

SUBTITLE H. 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-22.3.

Source and Effective Date

R.2000 d.322, effective July 17, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Executive Order No. 66(1978) Expiration Date

Chapter 25, Regulations of the Election Law Enforcement Commission, expires on July 17, 2005.

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Subchapter 4, Reporting Requirements, was repealed and Subchapter 4, Establishment of Reporting Committees, was adopted as new rules; Subchapter 5, Appointment of Treasurers and Depositories, was repealed and Subchapter 5, Appointment of Campaign Officers and Depositories, was adopted as new rules; Subchapter 6, Deposit of Funds, was repealed and Subchapter 6, Receipt and Use of Funds, was adopted as new rules; Subchapter 7, Use or Transmittal of Deposited Funds; Surplus Campaign Funds, was in part repealed and in part recodified as Subchapter 6, Receipt and Use of Funds; Subchapter 8, Recordkeeping, was recodified as Subchapter 7, Recordkeeping; Subchapter 8,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Political Committee Reporting, was adopted as new rules; and Subchapter 9, Pre-Election and Post-Election Reports, was repealed by R.1993 d.509, effective October 18, 1993.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and Legislative Leadership Committee Reporting, was adopted as new rules, and Subchapter 10, Quarterly Reports, was repealed by R.1994 d.573, effective November 21, 1994.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Subchapter 11, Contributions; Reporting of, was repealed and Subchapter 10, Contribution Reporting, and Subchapter 11, Contribution Limits, were adopted as new rules by R.1995 d.209, effective April 17, 1995.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: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 19:25-1.1 Scope of regulations
- 19:25-1.2 Short title
- 19:25-1.3 Liberal construction of regulations
- 19:25-1.4 Relaxation
- 19:25-1.5 Amendment of regulations
- 19:25-1.6 Practice where regulations do not govern
- 19:25-1.7 Definitions
- 19:25-1.8 Gender, use of masculine to include feminine
- 19:25-1.9 Candidates and committees subject to thresholds and limits
- 19:25-1.10 Preparation of reports

SUBCHAPTER 2. ADMINISTRATIVE

- 19:25-2.1 Office
- 19:25-2.2 Access to documents
- 19:25-2.3 Copies of documents; fees
- 19:25-2.4 Release of documents
- 19:25-2.5 Signatures

SUBCHAPTER 3. ELECTRONIC FILING

- 19:25-3.1 Application for registration number and personal identification number
- 19:25-3.2 Filing of an electronic report

SUBCHAPTER 4. ESTABLISHMENT OF REPORTING COMMITTEES

- 19:25-4.1 Candidate and joint candidates committees
- 19:25-4.1A Establishment of a candidate committee
- 19:25-4.2 Establishment of a joint candidates committee
- 19:25-4.3 Individual seeking multiple offices
- 19:25-4.4 Establishment of a political committee
- 19:25-4.5 Establishment of a continuing political committee
- 19:25-4.6 Designation by a political party committee
- 19:25-4.7 Establishment of a legislative leadership committee
- 19:25-4.8 Approval of abbreviation or acronym as name

SUBCHAPTER 5. APPOINTMENT OF CAMPAIGN OFFICERS AND DEPOSITORIES

- 19:25-5.1 Qualifications of campaign or committee officers
- 19:25-5.2 Qualifications of depositories
- 19:25-5.3 (Reserved)
- 19:25-5.4 Deputy treasurers and additional depositories
- 19:25-5.5 Removal or resignation of treasurers

SUBCHAPTER 6. RECEIPT AND USE OF FUNDS

- 19:25-6.1 Receipt and deposit of funds
- 19:25-6.2 Transfer of funds without deposit
- 19:25-6.3 Receipt of transferred funds
- 19:25-6.4 Expenditures through treasurer

- 19:25-6.5 Use or disposition of campaign funds
- 19:25-6.6 Limitations on permissible expenses
- 19:25-6.7 Ordinary and necessary officeholding expenses
- 19:25-6.8 Vehicle use
- 19:25-6.9 Funds remaining unspent at death of candidate
- 19:25-6.10 Use of funds for legal fees

SUBCHAPTER 7. RECORDKEEPING

- 19:25-7.1 Recordkeeping requirements
- 19:25-7.2 Recordkeeping for credit card transactions
- 19:25-7.3 Period of retention
- 19:25-7.4 Affidavit for missing records

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

- 19:25-8.1 Candidate or joint candidates committee election fund reports
- 19:25-8.2 Election-cycle reports
- 19:25-8.2A Winning primary election candidates
- 19:25-8.3 Quarterly reports
- 19:25-8.4 Candidate certified statements (Form A-1 or A-2)
- 19:25-8.5 Candidate not receiving contributions or making expenditures
- 19:25-8.6 Contributions received immediately before an election
- 19:25-8.7 Termination of election fund reporting
- 19:25-8.7A Retirement of net liabilities
- 19:25-8.8 Political committee election fund reports
- 19:25-8.9 Political committee contributions received immediately before an election
- 19:25-8.10 Political committee expenditures made immediately before an election
- 19:25-8.11 Termination of political committee quarterly reporting
- 19:25-8.12 Time and place of filing reports

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

- 19:25-9.1 Quarterly reports
- 19:25-9.2 Certified statement (Form A-3)
- 19:25-9.3 Contributions received immediately before an election
- 19:25-9.4 Continuing political committee expenditures made immediately before a primary or general election
- 19:25-9.5 Termination of continuing political committee reporting
- 19:25-9.6 Time and place of filing reports

SUBCHAPTER 10. CONTRIBUTION REPORTING

- 19:25-10.1 General provisions
- 19:25-10.2 Contributions of more than \$300.00
- 19:25-10.2A Reporting of occupation and employer information
- 19:25-10.3 Contributions of \$300.00 or less
- 19:25-10.4 Computation of contribution amounts
- 19:25-10.5 Contributions of paid personal services
- 19:25-10.6 Currency contributions
- 19:25-10.7 Public solicitations
- 19:25-10.8 Prohibition of anonymous contributions and of contributions in the name of another
- 19:25-10.9 Contributions for an inaugural or other election-related event
- 19:25-10.10 Political communication contributions
- 19:25-10.11 Reporting of political communication costs
- 19:25-10.12 Interest income
- 19:25-10.13 Loans as contributions
- 19:25-10.14 Contributions by minors
- 19:25-10.15 Contributions made by check
- 19:25-10.16 Contributions by electronic transfer of funds

SUBCHAPTER 11. CONTRIBUTION LIMITS

- 19:25-11.1 Candidates subject to contribution limits
- 19:25-11.1A Committees subject to contribution limits

- 19:25-11.2 Contribution limit chart
- 19:25-11.3 Candidate contributions
- 19:25-11.4 Joint candidates committee contribution limits
- 19:25-11.5 Equal attribution requirements
- 19:25-11.6 Public question political committees
- 19:25-11.7 County political party contribution limits
- 19:25-11.8 Return of excessive contributions
- 19:25-11.9 Contributions from affiliated corporations, associations or labor organizations
- 19:25-11.10 Partnership contributions prohibited
- 19:25-11.11 Contributions received from out-of-State candidates and committees
- 19:25-11.12 Contributions received for a recount or election contest
- 19:25-11.13 Contribution from an estate

SUBCHAPTER 12. REPORTING OF EXPENDITURES; INDEPENDENT EXPENDITURES

- 19:25-12.1 General provisions
- 19:25-12.2 Expenditure reporting
- 19:25-12.3 Written notification of a coordinated expenditure
- 19:25-12.4 Expenditures made by credit card
- 19:25-12.4A Expenditures made by debit card
- 19:25-12.5 Expenditures by currency; petty cash fund
- 19:25-12.6 Payments to individuals; "street money"
- 19:25-12.7 Independent expenditures
- 19:25-12.8 Reporting of independent expenditures
- 19:25-12.9 Expenditures for pre-candidacy activity
- 19:25-12.10 Allocation
- 19:25-12.11 Expenditures for a recount or election contest

SUBCHAPTER 13. POLITICAL IDENTIFICATION STATEMENTS

- 19:25-13.1 Definitions
- 19:25-13.2 Political identification requirements
- 19:25-13.3 Independent expenditure communications
- 19:25-13.4 Vendor records
- 19:25-13.5 Exemptions

SUBCHAPTER 14. RECALL ELECTIONS

- 19:25-14.1 Definitions
- 19:25-14.2 Recall committee subject to candidate committee requirements; penalties
- 19:25-14.3 Commencement of fundraising by recall committee
- 19:25-14.4 Recall committee depository and filing requirements
- 19:25-14.5 Registration statement
- 19:25-14.6 Recall committee use restrictions
- 19:25-14.7 Establishment of recall defense committee; subject to candidate committee requirements; penalties
- 19:25-14.8 Recall defense committee depository and filing requirements
- 19:25-14.9 Recall defense committee use restrictions
- 19:25-14.10 Requirements for a nominee to succeed elected official
- 19:25-14.11 Limits applicable to Federal candidates
- 19:25-14.12 Public financing unavailable
- 19:25-14.13 Limit on contributions by a prior defeated candidate
- 19:25-14.14 Identification of paid circulator

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

- 19:25-15.1 Scope of subchapter
- 19:25-15.2 Definitions; generally
- 19:25-15.3 Definitions for this subchapter
- 19:25-15.4 Appointment of treasurers and depositories
- 19:25-15.5 (Reserved)
- 19:25-15.6 Contribution limits; applicability
- 19:25-15.7 Separately maintained primary and general bank accounts
- 19:25-15.8 Return of contributions; certification
- 19:25-15.9 Candidates deemed non-participating; effect
- 19:25-15.10 Non-participating candidates
- 19:25-15.11 Limitations on participating candidates

- 19:25-17.3 Penalties
- 19:25-17.3A Penalties for failure to file
- 19:25-17.3B Late filing of reports or reporting transactions
- 19:25-17.3C Other penalty factors
- 19:25-17.3D Penalty payment schedule
- 19:25-17.4 Penalty for impermissible use of contributions
- 19:25-17.5 Penalty for making or accepting a contribution in excess of the contribution limit

SUBCHAPTER 18. ADVISORY OPINIONS

- 19:25-18.1 Requests for advisory opinions
- 19:25-18.2 Time for issuing advisory opinions
- 19:25-18.3 (Reserved)

SUBCHAPTER 19. PERSONAL FINANCIAL DISCLOSURE STATEMENTS

- 19:25-19.1 Authority
- 19:25-19.2 Definitions
- 19:25-19.3 Reporting of earned income
- 19:25-19.4 Reporting of unearned income
- 19:25-19.5 Advisory opinions
- 19:25-19.6 Offenses
- 19:25-19.6A Opportunity for hearing
- 19:25-19.6B Default for failure to answer complaint
- 19:25-19.7 Time and place for filing

SUBCHAPTER 20. LOBBYISTS AND LEGISLATIVE AGENTS

- 19:25-20.1 Authority
- 19:25-20.2 Definitions
- 19:25-20.3 Exemptions from the Act
- 19:25-20.4 Legislative agent notice of representation
- 19:25-20.5 Legislative agent quarterly report
- 19:25-20.6 Name tags
- 19:25-20.7 Notice of termination
- 19:25-20.8 Voluntary statements
- 19:25-20.9 Annual report
- 19:25-20.10 Receipts
- 19:25-20.11 Expenditures
- 19:25-20.12 Valuation of contributions and expenditures
- 19:25-20.13 Notice of lobbying benefit
- 19:25-20.14 Contents of annual report
- 19:25-20.15 Audit by Commission; recordkeeping
- 19:25-20.16 Responsibilities for filing annual reports; certification
- 19:25-20.17 Advisory opinions
- 19:25-20.18 Complaint proceedings; investigations; penalties
- 19:25-20.18A Opportunity for hearing
- 19:25-20.18B Default for failure to answer complaint
- 19:25-20.19 Nonresident legislative agents or lobbyists
- 19:25-20.20 Annual fee.

SUBCHAPTER 21. SEVERABILITY CLAUSE

- 19:25-21.1 Severability clause

SUBCHAPTER 1. GENERAL PROVISIONS

19:25-1.1 Scope of regulations

The provisions of this chapter are promulgated pursuant to the New Jersey Campaign Contributions and Expenditures Reporting Act, P.L. 1973, c.83, as amended, N.J.S.A. 19:44A-1 and following ("the act"); the Gubernatorial Legislative Disclosure Statement Act; N.J.S.A. 19:44B-1 et seq.; the Uniform Recall Election Law, P.L. 1995, c. 105, N.J.S.A. 19:27A-1, and the Legislative Activities Disclosure Act of 1971, N.J.S.A. 52:13C-18 et seq. Such provisions shall constitute the rules and regulations of practice and procedure of the New Jersey Election Law Enforcement Commission ("the Commission").

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

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

Citations added.

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

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

Inserted a reference to the Uniform Recall Election Law.

19:25-1.2 Short title

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

19:25-1.3 Liberal construction of regulations

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

19:25-1.4 Relaxation

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

19:25-1.5 Amendment of regulations

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

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

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

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

19:25-1.6 Practice where regulations do not govern

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

19:25-1.7 Definitions

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

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

"Candidate" means:

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