

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 employment or at the request or suggestion 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 who 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.

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."

### 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.

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).

### 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 for the purpose of influencing legislation or influencing regulation. A governmental affairs agent shall also wear the name tag issued by the Commission at any location when and where a meeting is being held at which there may be an attempt to influence a governmental process.

(b) On or about November 15, the Commission shall issue a name tag to a governmental affairs agent who is an individual, which name tag shall be effective for a 12-month period commencing on the following January 1.

(c) Name tags will be issued by the Commission only to a governmental affairs agent who has paid the annual fee and submitted two photographs as provided in N.J.A.C. 19:25-20.20, and has filed all required notices of representation and quarterly reports for the prior 12-month period.

(d) The Commission may terminate the active status of a governmental affairs agent who fails to renew his or her name tag on or prior to the expiration date provided in (b) above.

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

Section 19:25-20.6 "Calculation of receipts" recodified to 19:25-20.10.

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.2002 d.231, effective July 15, 2002.

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

In (a), deleted "visibly" following "shall wear", inserted "issued by the Commission" preceding "bearing", "and photograph" preceding "of the individual" and "which name tag shall be prominently displayed and visible" preceding "at all times"; in (b), inserted "and submitted two photographs" following "annual fee" and amended the N.J.A.C. reference.

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), added the last sentence; in (b), substituted "or about November 15" for "each August 1", and substituted "the following January 1" for "August 1 and ending on July 31."

#### 19:25-20.7 Notice of termination

(a) Each governmental affairs agent shall file with the Commission a notice of termination within 30 days after his or her activities influencing legislation, influencing regulation, or influencing governmental processes cease.

(b) Any person who has engaged a governmental affairs agent shall file a notice of termination after that agent ceases to represent such person.

(c) The notice of termination shall be filed on a form prescribed by the Commission. The completed form shall include:

1. The effective date of termination;
2. The name of the person from whom service was terminated;
3. The name and signature of the governmental affairs agent; and
4. The date of the notice.

(d) A governmental affairs agent who files a notice of termination pursuant to (a) above, and who no longer is conducting activities to influence legislation, regulation, or governmental processes on behalf of any person, shall return the name tag issued to the agent pursuant to N.J.A.C. 19:25-20.6 at the time the agent files his or her notice of termination.

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

Section 19:25-20.7 "Calculation of expenditures" recodified to 19:25-20.11.

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

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

Added new (d).

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), added "or influencing governmental processes"; in (d), added "or governmental processes."

#### 19:25-20.8 Voluntary statements

(a) Governmental affairs agents filing pursuant to N.J.S.A. 52:13C-35 a voluntary notice of representation, a voluntary quarterly report, or a voluntary notice of termination shall utilize the forms prescribed by the Commission.

(b) Such statements shall be marked by the governmental affairs agent as "voluntary filing."

(c) Voluntary filings pursuant to this section are exempt from the fees provided in N.J.A.C. 19:25-20.19.

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

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

Section 19:25-20.8 "Valuation of contributions and expenditures" recodified to 19:25-20.12.

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 (c).

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 (a), substituted "Governmental affairs" for "Legislative" and in (b), "governmental affairs" for "legislative."

#### 19:25-20.9 Annual report

(a) Any lobbyist or governmental affairs agent who or which receives receipts of more than \$2,500 or makes expenditures of more than \$2,500 in any calendar year for the purpose of communication with or providing benefits to any member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch, for the purpose of influencing governmental processes, or for the purpose of communication with the general public, shall file with the Commission, not later than February 15th of each year, an annual report of receipts and expenditures for the previous calendar year on forms supplied by the Commission.

(b) A governmental affairs agent retained by or representing more than one lobbyist shall, for purposes of determining aggregate threshold expenditure figures pursuant to this section, include receipts and expenditures made on behalf of all of the lobbyists by whom the governmental affairs agent is employed.

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

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

Recodified from 19:25-20.4. Revised text. Prior text at section "Annual report" recodified to 19:25-20.13.

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), added ", for the purpose of influencing governmental processes, or for the purpose of communication with the general public," and deleted "pursuant to N.J.A.C. 19:25-20.13."

#### 19:25-20.9A Annual report of communication with the general public

Any person other than a governmental affairs agent or lobbyist who receives contributions or makes expenditures for the purpose of communication with the general public shall be required to file and certify the correctness of an annual report of such contributions or expenditures in the same manner as governmental affairs agents if the contributions or expenditures made, incurred or authorized by the person for the purpose of communication with the general public exceed in the aggregate \$2,500 in any year.

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).

#### 19:25-20.10 Receipts

(a) The following receipts of a lobbyist or governmental affairs agent which relate to communication with, or providing benefits to, any member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch, or which relate to influencing governmental processes, or to communication with the general public, shall be included in the annual report:

1. Fees, salary, allowances or other compensation paid to a governmental affairs agent. Receipts required to be reported pursuant to this paragraph shall be detailed as to amount, from whom received and for what purpose. A law firm, advertising agency, public relations firm, accounting firm or similar organization which spends only a portion of its time in legislative or regulatory activity, in influencing governmental processes, or for communication with the general public on behalf of a lobbyist shall be required to report only that portion of its fees as are related to influencing legislation, influencing regulation, influencing governmental processes, or for communication with the general public.

2. Contributions, loans (except for loans made in the ordinary course of business on substantially the same terms as those prevailing for comparable transactions with other persons) or membership fees or dues received by a lobbyist. Such contributions, loans, fees or dues received by a lobbyist are reportable if they are made to a lobbyist whose major purpose is to influence legislation, influence regulation, influence governmental processes, or conduct communication with the general public. For purposes of this paragraph, a lobbyist shall be deemed to be engaged in influencing legislation, influencing regulation, influencing governmental processes, or conducting communication with the general public, as its major purpose for any calendar year in which expenditures related to such activity

constitute more than 50 percent of its total expenditures for all purposes. If, under the above test, it is not the major purpose of the lobbyist to influence legislation, influence regulation, influence governmental processes, or conduct communication with the general public, the contributions, loans, fees and dues received by the lobbyist are not reportable by such organization, unless made to the lobbyist with the specific intent that the contributions, loans, fees or dues be employed to influence legislation, influence regulation, influence governmental processes, or conduct communications with the general public (in which case they are reportable as outlined below). If the major purpose of the lobbyist is to engage in influencing legislation, influencing regulation, influencing governmental processes, or conducting communication with the general public, the contributions, loans, membership fees or dues received by the lobbyist shall be reported hereunder in the aggregate in the same proportion as the activities of the lobbyist are related to influencing legislation, influencing regulation, influencing governmental processes, or conducting communication with the general public, along with the name and address of the contributor(s) whose contribution(s), allocated as outlined above, aggregate more than \$100.00 during the calendar year.

Example 1: Trade Association XYZ engages in a wide range of activities, including trade shows, public relations, newsletters to its members, etc., and influencing legislation. This activity is done through a paid contract governmental affairs agent in Trenton as well as by communications by employees of the Trade Association. XYZ expends over \$2,500 during the course of the calendar year on this lobbying activity, although this expense constitutes less than 50 percent of its total expenditures for all purposes for that year. Trade Association XYZ is a lobbyist required to file an annual report. However, it need not report its contributions.

Example 2: Trade Association EFG has the same fact situation as above, except that Trade Association EFG's lobbying expenses constitute more than 50 percent (for example, 80 percent) of its expenditures for all purposes for the year. EFG must file an annual report as a lobbyist, including therein an aggregate allocated figure for lobbying contributions made to it (80 percent of each contribution must be allocated to lobbying for reporting purposes; the aggregate is then reported). EFG must also report the name and address of all those contributors whose contributions, after being allocated to lobbying, exceed \$100.00.

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

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

Recodified from 19:25-20.6. Revised text. Prior text at section "Audit by commission: recordkeeping" recodified to 19:25-20.14.

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).

Rewrote the section.

**19:25-20.10A Contingent fees, prohibited**

A governmental affairs agent shall not enter into any agreement, arrangement, or understanding under which the governmental affairs agent's compensation, or any portion thereof, is made contingent upon the success of any attempt to influence legislation, influence regulation, or influence a governmental process.

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).

**19:25-20.11 Expenditures**

(a) The following expenditures of a lobbyist or governmental affairs agent which relate to communication with, or providing benefits to, any member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch, or which relate to influencing governmental processes, or to communication with the general public, shall be reported in the annual report, and shall be listed in the aggregate by category:

1. Fees, allowances, retainers, salary or other compensation paid by a lobbyist to a governmental affairs agent. Compensation required to be reported pursuant to this paragraph shall be detailed as to amount, to whom paid and for what purpose and shall include consulting, legal or other fees, for services performed or to be performed, as well as expenses incurred in rendering such services. In the case of a volunteer, the above calculation shall not include any calculation of the value of the time for such volunteer, but shall include only that amount reimbursed to the volunteer for expenditures related to activities to influence legislation, influence regulation, influence governmental processes, or related to communication with the general public on behalf of the lobbyist.

2. Pro rata share of salary or other compensation paid to an employee of any organization whose activities on behalf of that organization qualify him or her as a governmental affairs agent.

Example 1: Jones engages in lobbying activity in New Jersey and Pennsylvania for ABC Corporation. He spends one-half of his time in lobbying activity in New Jersey. Jones' total salary, as reported on his W-2 form, is \$30,000 per year. Since more than 20 hours of his time is spent on lobbying in New Jersey, Jones is a governmental affairs agent for ABC Corporation and one-half of his salary, \$15,000, is allocable to lobbying. ABC Corporation is a reporting lobbyist and must include this amount as an expense.

Example 2: Smith, another ABC Corporation employee, has spent less than 20 hours of his time on direct lobbying on behalf of his employer, and, therefore, none of his salary is reportable by ABC Corporation.

3. Contributions or membership fees or dues paid by the lobbyist, except that such contributions or fees shall not be deemed to be related to influencing legislation, influencing regulation, influencing governmental processes, or conducting communication with the general public, for the purpose of reporting under the Act and this subchapter unless made to a governmental affairs agent with the specific intent to influence legislation, influence regulation, influence governmental processes, or conduct communication with the general public or unless made to a lobbyist whose major purpose is to engage in influencing legislation, influencing regulation, influencing governmental processes, or conducting communication with the general public. For the purpose of this paragraph, a lobbyist shall be deemed to be engaged in influencing legislation, influencing regulation, influencing governmental processes, or conducting communication with the general public as its major purpose for any calendar year in which expenditures related to such activity constitute more than 50 percent of its total expenditures for all purposes. Such contributions, fees and dues (other than those made with the specific intent to influence legislation, or influence regulation) made by a lobbyist to an organization, association or union, shall be reportable hereunder in the same proportion as the activities of the organization, association or union are related to influencing legislation, influencing regulation, influencing governmental processes, or conducting communication with the general public. Contributions, fees or dues made with the specific intent to influence legislation, influence regulation, influence governmental processes, or conduct communication with the general public, or all of the foregoing, shall be reported in full. Contributions, fees or dues required to be reported pursuant to this paragraph shall be reported in the aggregate, along with the name of any organization, association or union to whom the lobbyist made a contribution in excess of \$100.00 for the calendar year (when allocated as set forth above) as well as the date of each contribution, fee or dues.

4. Costs of preparation and distribution of material related to influencing legislation, influencing regulation, influencing governmental processes, or conducting communication with the general public, and paid for by a lobbyist or governmental affairs agent, including all disbursements for preparation and distribution of printed materials, correspondence, flyers, publications, films, slides, audio and video recordings and video tapes.

5. Travel and lodging related to influencing legislation, influencing regulation, influencing governmental processes, or conducting communication with the general public, for the governmental affairs agent.

6. Allocated cost of support personnel for the lobbyist or governmental affairs agent. The allocated cost of any support personnel for the lobbyist or governmental affairs agent shall be included hereunder if, in relation to the usual duties of their employment, such personnel, individually, spend, over the course of the reporting year 450 hours in

activity supporting the activity of the lobbyist or governmental affairs agent in influencing legislation, influencing regulation, influencing governmental processes, or conducting communication with the general public. The term "support personnel" shall include costs related to the communication by an expert or employee, other than a governmental affairs agent, when the communication is made in the company of a governmental affairs agent for the sole purpose of providing technical or expert advice.

Example: Smith is in the government affairs department of ABC Corporation, a reporting lobbyist, and spends all of her time engaged in activity related to lobbying. Brown, her secretary, spends his time doing work supporting Smith's activities. Jones, an analyst in the financial department at ABC Corporation, spends 50 percent of his time analyzing legislation for Smith and preparing memoranda to be used in Smith's lobbying activity. King, an attorney in ABC's legal department, does some drafting of proposed legislation for Smith. Over the course of the year, however, this accounts for less than 450 hours of his time at work. Ford spends one-third of her time preparing testimony on governmental processes for Smith. ABC Corporation, in its annual report, must include Smith's full salary (under (a)2 above), as well as Brown's full salary, one-half of Jones' salary, and one-third of Ford's full salary, as the cost of support personnel. None of King's salary will have to be included on ABC's report.

(b) The following expenditures of a lobbyist or governmental affairs agent which relate to communication with, or providing benefits to, any member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch ("benefit recipient") shall be reported in the Annual Report and shall be listed in the aggregate by category, except that if the aggregate expenditures on behalf of any benefit recipient exceed \$25.00 per day, or exceed \$200.00 per calendar year, the expenditures, together with the name and office held of the intended recipient of the benefit, shall be stated in detail and shall include the date and type of each expenditure providing a benefit, and either the reasonable commercial value of the benefit as provided in N.J.A.C. 19:25-20.12 with a description of the benefit sufficient for determining its reasonable commercial value, or if the cost is greater than the reasonable commercial value, the cost of the benefit to the lobbyist or governmental affairs agent and the name and address of any person or entity to whom the lobbyist or governmental affairs agent incurred any cost or obligation for providing the benefit.

1. Entertainment, including, but not limited to, disbursements for sporting, theatrical and musical events provided to any member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch, and paid for by a lobbyist or governmental affairs agent.

2. Food and beverages provided to any member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch, paid for by a lobbyist or governmental affairs agent. Also included are payments by lobbyists or governmental affairs agents for food or beverages for any member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch at conferences, conventions, banquets or other similar functions. This paragraph shall not apply to the food and beverages provided to an invited speaker who is a member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch, when the food and beverages are provided to all persons who attend the convention, banquet, or other similar function. "Invited speaker" shall mean a person who is announced as a speaker in advance of the convention, banquet, or other similar function, and shall not include a person who is merely identified and introduced to persons attending the event.

3. Travel and lodging expenses paid for or provided by a lobbyist or governmental affairs agent on behalf of any member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch.

4. Honoraria paid to any member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch by a lobbyist or governmental affairs agent.

5. Loans to any member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch from a lobbyist or governmental affairs agent except for loans from financial institutions made in the ordinary course of business on substantially the same terms as those prevailing for comparable transactions with other persons.

6. Allocated cost of support personnel for the lobbyist or legislative agent. The allocated cost of any support personnel for the lobbyist or legislative agent shall be included hereunder if, in relation to the usual duties of their employment, such personnel, individually, spend, over the course of the reporting year 450 hours in activity supporting the activity of the lobbyist or legislative agent in influencing legislation, or influencing regulation.

(c) For purposes of reporting under the Act or this subchapter, when an expenditure included in (b) above is made to a member of the immediate family of any member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch, such expenditure shall be deemed to be made on behalf of the member of the Legislature, legislative staff, the Governor, the Governor's staff, or the officer or staff member of the Executive Branch whose family member received it. A member of the immediate family shall mean a spouse, child, parent, or

sibling residing in the same household, or any dependent children.

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

Recodified from 19:25-20.7. Revised text. Prior text at section "Responsibilities for filing annual reports: certification" recodified to 19:25-20.15.

Amended by R.1992 d.459, effective November 16, 1992.  
See: 24 N.J.R. 3031(a), 24 N.J.R. 4277(a).

Revised (b) and (c).

Amended by R.1997 d.420, effective October 6, 1997.  
See: 29 N.J.R. 2809(a), 29 N.J.R. 4302(a).

In (b) and (c), substituted reference to benefits recipient for reference to legislative office holders and staff; in (b), amended information to be listed on Annual Report; and in (b)1 through 6, amended to include items "provided".

Amended by R.2003 d.239, effective June 16, 2003.  
See: 35 N.J.R. 1209(a), 35 N.J.R. 2739(b).

Rewrote (b)2.

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).

Rewrote (a) and (c); substituted "governmental affairs" for "legislative" throughout.

### 19:25-20.12 Valuation of contributions and expenditures

Where a contribution of goods or services is made to a lobbyist or governmental affairs agent to influence legislation, to influence regulation, to influence governmental processes, or to conduct communication with the general public, the value of such receipt shall be its reasonable commercial value to the lobbyist or governmental affairs agent receiving it. Where an expenditure of goods or services, including travel, is made by a lobbyist or governmental affairs agent to any member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch ("benefit recipient"), the value of the expenditure shall be its reasonable commercial value to the benefit recipient.

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

Recodified from 19:25-20.8. Revised text. Prior text at section "Valuation of contributions and expenditures" recodified to 19:25-20.16.

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

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

Substituted reference to benefits recipient for reference to legislative office holders and staff.

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

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

Deleted "receiving it" at the end.

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; added "to influence governmental processes, or to conduct communication with the general public."

### 19:25-20.13 Notice of lobbying benefit

(a) A lobbyist or governmental affairs agent shall provide a written benefit notice, certified as correct by the lobbyist or governmental affairs agent, to any member of the Legislature, legislative staff member, Governor, Governor's staff member, or an officer or staff of the Executive Branch ("benefit

recipient") who has received from that lobbyist or governmental affairs agent a benefit required to be reported on the lobbyist's or governmental affairs agent's Annual Report pursuant to N.J.A.C. 19:25-20.14, and the benefit notice shall include the same information as required on the Annual Report.

(b) The certified benefit notice shall be transmitted by the lobbyist or governmental affairs agent to the benefit recipient no later than February 1st of the year following the calendar year in which the benefit was received. Proof of service of the benefit notice shall be obtained and maintained for a period of at least three years.

(c) In the event that a lobbyist or governmental affairs agent has provided a benefit recipient with more than one benefit during a preceding calendar year, the lobbyist or governmental affairs agent may include all such benefits in a single written notice provided to the benefit recipient.

(d) In the event that a lobbyist or governmental affairs agent receives reimbursement from any benefit recipient for the reasonable commercial value of any benefit required to be reported on its Annual Report pursuant to N.J.A.C. 19:25-20.14, the lobbyist or governmental affairs agent shall report the receipt and amount of such reimbursement in the Annual Report in which the benefit is required to be reported. The making of such a reimbursement does not remove or alter the requirement that the lobbyist or governmental affairs agent report the expenditure and the benefit recipient on its Annual Report pursuant to N.J.A.C. 19:25-20.14.

New Rule, R.1997 d.420, effective October 6, 1997.

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

Former section recodified to N.J.A.C. 19:25-20.14.

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), deleted "(a)5" following "19:25-20.14."

### 19:25-20.14 Contents of annual report

(a) The annual report shall contain the following:

1. Name, business address, telephone number of the reporting lobbyist or governmental affairs agent;
2. Name, address and occupation or business of governmental affairs agent(s) engaged by the reporting lobbyist, or name, address and occupation or business of lobbyist(s) engaging the reporting governmental affairs agent, whichever is applicable;
3. The particular items of legislation, regulation, or governmental processes and any general category or type of legislation, regulation, or governmental processes regarding which the governmental affairs agent or lobbyist influenced legislation, influenced regulation, or influenced governmental processes during the calendar year, except that a governmental affairs agent who has provided this information in his or her notice of representation and

quarterly reports may satisfy this requirement by so indicating on the annual report;

4. Receipts received by the governmental affairs agent or lobbyist as set forth in N.J.A.C. 19:25-20.10; and

5. Expenditures made by the lobbyist or governmental affairs agent, as set forth in N.J.A.C. 19:25-20.11.

(b) With respect to any specific event, such as a reception, where expenditures required to be reported pursuant to N.J.A.C. 19:25-20.11(b) in the aggregate exceed \$100.00, the report shall include the date, type of expenditure, amount of expenditure and to whom paid. Any expenditure in excess of \$5.00 made to provide a benefit pursuant to N.J.A.C. 19:25-20.11(b) to a member of the Legislature, legislative staff, the Governor, member of the Governor's staff, or offices or staff members of the Executive Branch present, attending or participating in the event with the actual or constructive knowledge of the lobbyist or governmental affairs agent shall be included in the calculation of the per day, or per calendar year, thresholds contained in N.J.A.C. 19:25-20.11(b).

(c) A governmental affairs agent retained by or representing more than one lobbyist shall include in his or her annual report receipts received from and expenditures made on behalf of all lobbyists by whom it is employed.

(d) An individual who is a governmental affairs agent and who serves as a member of any independent State authority, county improvement authority, or municipal utilities authority, or as a member from New Jersey on an interstate or bi-state authority, or as a member of any board or commission established by statute or resolution or by executive order of the Governor or by the Legislature or by any agency, department or other instrumentality of the State shall disclose such service, including the name of the authority, board or commission, and the date upon which his or her term as a member thereof expires, in the governmental affairs agent's annual report.

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

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

Recodified from 19:25-20.9. Revised text. Prior text at section "Complaint proceedings; investigations; penalties".

Amended by R.1992 d.459, effective November 16, 1992.

See: 24 N.J.R. 3031(a), 24 N.J.R. 4277(a).

Revised (d).

Recodified from 19:25-20.13 by R.1997 d.420, effective October 6, 1997.

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

Former section recodified to N.J.A.C. 19:25-20.15.

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)2, added "the" preceding "reporting lobbyist"; rewrote (a)3.

#### 19:25-20.15 Audit by Commission; recordkeeping

(a) All annual reports of lobbyists or governmental affairs agents required to be filed pursuant to the Act and this subchapter shall be subject to review and audit by the Commission.

(b) Each lobbyist and governmental affairs agent subject to reporting under the Act shall make or obtain and maintain for a period of three calendar years following the year of his, her, or its activity all records and documents relating to his, her, or its activity in influencing legislation, influencing regulation, or influencing governmental processes, including, but not limited to, checks, bank statements, contracts and receipts, so as to provide evidence to support statements in reports filed with the Commission and to permit an adequate basis for auditing by the Commission, except that a record or document of any single expenditure in an amount of \$5.00 or less may be excluded from this requirement.

(c) The Commission shall conduct random audits of records kept and preserved pursuant to 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).

Recodified from 19:25-20.10. Revised text. Prior text at section "Nonresident legislative agents or lobbyists" recodified to 19:25-20.18. Recodified from 19:25-20.14 by R.1997 d.420, effective October 6, 1997.

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

Former section recodified to N.J.A.C. 19:25-20.16.

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; rewrote (b); added (c).

#### 19:25-20.16 Responsibilities for filing annual reports; certification

(a) The lobbyist and the governmental affairs agent shall have the responsibility of filing annual reports.

(b) Each organization which itself has a filing obligation as a lobbyist pursuant to this subchapter is not relieved of that obligation by virtue of the fact that a governmental affairs agent engaged, designated or employed by it has a filing obligation; except that a lobbyist required to file an annual report pursuant to the Act may designate a governmental affairs agent in its employ or otherwise engaged or used by it to file the annual report on its behalf, provided such designation is made in writing by the lobbyist on a form prescribed by the Commission, is acknowledged in writing by the designated governmental affairs agent and is filed with the Commission on or before the date on which the annual report of the lobbyist is due for filing, and further provided that any violation of the Act shall subject both the lobbyist and the designated governmental affairs agent to the penalties provided by the Act and this subchapter.

(c) Each governmental affairs agent which has a filing obligation pursuant to this subchapter is not relieved of that obligation by virtue of the fact that the organization engaging, retaining or employing it has or may have a filing obligation as a lobbyist or that the governmental affairs agent has been designated by which organization to file an annual report for it; except that any lobbyist organization required to file a report pursuant to the Act which employs or otherwise engages or uses a governmental affairs agent or agents whose

only reportable lobbying activity is on behalf of such organization, may file a single annual report required under N.J.A.C. 19:25-20.14 on behalf of its own lobbying activity and the activities of such governmental affairs agent or agents, provided that any violation of the Act shall subject the lobbyist alone to the penalties provided by the Act and this subchapter.

(d) Each report filed with the Commission by a lobbyist or governmental affairs agent shall be certified as to the correctness of the report by the governmental affairs agent or, in the case of a lobbyist, by a governmental affairs agent employed by the lobbyist or a responsible financial or government affairs officer of the lobbyist.

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

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

Recodified from 19:25-20.11. Revised text. Prior text at section "Severability clause" repealed.

Recodified from 19:25-20.15 and amended by R.1997 d.420, effective October 6, 1997.

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

In (c), amended N.J.A.C. reference. Former section recodified to N.J.A.C. 19:25-20.17.

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.

#### 19:25-20.17 Advisory opinions

The Commission may render advisory opinions as to the applicability of the Act and this subchapter to a given specific set of facts and circumstances.

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

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

Recodified from 19:25-20.11. Revised text.

Recodified from 19:25-20.16 by R.1997 d.420, effective October 6, 1997.

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

Former section recodified to N.J.A.C. 19:25-20.18.

#### 19:25-20.18 Complaint proceedings; investigations; penalties

(a) The term "violation" shall mean the failure to report timely or in the manner prescribed by the Act and this subchapter, or the failure to make and maintain a record as prescribed by the Act and this subchapter, of any event or transaction required to be reported or recorded by the Act or this subchapter.

(b) Upon receiving evidence of any violation of the Act or this subchapter, the Commission shall have the power to make investigations and bring complaint proceedings, to issue subpoenas for the production of witnesses and documents and to hold or cause to be held, by the Office of Administrative Law, hearings upon such complaint.

(c) In addition to any other penalty provided by law, any person who is found to have committed a violation of the Act or this subchapter shall be liable for a civil penalty of up to \$1,000 for that violation, which penalty may be collected in a

summary proceeding pursuant to the "Penalty Enforcement Law of 1999" (N.J.S.A. 2A:58-10 et seq.).

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

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

Recodified from 19:25-20.13. Revised text.

Recodified from 19:25-20.17 by R.1997 d.420, effective October 6, 1997.

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

Former section recodified to N.J.A.C. 19:25-20.19.

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 (a), added "of" preceding "any event"; rewrote (c).

#### 19:25-20.18A Opportunity for hearing

In any penalty proceeding undertaken by the Commission pursuant to N.J.S.A. 52:13C-23.1, 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.239, effective June 16, 2003.

See: 35 N.J.R. 1209(a), 35 N.J.R. 2739(b).

#### 19:25-20.18B 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.239, effective June 16, 2003.

See: 35 N.J.R. 1209(a), 35 N.J.R. 2739(b).

#### 19:25-20.18C One-year post-employment prohibition on lobbying

(a) As used in this section, "person" means any member of the Legislature, the Governor, or the head of a principal department of the Executive Branch.

(b) No person, within one year next subsequent to the termination of the office or employment of such person, shall register as a governmental affairs agent.

(c) Any person who knowingly or willfully violates the provisions of (b) above shall be subject to a penalty of not more than \$10,000 and shall be barred from engaging in activity as a governmental affairs agent for up to an additional five years.

(d) Upon receiving evidence of any violation of this section, the Commission shall have the power to hold, or cause to be held, hearings about the violation and, upon finding any person to have committed a violation, to assess such penalty, within the limits set forth in (c) above, as it deems proper under the circumstances, which penalty may be collected in a

summary proceeding pursuant to the "Penalty Enforcement Law of 1999" (N.J.S.A. 2A:58-10 et seq.).

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).

#### 19:25-20.19 Nonresident governmental affairs agents or lobbyists

Any governmental affairs agent or lobbyist not a resident of this State, or not a corporation of this State or authorized to do business in this State, shall file with the Commission, before attempting to influence legislation, influence regulation, or influence governmental processes, its consent to service of process at an address within this State, or by regular mail at an address outside this State.

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

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

Recodified from 19:25-20.14. Revised text.

Recodified from 19:25-20.18 by R.1997 d.420, effective October 6, 1997.

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

Former section recodified to N.J.A.C. 19:25-20.20.

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 "Nonresident legislative agent or lobbyist"; substituted "governmental affairs" for "legislative"; substituted "," for "or" following "legislation" and added ", or influence governmental processes."

#### 19:25-20.20 Annual fee

(a) Each governmental affairs agent who is an individual and whose activities are subject to the Act during any part of a 12-month period commencing on January 1 and ending on the following December 31 shall pay an annual fee of \$425.00, and shall submit with the agent's annual fee two identical, two-by-two-inch, color photographs taken of the governmental affairs agent within six months showing a full-face, front view of the agent with a plain white or off-white background.

(b) In the event that the governmental affairs agent is a partnership, committee, association, corporation, or other organization or group of persons, the annual fee shall be \$425.00 for each individual from the partnership, committee, association, corporation, or other organization or group of persons, who is required to wear a name tag pursuant to N.J.A.C. 19:25-20.6.

(c) Payment of the annual fee set forth in (a) and (b) above shall be by check or money order payable to "State of New Jersey, Election Law Enforcement Commission," and shall be made no later than November 15th for the 12-month period which begins on the following January 1.

(d) In the case of a governmental affairs agent who files an initial notice of representation, the annual fee shall be due upon the filing of such initial notice of representation, and subsequent annual fees shall be due pursuant to (c) above.

(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 committee 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.

(d) A professional campaign fund raiser who has not registered with the Commission pursuant to this section but is required to be registered, and who has not paid the initial registration fee in (c) above, shall not, for compensation,

perform for any candidate or committee any service directly related to the solicitation of contributions for that candidate or committee. A candidate or committee shall not pay any compensation to any fund raiser who is not registered pursuant to this section but is required to be registered, for performing any service directly related to the solicitation of contributions for that candidate or committee.

**19:25-21.3 Quarterly reports**

(a) A professional campaign fund raiser who has filed a registration form with the Commission pursuant to N.J.A.C. 19:25-21.2 shall file quarterly reports with the Commission, which shall include the following information:

1. The name of each candidate or committee for which fund raising services were provided;

2. The specific services provided to each named candidate or committee;

3. The gross and net amounts raised for each named candidate or committee;

4. The amount of compensation received by the professional campaign fund raiser from each candidate or committee; and

5. An itemized list of expenditures made in connection with providing fund raising services.

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

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

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

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

4. The fourth quarterly report shall be due for filing on January 15 of a calendar year and shall include all information for the period of time beginning with the first transaction occurring on or after October 1st of the calendar year preceding the calendar year of the filing date, and