

ELECTION LAW ENFORCEMENT COMMISSION

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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.

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 limited 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).

19:25-15.48 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.

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.

19:25-16.35 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".