

ELECTION LAW ENFORCEMENT COMMISSION

CHAPTER 25

REGULATIONS OF THE ELECTION LAW ENFORCEMENT COMMISSION

Authority

N.J.S.A. 19:27A-17, 19:44A-6, 19:44A-38, 19:44B-7, and 52:13C-23.2.

Source and Effective Date

R.2010 d.062, effective March 25, 2010.
See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 25, Regulations of the Election Law Enforcement Commission, expires on March 25, 2017. See: 43 N.J.R. 1203(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Subchapter 4, Reporting Requirements, was repealed and Subchapter 4, Establishment of Reporting Committees, was adopted as new rules; Subchapter 5, Appointment of Treasurers and Depositories, was repealed and Subchapter 5, Appointment of Campaign Officers and Depositories, was adopted as new rules; Subchapter 6, Deposit of Funds, was repealed and Subchapter 6, Receipt and Use of Funds, was adopted as new rules; Subchapter 7, Use or Transmittal of Deposited Funds; Surplus Campaign Funds, was in part repealed and in part recodified as Subchapter 6, Receipt and Use of Funds; Subchapter 8, Recordkeeping, was recodified as Subchapter 7, Recordkeeping; Subchapter 8,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Political Committee Reporting, was adopted as new rules; and Subchapter 9, Pre-Election and Post-Election Reports, was repealed by R.1993 d.509, effective October 18, 1993.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and Legislative Leadership Committee Reporting, was adopted as new rules, and Subchapter 10, Quarterly Reports, was repealed by R.1994 d.573, effective November 21, 1994.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Subchapter 11, Contributions; Reporting of, was repealed and Subchapter 10, Contribution Reporting, and Subchapter 11, Contribution Limits, were adopted as new rules by R.1995 d.209, effective April 17, 1995.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: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

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.

Chapter 25, Regulations of the Election Law Enforcement Commission, was readopted as R.2010 d.062, effective March 25, 2010. As a part of R.2010 d.062, Subchapter 8, Candidate, Joint Candidates, and Political Committee Reporting, was renamed Candidate, Joint Candidates and Political Committee Reporting; and Subchapter 26, Contribution Disclosure by For-Profit and Nonprofit Entities, was renamed Contribution Disclosure by For-Profit Entities, effective April 19, 2010. See: Source and Effective Date. See, also, section annotations.

Subchapter 8, Candidate, Joint Candidates and Political Committee Reporting, was renamed Candidate, Joint Candidates, and Political Committee Reporting; and Subchapter 15, Public Financing; General Elections for the Office of Governor, was renamed Public Financing; General Elections for the Offices of Governor and of Lieutenant Governor by R.2012 d.172, effective October 15, 2012. See: 44 N.J.R. 1593(a), 44 N.J.R. 2380(a).

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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 et seq. ("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, the Legislative and Governmental Process Activities Disclosure Act, P.L. 1971, c. 183, as amended, N.J.S.A. 52:13C-18 et seq., the "pay to play" laws, P.L. 2004, c. 19, as amended, N.J.S.A. 19:44A-20.3 et seq., P.L. 2005, c. 51, as amended, N.J.S.A. 19:44A-20.13 et seq., and P.L. 2005, c. 271, as amended, N.J.S.A. 19:44A-20.26 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.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

Rewrote the section.

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 rules

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.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

Section was "Liberal construction of regulations". Substituted "Commission" for "commission".

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.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

Substituted "Commission" for "commission".

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".

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

Substituted "Commission" for "commission" and "Act" for "act".

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.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

Substituted "Commission" for "commission" and "Act" for "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, P.L. 1973, c. 83, as amended, N.J.S.A. 19:44A-1 et seq.

"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, 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" means 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" means 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. For the purposes of this definition, a candidate committee formed jointly by candidates for the offices of Governor and of Lieutenant Governor of the same party is not a "joint candidates committee."

"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 this chapter, 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.526, 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".

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In the introductory paragraph, and in definitions "Contribution", "Election-related activity", and the introductory paragraph of definition "Expenditure", substituted "Act" for "act"; substituted definition "The Act" for definition "The act"; in definition "The Act", substituted "P.L. 1973, c. 83" for "L.1973, c.83" and "et seq" for "and following"; in the introductory paragraph of definition "Continuing political committee", deleted a comma following the first occurrence of "partnership", and substituted "Commission" for "commission"; in paragraph 1 of definition "Continuing political committee", substituted "political party committee" for "a political party committee,"; in definition "Election", substituted "means" for "includes" and the first occurrence of "State" for "state"; in the introductory paragraph of definition "Expenditure", deleted a comma following "party committee"; in definition "Family member", substituted "means" for "shall mean"; and in paragraph 3 of definition "Political committee", substituted "this chapter" for "these regulations".

Amended by R.2012 d.172, effective October 15, 2012.

See: 44 N.J.R. 1593(a), 44 N.J.R. 2380(a).

In definition "Joint candidates committee", inserted a comma following the first occurrence of "municipality" and inserted the last sentence.

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).

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 and Governmental Process 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).

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (a), inserted "and Governmental Process".

19:25-2.5 Signatures

(a) Whenever authorized by the Commission by resolution, the signature of the chair 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 chair 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 chair.

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.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (a) and (b), substituted "chair" for "chairman" throughout; and in (b), substituted "Commission" for "commission" throughout.

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) 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 this subchapter.

(b) 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 this subchapter.

(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 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 this subchapter.

(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 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 this subchapter.

(e) A candidate for nomination for or for election to the office of Governor 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 this subchapter.

(f) Candidates for nomination for or for election to the offices of Governor and of Lieutenant Governor, who jointly raise or spend, or expect to jointly 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 this subchapter.

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.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (a) and (e), substituted "A" for "Beginning on January 1, 2006, a"; in (a), (b), (c), (d) and (e), substituted "this subchapter" for "N.J.A.C. 19:25-3"; in (b), substituted "Candidates" for "Beginning on January 1, 2006, candidates"; and in (c) and (d), deleted "occurring after June 5, 2007," following the first occurrence of "primary election".

Amended by R.2012 d.172, effective October 15, 2012.

See: 44 N.J.R. 1593(a), 44 N.J.R. 2380(a).

In (e), deleted "in an election occurring after that date" following "Governor"; and added (f).

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.

(b) A candidate for two or more offices in an election shall establish a separate candidate committee, or joint candidates committee, or both, for each office sought in that election.

(c) A candidate who has established and is maintaining a candidate committee, or a joint candidates committee, or both, for an office in an election may not establish or maintain another candidate committee, or joint candidates committee, for that office in any other election, with the following exceptions:

1. The candidate is maintaining a committee for that office in a past election for the sole purpose of receiving contributions to satisfy net liabilities of that past election pursuant to N.J.A.C. 19:25-8.7A; or

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

(d) No candidate shall establish, authorize the establishment of, maintain, or participate directly or indirectly in the management or control of any political committee or any continuing political committee.

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

See: 32 N.J.R. 1291(a), 32 N.J.R. 2940(a).

Former N.J.A.C. 19:25-4.1, Establishment of a candidate committee, recodified to N.J.A.C. 19:25-4.1A.

19:25-4.1A 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.

(b) No later than 10 days after establishing a candidate committee a candidate shall file a certificate of organization and designation of campaign depository (Form D-1) containing the following information for each depository the candidate has established:

1. The full name of the candidate committee, which name must contain the surname of the candidate and the office sought;

2. The name, mailing address and telephone number of the person appointed as chairperson;

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

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) The name of the candidate committee reported in the certificate of organization and designation of campaign depository pursuant to (b) above shall be the sole name under which the committee receives contributions, makes expenditures, provides political identification required pursuant to N.J.A.C. 19:25-13.2 and otherwise does business.

(d) The certificate of organization and designation of campaign depository shall be certified as true and correct by the candidate, chairperson, and treasurer. The candidate shall further certify that the candidate has not, and will not during the existence of the candidate committee, establish, authorize the establishment of, maintain, or participate directly or indirectly in the management or control of any political committee or continuing political committee.

(e) The candidate shall file an amendment to the certificate of organization and designation of campaign depository no later than three days after any of the information required in (b) above changes.

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

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

Recodified from N.J.A.C. 19:25-4.1 and 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); and in (c), inserted ", provides political identification required pursuant to N.J.A.C. 19:25-13.2" following "expenditures".

Amended by R.2002 d.230, effective July 15, 2002.

See: 34 N.J.R. 1367(a), 34 N.J.R. 2466(c).

In (b), deleted "or DX" following "Form D-1" in the introductory paragraph.

19:25-4.2 Establishment of a joint candidates committee

(a) Two or more candidates seeking the same elective public offices in the same election shall establish a joint candidates committee for the purpose of receiving joint contributions and making joint expenditures no later than the

date on which any of those candidates receives any joint contribution or makes or incurs any joint expenditure in connection with an election, unless the candidates have already established a joint candidates committee which continues under an obligation to file reports.

(b) For the purposes of establishing a joint candidates committee pursuant to this section only, the following offices shall be deemed to be the same elective public offices:

1. The offices of member of the Senate and members of the General Assembly in a legislative district; or
2. The offices of county executive in a county and member of the board of chosen freeholders; or
3. The offices of mayor and member of the municipal governing body in a municipality.

(c) No later than 10 days after establishing a joint candidates committee the joint candidates committee shall file a certificate of organization and designation of campaign depository (Form D-2) containing the following information for each depository the joint candidates committee has established:

1. The full name of the joint candidates committee, which name must contain the surname of each of the joint candidates, except that the surnames may be omitted provided that:
 - i. The name of the joint candidates committee identifies the legislative district, county, municipality or other jurisdiction in which the candidates jointly seek nomination for election or election and identifies the political party of the candidates; and
 - ii. The name of the joint candidates committee is not the same as that of any political party committee or any other joint candidates committee.
2. The name, mailing address and telephone number of the person appointed as chairperson;
3. The name, mailing and resident address and telephone number of the person appointed as treasurer; and
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.

(d) The name of the joint candidates committee reported in the certificate of organization and designation of campaign depository pursuant to (c) above shall be the sole name under which the committee receives contributions, makes expenditures, provides political identification required pursuant to N.J.A.C. 19:25-13.2 and otherwise does business.

(e) The certificate of organization and designation of campaign depository shall be certified as true and correct by each of the joint candidates, by the chairperson, and by the treasurer. Each joint candidate shall further certify that the joint candidate has not and will not during the existence of the joint candidates committee establish, authorize the establishment of, maintain, or participate directly or indirectly in the

management or control of any political committee or continuing political committee.

(f) The joint candidates committee shall file an amendment to the certificate of organization and designation of campaign depository no later than three days after any of the information required in (c) above changes.

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.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 second sentence; in (b) and (c), rewrote the introductory paragraphs; and in (d), inserted “; provides political identification required pursuant to N.J.A.C. 19:25-13.2” following “expenditures”.

Amended by R.2002 d.230, effective July 15, 2002.

See: 34 N.J.R. 1367(a), 34 N.J.R. 2466(c).

In (c), deleted “or DX” following “Form D-2” in the introductory paragraph.

19:25-4.3 Individual seeking multiple offices

An individual who is a candidate for two or more offices in an election shall establish separate candidate committees, or separate joint candidates committees, or both, for each office sought.

19:25-4.4 Establishment of a political committee

(a) A political committee shall be established by appointing a treasurer and establishing a depository no later than the date on which the political committee first receives any contribution or makes or incurs any expenditure that when combined with other contributions received in an election, or expenditures made or incurred in an election, totals \$2,100 or more.

(b) No later than 10 days after a political committee is established, the political committee shall file a registration statement and designation of campaign depository (Form PC) containing the following information for each depository the political committee has established:

1. The full name of the political committee and identifying title, if different, which name or identifying title may not currently be in use by another political committee;
2. The mailing address of the political committee, and the name and resident address of a resident of New Jersey who is designated by the committee as the agent of the political committee to receive service of legal process;
3. The name, mailing address and telephone number of the person appointed as chairperson, if any;
4. The name, mailing and resident address and telephone number of the person appointed as treasurer;
5. 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;

6. The general organizational category or affiliation of the political committee, including, but not limited to: supporting or opposing a candidate or public officeholder, supporting or opposing a public question, or support of or affiliation with a business, union, professional or trade association, ideological group, civic association, or other entity; and

7. A descriptive statement prepared by the organizers or officers that identifies:

i. The names and mailing addresses of the persons having control over the affairs of the political committee, including, but not limited, to persons in whose name or at whose direction or suggestion the committee solicits funds or makes contributions;

ii. The names and mailing addresses of persons not previously identified under (b)7i above who, directly or through an agent, participated in the initial organization of the committee;

iii. In the case of any identified person who is an individual, the occupation of that individual, home address, and name and mailing address of the individual's employer;

iv. In the case of any identified person that is a corporation, partnership, unincorporated association, or other organization, the name and mailing address of the organization; and

v. The economic, political or other particular interests and objectives which the political committee has been organized to or does advance.

(c) The registration statement and designation of campaign depository shall be certified as true and correct by the chairperson and treasurer, and they shall further certify that no candidate has established, authorized the establishment of, maintained or participated directly or indirectly in the management or control of the political committee, and no candidate shall be permitted to do so during the existence of the political committee.

(d) The political committee shall file an amendment to the registration statement and designation of campaign depository no later than three days after any of the information required in (b) above changes.

(e) A political committee shall file a registration statement and designation of campaign depository for each election in which it raises or expends \$2,100 or more to aid or promote the nomination, election or defeat of a candidate or candidates, or the passage or defeat of a public question.

(f) A political committee which expects to raise or expend funds in each of two or more successive elections may apply to the Commission to be certified as a continuing political committee.

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 (a); and in (b), inserted a reference to Form PC and added "for each depository the political committee has established" at the end of the introductory paragraph, rewrote 1, added "if any" at the end of 3, and inserted "supporting or opposing a public question" following "officeholder,".

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 (e), 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) and (e), 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) and (e), substituted "\$2,100" for "\$1,800".

19:25-4.5 Establishment of a continuing political committee

(a) An organization shall become eligible to be certified by the Commission as a continuing political committee by appointing an organizational treasurer and organizational depository no later than the date on which the prospective continuing political committee first receives any contribution or makes or incurs any expenditure that when combined with other contributions received or expenditures made in a calendar year totals \$4,900 or more.

(b) No later than 10 days after a prospective continuing political committee becomes eligible to be certified, the prospective continuing political committee shall file a registration statement and designation of organizational depository (Form D-4) containing the following information for each organizational depository the continuing political committee has established:

1. The full name of the prospective continuing political committee, and identifying title, if different, provided that the name or identifying title is not currently in use by another continuing political committee;

2. The mailing address of the continuing political committee, and the name and resident address of a resident of New Jersey who is designated by the committee as the agent of the prospective continuing political committee to receive service of process;

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

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

5. The name, mailing address and telephone number of the bank at which the organizational depository has been established, the account name and number, and the names,

mailing addresses and phone numbers of all persons authorized to sign checks or otherwise make transactions;

6. The general organizational category or affiliation of the prospective continuing political committee, including, but not limited to: supporting or opposing a candidate or public officeholder, or support of or affiliation with a business, union, professional or trade association, ideological group, civic association, or other entity; and

7. A descriptive statement prepared by the organizers or officers that identifies:

i. The names and mailing address of all the persons having control over the affairs of the prospective continuing political committee, including but not limited to persons in whose name or at whose direction or suggestion the committee solicits funds or makes contributions;

ii. The names and mailing addresses of persons not previously identified under (b)7i above who, directly or through an agent, participated in the initial organization of the committee;

iii. In the case of any identified person who is an individual, the occupation of that individual, home address, and name and mailing address of the individual's employer;

iv. In the case of any identified person that is a corporation, partnership, unincorporated association, or other organization, the name and mailing address of the organization; and

v. The economic, political or other particular interests and objectives which the prospective continuing political committee has been organized to or does advance.

(c) The registration statement and designation of organizational depository shall be certified as true and correct by the chairperson and organizational treasurer, and they shall further certify that no candidate has established, authorized the establishment of, maintained or participated directly or indirectly in the management or control of the continuing political committee, and no candidate shall be permitted to do so during the existence of the continuing political committee.

(d) The Commission shall certify a continuing political committee upon the satisfactory completion and filing of the registration statement and designation of organizational depository.

(e) The continuing political committee shall file an amendment to the registration statement and designation of organizational depository no later than three days after any of the information required in (b) above changes.

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 (a); and in (b), inserted a reference to Form D-4 and added "for each organizational depository the continuing political committee has established" at the end of the introductory paragraph, and added a proviso at the end of 1.

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 "\$4,300" for "\$3,700".

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 "\$4,900" for "\$4,300".

Case Note

Business and continuing political committees it created engaged in unlawful conspiracy where business controlled the activities of the committees and directed the flow of their contributions. *Markwardt v. New Beginnings*, 304 N.J.Super. 522, 701 A.2d 706 (A.D. 1997).

19:25-4.6 Designation by a political party committee

(a) A political party committee, that is the state committee of a political party organized pursuant to N.J.S.A. 19:5-4, the county committee of a political party organized pursuant to N.J.S.A. 19:5-3, and the municipal committee of a political party organized pursuant to N.J.S.A. 19:5-2, shall designate on or before July 1 in each year an organizational treasurer and an organizational depository, which designation shall be effective through June 30 of the following year.

(b) No later than 10 days after designating an organizational treasurer and organizational depository, a political party committee shall file a designation of organizational depository (Form D-3) containing the following information for each organizational depository the political party committee has established:

1. The full name of the political party committee, which shall include the name of the political party to which the committee is affiliated;

2. The name, mailing address and telephone number of the person appointed as chairperson;

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

4. The name, mailing address and telephone number of the bank at which the organizational 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) The designation of organizational depository shall be certified as true and correct by the chairperson and treasurer.

(d) The political party committee shall file an amendment to its designation of organizational depository no later than

three days after any of the information required in (b) above changes.

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.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 Form D-3, and added "for each organizational depository the political party committee has established" at the end of the introductory paragraph.

19:25-4.7 Establishment of a legislative leadership committee

(a) The President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly, and the Minority Leader of the General Assembly may each establish, authorize the establishment of, or designate a State political party committee as a legislative leadership committee for the purpose of receiving contributions and making expenditures to aid or promote candidates, or to aid or promote the passage or defeat of public questions.

(b) The President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly, and the Minority Leader of the General Assembly, or the person authorized by any of them to establish a legislative leadership committee, shall appoint such members and adopt such bylaws for the maintenance of the committee as is deemed appropriate.

(c) Each legislative leadership committee shall appoint an organizational treasurer and designate an organizational depository no later than the date on which it first receives any contribution, or makes or incurs any expenditure. If a State political party committee is designated to serve as a legislative leadership committee, an organizational depository separate from the organizational depository of the State political party committee shall be established and be designated as a depository solely for receiving funds and making expenditures of the legislative leadership committee.

(d) No later than ten days after a legislative leadership committee is established, the legislative leadership committee shall file a registration statement and designation of organizational depository (Form D-5) containing the following information for each organizational depository the legislative leadership committee has established:

1. The full name of the legislative leadership committee, which name must contain the name of the legislative leader who established it or authorized establishment of it;
2. The mailing address of the legislative leadership committee and the name and resident address of a resident of New Jersey who shall have been designated by the committee as its agent to accept service of legal process;
3. The name, mailing and resident address and telephone number of the person appointed as organizational treasurer;

4. The name, mailing address and telephone number of the bank at which the organizational 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;

5. The political party affiliation of the legislative leadership committee, and a statement of the interests which are shared by leadership, members, or financial supporters; and

6. A copy of the bylaws adopted by the legislative leadership committee or, if none have been adopted, a statement to that effect.

(e) The registration statement and designation of organizational depository shall be certified as true and correct by the legislative leader who established, or authorized establishment of, the legislative leadership committee, and by the organizational treasurer.

(f) Within 30 days after a legislative leadership committee is established, the organizational treasurer shall file and certify as true and correct a written notice (Form D-5N) of the membership containing the names, mailing addresses and telephone numbers of the chairperson, the vice-chairperson, and all other members of the committee.

(g) The legislative leadership committee or its organizational treasurer shall file an amendment to the registration statement and designation of organizational depository, or to the written notice of membership, within three days of the occurrence of any change in any of the information required by (d) or (f) above.

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), inserted a reference to Form D-5, and added "for each organizational depository the legislative leadership committee has established" at the end of the introductory paragraph; and in (f), inserted a reference to Form D-5N.

19:25-4.8 Approval of abbreviation or acronym as name

A political committee, continuing political committee, or legislative leadership committee shall apply to the Commission for approval to use an abbreviation or acronym of its complete official name on reports filed with the Commission. The Commission shall verify that the abbreviation or acronym has not been approved for use by any other committee and shall notify the applicant either that its use of the abbreviation or acronym is approved or that the political committee, continuing political committee, or legislative leadership committee must select a different abbreviation or acronym for approval.

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

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

tures 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).

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (e), substituted "Act" for "act".

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 a general election for that office provided the candidate, or joint candidates, files or file a new designation pursuant to N.J.A.C. 19:25-4.1A(b) or 4.2(c).

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).

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (c), inserted "for a general election", "or file" and "or 4.2(c)", and deleted "in the general election" following the second occurrence of "office".

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". Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (e), substituted "Act" for "act".

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-

mittee, joint candidates committee, political committee, continuing political committee, political party committee, legislative leadership committee or person shall not in the aggregate exceed the following amounts:

1. In the case of a joint candidates committee consisting of two candidates, \$7,600 in the election; or
2. In the case of a joint candidates committee consisting of three or more candidates, \$11,000 in the election.

(c) If a candidate committee or joint candidates committee which has filed a certified statement receives any contribution from any one source aggregating more than \$300.00, or receives a currency contribution in any amount, it shall file a report which shall provide the name and mailing address of the source, the date or dates received, and the aggregate total amount of contributions therefrom, and where the source is an individual, the occupation of the individual and the name and mailing address of the individual's employer. The report shall be signed by the campaign treasurer and filed no later than:

1. On the filing date for a quarterly report if the contribution is received within any quarterly report period prescribed by N.J.A.C. 19:25-8.3(b);
2. On the 29th day preceding the date of the election, if the contribution is received during the following period of time: beginning on the day after the prior quarterly report ended (pursuant to N.J.A.C. 19:25-8.3(b)), and ending on the 32nd day preceding the date of the election;
3. On the 11th day preceding the date of the election, if the contribution is received on or after the 31st day preceding the election through the end of the 14th day preceding the election; or
4. On the 20th day following the date of the election if the contribution is received on or after the 13th day preceding the election through the end of the 17th day following the date of the election.

(d) A candidate, or joint candidates, for election to an office or offices of a school board, or a write-in candidate for any office, making expenditures within the limits provided in (a) or (b) above, shall not be required to file certified statements pursuant to (a) and (b) above, and any candidate committee, or joint candidates committee, established by such a candidate, or joint candidates, shall not be required to file election fund reports pursuant to N.J.A.C. 19:25-8.1. However, any candidate committee, or joint candidates committee, established by such a candidate or joint candidates, must file the reports required by (c) above. For the purposes of this section, the term "write-in candidate" shall mean an individual seeking or having sought election to a public office who has not filed an effective nominating petition for that office and whose name does not appear as a candidate for that office on the ballot used for that election.

(e) A candidate shall not be eligible to file a sworn statement (Form A-1) in an election if that candidate controls or

retains campaign funds from any prior election for the same office in an amount that exceeds \$4,000.

(f) A joint candidates committee consisting of two candidates shall not be eligible to file a sworn statement (Form A-2) in an election if the candidates comprising that joint candidates committee control or retain campaign funds from any prior election for the same offices in an amount that exceeds \$7,600, or in the case of a joint candidates committee consisting of more than two candidates, if the candidates comprising the joint candidates committee retain funds from any prior election for the same offices in an amount that exceeds \$11,000.

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).

Added (e) and (f).

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 (c), rewrote 2 through 4.

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 "\$3,500" for "\$3,000"; in (b), substituted "\$6,700" for "\$5,800" in 1 and substituted "\$9,700" for "\$8,500" in 2; in (c), substituted "\$300.00" for "\$400.00" in the introductory paragraph; in (e), substituted "\$3,500" for "\$3,000"; in (f), substituted "\$6,700" for "\$5,800" and "\$9,700" for "\$8,500".

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 "aggregating more than \$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) and (e), substituted "\$4,000" for "\$3,500"; in (b)1 and (f), substituted "\$7,600" for "\$6,700"; and in (b)2 and (f), substituted "\$11,000" for "\$9,700".

Case Notes

Candidate who did not withdraw from ballot was required to file disclosure forms. N.J.S.A. 19:44A-16(d). Election Law Enforcement Com'n v. Williams, 93 N.J.A.R.2d (ELE) 4.

19:25-8.5 Candidate not receiving contributions or making expenditures

A candidate who has not established a candidate committee or appointed a treasurer and opened a campaign depository because no contributions have been received and no expenditures have been made, and who reasonably expects not to receive any contributions or make any expenditures in the election in which the candidate is seeking office, shall file a certified statement (Form A-1) so indicating no later than the 29th day preceding the date of the election in which the candidate is seeking office. In the event the candidate subsequently receives a contribution in the election, including a

contribution of the candidate's own funds, the candidate must establish a candidate committee as provided by N.J.A.C. 19:25-4.1 and file reports pursuant to N.J.A.C. 19:25-8.

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

Inserted "including a contribution of the candidate's own funds," in the second sentence.

19:25-8.6 Contributions received immediately before an election

(a) A campaign treasurer of a candidate committee, or joint candidates 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 an election in which the candidate, or joint candidates, is or are seeking election, and received up to and including the date of the election, which report shall contain:

1. The name of the recipient candidate committee, or joint candidates 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 or a candidate. 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, 2001).

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" throughout 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 or candidate".

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, and inserted a comma following "contributor".

19:25-8.6A Expenditure made immediately before an election

(a) A campaign treasurer of a candidate committee, or joint candidates committee, shall file a report (Form E-1) or other written notice with the Commission 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 by the candidate committee or joint candidates committee to support or defeat a candidate in an election, or to aid the passage or defeat of any public question, during the period of time between the 13th day prior to the election and the date of the election.

(b) The report or written notice described in (a) above shall be signed by the campaign treasurer and filed with the Commission within 48 hours of the making, authorizing or incurring of the expenditure, or aggregate expenditures, and shall include the following:

1. The name of the candidates or joint candidates making the expenditure;
2. The name of the person, firm, or organization to whom or which the expenditure was paid; and
3. The amount and purpose of the expenditure.

(c) Use of electronic facsimile transmission (that is, fax) to file the report or written notice described in (a) above is permitted.

(d) There shall be no obligation to file the report or other written notice in (a) above if an expenditure has been made by a candidate to support his or her own candidacy or by joint candidates to support their own candidacies, or to support or defeat a candidate for the same office in the same election. For the purposes of this subsection, the offices of member of the Senate and member of the General Assembly shall be deemed to be the same office in a legislative district; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same office in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same office in a municipality.

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 (a), substituted "\$1,200" for "\$1,000" twice.

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.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (a)3, substituted "Act" for "act".

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".
Amended by R.2010 d.062, effective April 19, 2010.
See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).
In (b), substituted "Act" for "act".

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) 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. An original and two copies of a paper report or one transmission of an electronically transmitted report is required. 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) One 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.

(c) 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).

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (a), substituted "All" for "An original and two copies of all", and inserted the second sentence; deleted former (b); recodified former (c) and (d) as (b) and (c); and in (b), substituted "One" for "With the exception of reports filed with a county clerk pursuant to (b) above, an additional".

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 expendi-

tures 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.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (c), substituted "Act" for "act".

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 contribu-

tion 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 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.

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 leader-

ship 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 political party committee or legislative leadership 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".

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (a)1, deleted "continuing" preceding "political", and inserted "party" and "or legislative leadership committee".

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.

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 (d) 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.

Amended by R.2010 d.062, effective April 19, 2010.
See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (g), substituted "(d)" for "(c)".

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.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (a), substituted "Act" for "act".

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 this chapter.

(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.

Amended by R.2010 d.062, effective April 19, 2010.

See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (a), substituted "Act" for "act" and "this chapter" for "these regulations".

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

for an office in an election contest proceeding in an election, pursuant to N.J.S.A. 19:29-1 et seq., shall be an expenditure subject to reporting for that office 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).

SUBCHAPTER 13. POLITICAL IDENTIFICATION STATEMENTS

19:25-13.1 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.

“Communication” means a press release, pamphlet, flyer, form letter, sign, billboard, paid advertisement printed in any newspaper or other publication or broadcast on radio or television, or telephone call featuring a recorded message, or delivered or accessed by electronic means, including, but not limited to, the Internet or text messaging, or any other form of advertising directed to the electorate.

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

In “Communication”, inserted “or delivered or accessed by electronic means, including, but not limited to, the Internet,” following “television.”

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

In “Communication”, inserted “or telephone call featuring a recorded message,” following “radio or television” and inserted “or text messaging” following “the Internet”.

19:25-13.2 Political identification requirements

(a) Whenever a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, legislative leadership committee, or a person or group making independent expenditures pursuant to N.J.A.C. 19:25-12.8, makes, incurs or authorizes an expenditure for the purpose of financing a communication aiding or promoting the nomination, election or defeat of any candidate which is an expenditure that the committee, person or group is required to report pursuant to the Act, the communication shall clearly state the name and business or residence address of the committee, person or group, as that information appears on the certificate of organization and designation of depository (Form D-1, D-2, PC, D-4, D-3, D-5, respectively) filed by the candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee or, in the case of a person or group, as the name of the person or group and business or residence address appears in public records or a current telephone directory, and the communication shall clearly state that the communication has been paid for by that committee, person or group.

(b) Whenever a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, legislative leadership committee, or a person or group making independent expenditures pursuant to N.J.A.C. 19:25-12.8, makes, incurs or authorizes an expenditure for the purpose of financing a communication aiding the passage or defeat of any public question which is an expenditure that the committee, person or group is required to report pursuant to the Act, the communication shall clearly state the name and business or residence address of the committee, person or group, as that information appears on the certificate of organization and designation of depository (Form D-1, D-2, PC, D-4, D-3, D-5, respectively) filed by the candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee or, in the case of a person or group, as the name of the person or group and business or residence address appears in public records or a current telephone directory, and the communication shall clearly state that the communication has been paid for by that committee, person or group.

(c) A candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee filing certified statements pursuant to N.J.A.C. 19:25-8.4 or 9.3 and therefore not required to report expenditures or a school board or write-in candidate not required to file certified statements pursuant to N.J.A.C. 19:25-8.4(d) is nevertheless required within any communication paid for by it, or to be paid for by it, to clearly state the name and address of the committee, as that information appears on the Form D-1 filed or required to be filed by the candidate committee, Form D-2 filed or required to be filed by the joint candidates committee, or Form D-3, filed or required to be filed by the political committee, continuing political committee, political party committee, legislative leadership committee, and that the communication has been paid for by that 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 the section.

19:25-13.3 Independent expenditure communications

A communication that is paid for by any person, not acting in concert with a candidate or any person or committee acting on behalf of a candidate, that is, is paid for as an independent expenditure pursuant to N.J.A.C. 19:25-12.8, shall in addition to the political identification statement required by this subchapter contain a clear and conspicuous statement that the expenditure 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.

19:25-13.4 Vendor records

(a) Any person who accepts compensation from a committee, group or individual described in N.J.A.C. 19:25-13.2

for the purpose of printing, broadcasting, or otherwise disseminating to the electorate a communication subject to political identification statement requirements shall maintain a record of the transaction, which record shall include:

1. An exact copy of the communication;
2. A statement of the number of copies made or the dates and times the communication was broadcast or otherwise transmitted; and
3. The name and address of the committee, group or individual paying for the communication and of the candidate or committee, if any, on whose behalf the individual was acting.

(b) The record shall be maintained on file at the principal office of the person accepting the communication for at least two years, and shall be available for public inspection during normal business hours.

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), rewrote 2.

19:25-13.5 Exemptions

(a) The following shall be exempt from the political identification requirements in this subchapter:

1. A bona fide news item or editorial contained in any publication of bona fide general circulation;
2. Small, tangible items of de minimis value commonly used in election campaigns to convey a political message, including, but not limited to, buttons, combs, and nail files; and
3. Advertising space costing no more than \$50.00 and purchased by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, legislative leadership committee or other person, in a political program book distributed at a fund-raising event, provided that the payment for the advertising space is subject to reporting under the Act.

(b) An exemption with respect to any item listed in (a)2 or 3 above shall not relieve the committee, group or individual making the expenditure for such item from any applicable campaign reporting requirements under the Act.

SUBCHAPTER 14. RECALL ELECTIONS

19:25-14.1 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.

“Campaign Reporting Act” means the New Jersey Campaign Contributions and Expenditures Reporting Act, Laws of 1973, chapter 83, as amended, N.J.S.A. 19:44A-1 et seq.

“Circulator” means an individual, whether paid or unpaid, who solicits signatures for a recall petition.

“Elected official” means any person holding the office of United States Senator or member of the United States House of Representatives elected from this State, or any person holding a State or local government office which, under the State Constitution or by law, is filled by the registered voters of a jurisdiction at an election, including a person appointed, selected or otherwise designated to fill a vacancy in such office, but does not mean an official of a political party.

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

“Jurisdiction” means the electoral jurisdiction, including, but not limited to, the State, or any county or municipality thereof, within which the voters reside who are qualified to vote for an elected official who is sought to be recalled.

“Notice of intention” means the notice filed with the recall election official by a recall committee for the purpose of initiating a recall effort.

“Recall Act” means the Uniform Recall Election Law, Laws of 1995, chapter 105, N.J.S.A. 19:27A-1 et seq.

“Recall committee” means a committee formed by persons sponsoring the recall of an elected official which represents the sponsors and signers of a recall petition in matters relating to the recall effort.

“Recall election” means an election held for the purpose of allowing the voters of a jurisdiction to decide whether an elected official shall be recalled from office.

“Recall election official” means the official authorized by law to receive nominating petitions for an elective office, except that with respect to the recall of the county clerk, it means the Secretary of State.

“Recall petition” means a petition prepared and circulated by a recall committee as provided by the Recall Act for the purpose of gathering a sufficient number of valid signatures of registered voters to cause a recall election to be called.

“Sponsors” means the proponents of a recall effort who establish a recall 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 “Recall petition”, substituted a reference to the Recall Act for a reference to this act.

19:25-14.2 Recall committee subject to candidate committee requirements; penalties

(a) A recall committee established under the Recall Act shall be treated as and shall be subject to the same organizational, reporting, contribution limit, political communication identification and other requirements as are provided for a candidate committee in the Campaign Reporting Act and the regulations promulgated pursuant to it, except as otherwise provided in this chapter.

(b) A recall committee shall be subject to the penalties provided in the Campaign Reporting Act for a candidate 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 (a), inserted a reference to political communication identification.

19:25-14.3 Commencement of fundraising by recall committee

(a) A recall committee shall not solicit or accept contributions in connection with a recall effort until either of the following events occur:

1. The recall committee serves written notice of the recall effort on the official sought to be recalled, and such notice is made by personal service or certified mail with a copy filed with the recall election official; or

2. A copy of a notice of intention approved by the recall election official is served on the official sought to be recalled, as provided by N.J.S.A. 19:27A-7b (Subsection b. of Section 7 of Chapter 105 of the Laws of 1995).

(b) If a recall committee notifies an official sought to be recalled of its intention to initiate a recall effort by the method described in paragraph 1 of subsection (a) above, it must file a notice of intention within 30 days of the date the notice is served on the official or cease the solicitation, acceptance and expenditure of funds.

19:25-14.4 Recall committee depository and filing requirements

(a) A recall committee shall appoint a treasurer and open a depository account for the purpose of receiving contributions and making expenditures no later than the date on which that recall committee first receives any contribution or makes or incurs any expenditure in connection with a recall effort.

(b) No later than 10 days after establishing a recall committee, the recall committee shall file a designation of campaign depository and treasurer (Form RC-1) which shall be certified as true and correct by the chairperson and treasurer of the recall committee, and shall contain the following information:

1. The full name of the recall committee, which name must contain the name of the elected official sought to be recalled;

2. The name, mailing address and telephone number of the person appointed as chairperson;

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 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 committee depository.

(d) A recall 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.

(e) There shall be no obligation to file the election fund reports referred to in (c) and (d) above on behalf of any recall committee that files 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 committee depository, or no later than the 29th day before the recall election, whichever is earlier, a certified statement to the effect that the total amount expended or to be expended on behalf of the recall committee in the recall election shall not in the aggregate exceed \$4,000.

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

Added (e).

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 (e), 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 (e), substituted "\$3,500" for "\$3,000".

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 (e), substituted "\$4,000" for "\$3,500".

19:25-14.5 Registration statement

(a) A recall committee shall file a recall committee registration statement (Form RC-2) no later than 10 days after its establishment, and the registration statement shall include the following:

1. The complete name or identifying title of the committee and the general category of entity or entities, including, but not limited to, business organizations, labor organizations, professional or trade associations, candidates for or holders of public offices, political parties, ideological

groups or civic associations, the interests of which are shared by the leadership, members, or financial supporters of the committee;

2. The mailing address of the committee and the name and resident address of a resident of this State who shall have been designated by the committee as its agent to accept service of process; and

3. A descriptive statement prepared by the organizers or officers of the committee that identifies the following:

i. The name and mailing addresses of the persons having control over the affairs of the committee, including, but not limited to, persons in whose name or at whose direction or suggestion the committee solicits funds;

ii. The names and mailing address of any person not included among the persons identified under subparagraph i. of this paragraph who, directly or through an agent, participated in the initial organization of the committee;

iii. In the case of any person identified in subparagraphs i. or ii. above who is an individual, the occupation of that individual, the individual's home address, and the name and mailing address of the individual's employer, or, in the case of any person identified in subparagraphs i. and ii. which is a corporation, partnership, unincorporated association, or other organization, the name and mailing address of the organization;

4. Information material to the economic, political and other particular interests and objectives which the committee has been organized to or does advance. Any change in the information required in this paragraph shall be filed in writing with the Commission within three days of that change.

19:25-14.6 Recall committee use restrictions

(a) All contributions received by a recall 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 promote the recall 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.

19:25-14.7 Establishment of recall defense committee; subject to candidate committee requirements; penalties

(a) A recall defense committee shall not be formed and shall not solicit or accept contributions in connection with a recall effort until the elected official sought to be recalled receives notice of the recall effort pursuant to N.J.A.C. 19:25-14.3(a).

(b) An elected official sought to be recalled shall establish, prior to receiving contributions and making expenditures for the purpose of opposing a recall effort, a recall defense committee pursuant to the Recall Act, which recall defense committee shall be separate from, but shall be treated as and subject to the same organizational, reporting, contribution limit, political communication identification and other requirements as those existing for a candidate committee provided in the Campaign Reporting Act and regulations promulgated pursuant to it, except that a recall defense committee shall be permitted to receive without limit contributions from the candidate committee or joint candidates committee of the elected official sought to be recalled.

(c) A recall defense committee, for all purposes relating to campaign finance, shall be in addition to any candidate committee or joint candidates committee which an official sought to be recalled may by law establish.

(d) If an elected official sought to be recalled transfers funds from the official's candidate committee or joint candidates committee to the official's recall defense committee, a new election cycle shall be deemed to begin with respect to the candidate committee or joint candidates committee after the recall election is held or the recall effort fails and such official shall be permitted to solicit and receive contributions thereto, including contributions from prior contributors, up to the limits imposed by the Campaign Reporting Act.

(e) A recall defense committee shall be subject to the penalties provided in the Campaign Reporting Act for a candidate 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 (b), inserted a reference to political communication identification; in (d), substituted a reference to the Campaign Reporting Act for a reference to the act; and in (e), substituted a reference recall defense committees for a reference to recall committees.

19:25-14.8 Recall defense committee depository and filing requirements

(a) No later than the date on which a recall defense committee first receives any contribution or transfer of funds, or makes or incurs any expenditure, the recall defense committee shall open a depository account pursuant to N.J.A.C. 19:25-4.1.

(b) No later than 10 days after establishing a recall defense committee, the recall defense committee shall file a designation of campaign depository and treasurer (Form RC-1), which shall be certified as true and correct by the chairperson and treasurer of the recall defense committee, and shall contain the following information:

1. The full name of the recall defense committee, which name must contain the name of the elected official sought to be recalled;

2. The name, mailing address and telephone number of the person appointed as chairperson;

Amended by R.2012 d.172, effective October 15, 2012.
See: 44 N.J.R. 1593(a), 44 N.J.R. 2380(a).

Section was "Complaint alleging failure to participate in debate". In (b), inserted "required".

19:25-16.44 Temporary cessation of distribution of public funds

(a) Upon receipt by the Commission of a verified complaint alleging failure to participate in a debate, the Commission shall meet as soon as practicable to determine whether there is reasonable cause to believe the respondent candidate may have failed to participate as required in a primary election debate.

(b) If it is determined by majority vote of the Commission that there is reasonable cause to believe that a candidate may have failed to participate in a debate as required, the Commission shall:

1. Cease the review and certification of any public fund amounts which have been requested by the respondent candidate from the Commission and which have not previously been approved; and

2. Schedule a hearing before it on the complaint to determine whether the respondent candidate has failed to participate in a debate as alleged.

(c) The Commission shall as soon as practicable notify the respondent candidate in writing of the actions it has taken pursuant to (b) above.

Emergency New Rule, 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 new rule R.1989 d.181 readopted without change.

19:25-16.45 Response to a complaint for failure to participate in a debate or debates

(a) Within five calendar days of service of the complaint upon the respondent candidate, he or she shall respond to the complaint in a written, verified answer which:

1. Admits or denies each of the factual allegations contained in the complaint; and

2. Sets forth any affirmative defenses to the allegations contained in the complaint including all facts known to the respondent candidate pertinent to any such affirmative defense.

3. Justification and excuse shall be deemed to be affirmative defenses for the purposes of this subsection.

(b) Service of an answer shall be made by the respondent candidate in person or by certified mail, return receipt requested, upon the complainant, the Commission, the debate sponsor, and any person named in the complaint or response.

Emergency New Rule, 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 new rule R.1989 d.181 readopted without change.

19:25-16.46 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.

Emergency New Rule, 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 new rule R.1989 d.181 readopted without change.

19:25-16.47 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 primary 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; and

(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 primary 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 per cent 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.

Emergency New Rule, 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 new rule R.1989 d.181 readopted without change.

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).

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;

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, office of Lieutenant 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, or in the office of Lieutenant Governor.

“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, the spouse of a candidate for the office of Lieutenant Governor, or the spouse 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”.

Amended by R.2012 d.172, effective October 15, 2012.

See: 44 N.J.R. 1593(a), 44 N.J.R. 2380(a).

In paragraph 1 of definition “Candidate”, inserted “office of Lieutenant Governor.”; in paragraph 3 of definition “Candidate”, inserted “; or in the office of Lieutenant Governor.”; and rewrote definition “Member of household”.

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.

(b) Each source within any category which exceeds \$1,000 must be identified by name, except that identification of name and address shall not be required as to any source which totals \$100.00 or less for the year; an indication whether the total receipts from all sources within the categories exceeds \$1,000 shall be included in the statement.

Example: Candidate A receives commissions each year in the amount of \$990.00 from BCD Corporation, and also receives commissions each year in the amount of \$50.00 from EFG Corporation. The Personal Financial Disclosure Statement filed by Candidate A must include the name and address of BCD Corporation but not of EFG Corporation, as a source; the statement will also indicate receipts in excess of \$1,000 in commissions.

(c) Income received from a public body, other than from the State of New Jersey, must be included under the category of Earned Income.

19:25-19.4 Reporting of unearned income

(a) The 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 unearned income totalling more than \$1,000 for the preceding calendar year: rents, dividends and other income received from named investments, trusts and estates; except that no address need be provided with respect to a source of dividends if the source of dividends is a listed security.

(b) Each source within any category which exceeds \$1,000 must be identified by name, except that identification of name and address shall not be required as to any source which totals \$100.00 or less for the year; an indication whether the total receipts from all sources within the category exceeds \$1,000 shall be included in the statement.

Example: Candidate A receives dividends each year in the amount of \$990.00 from BCD Corporation, and also receives dividends each year in the amount of \$50.00 from EFG Corporation. The Personal Financial Disclosure Statement filed by Candidate A must include the name and address of BCD Corporation but not of EFG Corporation as a source; the statement will also indicate receipts in excess of \$1,000 in dividends.

(c) Where such rents, dividends or other income are received by joint owners, one of whom is the candidate, the interest of the candidate shall be reportable if the proportionate share of such rents, dividends or other income exceeds \$1,000.

(d) In calculating whether rental income exceeds \$1,000, the rental used shall be gross rental, without deduction of any of the expenses of operating or maintaining the rented property.

19:25-19.5 Advisory opinions

The Commission may issue advisory opinions as to the applicability of the Personal Financial Disclosure Act and this subchapter to a given set of facts and circumstances.

19:25-19.6 Offenses

(a) The term "reporting transaction" means each source of earned or unearned income, fee, honorarium, reimbursement, gift, or any interest in land or building in any city in which casino gambling is authorized, which is subject to the reporting requirements of the Personal Financial Disclosure Statement Act or this subchapter.

(b) Each reporting transaction that is not reported in the manner or not filed on the date established for reporting or filing by the Personal Financial Disclosure Statement Act or this subchapter shall constitute an offense and shall be subject to a penalty of not more than \$1,000 for the first offense, and not more than \$2,000 for the second and each subsequent offense.

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

19:25-19.6A Opportunity for hearing

In any penalty proceeding undertaken by the Commission pursuant to N.J.S.A. 19:44B-8, 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.2003 d.238, effective June 16, 2003.
See: 35 N.J.R. 1208(a), 35 N.J.R. 2739(a).

19:25-19.6B Default for failure to answer complaint

In any penalty proceeding undertaken by the Commission pursuant to N.J.S.A. 52:13C-23.1 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.

New Rule, R.2003 d.238, effective June 16, 2003.
See: 35 N.J.R. 1208(a), 35 N.J.R. 2739(a).

19:25-19.7 Time and place for filing

(a) Each candidate for nomination in a primary election to the office of Governor, Senate, or General Assembly, shall file and certify the correctness of the Personal Financial Disclosure Statement on or before the 10th day following the last day for filing a petition to appear on the ballot in the primary election.

(b) Each candidate nominated directly by petition for the general election to the office of Governor, Senate, or General Assembly shall file and certify the correctness of the Personal Financial Disclosure Statement on or before the 10th day following the day of the holding of the primary election for the general election.

(c) When a vacancy occurs in the nomination of a candidate by primary election or by direct petition for the office of Governor, Senate or General Assembly, the individual who is named to fill the vacancy shall file and certify the correctness of the Personal Financial Disclosure Statement on or before the 10th day following the filing with the Attorney General, Secretary of State or County Clerk of the petition of a successor nominee or the certificate to fill a vacancy.

(d) Each candidate for the office of Lieutenant Governor shall file and certify the correctness of the Personal Financial Disclosure Statement on or before the 30th day following the day such candidate is selected by the candidate for the office of Governor of the same political party. If appointed to fill a vacancy in the office of Lieutenant Governor, such individual appointed to fill the vacancy shall file and certify the correctness of the Personal Financial Disclosure Statement on or before the 30th day following such appointment.

(e) An original and two copies of the Personal Financial Disclosure Statement shall be received at the Commission offices no later than 5:00 P.M. on the date the report is due for filing pursuant to (a), (b), or (c) above 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.

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.2012 d.172, effective October 15, 2012.
See: 44 N.J.R. 1593(a), 44 N.J.R. 2380(a).
Added new (d); and recodified former (d) as (e).

SUBCHAPTER 20. LOBBYISTS AND GOVERNMENTAL AFFAIRS AGENTS

19:25-20.1 Authority

The provisions of this subchapter are promulgated pursuant to the Legislative and Governmental Process Activities Disclosure Act (P.L. 1971, c.183), as amended, N.J.S.A. 52:13C-18 et seq., and following ("the Act").

Amended by R.1992 d.32, effective January 21, 1992.

See: 23 N.J.R. 3077(a), 24 N.J.R. 298(a).

Revised text.

Amended 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).

Substituted "Legislative and Governmental Process" for "Legislature."

Law Review and Journal Commentaries

New ELEC Regulations Compel More Disclosure. M. Paige Berry, 131 N.J.L.J. No. 19, 6 (1992).

19:25-20.2 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.

"Act" shall mean the Legislative and Governmental Process Activities Disclosure Act, as amended, N.J.S.A. 52:13C-18 et seq.

"Benefit recipient" means any member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch who is the recipient of a benefit paid for or otherwise derived from a lobbyist's or governmental affairs agent's expenditures providing that benefit or benefits.

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

"Communication with a member of the Legislature", "with legislative staff", "with the Governor", "with the Governor's staff", or "with an officer or staff member of the Executive Branch" shall mean any communication, oral or in writing or any other medium, addressed, delivered, distributed or disseminated, respectively, to a member of the Legislature, to legislative staff, to the Governor, to the Governor's staff, or to an officer or staff member of the Executive Branch, as distinguished from communication to the general public,

including, but not limited to, a member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch. If any person shall obtain, reproduce or excerpt any communication or part thereof which in its original form was not a communication under this definition and shall cause such excerpt or reproduction to be addressed, delivered, distributed or disseminated to a member of the Legislature, to legislative staff, to the Governor, to the Governor's staff, or to an officer or staff member of the Executive Branch, such communication, reproduction or excerpt shall be deemed a communication with the member of the Legislature, with legislative staff, with the Governor, with the Governor's staff, or with an officer or staff member of the Executive Branch by such person.

"Communication with the general public" means any communication that is:

1. Disseminated to the general public through direct mail or in the form of a paid advertisement in a newspaper, magazine, or other printed publication of general circulation or aired on radio, television, or other broadcast medium, including the Internet; and
2. Which explicitly supports or opposes a particular item or items of legislation or regulation, or the content of which can reasonably be understood, irrespective of whether the communication is addressed to the general public or to persons in public office or employment, as intended to influence legislation or to influence regulation.
3. A communication with the general public does not include:
 - i. A communication by a partnership, committee, association, corporation, labor union, or charitable organization made only to its members, partners, employees, and stockholders; or

ii. A communication in a newspaper, magazine, or other printed publication of general circulation, or aired on radio, television, or other broadcast medium, including the Internet, which communication is required to be made by law.

“Compensation,” for the purposes of this subchapter, shall be included within the definition of the term “receipt.”

“Contribution,” for the purposes of this subchapter, shall be included within the definition of the term “receipt.”

“Expenditure” includes every loan, gift, fee, salary, contribution, subscription, advance or transfer of money or other thing of value, including any item of real or personal property, tangible or intangible, and paid personal services (but not including volunteer services provided without compensation) made or paid by any governmental affairs agent or lobbyist, and any pledge or other commitment or assumption of liability to make such transfer. Any such commitment or assumption shall be deemed to have been an expenditure upon the date when such commitment is made or liability assumed.

“Expenditures providing a benefit” or “expenditures providing benefits” means any expenditures for entertainment, food and beverage, travel and lodging, honoraria, loans, gifts or any other thing of value, except for:

1. Any money or thing of value paid for past, present, or future services in regular employment, 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; or
2. Any dividends or other income paid on investments, trusts, and estates.

“Governmental affairs agent” shall mean any person who receives or agrees to receive, directly or indirectly, compensation, in money or anything of value (including reimbursement of his or her expenses where such reimbursement exceeds \$100.00 in any three-month period), to influence legislation, to influence regulation, or to influence governmental processes, or all of the above, by direct or indirect communication with, or by making or authorizing, or causing to be made or authorized, any expenditures providing a benefit to a member of the Legislature, legislative staff, the Governor, the Governor’s staff, or any officer or staff member of the Executive Branch, or who holds himself or herself out as engaging in the business of influencing legislation, regulation, or governmental processes by such means, or who, incident to his or her regular employment, engages in influencing legislation, regulation, or governmental processes by such means. The term “governmental affairs agent” shall also include any person who receives or agrees to receive, directly or indirectly, compensation, in money or anything of value for the purpose of conducting communication with the general public, or who incident to his or her regular employment conducts communication with the general public, or who

holds himself or herself out as engaging in the business of conducting communication with the general public. However, a person shall not be deemed a governmental affairs agent who, in relation to the duties or interests of his or her employer, communicates with a member of the Legislature, with legislative staff, with the Governor, with the Governor’s staff, or with an officer or staff member of the Executive Branch concerning any legislation, regulation, or governmental process, or who conducts communication with the general public, if such communication is an isolated, exceptional or infrequent activity in relation to the usual duties of his or her employment. For the purposes of this definition, activities to influence legislation, influence regulation, or influence governmental processes, or to conduct communication with the general public shall be deemed “isolated, exceptional or infrequent” if they constitute less than 20 hours of the time an employee spends working at his or her employment during a calendar year.

“Governmental process” means:

1. Promulgation of executive orders;
2. Rate setting;
3. Development, negotiation, award, modification or cancellation of public contracts;
4. Issuance, denial, modification, renewal, revocation or suspension of permits, licenses or waivers;
5. Procedures for bidding;
6. Imposition or modification of fines and penalties;
7. Procedures for purchasing;
8. Rendition of administrative determinations; and
9. Award, denial, modification, renewal or termination of financial assistance, grants and loans.

“Governor” includes the Governor or the Acting Governor.

“Governor’s staff” includes the members of the Governor’s Cabinet, the Secretary to the Governor, the Counsel to the Governor and all professional employees in the office of the Counsel to the Governor, and all other employees of the Office of the Governor.

“Influence governmental processes,” “influencing governmental processes” or “influence governmental process” mean to make any attempt, whether successful or not, to assist a represented entity or group to engage in communication with, or to secure information from, an officer or staff member of the Executive Branch, or any authority, board, commission or other agency or instrumentality in or of a principal department of the Executive Branch of State government, empowered by law to administer a governmental process or perform other functions that relate to such processes.

"Influence legislation" shall mean to make any attempt, whether successful or not, to secure or prevent the initiation of any legislation or to secure or prevent the passage, defeat, amendment or modification thereof by the Legislature, including efforts to influence the preparation, drafting, content, introduction and consideration of any bill, resolution, amendment, report or nomination or the approval, amendment or disapproval thereof by the Governor in accordance with his constitutional authority.

"Influence regulation" means to make any attempt, whether successful or not, to secure or prevent the proposal of any regulation or to secure or prevent the consideration, amendment, issuance, promulgation, adoption or rejection thereof by an officer or any authority, board, commission or other agency or instrumentality in or of a principal department of the Executive Branch of State Government empowered by law to issue, promulgate or adopt administrative rules and regulations.

"Legislation" includes all bills, resolutions, amendments, nominations and appointments, pending or proposed, in either House of the Legislature, and all bills and resolutions which, having passed both Houses, are pending approval by the Governor.

"Legislative staff" includes all staff, assistants and employees of the Legislature or any of its members in the member's official capacity, whether or not they receive compensation from the State of New Jersey.

"Legislature" includes the Senate and General Assembly of the State of New Jersey and all committees and commissions established by the Legislature or by either House thereof.

"Lobbyist" shall mean any person, partnership, committee, association, corporation, labor union, or any other organization that employs, retains, designates, engages or otherwise uses the services of any governmental affairs agent to influence legislation, regulation, or governmental processes.

"Member" means an individual or organization who or which pays dues to, makes a contribution of money or time to, or has made an affirmative request to receive materials from a committee, association, or organization.

"Member of the Legislature" includes any member or member-elect of, or any person who shall have been selected to fill a vacancy in, the Senate or General Assembly, and any other person who is a member or member-designate of any committee or commission established by the Legislature or by either House thereof.

"Officer or staff member of the Executive Branch" means any assistant or deputy head of a principal department in the Executive Branch of State Government, including all assistant and deputy commissioners; the members and chief executive officer of any authority, board, commission or other agency or instrumentality in or of such a principal department; and any officer of the Executive Branch of State Government

other than the Governor who is not included among the foregoing or among the Governor's staff, but who is empowered by law to issue, promulgate or adopt administrative rules and regulations, or to administer governmental processes, and any person employed in the office of such an officer who is involved with the development, issuance, promulgation or adoption of such rules and regulations or administration of governmental processes in the regular course of employment.

"Person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

"Public contract" means a contract the cost or price of which is to be paid with or out of State funds or the funds of an independent authority created by the State or by the Legislature.

"Receipt" includes every loan, gift, contribution, fee, subscription, salary, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible, and paid personal services (but not including voluntary services provided without compensation) made to any governmental affairs agent or lobbyist and any pledge or other commitment or assumption of liability to make such transfer. Any such commitment or assumption shall be deemed to have been a receipt upon the date when such commitment is made or liability assumed.

1. For the purposes of this subchapter, the term "receipt" shall include, but not be limited to, compensation by way of salary, fees, allowances, retainers, reimbursement of expenses, or other similar compensation, when received by a governmental affairs agent. For purposes of this subchapter, the term "receipt" shall also include, but not be limited to, contributions by way of fees, dues, gifts or other similar contributions when received by a lobbyist.

"Regulation" includes any administrative rule or regulation affecting the rights, privileges, benefits, duties, obligations, or liabilities of any one or more persons subject by law to regulation as a class, but does not include an administrative action:

1. To issue, renew or deny, or, in an adjudicative action, to establish or make rates that have particular applicability on named or specified petitioners or parties, or to suspend or revoke, a license, order, permit or waiver under any law or administrative rule or regulation;
2. To impose a penalty; or
3. To effectuate an administrative reorganization within a single principal department of the Executive Branch of State Government.

"Represented entity" means the same as "lobbyist" as defined in this section.

Amended by R.1992 d.32, effective January 21, 1992.
See: 23 N.J.R. 3077(a), 24 N.J.R. 298(a).
Revised text.

Amended by R.1997 d.420, effective October 6, 1997.

See: 29 N.J.R. 2809(a), 29 N.J.R. 4302(a).

Added "Benefits recipient".

Amended 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).

Revised definitions "Act," "Benefit recipient," "Expenditure," "Lobbyist," "Officer or staff member of the Executive Branch" and "Receipt"; added definitions "Communication with the general public," "Governmental affairs agent," "Governmental process," "Influence governmental processes," "Member" and "Public contract"; deleted definition "Legislative agent."

Amended by R.2007 d.230, effective August 6, 2007.

See: 39 N.J.R. 626(a), 39 N.J.R. 3409(a).

In definition "Member", inserted "or organization" and "or which"; and added definition "Represented entity".

19:25-20.3 Exemptions from the Act

(a) The provisions of the Act shall not apply to the following activities:

1. The acts of the government of the United States or of the State of New Jersey or of any other state or of any of the political subdivision or authorities or commissions of any of the foregoing, or any interstate authority or commission, or any official, employee, counsel or agent of any of the above when acting in his or her official capacity.

2. The publication or dissemination, in the ordinary course of business, of news items, advertising which does not constitute communication with the general public, editorials or other comments by a newspaper, book publisher, regularly published periodical, or radio or television station or similar media, including an owner, editor or employee thereof, nor the acts of a recognized school or institution of higher education, public or private, in conducting, sponsoring or subsidizing any classes, seminars, forums, discussions or other events, in the normal course of its business in which political information or discussion thereof or comment thereon is an integral part.

3. The acts of bona fide religious groups acting solely for the purpose of protecting the public right to practice the doctrine of such religious group.

4. The acts of a duly organized national, state or local committee of a political party.

5. The acts of a person in testifying before a legislative committee or commission, at a public hearing duly called by the Governor on legislative proposals or on legislation passed and pending his or her approval, or before any officer or body empowered by law to issue, promulgate or adopt administrative rules and regulations in behalf of a nonprofit organization incorporated as such in this State, who receives no compensation therefor beyond the reimbursement of necessary and actual expenses, and who makes no other communication with a member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch in connection with the subject of his or her testimony.

6. The acts of a person in communicating with or providing benefits to a member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch if such communication or provision of benefits is undertaken by him or her by exclusive use of his or her personal funds as a personal expression and not incident to his or her employment, even if it is upon a matter relevant to the interests of a person by whom or which he or she is employed, and if he or she receives no additional compensation or reward, in money or otherwise, for or as a result of such communication or provision of benefits.

7. A communication by an individual with an employee of a principal department in the Executive Branch of State government, or with an employee of any authority, board, commission, or other agency or instrumentality in or of a principal department of the Executive Branch of State government for a routine, ministerial matter. A communication for a routine, ministerial matter includes, but is not limited to, a communication to:

- i. Schedule a meeting date, time, and place;
- ii. Request the status of an administrative matter;
- iii. Request procedures or forms;
- iv. Request information concerning requirements to comply with existing laws or regulations;
- v. Apply for a permit or license as required by law;
- vi. Participate in an inspection required by law;
- vii. Respond to an audit conducted pursuant to law;
- viii. Make a contact as a salesperson for the sole purpose of selling goods or services;
- ix. Inquire about the delivery of services or materials pursuant to an existing contract;
- x. Provide advice or perform services pursuant to an existing contract;
- xi. Prepare documents and materials in response to a request for proposal or to participate at a bid conference after bid specifications have been established;
- xii. Respond to a subpoena;
- xiii. Respond to a public emergency or condition involving public health or safety; or
- xiv. Provide a response to a detailed request for specific information.

8. Participation by an individual in a task force, advisory board, or working group that is specifically established pursuant to statute or established by the head of a principal department in State government who has statutory authority to convene such groups, and where the following conditions are met:

- i. The individual has been specifically nominated or invited to participate; and
- ii. The individual receives no separate compensation for his or her service.

(b) The provisions of the Act regarding attempts to influence governmental processes shall not apply to the following:

1. Any communications, matters or acts of an attorney falling within the attorney-client privilege while engaging in the practice of law to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer;

2. Any communications by an attorney representing a client in the regular course of a routine litigation or administrative proceeding with the State, or in the course of a quasi-judicial civil or administrative proceeding with the State; or

3. Any communications, matters or acts involving collective negotiations, or the interpretation or violation of collective negotiation agreements, of a labor organization of any kind which exists or is constituted for the purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning the grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.

(c) An "administrative proceeding with the State" does not include attempts to influence legislation or to influence regulation, as those terms are used in this subchapter.

Amended by R.1992 d.32, effective January 21, 1992.
See: 23 N.J.R. 3077(a), 24 N.J.R. 298(a).

Revised text.

Amended 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).

In introductory paragraph of (a), deleted "regarding attempts to influence legislation or attempts to influence regulation" following "Act"; in (a)2, added "in" following "dissemination," and added "which does not constitute communication with the general public"; added (a)7, (a)8 and (b).

Amended by R.2007 d.230, effective August 6, 2007.

See: 39 N.J.R. 626(a), 39 N.J.R. 3409(a).

Added (c).

19:25-20.3A Presumption of lobbying activity

It shall be a rebuttable presumption that a communication, except as provided in N.J.A.C. 19:25-20.3(b), by a governmental affairs agent is a communication for the purpose of influencing legislation, influencing regulation, or influencing a governmental process if the communication is made to the Governor, the Governor's staff, or the Governor's Chief of Staff, or to the Commissioner, Deputy Commissioner, Assistant Commissioner, Division Director, Chief of Staff, Executive Director, policy advisor, or a person in an analogous position in a principal department in the Executive Branch of State Government, or in any authority, board, commission or other agency or instrumentality in or of such a principal

department, or to a person empowered by law to issue, adopt, or promulgate administrative rules.

New Rule 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).

19:25-20.3B \$250.00 annual limit on gifts

(a) Except as expressly authorized by N.J.S.A. 52:13D-24 and 52:13D-24.1, or when the lobbyist or governmental affairs agent is a member of the immediate family of the officer or staff member of the Executive Branch or member of the Legislature or legislative staff, no lobbyist or governmental affairs agent shall offer or give or agree to offer or give, directly or indirectly, any compensation, reward, employment, gift, honorarium or other thing of value to an officer or staff member of the Executive Branch or member of the Legislature or legislative staff, totaling more than \$250.00 in a calendar year.

(b) The \$250.00 limit in (a) above shall not apply to any compensation, reward, gift, honorarium or other thing of value if:

1. It is received in the course of employment, from an employer other than the State, of an individual covered in (a) above or a member of the immediate family; or

2. It is received from a member of the immediate family when the family member received such in the course of his or her employment.

(c) Calculation of the \$250.00 limit in (a) above on offering or giving, or agreeing to offer or give, any compensation, reward, gift, honorarium or other thing of value shall also include any compensation, reward, employment, gift, honorarium or other thing of value given, directly or indirectly, to each member of the immediate family of the officer or staff member of the Executive Branch or member of the Legislature or legislative staff.

(d) As used in this section, the term "member of the immediate family" shall mean a spouse, child, parent, or sibling of a member of the Legislature residing in the same household as the member of the Legislature.

(e) The \$250.00 limit in (a) above on offering or giving, or agreeing to offer or give, any compensation, reward, gift, honorarium or other thing of value shall not apply if an officer or staff member of the Executive Branch or member of the Legislature or legislative staff who accepted any compensation, reward, gift, honorarium or other thing of value offered or given by a lobbyist or governmental affairs agent makes a full reimbursement, within 90 days of acceptance, to the lobbyist or governmental affairs agent in an amount equal to the money accepted or the fair market value of that which was accepted if other than money. As used in this subsection, "fair market value" means the actual cost of the compensation, reward, gift, honorarium or other thing of value accepted.

(f) If a lobbyist or governmental affairs agent receives reimbursement pursuant to (e) above, the lobbyist or governmental affairs agent shall report the receipt and amount of such reimbursement in the Annual Report, and the receipt of such a reimbursement does not remove or alter the requirement that the lobbyist or governmental affairs agent report the expenditure and the recipient of the compensation, reward, gift, honorarium or other thing of value on its Annual Report filed pursuant to this subchapter.

(g) Any reimbursement or payment of expenses for travel, subsistence, and entertainment, made by a lobbyist or governmental affairs agent pursuant to N.J.S.A. 52:13D-24, shall be subject to reporting as an expenditure on the Annual Report filed by the lobbyist or governmental affairs agent pursuant to this subchapter.

New Rule 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).

19:25-20.4 Governmental affairs agent notice of representation

(a) Each governmental affairs agent shall file with the Commission a signed notice of representation on a form prescribed by the Commission, and containing the information required by N.J.S.A. 52:13C-21.

(b) The notice of representation shall be filed prior to making any communication with, or the making of any expenditures providing a benefit to, a member of the Legislature, with legislative staff, with the Governor, with the Governor's staff, or with an officer or staff member of the Executive Branch, or prior to making any communication concerning a governmental process with an officer or member of the Executive Branch, or any authority, board, commission, or other agency or instrumentality in or of a principal department of the Executive Branch of State government, or shall be filed within 30 days of employment, retainer or engagement as a governmental affairs agent, whichever occurs earlier.

(c) Each governmental affairs agent must notify the Commission in writing of any material change in the information supplied in the notice of representation within 15 days of the effective date of such change, or not later than the filing date of the subsequent quarterly report, whichever occurs earlier.

(d) If a governmental affairs agent identifies a membership organization or corporation as the lobbyist or person from whom he or she receives compensation for acting as a governmental affairs agent, and the name or occupation so identified does not, either explicitly or by virtue of the nature of the principal business in which the organization or its members, or the corporation or its shareholders, is commonly known to be engaged, clearly reveal the primary specific economic, social, political, or other interest which the organization or corporation may reasonably be understood to seek to advance or protect through its employment, retainer, or engagement of the governmental affairs agent, a description

of that primary economic, social, political, or other interest and a list of the persons having organizational or financial control of the organization or corporation, including the names, mailing addresses and occupations of those persons, shall be included in the notice of representation of the governmental affairs agent.

New Rule, R.1992 d.32, effective January 21, 1992.

See: 23 N.J.R. 3077(a), 24 N.J.R. 298(a).

Section 20.3 "Reporting threshold" recodified to 19:25-20.9.

Amended 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).

Section was "Legislative agent notice of representation; substituted "governmental affairs" for "legislative" throughout; and in (b) added "or prior to making any communication concerning . . . department of the Executive Branch of State Government,".

19:25-20.5 Governmental affairs agent quarterly report

(a) Each governmental affairs agent shall file with the Commission a quarterly report containing the information required by N.J.S.A. 52:13C-22 and signed by the governmental affairs agent.

(b) If there has been no activity in the calendar year quarter to influence legislation, influence regulation, or to influence governmental processes, the report shall so state.

(c) Such report shall be filed on a form prescribed by the Commission no later than the 10th day following the end of the calendar year quarter during which activities influencing legislation, influencing regulation, or influencing governmental processes occurred.

(d) Calendar year quarters end on March 31, June 30, September 30 and December 31.

(e) A governmental affairs agent shall not be required to report the specific details of a trade secret on a quarterly report filed pursuant to this section, but shall be required to report that activity concerning a trade secret occurred during the quarter.

Repeal and New Rule, R.1992 d.32, effective January 21, 1992.

See: 23 N.J.R. 3077(a), 24 N.J.R. 298(a).

Section was "Reporting calculation".

Amended 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).

Section was "Legislative agent quarterly report"; in (a), substituted "governmental affairs" for "legislative" throughout; in (b), added "or to influence governmental processes"; in (c), rewrote "tenth" as "10th" and added "or influencing governmental processes"; added (e).

19:25-20.6 Name tags

(a) Each governmental affairs agent who is an individual shall wear a name tag issued by the Commission bearing the full name and photograph of the individual, which name tag shall be prominently displayed and visible at all times when such individual is in the State House, the State House Annex, or any other State building or other location when and where an authorized meeting of a legislative committee is being held

(e) No annual fee shall be required if the governmental affairs agent is an organization that is exempt from sales and use taxes under section 9(b) of chapter 30 of the laws of 1966, as amended (N.J.S.A. 54:32-9(b)).

New Rule, R.1992 d.32, effective January 21, 1992.

See: 23 N.J.R. 3077(a), 24 N.J.R. 298(a).

Amended by R.1992 d.251, effective June 15, 1992.

See: 24 N.J.R. 1245(a), 24 N.J.R. 1692(a), 24 N.J.R. 2294(a).

Revised (a) and (b).

Amended by R.1995 d.152, effective March 20, 1995.

See: 26 N.J.R. 4978(a), 27 N.J.R. 1201(b).

Recodified from 19:25-20.19 by R.1997 d.420, effective October 6, 1997.

See: 29 N.J.R. 2809(a), 29 N.J.R. 4302(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 (c), substituted "made" for "due" following "shall be".

Amended by R.2002 d.231, effective July 15, 2002.

See: 34 N.J.R. 1370(a), 34 N.J.R. 2468(a).

Rewrote (a).

Amended 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).

Substituted "governmental affairs" for "legislative" throughout; in (a) and (b), increased annual fee from \$325.00 to \$425.00; in (a), changed the 12-month period from August 1-July 31 of the following year to August 1-December 31 of the same year; in (c), changed the deadline for payment from August 1st of each year to "no later than November 15th for the 12-month period which begins on the following January 1."

SUBCHAPTER 21. PROFESSIONAL CAMPAIGN FUND RAISERS

19:25-21.1 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.

"Candidate" means a candidate for nomination for election or election to the office of Governor or the office of member of the Senate or General Assembly, and any candidate committee, joint candidates committee, or both, of such a candidate.

"Committee" means a political committee, continuing political committee, political party committee, or legislative leadership committee.

"Person" means an individual, partnership, committee, association, corporation, or any other organization or group of persons.

"Professional campaign fund raiser" or "fund raiser" means a person 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. The terms "professional campaign fund raiser" and "fund raiser" do not include any person who is reimbursed only for incurred costs by a candidate or com-

mittee for performing any service directly related to the solicitation of contributions for that candidate or committee.

19:25-21.2 Registration

(a) A professional campaign fund raiser shall register with the Commission within five business days of the earlier of the following:

1. The professional campaign fund raiser plans or organizes or is involved in the planning or organizing of, or attends, at least three events within a three-month period at which contributions are raised by the professional campaign fund raiser for a candidate or committee by whom he or she has been employed, retained or engaged; or

2. The professional campaign fund raiser raises money or any other thing of value at least equivalent to the maximum amount of contributions permitted to be made by an individual to a candidate for public office pursuant to N.J.S.A. 19:44A-11.3 in the aggregate in contributions for such a candidate or committee prior to a primary election or prior to a general election.

(b) The professional campaign fund raiser shall register on a form provided by the Commission which shall include the following:

1. The name, business mailing address, and regular occupation or business of the fund raiser;

2. The resident mailing address of a State resident designated as the fund raiser's agent for the service of process;

3. The general nature of the services to be offered, the dates and locations of each fund raising event the person planned or organized, or was involved in the planning or organizing of, or attended;

4. The amount of money the person raised at each event; and

5. The name of each individual employed by the professional campaign fund raiser who receives monetary compensation of at least \$5,000 per year from the fund raiser 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.

(c) A professional campaign fund raiser shall upon filing the initial registration form in (b) above pay a registration fee of \$1,000. The \$1,000 initial registration 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 in (a) above.