 and must be repaid in full by such candidate or his or her campaign treasurer or deputy campaign treasurer from monies accepted or allocated pursuant to N.J.S.A. 19:44A-29 not later than 20 days prior to the primary election. Certification of such repayment shall be made by the borrower to the Commission not later than 15 days prior to the date of primary election. In the event of the failure of the borrower to repay timely the full amount of the loan or to certify properly such repayment to the Commission, all payment of public funds to such candidate shall promptly cease and the Commission shall take action as directed by the act to prohibit the expenditure by the candidate of monies received from the fund and any other monies received by him or her in aid of his or her candidacy in such primary election.

Amended by R.1984 d.561, effective December 17, 1984.

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

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Recodified from N.J.A.C. 19:25-16.30 and increased loan limit from \$800.00 to \$1,500.00.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised text.

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

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

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised loan guarantee amount.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

Substituted "\$2,600" for "\$2,100" in the first sentence.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$3,000" for "\$2,600" following "aggregate in excess of the".

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

Substituted "\$3,400" for "\$3,000" and substituted "monies" for "moneys" three times.

19:25-16.32 Maintenance of records; audit

(a) The campaign treasurer or deputy campaign treasurer of each candidate shall retain all written instruments, checks, bank statements and all other records of contributions and expenditures, including originals or photocopies of all documents and instruments submitted to the commission relating to the primary for a period not less than four years after submission of the final report for the primary election.

(b) Each candidate, campaign treasurer or deputy campaign treasurer shall furnish to the commission any books and records, including bank records for all accounts and supporting documentation for matching fund submissions as may

be requested by the commission for purposes of an audit or other commission examination.

(c) Each candidate, campaign treasurer or deputy campaign treasurer shall, in addition to the recordkeeping requirements in (a) above and in this chapter, make and maintain a written record of each expenditure made from a candidate's public fund account which results in the purchase of time on radio and television stations, which record shall contain the exact amount of the total expenditure that was used for each of the following purposes:

1. The purchase of time on radio stations;
2. The amount of any credit for radio time that was not used;
3. The purchase of time on television stations;
4. The amount of any credit for television time that was not used;
5. The payment of the cost to produce the material aired on the radio and television stations;
6. The payment of any commission; and
7. The amount, if any, that is due to be refunded.

Amended by R.1984 d.561, effective December 17, 1984.
See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).
Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).
See: 21 N.J.R. 788(b).
Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.
See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).
Provisions of emergency amendment R.1989 d.181 readopted without change. Recodified from N.J.A.C. 19:25-16.31.
Amended by R.2004 d.400, effective October 18, 2004.
See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).
Added (c).

19:25-16.33 Postelection contributions; postelection payment of expenses

(a) Any person, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, otherwise eligible to make political contributions to a candidate may make a contribution in aid of the candidacy of such candidate after the date of such primary provided such person or political committee does not exceed \$3,400 in the aggregate for such primary.

(b) Contributions received by a candidate, campaign treasurer or deputy campaign treasurer pursuant to (a) above shall be expended in order to liquidate all obligations and to pay expenses incurred during the primary campaign, but shall not be transferred to the general election campaign of each candidate.

(c) Every payment of expenditures for primary election obligations made by the candidate, campaign treasurer or deputy campaign treasurer, after the date of the primary election (except as otherwise specifically provided by the act

or these regulations, for example, compliance costs) shall be deemed to be expenditures for such primary election within the meaning of section 7 of the act (N.J.S.A. 19:44A-7).

(d) Contributions received by a candidate, campaign treasurer or deputy campaign treasurer after the date of the primary election for that election shall be eligible for matching of funds and shall be matched provided they are submitted pursuant to N.J.A.C. 19:25-16.18 and 19:25-16.19 up to the first Monday following the fifth month after the primary election.

Amended by R.1984 d.561, effective December 17, 1984.
See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).
Amended by R.1988 d.447, effective September 19, 1988.
See: 20 N.J.R. 1339(a), 20 N.J.R. 2395(a).
(b) and (c) added.
Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).
See: 21 N.J.R. 788(b).
Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.
See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).
Provisions of emergency amendment R.1989 d.181 readopted without change. Recodified from N.J.A.C. 19:25-16.32, increased limit from \$800.00 to \$1,500.00.
Amended by R.1992 d.516, effective December 21, 1992.
See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).
Revised (a).
Amended by R.1996 d.389, effective August 19, 1996.
See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).
Amended (a).
Amended by R.1996 d.583, effective December 16, 1996.
See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).
In (a), raised contribution amount.
Amended by R.2000 d.473, effective November 20, 2000.
See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).
In (a), increased dollar amount.
Amended by R.2004 d.472, effective December 20, 2004.
See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).
In (a), substituted "\$3,000" for "\$2,600" preceding "in the aggregate for such primary".
Amended by R.2008 d.359, effective December 1, 2008.
See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).
Section was "Post-election contributions; post-election payment of expenses". In (a), substituted "make" for "made" and "\$3,400" for "\$3,000".

19:25-16.34 Repayment of public or other funds

(a) All moneys received by a qualified candidate from the public fund for primary election campaign expenses remaining after the liquidation of all lawful obligations with respect to that election shall be repaid to the Commission (for return to the Treasurer of the State of New Jersey) not later than six months after the date of such primary election. All moneys, other than moneys received from the public fund, remaining available to any qualified candidate after the liquidation of all obligations, shall also be repaid to the Commission (for return to the Treasurer of the State of New Jersey) not later than six months after the date of such primary election provided however, that nothing herein contained shall require any candidate to pay into the public fund a total amount of moneys in excess of the total amount of moneys received by such qualified candidate from the public fund.

(b) No candidate who has received public funds shall incur any debt or make any expenditure after the date of the election for any purpose other than the following:

1. To satisfy outstanding obligations incurred on or before the date of the election made for appropriate campaign purposes; or

2. To pay the reasonable and necessary costs of closing the campaign.

(c) An election night celebration or event conducted by a candidate who has received public funds will be deemed a reasonable and necessary cost of closing the campaign provided that it is conducted on the date of the primary election.

Amended by R.1984 d.561, effective December 17, 1984.

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

Amended by R.1988 d.447, effective September 19, 1988.

See: 20 N.J.R. 1339(a), 20 N.J.R. 2395(a).

(b) and (c) added.

Amended by R.1988 d.447, effective September 19, 1988.

See: 20 N.J.R. 1339(c), 20 N.J.R. 2395(a).

Added (b) and (c).

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Recodified from N.J.A.C. 19:25-16.33.

19:25-16.34A Application for termination of reporting with net liabilities by publicly financed candidates

(a) A publicly financed candidate who has returned all public moneys to the Commission in compliance with the requirements of N.J.A.C. 19:25-16.34, but who has continued to file postelection quarterly reports to report net liabilities, that is, outstanding obligations in excess of the total assets of the candidate committee, including its cash balance in all of its depository accounts, may apply to the Commission to file a final report to terminate the reporting of the candidate committee as set forth in (b) through (e) below.

(b) Such application shall not be made earlier than seven years after the date of the election.

(c) Each candidate and treasurer filing an application for termination of reporting shall certify the following:

1. For each outstanding obligation, the date each obligation was incurred and the date it was first reported on a report filed with the Commission;

2. A statement describing the efforts made by the campaign to retire the outstanding obligations, including, without limitation, efforts to compromise or resolve the debt with the vendor or service provider;

3. That the candidate committee expects to receive no further contributions to retire its net liabilities in the election;

4. That the candidate committee has liquidated all assets and applied proceeds from such liquidation to retire debt;

5. That the candidate committee expects to make no further expenditures except to bring any remaining depository account balance to zero; and

6. All reports required by the Reporting Act and Commission rules have been timely filed and correctly stated, except for good cause shown.

(d) For each outstanding obligation described in (c)1 above, the candidate and the treasurer shall make a separate certification that no pledge or commitment has been made or received by any candidate or treasurer, or other authorized person or representative of the campaign, or by the candidate committee, that the payment of such obligation will be forgiven or assumed by any party other than the candidate committee.

(e) The Commission shall review each such application and shall grant its approval to such application based upon consideration of all factors set forth in (c) and (d) above, and whether or not all outstanding audit issues have been resolved with the candidate committee.

New Rule, R.2009 d.89, effective March 16, 2009.

See: 40 N.J.R. 6763(a), 41 N.J.R. 1267(c).

19:25-16.34B Final report certification with net liabilities for publicly financed candidates

(a) Upon approval by the Commission pursuant to the provisions of N.J.A.C. 19:25-16.34A, a publicly financed candidate may file a final report and certification of termination of reporting upon a form prescribed by the Commission.

(b) Each candidate and treasurer filing a final report described in (a) above shall recertify the statements described in N.J.A.C. 19:25-16.34A(d) for each outstanding obligation.

(c) The final report shall show a zero balance in all campaign depository accounts and all final expenditures of the campaign fund in accordance with N.J.A.C. 19:25-16.33, Post-election payment of expenses, and N.J.A.C. 19:25-16.34, Repayment of public or other funds.

(d) An outstanding obligation reported on a certificate of termination of reporting filed pursuant to (a), (b) and (c) above shall not be considered a "contribution" as defined at N.J.A.C. 19:25-1.7.

(e) Notwithstanding (d) above, by enacting these provisions, the Commission does not waive its authority pursuant to N.J.S.A. 19:44A-6(b)10 to make a referral to the Office of the Attorney General for possible violations of N.J.S.A. 19:44A-21(a) and (b), upon subsequent receipt of evidence of false certification or misrepresentation of contributions or expenditures.

New Rule, R.2009 d.89, effective March 16, 2009.
See: 40 N.J.R. 6763(a), 41 N.J.R. 1267(c).

19:25-16.35 Computation of value of goods and services

(a) Goods and services shall, for purposes of the reports required to be filed under the act and for purposes of the expenditure limitation contained in N.J.S.A. 19:44A-7 where applicable, be valued by the reasonable commercial value of such goods and services to the candidate, whether or not the cost or value of such goods or services to the contributor or other provider of those services is higher or lower than such reasonable commercial value.

Example 1: Candidate Y, a candidate for the office of Governor who has chosen to accept public funding, obtains the use of a helicopter for travel of the candidate for campaign purposes. By agreement with the owner of the helicopter, the campaign committee for the candidate will pay \$900.00 per hour, which represents the cost to the owner of the maintenance and operation of the helicopter. The reasonable commercial value of the use of the helicopter is \$1,000 per hour. In this example, the amount of \$900.00 per hour paid by the campaign committee of the candidate to the owner for use of the helicopter is not includable as an expenditure for purposes of the expenditure limitations contained in N.J.S.A. 19:44A-7. The difference between the \$900.00 per hour actually paid for use of the helicopter and the reasonable commercial value normally charged by the owner for the use of the helicopter, represents a contribution from the owner of the helicopter to the candidate in the amount of \$100.00 per hour. The candidate could obtain the use of the helicopter under this arrangement from a lawful contributor for campaign purposes for not more than 34 hours. If the candidate obtained the use of the helicopter for 35 hours under this arrangement, the owner of the helicopter would have made an unlawful contribution to the candidacy of the candidate, since the aggregate of the contributions \$3,500 from that contributor in this instance would have exceeded \$3,400.

Example 2: Candidate Y in example 1, wishes to obtain the use of the helicopter from the owner for 15 hours, and the campaign committee for the candidate pays to the owner the reasonable commercial value of \$1,000 for each hour, or a total of \$15,000. The amount paid to the owner is not an expenditure within the expenditure limitation contained in

N.J.S.A. 19:44A-7. On these facts the owner has made no contribution to the candidate.

In Example 1 and Example 2, the total amounts of expenditures, including expenditures not subject to the expenditure limitation of N.J.S.A. 19:44A-7, must be reported in the preelection and postelection report filed on behalf of the candidate.

(b) The costs of a political communication as defined in N.J.A.C. 19:25-10.10 which aids or promotes a candidate for Governor, and is undertaken, made or circulated with the cooperation or consent of the candidate, shall be reported by the candidate in the same manner as the receipt of any goods and services, and shall be valued for the purposes of the contribution limit in N.J.A.C. 19:25-16.6 and the expenditure limit in N.J.A.C. 19:25-16.9(a) 3 in the same manner as any other contributed goods or services.

Amended by R.1984 d.561, eff. December 17, 1984.

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

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Amended by R.1989 d.262, effective April 24, 1989.

See: 21 N.J.R. 703(b), 21 N.J.R. 1379(a).

Added (b) necessitating the computation of the costs of political communications.

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Recodified from N.J.A.C. 19:25-16.34, increased dollar amounts and number of days in examples.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 2690(b), 24 N.J.R. 4561(a).

Revised (a) and (a)1.-2.

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

In (b) amended a statutory reference.

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

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised monetary amounts in Examples 1 and 2.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), increased dollar amounts and hours.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "30 hours" for "26 hours" following "purposes for not more than"; "31 hours" for "27 hours" following "use of helicopter"; "\$3,100" for "\$2,700" preceding "since the aggregate of the contributions"; "\$3,000" for "\$2,600" following "in this instance would have exceeded" in Example 1.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In Example 1 of (a), substituted "34" for "30"; "35" for "31"; "\$3,500" for "\$3,100", and "\$3,400" for "\$3,000".

19:25-16.48 Complaint alleging violation of primary election expenditure limit

(a) Any complaint filed with the Commission alleging violation by a primary election candidate receiving public matching funds of the primary election expenditure limit in N.J.A.C. 19:25-16.9(a)3 shall:

1. Be in writing and be verified;
2. Be brought solely against a gubernatorial candidate participating in the pending primary election gubernatorial public financing program;
3. Specifically identify the name and address of the complainant and the name and address of the respondent; and
4. Contain a detailed statement alleging with specificity all facts known to the complainant pertinent to the alleged violation of the primary election expenditure limit, including the complainant's best estimate of the amount expended by the gubernatorial candidate and the alleged facts supporting that estimate.

(b) A complaint filed pursuant to (a) above which requests emergent review in a preelection time period shall:

1. Be accompanied by a certification requesting emergent disposition and providing specific reasons why emergent review is necessary, including evidence of irreparable harm to the complainant gubernatorial primary election candidate and evidence that the alleged primary election expenditure limit violation is in an amount of at least \$10,000;
2. Be brought by a gubernatorial candidate in the same primary election as the respondent publicly financed gubernatorial candidate; and
3. Be filed sufficiently in advance of the date of the primary election to permit emergent hearing proceedings to be conducted pursuant to (d) below.

(c) Service of a complaint alleging violation of the primary election expenditure limit shall be made by the complainant by personal service or by certified mail, return receipt requested, upon the respondent candidate, the Commission, and any person named in the complaint.

(d) Any hearing conducted by the Commission arising from a complaint filed pursuant to this subsection shall be governed by the New Jersey Uniform Administrative Procedure Rules, N.J.A.C. 1:1, and the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(e) Relief in an action brought pursuant to this section shall be limited to either or both of the following:

1. A finding or findings that an expenditure or expenditures be counted toward the respondent's expenditure limit in N.J.A.C. 19:25-16.9(a)3; and/or

2. A finding or findings that the respondent shall return public matching funds to the State as directed by the Commission because the expenditure limit in N.J.A.C. 19:25-16.9(a)3 has been exceeded.

(f) The Executive Director of the Commission or his or her designee shall be authorized to find that a verified complaint requesting emergent review pursuant to (b) above is deficient and shall not be referred to the Commission for emergent hearing consideration. The Executive Director shall notify the complainant in writing that the verified complaint is deficient. The grounds for finding that a verified complaint is deficient shall include, but not be limited to, any one or more of the following:

1. The verified complaint names as the complainant a person or entity other than a gubernatorial candidate in the election that is the subject of the complaint;
2. The verified complaint names as the respondent a person or entity other than a publicly financed gubernatorial candidate in the election that is the subject of the complaint;
3. The verified complaint does not allege a violation of the primary election expenditure limit; or
4. The verified complaint does not contain specific evidence that the alleged expenditure limit violation is in an amount of at least \$10,000.

New Rule, R.1992 d.458, effective November 16, 1992.

See: 24 N.J.R. 3026(a), 24 N.J.R. 4274(a).

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Inserted (b) and recodified former (b) and (c) as (c) and (d).

Amended by R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

In (a), inserted a new 2, recodified former 2 and 3 as 3 and 4, and added “, including the complainant's best estimate of the amount expended by the gubernatorial candidate and the alleged facts supporting that estimate” at the end of the new 4; in (b), added “and evidence that the alleged expenditure limit violation is in an amount of at least \$10,000” at the end; and added (e).

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

In (a)2, inserted “pending primary election” preceding “gubernatorial public financing”; in (b), rewrote the introductory paragraph and added 1 through 3; added (f).

19:25-16.49 Postelection proceedings for return of funds

A candidate for nomination for election to the office of Governor who has qualified to and receives public matching funds in an election shall be subject to postelection proceedings undertaken by the Commission seeking reimbursement if the expenditure limit in N.J.A.C. 19:25-16.9(a)3 has been exceeded, or if public funds have been spent in violation of N.J.A.C. 19:25-16.25, or for any other alleged violation pertinent to the legality of funds awarded in the primary election.

New Rule, R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

SUBCHAPTER 17. COMPLAINTS AND OTHER
PROCEEDINGS; VIOLATIONS

19:25-17.1 Opportunity for hearing

In any penalty proceeding undertaken by the Commission pursuant to N.J.S.A. 19:44A-22 or 19:44A-41, each respondent shall be afforded the opportunity for a hearing pursuant to the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and N.J.A.C. 1:1.

New Rule, R.2002 d.230, effective July 15, 2002.
See: 34 N.J.R. 1367(a), 34 N.J.R. 2466(c).
Former N.J.A.C. 19:25-17.1, Default for failure to answer complaint, recodified to N.J.A.C. 19:25-17.1A.
Amended by R.2003 d.237, effective June 16, 2003.
See: 35 N.J.R. 1204(a), 35 N.J.R. 2736(a).
Deleted "19:44B-8 or 52:13C-23.1" preceding "each respondent".

19:25-17.1A Default for failure to answer complaint

In any penalty proceeding undertaken by the Commission pursuant to N.J.S.A. 19:44A-22 or 19:44A-41, or other statutory authority, the Commission may enter a Final Decision, including penalty, against any respondent who fails to file with the Commission a written responsive pleading or answer within 20 days after service on such respondent in conformity with the rules of the New Jersey Office of Administrative Law of a copy of a complaint alleging a specific violation of the law within the Commission's jurisdiction to enforce.

Recodified from N.J.A.C. 19:25-17.1 and amended by R.2002 d.230, effective July 15, 2002.
See: 34 N.J.R. 1367(a), 34 N.J.R. 2466(c).
Substituted "52:13C-23.1" for "52:13C-22.2".
Amended by R.2003 d.237, effective June 16, 2003.
See: 35 N.J.R. 1204(a), 35 N.J.R. 2736(a).
Deleted "19:44B-8 or 52:13C-23.1" preceding "or other statutory authority".

19:25-17.2 Offenses

(a) The term "reporting transaction" means the receipt of a contribution, the making of an expenditure, or the occurrence of any other event which is subject to the reporting requirements of the act or this chapter.

(b) The term "record keeping transaction" means the receipt of a contribution, the making of an expenditure, or the occurrence of any other event which is subject to the record keeping requirements of the act or regulations.

(c) Each reporting transaction that is not reported in the manner or not filed on the date established for reporting or filing by the act or regulations shall constitute an offense pursuant to the act subject to the penalties provided in N.J.S.A. 19:44A-22.

(d) Each recordkeeping transaction which is not made or maintained in the manner prescribed by the act or regulations shall constitute an offense pursuant to the act subject to the penalties provided in N.J.S.A. 19:44A-22.

(e) Each disbursement or other use of contributions received by a candidate, candidate committee, joint candidates committee, legislative leadership committee, campaign treasurer or organizational treasurer for a purpose that is impermissible pursuant to N.J.S.A. 19:44A-11.2, or is prohibited pursuant to this chapter, shall constitute an offense pursuant to the act subject to the penalties provided in N.J.S.A. 19:44A-22.

New Rule, R.1991 d.364, effective July 15, 1991.
See: 23 N.J.R. 1299(a), 23 N.J.R. 2163(b).
Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).
Amended by R.2003 d.237, effective June 16, 2003.
See: 35 N.J.R. 1204(a), 35 N.J.R. 2736(a).
Added (e).

19:25-17.3 Penalties

(a) Any person, including any candidate, treasurer, candidate committee or joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee, charged with the responsibility under the terms of the act, for the preparation, certification, filing or retention of any reports, records, notices or other documents, who fails, neglects or omits to prepare, certify, file or retain any such report, record, notice or document at the time or during the time period, as the case may be, and in the manner prescribed by law, or who omits or incorrectly states or certifies any of the information required by law to be included in such report, record, notice or document, any person who proposes to undertake or undertakes a public solicitation, testimonial affair or other activity relating to contributions or expenditures in any way regulated by the provisions of the act who fails to comply with those regulatory provisions, and any other person who in any way violates any of the provisions of the act shall, in addition to any other penalty provided by law, be liable to a penalty of not more than \$6,800 for the first offense and not more than \$13,600 for the second and each subsequent offense.

(b) Any corporation or labor organization of any kind, which provides to any of its officers, directors, attorneys, agents or other employees any additional increment of salary, bonus or monetary remuneration of any kind, which, in whole or in part, is intended by that corporation or labor organization to be used for the express purpose of paying or making a contribution, either directly or indirectly, of money or other thing of value to any candidate, candidate committee, joint candidates committee, political party committee, legislative leadership committee, political committee or continuing political committee shall, in addition to any other penalty provided by law, be liable to a penalty of not more than \$6,800 for the first offense and not more than \$13,600 for the second and each subsequent offense.

(c) A candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, legislative leadership committee, or person that makes, incurs or authorizes an expenditure

for the purpose of financing a communication aiding or promoting the nomination, election or defeat of any candidate or aiding the passage or defeat of any public question, which is an expenditure that the candidate, committee, individual or group is required to report pursuant to the act, and that fails, neglects or omits to include required political identification information in the manner prescribed by the act or rules shall be liable to a penalty of not more than \$6,800 for the first offense and not more than \$13,600 for the second and each subsequent offense.

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).

Amended by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Added (c).

Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

Increased dollar amounts throughout.

Amended by R.2004 d.471, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4071(a), 36 N.J.R. 5692(b).

Increased dollar amounts throughout.

Amended by R.2008 d.358, effective December 1, 2008 (operative January 1, 2009).

See: 40 N.J.R. 4723(a), 40 N.J.R. 6858(a).

Substituted "\$6,800" for "\$6,000" and "\$13,600" for "\$12,000" throughout; in (b), inserted a comma following both occurrences of "kind" and following "shall"; and in (c), substituted "rules" for "regulations".

19:25-17.3A Penalties for failure to file

(a) In determining the amount of penalties to be imposed for the failure to file a report or a reporting transaction, the Commission shall consider such offenses as more egregious than the late filing of that report or that reporting transaction, and the Commission shall impose penalties as provided in this section, in the absence of any aggravating or mitigating factors set forth in N.J.A.C. 19:25-17.3C.

(b) In determining the amount of a penalty to be imposed for failure to file a Candidate—Sworn Statement (Form A-1), a Joint Candidates Committee—Sworn Statement (Form A-2), a Committee—Sworn Statement (Form A-3), or a Recall Committee—Sworn Statement (Form A-4), the Commission shall impose a penalty in an amount that is equal to the maximum penalty provided in N.J.A.C. 19:25-17.3.

(c) In determining the amount of penalties to be imposed for failure to file a Report of Contributions and Expenditures (Form R-1) or a Receipts and Expenditures Quarterly Report (Form R-3), where the total dollar amount of all contribution and expenditure reporting transactions required to be reported on that election fund or quarterly report is less than or equal to the maximum penalty provided in N.J.A.C. 19:25-17.3, the Commission shall impose the maximum penalty provided in N.J.A.C. 19:25-17.3 for each report that is not filed.

(d) In determining the amount of penalties to be imposed for failure to file a Report of Contributions and Expenditures (Form R-1) or a Receipts and Expenditures Quarterly Report (Form R-3), where the total dollar amount of all contribution and expenditure reporting transactions required to be reported on that election fund or quarterly report is greater than the maximum penalty provided in N.J.A.C. 19:25-17.3, the failure to report each contribution reporting transaction and each expenditure reporting transaction that was required to be reported on that election fund or quarterly report shall constitute a separate offense, pursuant to N.J.A.C. 19:25-17.2. The Commission shall impose a penalty for each such separate offense in an amount that is not less than the dollar amount of the unreported contribution or expenditure reporting transaction, up to the maximum penalty provided in N.J.A.C. 19:25-17.3 for each unreported contribution or expenditure reporting transaction.

(e) In determining the amount of penalties to be imposed for failure to file a Report of Independent Expenditures (Form IND), a Supplemental Contributor Information (Form C-1), a Supplemental Contributor Information (Form C-3), a Supplemental Expenditure Information (Form E-1), or a Continuing Political Committee Supplemental Expenditure Information (Form E-3), the failure to report each contribution reporting transaction and each expenditure reporting transaction that was required to be reported on such report(s), shall constitute a separate offense, pursuant to N.J.A.C. 19:25-17.2. The Commission shall impose a penalty for each failure to report a contribution reporting transaction or an expenditure reporting transaction, and each penalty shall be not less than the dollar amount of each such unreported contribution or expenditure reporting transaction, up to the maximum penalty provided in N.J.A.C. 19:25-17.3 for each unreported contribution or expenditure reporting transaction.

(f) In determining the amount of a penalty to be imposed for failure to report a contribution reporting transaction or an expenditure reporting transaction on a filed report, the Commission shall impose a penalty in an amount that is not less than the dollar amount of each such unreported contribution or expenditure reporting transaction, subject to the maximum penalty provided in N.J.A.C. 19:25-17.3 for each unreported contribution or expenditure reporting transaction.

(g) In determining the amount of a penalty to be imposed for failure to file any report not described in (b) through (f) above, including, but not limited to, a Single Candidate Committee—Certificate of Organization and Designation of Campaign Treasurer and Depository (Form D-1), a Joint Candidates Committee—Certificate of Organization and Designation of Campaign Treasurer and Depository (Form D-2), a Political Committee—Registration Statement and Designation of Campaign Treasurer and Depository (Form PC), a Political Party Committee—Designation of Organizational Treasurer and Depository (Form D-3), a Continuing Political Committee—Registration Statement and Designation of Organizational Depository (Form D-4), and a Legislative Leadership Committee—Registration Statement and Designation of Organizational Depository (Form D-5), the Commission shall impose a penalty that is not less than one quarter (25 percent) of the maximum penalty provided in N.J.A.C. 19:25-17.3.

(h) In determining the amount of a penalty to be imposed for failure to make and maintain a recordkeeping transaction, the Commission shall impose a penalty in an amount that is not less than the dollar amount of the recordkeeping transaction, up to the maximum penalty provided in N.J.A.C. 19:25-17.3 for each recordkeeping transaction, but where an Affidavit for Missing Records is filed pursuant to N.J.A.C. 19:25-7.4, the Commission shall impose a penalty in an amount that is not more than one half (50 percent) of the dollar amount of the recordkeeping transaction.

New Rule, R.2003 d.237, effective June 16, 2003.
See: 35 N.J.R. 1204(a), 35 N.J.R. 2736(a).

19:25-17.3B Late filing of reports or reporting transactions

(a) The Commission shall consider the late filing of a report or reporting transaction a less egregious offense than the failure to file that report or that reporting transaction.

(b) In determining the amount of a penalty to be imposed pursuant to N.J.A.C. 19:25-17.3 for late filing of a Candidate—Sworn Statement (Form A-1), a Joint Candidates Committee—Sworn Statement (Form A-2), a Committee—Sworn Statement (Form A-3), or a Recall Committee—Sworn Statement (Form A-4), the Commission shall consider the following factors:

1. Failure to provide preelection reporting or disclosure;
2. The number of days late; and
3. The presence or absence of any expenditures.

(c) In determining the amount of a penalty to be imposed pursuant to N.J.A.C. 19:25-17.3 for late filing of a Report of Contributions and Expenditures (Form R-1), a Receipts and Expenditures Quarterly Report (Form R-3), a Report of Independent Expenditures (Form IND), a Supplemental

Contributor Information (Form C-1), or a Supplemental Contributor Information (Form C-3), the Commission shall impose a penalty that is a proportion of the amount of each contribution and expenditure reporting transaction that was reported late, subject to (d) below. The proportion to be imposed by the Commission shall be based upon the following factors:

1. Failure to provide preelection reporting or disclosure;
2. The number of days late; and
3. The dollar amount reported late.

(d) In determining the amount of a penalty to be imposed pursuant to N.J.A.C. 19:25-17.3 for a Supplemental Contributor Information (Form C-1), a Supplemental Contributor Information (Form C-3), a Supplemental Expenditure Information (Form E-1), a Continuing Political Committee Supplemental Expenditure Information (Form E-3), or any other report which was required to be filed for the purpose of preelection 48-hour notice of the receipt of a contribution or the making of an expenditure immediately before an election, pursuant to N.J.A.C. 19:25-8.6, 8.9, 8.10, 9.3 or 9.4, and where such report was filed after the date of the election, the Commission shall treat the failure to file such report on or prior to the date of the election as a failure to file, subject to the penalties provided in N.J.A.C. 19:25-17.3A(e).

(e) In determining the amount of a penalty to be imposed pursuant to N.J.A.C. 19:25-17.3 for late filing of any other report or reporting transaction not described in (b) through (d) above, the Commission shall consider the late filing of a report or reporting transaction pertinent to contributions or expenditures to be a more serious offense than the late filing of other reporting transactions, such as the late filing of the name or mailing address of the bank at which a campaign or organizational depository has been established.

New Rule. R.2003 d.237, effective June 16, 2003.
See: 35 N.J.R. 1204(a), 35 N.J.R. 2736(a).

19:25-17.3C Other penalty factors

(a) In determining the amount of a penalty to be imposed pursuant to N.J.A.C. 19:25-17.3, 17.3A and 17.3B, the Commission shall consider the factors described in (b) through (f) below.

(b) The Commission shall consider previous offenses on record in Commission Final Decisions against a candidate, political committee, continuing political committee, political party committee, or legislative leadership committee.

(c) The Commission shall consider the amounts of penalties imposed in prior cases for similar offenses committed under similar circumstances.

(d) The Commission shall consider aggravating circumstances, which shall include, but not be limited to, the following:

1. Failing to disclose or delaying disclosure of a preelection reporting transaction until after the date of the election;
2. Delaying disclosure of a reporting transaction for any material reason pertinent to the election or political interest of the candidate or committee;
3. Gross neglect of reporting or recordkeeping responsibility;
4. Issuance of a subpoena intended to compel production of documents;
5. Failure to obey a subpoena to appear before the Commission or to produce records; and
6. Failure to cooperate with an investigation being conducted by the Commission.

(e) The Commission shall consider mitigating circumstances, which shall include, but not be limited to, the following:

1. The serious and unanticipated illness or unanticipated hospitalization of a candidate, campaign treasurer or organizational treasurer, or a member of the immediate family of a candidate, campaign treasurer, or organizational treasurer at the time a report was required to be filed pursuant to the act and these regulations;
2. The undue financial hardship of a candidate, campaign treasurer, or organizational treasurer; and
3. Receipt of full or partial payment of a pending penalty amount prior to Commission Final Decision action.

(f) The Commission shall consider whether or not all required contributor information, such as occupation and employer information, has been filed for a reported contribution, or whether or not all required expenditure information, such as payee address and purpose information, has been filed for a reported expenditure.

New Rule. R.2003 d.237, effective June 16, 2003.
See: 35 N.J.R. 1204(a), 35 N.J.R. 2736(a).

19:25-17.3D Penalty payment schedule

Where the Commission determines that the dollar amount of a penalty imposed pursuant to N.J.S.A. 19:44A-22 would jeopardize the ability of the candidate to conduct a candidacy in a future election, or jeopardize the ability of a committee to participate in a future election, or would otherwise cause undue financial hardship to a candidate, committee, treasurer, or other person, the Commission may, in its discretion, permit the candidate or committee to pay a penalty in installments on a schedule established by the Commission.

New Rule. R.2003 d.237, effective June 16, 2003.
See: 35 N.J.R. 1204(a), 35 N.J.R. 2736(a).

19:25-17.4 Penalty for impermissible use of contributions

In determining the amount of a penalty to be imposed for each disbursement or other use of contributions that is for a purpose that is impermissible pursuant to N.J.S.A. 19:44A-11.2, or is prohibited pursuant to this chapter, in the absence of factors described in N.J.A.C. 19:25-17.3C, the Commission shall impose a penalty in an amount that is at least equal to the amount of the impermissible use, subject to the maximum penalty provided in N.J.S.A. 19:44A-22.

New Rule. R.2003 d.237, effective June 16, 2003.
See: 35 N.J.R. 1204(a), 35 N.J.R. 2736(a).

19:25-17.5 Penalty for making or accepting a contribution in excess of the contribution limit

(a) A candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, legislative leadership committee, campaign treasurer, organizational treasurer, or person, who knowingly, willfully, or intentionally makes or accepts a contribution that, either alone or when aggregated with prior contributions from the same contributor, is in excess of the limits pursuant to N.J.A.C. 19:25-11.2, shall be subject to the penalties prescribed by N.J.S.A. 19:44A-22e.

(b) The knowing, willful, or intentional acceptance of a contribution that, either alone or when aggregated with prior contributions from the same contributor, is in excess of the limits pursuant to N.J.A.C. 19:25-11.2, shall refer to the act of receiving a contribution and retaining for a period of more than 48-hours the amount of the contribution that is in excess of the applicable limit established pursuant to N.J.A.C. 19:25-11.2.

(c) The knowing, willful, or intentional making of a contribution that, either alone or when aggregated with prior contributions from the same contributor, is in excess of the limits pursuant to N.J.A.C. 19:25-11.2, shall refer to the act of making a contribution in an amount that is in excess of the applicable limit established pursuant to N.J.A.C. 19:25-11.2 and delivering the contribution or causing the contribution to be delivered to a candidate, or to a campaign or organizational treasurer, or to any other person authorized to receive funds on behalf of a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee.

New Rule. R.2003 d.237, effective June 16, 2003.
See: 35 N.J.R. 1204(a), 35 N.J.R. 2736(a).

SUBCHAPTER 18. ADVISORY OPINIONS

19:25-18.1 Requests for advisory opinions

(a) A person or committee subject to, or reasonably believing he, she or it may be subject to, any provision or

requirement of the Campaign Reporting Act may request that the Commission provide an advisory opinion pursuant to N.J.S.A. 19:44A-6. Such request shall be in writing and shall include the following:

1. The full name, mailing address and daytime telephone number of the person or committee on whose behalf the opinion is requested;

2. A description of the current filing status, if any, of the person or committee and the name under which the person or committee is filing reports with the Commission if that name is different from the name given in (a)1 above;

3. A full and complete statement of all pertinent facts and contemplated activities that are the subject of the inquiry. Such statement must affirmatively state that the contemplated activities have not been previously undertaken by the person or committee requesting the opinion, and that the person or committee has standing to seek the opinion, that is the opinion will affect the person's or committee's reporting or other requirements under the Act;

4. A statement of the cognizable question of law arising under the Campaign Reporting Act, including specific citations to pertinent sections of the Campaign Reporting Act and these rules;

5. A statement of the result that the person or committee seeks, and a statement of the reasoning supporting that result;

6. The signature of the person requesting the opinion, or in the case of a request submitted on behalf of a candidate or joint candidates committee, the signature of the candidate or candidates on whose behalf a candidate committee has been established, or in the case of any other committee, the signature of the committee treasurer; and

7. A statement of whether or not the person or committee seeking the advisory opinion consents to a 30-day period for issuance of the Commission's opinion, which period shall start from the date of Commission receipt of the completed advisory opinion request. Such consent shall be understood to be consent to an extension of the 10-day period provided in N.J.S.A. 19:44A-6f for issuance of the opinion.

(b) A request for an advisory opinion submitted by a New Jersey attorney on behalf of the attorney's client shall not require any signature other than that of the attorney provided that the attorney affirmatively states in writing that the attorney has been authorized to represent the person or committee seeking the opinion.

Repeal and New Rule. R.1996 d.468, effective October 7, 1996.
See: 28 N.J.R. 2804(a), 28 N.J.R. 4510(a).

Section was "Scope of advisory opinions".

Case Notes

Advisory opinions cannot alter legislative enactment or frustrate statutory policy; contested opinions invalid. *Friends of Governor Tom Kean v. New Jersey Election Law Enforcement Commission*, 203 N.J.Super. 523, 497 A.2d 555 (App.Div.1985), affirmed 102 N.J. 319, 508 A.2d 200 (1985).

19:25-18.2 Time for issuing advisory opinions

(a) A request for an advisory opinion shall not be deemed as received by the Commission until all the requirements of N.J.A.C. 19:25-18.1 have been satisfied.

(b) Unless an extension of time is consented to by any person requesting an advisory opinion, the Commission shall issue its opinion within 10 days of receipt of the request for that opinion. For the purpose of this subchapter, the term "days" shall mean days that the Commission is open for the conduct of its business, and shall exclude Saturdays, Sundays, legal holidays and any day in which offices of the State of New Jersey are closed.

Repeal and New Rule. R.1996 d.468, effective October 7, 1996.
See: 28 N.J.R. 2804(a), 28 N.J.R. 4510(a).
Section was "Extension of time".

19:25-18.3 (Reserved)

Repealed by R.1996 d.468, effective October 7, 1996.
See: 28 N.J.R. 2804(a), 28 N.J.R. 4510(a).
Section was "Procedure for advisory opinions".

SUBCHAPTER 19. PERSONAL FINANCIAL DISCLOSURE STATEMENTS

19:25-19.1 Authority

The provisions of this subchapter, covering personal financial disclosure statements of candidates for the Office of Governor or for State legislative office are promulgated pursuant to the Act requiring the filing of financial disclosure statements by certain candidates, Laws 1981, c. 129 (N.J.S.A. 19:44B-1, and following the Personal Financial Disclosure Statement Act).

Case Notes

Fine upheld for candidate's failure to timely file personal financial disclosure statement. *New Jersey Election Law Enforcement Commission v. Fuscaldo*, 96 N.J.A.R.2d (ELE) 1.

Failure to certify and file personal financial disclosure statement warranted imposition of monetary penalty. *Election Law Enforcement v. Grant*, 95 N.J.A.R.2d (ELE) 1.

Candidate for governor fined; untimely filing of Personal Financial Disclosure Statement. *Election Law Enforcement Commission v. Ziruolo*, 94 N.J.A.R.2d (ELE) 1.

19:25-19.2 Definitions

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

"Candidate" means:

1. An individual seeking election to the office of Governor, Senate, or General Assembly;
2. An individual who has received funds or other benefits or has made payments solely for the purpose of determining whether the individual should become a candidate for the office of Governor, Senate, or General Assembly; and
3. An individual appointed to fill a vacancy, which vacancy occurs in the nomination of a candidate by primary election or by direct petition for the office of Governor, Senate, or General Assembly.

"Gift" means any money or thing of value received other than as income, and for which a consideration of equal or greater value is not received, but does not include any political contribution reported as otherwise required by law, any loan made in the ordinary course of business, or any devise, bequest, intestate estate distribution or principal distribution of a trust or gift received from a member of a person(s) household or from a relative within the third degree of consanguinity of the person or his spouse, or from the spouse of that relative.

"Income" means any money or thing of value received, or to be received, as a claim on future services, whether in the form of a fee, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense, or any combination thereof.

"Member of household" means the spouse of a candidate for the Office of Governor or of a candidate for the Senate or General Assembly residing in the same domicile and any dependent children.

"Relative" shall mean a son, daughter, grandson, granddaughter, father, mother, grandfather, grandmother, great-grandfather, great-grandmother, brother, sister, nephew, niece, uncle, or aunt. Relatives by adoption, half-blood, marriage, or re-marriage shall be treated as relatives of the whole kinship.

Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).
Inserted "Candidate".

19:25-19.3 Reporting of earned income

(a) The Personal Financial Disclosure Statement shall include the name and address of the corporation, professional association, partnership or sole proprietorship which is the source of each of the following categories of earned income totalling more than \$1,000 for the preceding calendar year: salaries, bonuses, royalties, fees, commissions, and profit sharing.

(d) A professional campaign fund raiser who has not registered with the Commission pursuant to this section but is required to be registered, and who has not paid the initial registration fee in (c) above, shall not, for compensation, perform for any candidate or committee any service directly related to the solicitation of contributions for that candidate or committee. A candidate or committee shall not pay any compensation to any fund raiser who is not registered pursuant to this section but is required to be registered, for performing any service directly related to the solicitation of contributions for that candidate or committee.

19:25-21.3 Quarterly reports

(a) A professional campaign fund raiser who has filed a registration form with the Commission pursuant to N.J.A.C. 19:25-21.2 shall file quarterly reports with the Commission, which shall include the following information:

1. The name of each candidate or committee for which fund raising services were provided;
2. The specific services provided to each named candidate or committee;
3. The gross and net amounts raised for each named candidate or committee;
4. The amount of compensation received by the professional campaign fund raiser from each candidate or committee; and
5. An itemized list of expenditures made in connection with providing fund raising services.

(b) The term "quarterly reports" shall mean the reports described below, which reports shall be due for filing and shall include information described in (a) above relevant to the following periods of time:

1. The first quarterly report shall be due for filing on April 15 of a calendar year and shall include information for the period of time beginning with the first transaction occurring on or after January 1st of the calendar year of the filing date, and ending with the last transaction occurring on March 31st of that calendar year;

2. The second quarterly report shall be due for filing on July 15 of a calendar year and shall include information for the period of time beginning with the first transaction occurring on or after April 1st of the calendar year of the filing date, and ending with the last transaction occurring on June 30th of that calendar year;

3. The third quarterly report shall be due for filing on October 15 of a calendar year and shall include information for the period of time beginning with the first transaction occurring on or after July 1st of the calendar year of the filing date, ending with the last transaction occurring on September 30th of that calendar year; and

4. The fourth quarterly report shall be due for filing on January 15 of a calendar year and shall include all information for the period of time beginning with the first transaction occurring on or after October 1st of the calendar year preceding the calendar year of the filing date, and

ending with the last transaction occurring on December 31st of the calendar preceding the calendar year of the filing date.

(c) A professional campaign fund raiser shall continue to file quarterly reports with the Commission regardless of the number of events that person plans, organizes or attends, or the amount of contributions that person receives, as long as the person remains employed, retained, or engaged as a professional fund raiser, and until such time as the professional campaign fund raiser notifies the Commission pursuant to N.J.A.C. 19:25-21.5 of the termination of fund raising services.

19:25-21.4 Annual fee

(a) Each professional campaign fund raiser who registers with the Commission shall pay an annual fee of \$1,000, which shall be received by the Commission no later than January 31st for the calendar year which began on the preceding January 1st.

(b) The \$1,000 annual fee shall also be applicable to each individual employed by a professional campaign fund raiser who is employed, retained, or engaged for monetary compensation of at least \$5,000 per year in the aggregate to

perform for any candidate or committee, or both, any service directly related to the solicitation of contributions for that candidate or committee, or both, and who meets either of the registration criteria at N.J.A.C. 19:25-21.2(a). The \$1,000 fee shall be received by the Commission no later than January 31st for the calendar year which began on the preceding January 1st.

19:25-21.5 Termination

A fund raiser who chooses to terminate fund raising services in this State shall notify the Commission in writing within 30 days after such termination of services.

19:25-21.6 Violations; penalties

(a) Any professional campaign fund raiser responsible for the preparation, certification, filing or retention of any reports, notices or other documents, who fails, neglects or omits to prepare, certify, file or retain any such report, record or notice or document by the time required by this section or who omits or incorrectly states or certifies any of the information required by this section to be included in such report, record, notice or document shall be liable to a penalty of not more than \$6,000 for the first offense and not more than \$12,000 for the second and each subsequent offense.

(b) Any penalty imposed pursuant to this subsection may be recovered in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999" (P.L. 1999, c.274).

SUBCHAPTER 22. SEVERABILITY CLAUSE

19:25-22.1 Severability clause

If any regulation, or sentence, paragraph or section of this chapter, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any regulation shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of these regulations.

As amended, R.1981 d.54, effective February 13, 1981.

See: 13 N.J.R. 49(a), 13 N.J.R. 248(b).

Recodified from Chapter 18.

As amended, R.1983 d.285, effective July 18, 1983.

See: 15 N.J.R. 799(a), 15 N.J.R. 1183(a).

Recodified from Chapter 19.

As amended, R.1984 d.341, effective August 6, 1984.

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

Recodified from Chapter 20.

SUBCHAPTER 23. (RESERVED)

SUBCHAPTER 24. STATE CONTRACTOR CONTRIBUTIONS PROHIBITED

19:25-24.1 Definitions

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

"Business entity" means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or any other state or foreign jurisdiction, and includes:

1. All principals who own or control more than 10 percent of the profits or assets of a business entity or 10

percent of the stock in the case of a business entity that is a corporation for profit, as appropriate;

2. Any subsidiaries directly or indirectly controlled by the business entity;

3. Any political organization organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the business entity, other than a candidate committee or political party committee; and

4. If a business entity is a natural person, that person's spouse or child, residing with the natural person.

"Campaign Reporting Act" means the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq.

"Campaign treasurer" means the person or persons appointed as treasurer by a candidate committee or the person or persons undertaking activity relating to contributions and expenditures of a candidate committee pursuant to the Campaign Reporting Act.

"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.

"Contribution" includes every loan, gift, subscription, advance or transfer of money or other thing of value, including any, in-kind contribution, made to or on behalf of any candidate committee, joint candidates committee, political party committee or legislative leadership committee and any pledge or other commitment or assumption of liability to make such transfer. For the purposes of this subchapter, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed. Funds or other benefits received solely for the purpose of determining whether an individual should become a candidate are contributions.

"Contribution reportable by the recipient" shall mean a contribution or contributions in excess of \$300.00 in the aggregate per election made to or received by a candidate committee or joint candidates committee or per calendar year made to or received by a political party committee or legislative leadership committee.

“County committee of a political party” means a committee organized pursuant to N.J.S.A. 19:5-3.

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

“In-kind contribution” means a contribution of goods or services received by a candidate committee, joint candidates committee, political party committee or legislative leadership committee, which contribution is paid for by a person or entity other than the recipient committee, but does not include services provided without compensation by an individual volunteering a part of or all of his or her time on behalf of a candidate or committee.

“Legal person” means a corporation which possesses legal rights.

“Natural person” means a human being.

“Organizational treasurer” means the person or persons appointed as treasurer by a political party committee or the person or persons undertaking activity relating to contributions and expenditures of a political party committee pursuant to the Campaign Reporting Act.

“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 contract” shall mean a contract with the State or any department or agency thereof or with its independent authorities, and shall include any division, board, bureau, office, commission or other instrumentality within or created by such department and any independent State authority, board, commission, instrumentality or agency.

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

19:25-24.2 Contributions by business entities prohibited

(a) A business entity which agrees to any contract or agreement with the State or any department or agency thereof or its independent authorities either for the rendition of services or furnishing of any material, supplies or equipment or for the acquisition, sale, or lease of any land or building, if the value of the transaction exceeds \$17,500, shall not knowingly solicit or make any contribution reportable by the recipient of money, or pledge of a contribution, including in-kind contributions, to a candidate committee of any candidate or holder of the public office of Governor or to any State or county committee of a political party prior to the completion of the contract or agreement.

(b) For the purposes of (a) above, a business entity shall have knowingly made a contribution if the business entity did not request, in writing, within 30 days of the date on which

the contribution was made, that the recipient candidate committee of any candidate or holder of the public office of Governor or State or county committee of a political party repay the contribution and, if the business entity did not receive repayment within those 30 days.

(c) For the purposes of (a) above, it shall be presumed that a contribution made to a candidate committee of any candidate or holder of the public office of Governor or to a State or county committee of a political party within 60 days of a gubernatorial primary or general election was made knowingly.

19:25-24.3 Request for repayment of a contribution

(a) If a business entity makes a contribution during the term of a contract that would constitute a violation of N.J.A.C. 19:25-24.2, the entity may request, in writing, that the recipient candidate committee of any candidate or holder of the public office of Governor or State or county committee of a political party repay the contribution in full and, if such repayment is received within 30 days after the date on which the contribution was made, the business entity would no longer be in violation of N.J.A.C. 19:25-24.2.

(b) It shall be presumed that a contribution or contributions made within 60 days of a gubernatorial primary or general election were not made inadvertently.

19:25-24.4 Applicability to State agencies and authorities

The provisions of this subchapter shall apply to all contracts and agreements with State agencies including contracts or agreements with any of the principal departments in the Executive Branch, and any division, board, bureau, office, commission or other instrumentality within or created by such department and any independent State authority, board, commission, instrumentality or agency.

19:25-24.5 Inapplicability under Federal law or eminent domain

The provisions of this subchapter shall not apply in circumstances when it is determined by the Federal government or a court of competent jurisdiction that its application would violate Federal law or regulation or prevent the State, its executive departments, agencies or independent authorities from complying with all of the requirements, conditions and obligations of the Eminent Domain Act of 1971, P.L. 1971, c. 361 (N.J.S.A. 20:3-1 et seq.), as amended and supplemented.

19:25-24.6 Allegation of a violation

(a) A request to the Commission to investigate an allegation that a business entity has made a contribution or contributions in violation of N.J.A.C. 19:25-24.2, shall be filed on a form prescribed by the Commission and shall include:

1. A copy of the contract awarded by the State or any department or agency thereof or its independent authorities to the business entity that is the subject of the request;

2. The name and address of the business entity, which is alleged to have made a contribution in violation of N.J.A.C. 19:25-24.2, and the amount of the alleged contribution; and

3. The name and address of the candidate committee of any candidate or holder of the public office of Governor or the State or county committee of a political party that is alleged to have accepted a contribution or contributions from a business entity with a contract or agreement awarded by the State or any department or agency thereof or its independent authorities.

(b) The Commission shall forward to the State Treasurer any evidence of a violation of N.J.A.C. 19:25-24.2 by a business entity and any evidence of a violation or violations of N.J.S.A. 19:44A-20.21, which was received pursuant to (a) above.

SUBCHAPTER 25. LEGISLATIVE, COUNTY AND MUNICIPAL CONTRACTOR CONTRIBUTIONS PROHIBITED

19:25-25.1 Definitions

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

“Business entity” means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction.

“Campaign Reporting Act” means the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq.

“Campaign treasurer” means the person or persons appointed as treasurer by a candidate committee or joint candidates committee or the person or persons undertaking activity relating to contributions and expenditures of a candidate committee or joint candidates committee pursuant to the Campaign Reporting Act.

“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.

“Contribution” includes every loan, gift, subscription, advance or transfer of money or other thing of value, including any, in-kind contribution, made to or on behalf of any candidate committee, joint candidates committee, political party committee or legislative leadership committee and any pledge or other commitment or assumption of liability to make such transfer. For the purposes of this subchapter, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed. Funds or other benefits received solely for the purpose of determining whether an individual should become a candidate are contributions.

“Contribution reportable by the recipient” shall mean a contribution or contributions in excess of \$300.00 in the aggregate per election made to or received by a candidate committee or joint candidates committee or per calendar year made to or received by a political party committee or legislative leadership committee.

“County committee of a political party” means a committee organized pursuant to N.J.S.A. 19:5-3.

“Fair and open process” means, at a minimum, that the contract shall be:

1. Publicly advertised in newspapers or on the Internet website maintained by the public entity in sufficient time to give notice in advance of the contract;

2. Awarded under a process that provides for public solicitation of proposals or qualifications and awarded and disclosed under criteria established in writing by the public entity prior to the solicitation of proposals or qualifications; and

3. Publicly opened and announced when awarded.

The decision of a public entity as to what constitutes a fair and open process shall be final.

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

“In-kind contribution” means a contribution of goods or services received by a candidate committee, joint candidates committee, political party committee or legislative leadership committee, which contribution is paid for by a person or entity other than the recipient committee, but does not include services provided without compensation by an individual volunteering a part of or all of his or her time on behalf of a candidate or committee.

“Interest” means the ownership or control of more than 10 percent of the profits or assets of a business entity or 10 percent of the stock in the case of a business entity that is a corporation for profit, as appropriate.

“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, or municipality, 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.

“Legal person” means a corporation which possesses legal rights.

“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.

“Municipal committee of a political party” means a committee organized pursuant to N.J.S.A. 19:5-2.

“Natural person” means a human being.

“Organizational treasurer” means the person or persons appointed as treasurer by a legislative leadership committee or political party committee or the person or persons undertaking activity relating to contributions and expenditures of a legislative leadership committee or political party committee pursuant to the Campaign Reporting Act.

“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 contract” shall mean a contract with a State agency in the Legislative Branch, a contract with a county, or any agency or instrumentality thereof, or a contract with a municipality, or any agency or instrumentality thereof.

“State agency in the Legislative Branch” means the Legislature of the State and any office, board, bureau or commission within or created by the Legislative Branch.

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

19:25-25.2 Contributions by business entities prohibited

(a) Notwithstanding the provisions of any other law to the contrary, a business entity that has entered into a contract having an anticipated value in excess of \$17,500 with a State agency in the Legislative Branch, that requires approval by a

presiding officer of either or both houses of the Legislature, except a contract that is awarded pursuant to a fair and open process, shall not during the term of that contract make a contribution, reportable by the recipient, to the State committee of the political party of which that presiding officer is a member or to a legislative leadership committee or any candidate committee or joint candidates committee established by that presiding officer.

(b) Notwithstanding the provisions of any other law to the contrary, a business entity that has entered into a contract having an anticipated value in excess of \$17,500 with a county, or any agency or instrumentality thereof, except a contract that is awarded pursuant to a fair and open process, shall not during the term of that contract make a contribution, reportable by the recipient, to any county committee of a political party in that county if a member of that political party is serving in an elective public office of that county when the contract is awarded or to any candidate committee or joint candidates committee of any person serving in an elective public office of that county when the contract is awarded.

(c) Notwithstanding the provisions of any other law to the contrary, a business entity that has entered into a contract having an anticipated value in excess of \$17,500 with a municipality, or any agency or instrumentality thereof, except a contract that is awarded pursuant to a fair and open process, shall not during the term of that contract make a contribution, reportable by the recipient, to any municipal committee of a political party in that municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded or to any candidate committee or joint candidates committee of any person serving in an elective public office of that municipality when the contract is awarded.

19:25-25.3 Prohibition on acceptance of contributions from a business entity

(a) No State committee of a political party, legislative leadership committee, candidate committee or joint candidates committee, as set forth in N.J.A.C. 19:25-25.2(a), shall accept a contribution from a business entity during the term of the contract between the business entity and the State agency in the Legislative Branch.

(b) No county committee of a political party, candidate committee or joint-candidates committee, as set forth in N.J.A.C. 19:25-25.2(b), shall accept a contribution from a business entity during the term of the contract between the business entity and the county or its agency or instrumentality.

(c) No municipal committee of a political party, candidate committee or joint-candidates committee, as set forth in N.J.A.C. 19:25-25.2(c), shall accept a contribution from a business entity during the term of the contract between the business entity and the municipality or its agency or instrumentality.

19:25-25.4 Contribution deemed to be a contribution by business entity

(a) When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity.

(b) When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

19:25-25.5 Business entity duty to report to Commission

(a) A business entity that has entered into a contract with a State agency in the Legislative Branch, a county, or any agency or instrumentality thereof, or a municipality, or any agency or instrumentality thereof, which contract has an anticipated value in excess of \$17,500 and was not awarded pursuant to a fair and open process, shall have a continuing duty to report to the Commission any contribution or contributions that are made during the duration of the contract in violation of N.J.A.C. 19:25-25.2.

(b) The report of a contribution or contributions made during the duration of a contract in violation of N.J.A.C. 19:25-25.2 shall be filed with the Commission by means of a letter and shall include:

1. The name and address of the business entity that made the contribution or contributions;
2. The name and address of the State, county, or municipal political party committee, legislative leadership committee, candidate committee, or joint-candidates committee to which the contribution was made;
3. The amount and date of each contribution; and
4. Information identifying the contract which shall include, but not be limited to, the name of the government entity with whom the contract is made, the purpose of the contract, and term of the contract.

19:25-25.6 Repayment of a contribution

If a business entity makes a contribution during the term of a public contract that would constitute a violation of N.J.A.C. 19:25-25.2, the business entity may request, in writing, within 60 days of the date on which the contribution was made, that the recipient State, county, or municipal political party committee, legislative leadership committee, candidate committee, or joint candidates committee repay the contribution and, if repayment is received within those 60 days, the business entity would no longer be in violation of N.J.A.C. 19:25-25.2.

19:25-25.7 Penalty for a violation by a business entity

(a) A business entity which is determined by the Commission to have willfully and intentionally made a contribution that is in violation of N.J.A.C. 19:25-25.2, or failed to report a contribution, as required by N.J.A.C. 19:25-25.5, may be liable to a penalty of up to the value of its public contract.

(b) For the purposes of (a) above, a business entity shall have willfully and intentionally made a contribution that is in violation of N.J.A.C. 19:25-25.2 if the business entity did not request, in writing, within 60 days of the date on which the contribution was made, that the recipient State, county, or municipal committee of a political party, legislative leadership committee, candidate committee, or joint candidates committee repay the contribution and, if repayment was not received within those 60 days.

(c) For the purposes of (a) above, a business entity shall have willfully and intentionally failed to comply with the continuing duty to report a contribution that is in violation of N.J.A.C. 19:25-25.5 if the business entity fails to file the report required by N.J.A.C. 19:25-25.5 within 60 days of making the contribution.

(d) The Commission shall forward to the State Treasurer any final decision finding a violation of N.J.A.C. 19:25-25.2 or 25.5 by a business entity that has a public contract.

19:25-25.8 Penalty for acceptance of an unlawful contribution

(a) A State, county, or municipal committee of a political party, legislative leadership committee, candidate committee, joint-candidates committee, or campaign or organizational treasurer thereof, who or which is determined by the Commission to have willfully and intentionally accepted a contribution in violation of N.J.A.C. 19:25-25.3, shall be liable to a penalty for each such violation equal to the penalties set forth in N.J.S.A. 19:44A-22e.

(b) For the purposes of (a) above, the willful and intentional acceptance of a contribution by a State, county, or municipal committee of a political party, legislative leadership committee, candidate committee, joint-candidates committee, or campaign or organizational treasurer thereof, shall refer to the act of receiving a contribution that is in violation of N.J.A.C. 19:25-25.3 and retaining the contribution for a period of more than 60 days.

19:25-25.9 Allegation of a violation

(a) A request to the Commission to investigate an allegation that a business entity has made a contribution or contributions in violation of N.J.A.C. 19:25-25.2, that a State, county, or municipal committee of a political party, legislative leadership committee, candidate committee, or joint candidates committee has accepted a contribution or contributions in violation of N.J.A.C. 19:25-25.3, or that a

business entity has failed to file a report required by N.J.A.C. 19:25-25.5, shall be filed on a form prescribed by the Commission and shall include:

1. A copy of the contract awarded by the State agency in the Legislative Branch, by the county, or any agency or instrumentality thereof, or by the municipality, or any agency or instrumentality thereof, to the business entity that is the subject of the request for investigation, or in the case of a contract awarded by a county, or any agency or instrumentality thereof, or by a municipality, or any agency or instrumentality thereof, a copy of the resolution, required pursuant to N.J.S.A. 40A:11-1 et seq., awarding the contract to the business entity that is the subject of the request;

2. The name and address of the business entity that is alleged to have made a contribution in violation of N.J.A.C. 19:25-25.2, and the amount of the alleged contribution;

3. The name and address of the spouse, child, person or other business entity whose contribution is deemed by N.J.A.C. 19:25-25.4 to be a contribution by a business entity and is alleged to have made a contribution in violation of N.J.A.C. 19:25-25.2; and

4. The name and address of the State, county, or municipal committee of a political party, legislative leadership committee, candidate committee, or joint candidates committee that is alleged to have received a contribution or contributions in violation of N.J.A.C. 19:25-25.3.

19:25-25.10 Opportunity for hearing

In any penalty proceeding undertaken by the Commission pursuant to N.J.A.C. 19:25-25.7 or 25.8, or statutory authority, each respondent shall be afforded the opportunity for a hearing pursuant to the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., 52:14F-1 et seq., and N.J.A.C. 1:1.

19:25-25.11 Default for failure to answer complaint

In any penalty proceeding undertaken by the Commission pursuant to N.J.A.C. 19:25-25.7 or 25.8, or statutory authority, the Commission may enter a final decision, including penalty, against any respondent who fails to file with the Commission a written responsive pleading or answer within 20 days after service on such respondent in conformity with the rules of the New Jersey Office of Administrative Law of a copy of a complaint alleging a specific violation of the law within the Commission's jurisdiction to enforce.

SUBCHAPTER 26. CONTRIBUTION DISCLOSURE BY FOR-PROFIT AND NONPROFIT ENTITIES

19:25-26.1 Definitions

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

"Business entity" means a natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction. The term "business entity" shall include for-profit and nonprofit entities.

"Candidate" means:

1. An individual seeking election to a public office of this State or of a county, municipality or school or fire district at any election;

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

3. An individual who has received funds or other benefits or has made payments solely for the purpose of determining whether the individual should become a candidate as defined in 1 and 2 above.

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 \$4,300 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). A continuing political committee does not include:

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

2. A contributor not involved in fundraising (that is, not soliciting or accepting contributions to aid or promote candidates, or the passage or defeat of public questions), and not conducting any election-related activity, other than making contributions from its own funds to a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee.

“Contribution” includes every loan, gift, subscription, advance or transfer of money or other thing of value, including any, in-kind contribution, made to or on behalf of any candidate committee, joint candidates committee, political party committee or legislative leadership committee and any pledge or other commitment or assumption of liability to make such transfer. For the purposes of this subchapter, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed. Funds or other benefits received solely for the purpose of determining whether an individual should become a candidate are contributions.

“Contribution reportable by the recipient” shall mean a contribution or contributions in excess of \$300.00 in the aggregate per election made to or received by a candidate committee, joint candidates committee, or political committee or per calendar year made to or received by a political party committee, legislative leadership committee, or continuing political committee.

“County committee of a political party” means a committee organized pursuant to N.J.S.A. 19:5-3.

“Director” means any member of the governing board of a corporation, including a nonprofit corporation, whether designated as a director, trustee, manager, governor, or by any other title.

“Fair and open process” means, at a minimum, that the contract shall be:

1. Publicly advertised in newspapers or on the Internet website maintained by the public entity in sufficient time to give notice in advance of the contract;
2. Awarded under a process that provides for public solicitation of proposals or qualifications and awarded and disclosed under criteria established in writing by the public entity prior to the solicitation of proposals or qualifications; and
3. Publicly opened and announced when awarded.

The decision of a public entity as to what constitutes a “fair and open process” shall be final.

“In-kind contribution” means a contribution of goods or services received by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, which contribution is paid for by a person or entity other than the recipient committee, but does not include services provided without compensation by an individual volunteering a part of or all of his or her time on behalf of a candidate or committee.

“Interest” means the ownership or control of more than 10 percent of the profits or assets of a business entity or more than 10 percent of the stock, in the case of a business entity that is a corporation for profit, as appropriate.

“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, or municipality, 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.

“Legal person” means a corporation which possesses legal rights.

“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.

“Local unit” means a county, municipality, agency or instrumentality of a county or municipality, independent authority, board of education, or fire district.

“Natural person” means a human being.

“Municipal committee of a political party” means a committee organized pursuant to N.J.S.A. 19:5-2.

“Officer” means a president, vice president with senior management responsibility, secretary, treasurer, chief executive officer, or chief financial officer of a corporation, including a nonprofit corporation, or any person routinely performing such functions for a corporation.

“Partner” means one of two or more natural persons or other entities, including a corporation, who or which are joint owners of and carry on a business for profit, and which busi-

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

“Political party committee” means:

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

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

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

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

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

Petition for Rulemaking.
See: 40 N.J.R. 224(b), 900(c).

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

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

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

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

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

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

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

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

1. The names of all of the following to which the business entity made a contribution reportable by the recipient during the 12-month period preceding the date of the resolution awarding the contract with the local unit:
 - i. Any political party committee;
 - ii. Any legislative leadership committee;
 - iii. Any continuing political committee; and
 - iv. Any candidate committee or joint candidates committee of a candidate for, or holder of, an elective office of the local unit awarding the contract, the county in which that local unit is located, another local unit within that county, and the legislative district in which that local unit is located or, when the local unit is a county, of any legislative district which includes all or part of the county;
2. The date of the contribution; and
3. The amount of the contribution.

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

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

19:25-26.4 Business entity annual disclosure statement

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