

## SUBTITLE H. ELECTION LAW ENFORCEMENT COMMISSION

## CHAPTER 25

REGULATIONS OF THE ELECTION LAW  
ENFORCEMENT COMMISSION

## Authority

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

## Source and Effective Date

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

## Executive Order No. 66(1978) Expiration Date

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

## Chapter Historical Note

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

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

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

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

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 Subchapter 19 was repealed and recodified as N.J.A.C. 19:26-16 effective November 6, 1980 as R.1980 d.491.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

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

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

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

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

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

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

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

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

1993 Revisions: Subchapter 4, Reporting Requirements, was repealed and Subchapter 4, Establishment of Reporting Committees, was adopted as New Rules; Subchapter 5, Appointment of Treasurers and Depositories, consisting of sections 5.1 through 5.7, was repealed and Subchapter 5, Appointment of Campaign Officers and Depositories, was adopted as New Rules; Subchapter 6, Deposit of Funds, was repealed and Subchapter 6, Receipt and Use of Funds, was recodified from Subchapter 7; Subchapter 7, Use or Transmittal of Deposited Funds; Surplus Campaign Funds, was repealed in part and recodified in part to Subchapter 6, and Subchapter 7, Recordkeeping, was recodified from Subchapter 8; Subchapter 8, Candidate, Joint Candidates, and Political Committee Reporting, was adopted as new rules; and Subchapter 9, Pre-Election and Post-Election Reports, was repealed by R.1993 d.509, effective October 18, 1993. See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).

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

1995 Revisions: Subchapter 11, Contributions; Reporting of, was recodified as Subchapter 10, Contribution Reporting, and Subchapter 11, Contribution Limits, was adopted as new rules by R.1995 d.209, effective April 17, 1995. See: 27 N.J.R. 312(a), 27 N.J.R. 480(a), 27 N.J.R. 1643(c). Subchapter 12 was repealed and Subchapter 12, Reporting of Expenditures; Independent Expenditures, was adopted as new rules by R.1995 d.433, effective August 21, 1995. See: 27 N.J.R. 2110(a), 27 N.J.R. 3214(a). Pursuant to Executive Order No. 66(1978), Chapter 25 was readopted as R.1995 d.509, effective August 16, 1995. See: Source and Effective Date. See, also, section annotations.

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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.; and the Legislative Activities Disclosure Act of 1971, N.J.S.A. 52:13C-18 et seq. Such provisions shall constitute the rules and regulations of practice and procedure of the New Jersey Election Law Enforcement Commission ("the Commission").

Amended by R.1990 d.526, effective November 5, 1990.  
 See: 22 N.J.R. 2251(a), 22 N.J.R. 3391(a).  
 Citations added.

##### 19:25-1.2 Short title

The provisions of this chapter shall be known as "Regulations of the New Jersey Election Law Enforcement Commission".

##### 19:25-1.3 Liberal construction of regulations

The provisions of this chapter shall be liberally construed to permit the commission to discharge its statutory functions and to secure a just and speedy determination of all matters before it.

##### 19:25-1.4 Relaxation

The commission may, upon notice to all parties or persons in interest, relax the application of this chapter whenever the interest of justice shall so require.

##### 19:25-1.5 Amendment of regulations

The commission may at any time and from time to time, rescind, alter or amend the provisions of this chapter in the manner prescribed by law as may be necessary to carry out the purposes of the act. Any new regulation resulting from such action shall be filed with the New Jersey Office of Administrative Law.

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

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

Deleted "Secretary of State" and added "Office of Administrative Law".

##### 19:25-1.6 Practice where regulations do not govern

In any matter not governed by the provisions of this chapter, the commission shall exercise its discretion so as to carry out the purposes of the act.

##### 19:25-1.7 Definitions

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

"The act" means The New Jersey Campaign Contributions and Expenditures Reporting Act, L.1973, c.83, as amended, N.J.S.A. 19:44A-1 and following.

"Candidate" means:

1. An individual seeking election to a public office of this State or of a county, municipality or school district to any election; and

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

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

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

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

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

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

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

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

"Election-related activity" means election activity related to a candidate for public office of the State of New Jersey or its political subdivisions, or public question submitted to the voters of the State of New Jersey or its political subdivisions as set forth in the act and includes, without limitation,

contributions to candidates, expenditures for fundraising, expenditures on behalf of candidates and other related political expenditures.

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

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

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

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

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

"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.

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

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

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

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

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

4. Except as set forth in paragraph 5 below of this definition, no person or persons holding elected or appointed public office in this State or any political subdivision thereof shall be deemed to be a political committee with respect to any public question by virtue of communication with their constituents or with public officials of the Federal government or of this or any other state or political subdivision thereof, or with the general public reasonably related to the duties of his or her public office.

5. Elected or appointed public officials, boards and commissions, and the members thereof, may become political committees with respect to a public question by virtue of fund raising or other election-related activities respecting such public questions.

"Political party committee" means the State committee of a political party, as organized pursuant to N.J.S.A. 19:5-4; any county committee of a political party, as organized pursuant to N.J.S.A. 19:5-3; or any municipal committee of a political party, as organized pursuant to N.J.S.A. 19:5-2.

"Public office" means any elective office of this State or any political subdivision thereof, except that it does not include State, county or municipal political party office.

"Public question" means any question, proposition or referendum (for example, a constitutional amendment or bond issue) required by the legislative or governing body of this State or any of its political subdivisions to be submitted by referendum procedure to the voters of the State or political subdivision for decision at elections.

"Public solicitation" means a solicitation as described in N.J.A.C. 19:25-10.7(a).

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

As amended, R.1980 d.350, effective August 6, 1980.  
See: 12 N.J.R. 439(a), 12 N.J.R. 558(a).

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

Amended definitions of "contribution" and "expenditure".  
As amended, R.1984 d.324, effective August 6, 1984.  
See: 16 N.J.R. 1044(a), 16 N.J.R. 2154(a).

Definitions amended.  
Amended by R.1985 d.622, effective January 6, 1986.  
See: 17 N.J.R. 2531(a), 18 N.J.R. 95(a).

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

Amended by R.1987 d.30, effective January 5, 1987.  
See: 18 N.J.R. 1359(a), 19 N.J.R. 141(d).

New definition for "Surplus campaign funds".  
Amended by R.1989 d.99, effective February 21, 1989.

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

Deleted text from "political committee", "unless the aggregate . . ."  
Amended by R.1989 d.100, effective February 21, 1989.

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

Deleted "political club" and deleted text from "political party committee": "A political club . . . political party committee".  
Amended by R.1990 d.526, effective November 5, 1990.

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

Definition added for file.

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

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

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

Administrative Corrections to "expenditure".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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".

#### Case Notes

Ruling that group was "political committee" could be applied to group itself, and, thus could be subjected to penalties under the Campaign Contributions and Expenditures Reporting Act. *New Jersey Election Law Enforcement Com'n v. Citizens to Make Mayor-Council Government Work*, 107 N.J. 380, 526 A.2d 1069 (1987).

#### 19:25-1.8 Gender, use of masculine to include feminine

Unless a different meaning clearly appears from the context, the use of a word importing the masculine shall be understood to include and to apply to the feminine as well.

#### 19:25-1.9 Candidates and committees subject to thresholds and limits

The reporting thresholds and contribution limits for candidates, candidate committees, joint candidates committees, political committees, continuing political committees, political party committees, and legislative leadership committees set forth in the Act and in the provisions of this chapter shall be applicable in any election subject to the Act pursuant to N.J.S.A. 19:44A-4 or in any recall election conducted pursuant to the Uniform Recall Election Law, N.J.S.A. 19:27A-1 et seq.

New Rule, R.1996 d.582, effective December 16, 1996 (operative January 1, 1997).

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

## SUBCHAPTER 2. ADMINISTRATIVE

### 19:25-2.1 Office

The office of the Election Law Enforcement Commission is located at 28 W. State Street, Trenton, New Jersey. All

correspondence may be sent to the following address only: Election Law Enforcement Commission, CN-185, Trenton, New Jersey 08625-0185. The telephone number is: (609) 292-8700.

Amended by R.1984 d.324, effective August 6, 1984.

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

Zip code changed from "08625" to "08608".

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

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

Address and telephone number changed.

### 19:25-2.2 Access to documents

(a) Every document accepted for filing by the commission, including all reports, certified statements, requests for advisory opinions and replies to requests for advisory opinions, complaints or pleadings relating to a complaint, all final orders, decisions and opinions shall be maintained with the date of filing noted thereon by the commission.

(b) Any person shall, upon request, be afforded opportunity to examine a document, or a photocopy of any document so maintained.

Amended by R.1984 d.324, effective August 6, 1984.

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

"certified statements" substituted for "affidavits".

Recodified from 19:25-2.3 by R.1993 d.509, effective October 18, 1993.

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

Prior text at 19:25-2.2, Hours of operation, repealed by R.1990 d.172, effective March 19, 1990. See: 22 N.J.R. 982(b).

### 19:25-2.3 Copies of documents; fees

(a) Photocopies of documents maintained by the Commission pursuant to N.J.A.C. 19:25-2.3 shall be provided at a fee of \$0.50 per page for the first 10 pages, \$0.25 per page for the 11th through the 20th pages, and \$0.15 per page for all pages over 20 pages, and for purposes of establishing fees under this section a two-sided photocopy shall be deemed as two pages.

(b) Computer-generated data shall be provided at the following fees:

1. \$0.10 per page (approximately 15 inches by 8½ inches) of computer-printed data;
2. \$0.10 per computer-printed gummed, address label; and
3. \$125.00 per magnetic, 9-track computer tape (approximately 3,600 feet).

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

Amended by R.1984 d.324, effective August 6, 1984.

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

(a)1.-3. inserted.

Amended by R.1990 d.172, effective March 19, 1990.

See: 22 N.J.R. 22(a), 22 N.J.R. 982(b).

N.J.A.C. 19:25-2.4(a) and (b) deleted and (a), (b) and (c) added.

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

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

In (a), increased copying fees.

Recodified from 19:25-2.4 by R.1993 d.509, effective October 18, 1993.  
See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).

#### 19:25-2.4 Release of documents

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

#### 19:25-2.5 Signatures

(a) Whenever authorized by the commission by resolution, the signature of the chairman of the commission on final decisions, orders or other determinations issued by the commission pursuant to N.J.S.A. 19:44A-22 may be a facsimile signature.

(b) Whenever authorized by the commission by resolution, the executive director, or such employee of the commission as may be from time to time designated in writing by the executive director, shall be authorized to sign final decisions, orders or other determinations of the commission pursuant to N.J.S.A. 19:44A-22 in the name of the chairman of the commission, or to affix to such final decisions, orders or other determinations pursuant to N.J.S.A. 19:44A-22 the facsimile signature of the chairman.

New Rule, R.1985 d.238, effective May 20, 1985.

See: 17 N.J.R. 683(b), 17 N.J.R. 1335(a).

Recodified from 19:25-2.6 by R.1993 d.509, effective October 18, 1993.  
See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).

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

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

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

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

(c) This section is not applicable to:

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

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

Amended by R.1984 d.324, effective August 6, 1984.

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

Text added: "or other benefits".

Amended by R.1992 d.458, effective November 16, 1992.

See: 24 N.J.R. 3026(a), 24 N.J.R. 4274(a).

Revised (a).

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

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

#### 19:25-3.2 Recordkeeping for a prospective candidacy

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

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

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

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

### SUBCHAPTER 4. ESTABLISHMENT OF REPORTING COMMITTEES

#### 19:25-4.1 Establishment of a candidate committee

(a) A candidate or elected officeholder shall establish a candidate committee by appointing a treasurer and opening a depository for the purpose of receiving contributions and making expenditures no later than the date on which that candidate first receives any contribution or makes or incurs any expenditure in connection with an election, unless the candidate has already established a candidate committee which continues under an obligation to file reports. In the event a prior candidate committee exists, no additional candidate committee may be established.

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

#### 19:25-10.8 Anonymous contributions

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

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

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

#### 19:25-10.9 Contributions for pre-candidacy activity

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

#### 19:25-10.10 Political communication contributions

(a) The term "political communication" means any written statement, pamphlet, advertisement or other printed or broadcast matter containing an explicit appeal for the elec-

tion 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 of candidate)," "Defeat (name of opposing candidate)," "Reject (name of opposing candidate)," and other similar explicit political directives constitute examples of appeals for the election or defeat of a candidate.

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

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

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

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

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

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

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

#### 19:25-10.11 Reporting of political communication costs

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

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

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

#### 19:25-10.12 Interest income

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

#### 19:25-10.13 Loans as contributions

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

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

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

#### 19:25-10.14 Contributions by minors

(a) Contributions by minors shall be attributed to the legal guardian(s) of the minor for the purposes of N.J.A.C. 19:25-11.2, 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.

(b) For the purposes of (a) above, if the minor has more than one legal guardian, the contribution shall be attributed equally to each legal guardian of the minor.

New Rule, R.1997 d.179, effective April 21, 1997.  
See: 29 N.J.R. 419(b), 29 N.J.R. 1518(a).

### SUBCHAPTER 11. CONTRIBUTION LIMITS

#### 19:25-11.1 Candidates subject to contribution limits

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

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