

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Subchapter 4, Reporting Requirements, was repealed and Subchapter 4, Establishment of Reporting Committees, was adopted as new rules; Subchapter 5, Appointment of Treasurers and Depositories, was repealed and Subchapter 5, Appointment of Campaign Officers and Depositories, was adopted as new rules; Subchapter 6, Deposit of Funds, was repealed and Subchapter 6, Receipt and Use of Funds, was adopted as new rules; Subchapter 7, Use or Transmittal of Deposited Funds; Surplus Campaign Funds, was in part repealed and in part recodified as Subchapter 6, Receipt and Use of Funds; Subchapter 8, Recordkeeping, was recodified as Subchapter 7, Recordkeeping; Subchapter 8,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Political Committee Reporting, was adopted as new rules; and Subchapter 9, Pre-Election and Post-Election Reports, was repealed by R.1993 d.509, effective October 18, 1993.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and Legislative Leadership Committee Reporting, was adopted as new rules; and Subchapter 10, Quarterly Reports, was repealed by R.1994 d.573, effective November 21, 1994.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Subchapter 11, Contributions; Reporting of, was repealed and Subchapter 10, Contribution Reporting, and Subchapter 11, Contribution Limits, were adopted as new rules by R.1995 d.209, effective April 17, 1995.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

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 \$400.00
 19:25-10.2A Reporting of occupation and employer information
 19:25-10.3 Contributions of \$400.00 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
 19:25-12.5 Expenditures by currency; petty cash fund
 19:25-12.6 Payments to individuals; "street money"
 19:25-12.7 Independent expenditures defined
 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 (Reserved)
 19:25-15.5 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
 19:25-15.12 Who may or may not contribute
 19:25-15.13 Corporate or labor organization communications
 19:25-15.14 Contributions eligible for match
 19:25-15.15 Contributions eligible for match; checks and instruments; partnership contributions prohibited; contributions by electronic transfer of funds

ELECTION LAW ENFORCEMENT COMMISSION

19:25-15.16	Limitation on contributions eligible for match
19:25-15.17	Matching of funds
19:25-15.18	Dates of submission
19:25-15.19	Matching of State committee contributions; submission dates
19:25-15.20	Special account for public funds
19:25-15.21	Receipt of public funds
19:25-15.22	Receipt of public funds; limitation
19:25-15.23	Receipt of public funds; procedure
19:25-15.24	Use of public funds
19:25-15.25	Use of transferred funds
19:25-15.26	Expenses not subject to expenditure limits
19:25-15.27	Expenditure reporting; travel expenses
19:25-15.28	Independent expenditures
19:25-15.28A	Prohibition on independent expenditures by State political party committees and legislative leadership committees
19:25-15.28B	Limit on county and municipal political party committee expenditures
19:25-15.29	Coordinated expenditures
19:25-15.29A	Coordinated expenditures by non-gubernatorial candidates, political party committees and legislative leadership committees
19:25-15.30	Borrowing of funds; repayment
19:25-15.31	Computation of value of goods and services
19:25-15.32	Establishment of State committee account; contribution limit
19:25-15.33	State committee expenditures; ineligible for match; expenditure limit
19:25-15.34	State committee treasurer
19:25-15.35	Notice by State committee to contributor
19:25-15.36	State committee statements
19:25-15.37	Certification and delivery of statements
19:25-15.38	Transfer of deposits; certification
19:25-15.39	County and municipal committee expenditures; reports
19:25-15.40	County and municipal committee reports
19:25-15.41	County and municipal committees; prohibition on transfers
19:25-15.42	Maintenance of records; audit
19:25-15.43	Disclosure of information
19:25-15.44	Prepared statement on behalf of candidate; reimbursement of ballot statement costs
19:25-15.45	Post-election contribution; post-election payment of expenses
19:25-15.46	Funds or materials remaining from general election campaign
19:25-15.47	Repayment of public or other funds
19:25-15.48	Candidate statement of qualification before participation in public financing
19:25-15.49	Statement of candidates electing to participate in debates
19:25-15.50	Application to sponsor debates
19:25-15.51	Selection of debate sponsor
19:25-15.52	Dates, times, and location of debates
19:25-15.53	Rules for conduct of debates
19:25-15.54	Complaint alleging failure to participate in debate
19:25-15.55	Temporary cessation of distribution of public funds
19:25-15.56	Response to complaint for failure to participate in a debate or debates
19:25-15.57	Conduct of the hearing
19:25-15.58	Final decision of non-participation
19:25-15.59	Inaugural event contribution limit; reporting
19:25-15.60	Inaugural event contributions from joint checking account
19:25-15.61	Inaugural event contributions from affiliated corporations or unions
19:25-15.62	Partnership contributions to inaugural events prohibited
19:25-15.63	Inaugural event contributions from children or trusts
19:25-15.64	(Reserved)
19:25-15.65	Complaints alleging violation of general election expenditure limit
19:25-15.66	Postelection proceedings for return of funds

SUBCHAPTER 16. PUBLIC FINANCING OF PRIMARY ELECTION FOR GOVERNOR

19:25-16.1	Scope of subchapter
19:25-16.2	Definitions; generally
19:25-16.3	Definitions for this subchapter
19:25-16.4	Appointment of treasurers and depositories
19:25-16.5	(Reserved)
19:25-16.6	Contribution limits; applicability
19:25-16.7	Candidates deemed non-participating; effect
19:25-16.8	Non-participating candidates
19:25-16.9	Limitations on participating candidates
19:25-16.10	Who may or may not contribute
19:25-16.11	Contributions eligible for match
19:25-16.12	(Reserved)
19:25-16.13	Contributions eligible for match; checks and instruments; partnership contributions prohibited; contributions by electronic transfer of funds
19:25-16.14	Limitation on contributions eligible for match
19:25-16.15	Contributions; primary and general elections
19:25-16.16	Expenditure reporting
19:25-16.17	Funds or materials remaining from primary campaign
19:25-16.18	Matching of funds
19:25-16.19	Dates of submission
19:25-16.20	Special account for public funds
19:25-16.21	Receipt of public funds
19:25-16.22	Receipt of public funds; limitation
19:25-16.23	Receipt of public funds; procedure
19:25-16.24	Disclosure of information
19:25-16.25	Use of public funds
19:25-16.26	Use of transferred funds
19:25-16.27	Expenses not subject to expenditure limits
19:25-16.28	Travel expenses
19:25-16.29	Independent expenditures
19:25-16.29A	Prohibition on independent expenditures by State political party committees
19:25-16.30	Coordinated expenditures
19:25-16.30A	Coordinated expenditures by non-gubernatorial candidates, political party committees and legislative leadership committees
19:25-16.31	Borrowing of funds; repayment
19:25-16.32	Maintenance of records; audit
19:25-16.33	Post-election contributions; post-election payment of expenses
19:25-16.34	Repayment of public or other funds
19:25-16.35	Computation of value of goods and services
19:25-16.36	Corporate or labor organization communications
19:25-16.37	Candidate statement of qualification before participation in public financing
19:25-16.38	Statement of candidates electing to participate in debates
19:25-16.39	Application to sponsor debates
19:25-16.40	Selection of debate sponsor
19:25-16.41	Dates, times, and location of debates
19:25-16.42	Rules for conduct of debates
19:25-16.43	Complaint alleging failure to participate in debate
19:25-16.44	Temporary cessation of distribution of public funds
19:25-16.45	Response to a complaint for failure to participate in a debate or debates
19:25-16.46	Conduct of the hearing
19:25-16.47	Final decision of non-participation
19:25-16.48	Complaint alleging violation of primary election expenditure limit
19:25-16.49	Postelection proceedings for return of funds

SUBCHAPTER 17. COMPLAINTS AND OTHER PROCEEDINGS; VIOLATIONS

19:25-17.1	Opportunity for hearing
19:25-17.1A	Default for failure to answer complaint
19:25-17.2	Offenses
19:25-17.3	Penalties

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
 19:25-19.7 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
 19:25-20.19 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;
2. An individual who shall have been elected or failed of election to an office, other than a party office, for which he or she sought election and who receives contributions and makes expenditures for any of the purposes authorized by N.J.S.A. 19:44A-11.2; and

(b) Permissible use of funds for legal fees and expenses shall not include such fees and expenses incurred in connection with the candidate or officeholder's personal or business affairs, or which would otherwise qualify as "personal use" under N.J.A.C. 19:25-6.5(c).

New Rule, R.1998 d.118, effective March 2, 1998.
See: 29 N.J.R. 5056(a), 30 N.J.R. 862(a).

SUBCHAPTER 7. RECORDKEEPING

19:25-7.1 Recordkeeping requirements

(a) An organizational or campaign treasurer, or deputy organizational or campaign treasurer of a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, shall make and maintain a written record of all funds and contributions, including non-monetary contributions, and shall record the name and address of the contributor, the amount and date the contribution was received, the name of the account on which a contribution check is drawn and if the contributor is an individual, the occupation of the individual and the name and mailing address of the individual's employer.

(b) An organizational or campaign treasurer, or deputy organizational or campaign treasurer, of a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, shall make and maintain a written record of all funds expended by the committee, including the name and address of the recipient, the amount and date of the expenditure, and the purpose of the expenditure.

(c) The campaign or organizational treasurer of a candidate committee, joint candidates committee, or legislative leadership committee shall include as part of the record of any expenditure of such a committee, a notation or other reference disclosing which of the six enumerated permissible uses of funds set forth in N.J.A.C. 19:25-6.5(a) is applicable to the expenditure.

(d) A candidate, the candidates of a joint candidates committee, or the chairman of a political committee, continuing political committee, political party committee, or legislative leadership committee, shall take such steps as are necessary and appropriate to insure that a campaign treasurer, or organizational treasurer, appointed by the candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, complies with the recordkeeping requirements of this section and this chapter.

Amended by R.1989 d.99, effective February 21, 1989.
See: 20 N.J.R. 2640(a), 21 N.J.R. 458(a).

Added text in (a) "was received".
Recodified from 19:25-8.1 and amended by R.1993 d.509, effective October 18, 1993.

See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).
Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

In (a), inserted "the name of the account on which a contribution check is drawn" following "received".

19:25-7.2 Recordkeeping for credit card transactions

(a) Whenever a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee purchases, or authorizes purchase of, goods or services by use of a credit card, the campaign or organizational treasurer shall make and maintain a record of the following information:

1. The exact name or title of the owner of the card, and the name of the lending institution that issued the card;
2. The date of the purchase;
3. The name and address of the vendor from whom the purchase was made;
4. The purpose of the purchase; and
5. The cost and description of the goods or services purchased.

New Rule, R.1993 d.509, effective October 18, 1993.
See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).

19:25-7.3 Period of retention

All records required to be made by N.J.A.C. 19:25-7.1 shall be maintained for a period of not less than four years after the date of the election to which they are relevant, or a period of not less than four years after the transaction to which they relate occurred, whichever is longer.

Recodified from 19:25-8.2 and amended by R.1993 d.509, effective October 18, 1993.
See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).

19:25-7.4 Affidavit for missing records

(a) An organizational or campaign treasurer unable to produce any record required to be made pursuant to N.J.A.C. 19:25-7.1, Recordkeeping requirements, shall submit to the Commission within 10 days after the Commission so requests an affidavit specifying which record cannot be produced and the reasons the record is unavailable. The affidavit shall specify:

1. Whether a written record was made at the time of the transaction and, if so, the name of the person who made it, the position of that person in the campaign or organization, and the reasons the record is no longer available; or

2. If no contemporaneous record was made, the name of the person, if any, assigned responsibility for making such a record and the reasons the record was not made.

(b) Any affidavit prepared pursuant to (a) above shall include a re-creation of the missing records based on bank statements, copies of negotiated checks or instruments, or any other source. A description of the efforts undertaken to re-create the missing record shall be included in the affidavit.

(c) The submission of an affidavit pursuant to (a) above shall not preclude or otherwise estop the Commission from undertaking penalty proceedings for failure to make or maintain records.

New Rule, R.1989 d.100, effective February 21, 1989.
See: 20 N.J.R. 3009(a), 21 N.J.R. 459(a).
Recodified from 19:25-8.3 and amended by R.1993 d.509, effective October 18, 1993.
See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).

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

19:25-8.1 Candidate or joint candidates committee election fund reports

(a) A candidate committee, or a joint candidates committee, shall file election fund reports of all contributions received, all expenditures made, and all other transactions of the election fund subject to reporting under the act and these regulations.

(b) The term "election fund reports" shall mean election-cycle reports as defined in N.J.A.C. 19:25-8.2(b), or quarterly reports as defined in N.J.A.C. 19:25-8.3(b), which reports shall be filed in accordance with N.J.A.C. 19:25-8.12, Time and place of filing reports.

(c) The initial election fund report of a candidate committee, or joint candidates committee, shall be either a 29-day preelection report or a quarterly report. In the event the committee is established within five months or less of the due date of the 29-day preelection report for the election in which the candidate or joint candidates is or are seeking office, the committee shall file the 29-day preelection report described in N.J.A.C. 19:25-8.2 report as its initial election fund report. However, if the committee is established more than five months prior to the due date of the 29-day preelection report for the election in which the candidate or joint candidates is or are seeking office, the committee shall file as its initial election fund report any quarterly report described in N.J.A.C. 19:25-8.3 that is due for filing within five months of the date the committee is established.

(d) The initial election fund report shall begin with the reporting of the first contribution received or expenditure made in the election (including funds or other benefits received and payments made to determine whether or not an individual should become a candidate), and shall report all subsequent contributions, expenditures, or other reportable transactions of the election fund occurring before the closing date applicable to the report.

(e) A candidate committee, or joint candidates committee, shall continue to file election fund reports for an election until such time as it terminates its reporting requirements and files a final election fund report for that election pursuant to N.J.A.C. 19:25-8.11.

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

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

Rewrote (d); and in (e), inserted references to elections.

19:25-8.2 Election-cycle reports

(a) A candidate committee, or joint candidates committee, shall file election-cycle reports during any election in which the candidate, or joint candidates, is or are seeking election, or nomination for election.

(b) The term "election-cycle reports" shall mean the reports described below, which reports shall be due for filing on the following dates and shall report all contributions, expenditures, or other transactions of the election fund occurring within the following periods of time:

1. The 29-day preelection report shall be due for filing on the 29th day before the election and shall begin with the reporting of the first contribution received or expenditure made in an election (including funds or other benefits received and payments made to determine whether an individual should become a candidate); except that if the candidate committee, or joint candidates committee, filed, or was required to file, a prior quarterly report pursuant to N.J.A.C. 19:25-8.3, its 29-day preelection report shall begin with the first contribution received or expenditure made on or after 12:00 A.M. of the date on which the reporting period of the prior quarterly report ended. The 29-day preelection report shall end with the reporting of the last transaction occurring before 12:00 A.M. on the 31st day preceding the date of the election.

2. The 11-day preelection report shall be due for filing on the 11th day before the election and shall begin with the reporting of the first transaction occurring on or after 12:00 A.M. on the 31st day preceding the date of the election and end with the reporting of the last transaction occurring before 12:00 A.M. on the 13th day preceding the date of the election; and

3. The 20-day postelection report shall be due for filing on the 20th day following the election and shall begin with the reporting of the first transaction occurring on or after 12:00 A.M. on the 13th day preceding the date of the election and end with the reporting of the last transaction occurring before 12:00 A.M. on the 18th day following the date of the election.

(c) Notwithstanding (b) above, a candidate committee or joint candidates committee comprised only of a candidate or candidates certified to participate in a municipal run-off election shall not be required to file the 20-day postelection report following the municipal election or the 29-day preelection report for the municipal run-off election. The 11-day preelection municipal run-off election report shall begin with the reporting of the first transaction occurring after 12:00 A.M. on the 13th day preceding the municipal election, and shall end with the reporting of the last transaction occurring before 12:00 A.M. on the 13th day preceding the municipal run-off election.

(d) The campaign treasurer and the candidate shall file and certify the correctness of a candidate committee election-cycle report, and shall certify that no contributions have been received in violation of the contribution limits prescribed by the act.

(e) The campaign treasurer and the joint candidates shall file and each certify the correctness of a joint candidates committee election-cycle report, and certify that no contributions have been received in violation of the contribution limits prescribed by the act.

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

In (b)1, rewrote the first sentence; and in (c), substituted "comprised only of a candidate or candidates certified to participate" for "that is filing election fund reports" in the first sentence.

Case Notes

Grand jury transcripts would not be disclosed to Election Law Enforcement Commission (ELEC), even though investigation dealt with election law. Matter of Grand Jury Testimony, 124 N.J. 443, 591 A.2d 614 (1991).

19:25-8.2A—Winning primary election candidates

(a) A candidate who has won nomination for election to an office in a primary election, or the candidates of a joint candidates committee who have won nomination to an office for election in a primary election, shall designate the 20-day post election report for that primary election described in N.J.A.C. 19:25-8.1 as the final report of the candidate committee, or joint candidates committee, for that primary election, and shall transfer the funds in the depository account, and outstanding obligations and liabilities, to a depository account established for the same office in the general election for which the candidate or candidates have been nominated, except that a candidate or joint candidates with net liabilities arising out of that primary election may maintain the depository account for the purpose of retiring such net liabilities pursuant to N.J.A.C. 19:25-8.7A.

(b) A candidate, or joint candidates, winning a primary election for the nomination for election to an office, and who has designated his or her or their 20-day post election report for that primary election as a final report pursuant to (a) above, shall next file a 29-day preelection report described in N.J.A.C. 19:25-8.1 for the office in the general

election for which the candidate or candidates have been nominated, and such report shall begin with the reporting of the first transaction occurring on or after 12:00 A.M. on the 18th day following the date of the primary election.

(c) A candidate, or joint candidates, may designate the depository account that the candidate, or joint candidates, established for a primary election for an office as the depository account of the candidate, or joint candidates, for that office in the general election provided the candidate, or joint candidates, files a new designation pursuant to N.J.A.C. 19:25-4.1A(b).

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

19:25-8.3 Quarterly reports

(a) A candidate committee, or joint candidates committee, shall file quarterly reports for any period of time it is not required to file election-cycle reports pursuant to N.J.A.C. 19:25-8.2.

(b) The term "quarterly reports" shall mean the reports described below, which reports shall be due for filing and shall cover the following periods of time:

1. The first quarterly report shall be due for filing on April 15 of a calendar year and shall begin with the reporting of transactions occurring on or after 12:00 A.M. of January 1 of the calendar year of the filing date and end with the reporting of transactions occurring before 12:00 A.M. of April 1 of that calendar year;

2. The second quarterly report shall be due for filing on July 15 of a calendar year and shall begin with the reporting of transactions occurring on or after 12:00 A.M. on April 1 of the calendar year of the filing date and end with the reporting of transactions occurring before 12:00 A.M. of July 1 of that calendar year;

3. The third quarterly report shall be due for filing on October 15 of a calendar year and shall begin with the reporting of transactions occurring on or after 12:00 A.M. on July 1 of the calendar year of the filing date and end with the reporting of transactions occurring before 12:00 A.M. of October 1 of that calendar year; and,

4. The fourth quarterly report shall be due for filing on January 15 of a calendar year and shall begin with the reporting of transactions occurring on or after 12:00 A.M. on October 1 of the calendar year preceding the calendar year of the filing date and end with the reporting of transactions occurring before 12:00 A.M. of January 1 of the calendar year of the filing date.

(c) A candidate committee, or joint candidates committee, that does not terminate its election-cycle filing requirements with its 20-day postelection report and is therefore required to file quarterly reports, shall start filing quarterly reports on the following dates:

1. For a school board candidate, or joint candidates, the committee shall file a third quarter report on October 15 of the calendar year of the school board election;

2. For a municipal or municipal run-off election candidate, or joint candidates, the committee shall file a third quarter report on October 15 of the calendar year of the municipal or municipal run-off election;

3. For a primary election candidate, or joint candidates, who is or are defeated in a primary election or otherwise is or are not running in the following general election, the committee shall file a third quarter report on October 15 of the calendar year of the primary election;

4. For a general election candidate, or joint candidates, the committee shall file a first quarter report on April 15 of the calendar year following the general election; or

5. For a special election candidate, or joint candidates, the committee shall file a quarterly report on a quarterly report filing date set forth in (b) above that falls within five months of the date on which the 20-day postelection report closed, that is 12:00 A.M. of the 18th day after the date of the special election.

(d) The initial quarterly report filed by a candidate committee, or joint candidates committee, after the filing of a 20-day postelection report, shall begin with the reporting of the first contribution received, expenditure made, or other reportable transaction occurring after 12:00 A.M. on the 18th day following the date of election. Subsequent quarterly reports shall cover the time periods set forth in (b) above.

(e) The campaign treasurer and the candidate, or joint candidates, shall file and each certify the correctness of each quarterly report, and shall certify that no contributions have been received in violation of the contribution limits prescribed by the act.

19:25-8.4 Candidate certified statements (Form A-1 or A-2)

(a) There shall be no obligation to file the election fund reports referred to in N.J.A.C. 19:25-8.1 on behalf of any candidate committee of a candidate who files no later than five months after the date on which the committee is established, or no later than the 29th day before the election in which the candidate is seeking office, whichever is earlier, a certified statement (Form A-1) to the effect that the total amount expended or to be expended on behalf of his or her candidacy by the candidate committee, or by any candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, legislative leadership committee or person shall not in the aggregate exceed \$3,000 in that election.

(b) There shall be no obligation to file the election fund reports referred to in N.J.A.C. 19:25-8.1 on behalf of a joint candidates committee if the joint committee files no later than five months after the date on which the committee is established, or no later than the 29th day before the election in which the joint candidates are seeking office, whichever is earlier, a certified statement (Form A-2) to the effect that the total amount to be expended on behalf of the joint candidacies by the joint candidates committee or by any candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, legislative leadership committee or person shall not in the aggregate exceed the following amounts:

1. In the case of a joint candidates committee consisting of two candidates, \$5,800 in the election; or

2. In the case of a joint candidates committee consisting of three or more candidates, \$8,500 in the election.

(c) If a candidate committee or joint candidates committee which has filed a certified statement receives any contribution from any one source aggregating more than \$400.00 it shall file a report which shall provide the name and mailing address of the source, the date or dates received, and the aggregate total amount of contributions therefrom, and where the source is an individual, the occupation of the individual and the name and mailing address of the individual's employer. The report shall be signed by the campaign treasurer and filed no later than:

1. On the filing date for a quarterly report if the contribution is received within any quarterly report period prescribed by N.J.A.C. 19:25-8.3(b);

2. On the 29th day preceding the date of the election if the contribution was not required to be reported in a prior quarterly report period and is received prior to 12:00 A.M. on the 31st day preceding the date of the election;

3. On the 11th day preceding the date of the election if the contribution is received on or after 12:00 A.M. on the 31st day preceding the election but before 12:00 A.M. on the 13th day preceding the election; or

4. On the 20th day following the date of the election if the contribution is received on or after 12:00 A.M. on the 13th day preceding the election but before 12:00 A.M. on the 18th day following the election.

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

(e) A candidate shall not be eligible to file a sworn statement (Form A-1) in an election if that candidate controls or retains campaign funds from any prior election for the same office in an amount that exceeds \$3,000.

(f) A joint candidates committee consisting of two candidates shall not be eligible to file a sworn statement (Form A-2) in an election if the candidates comprising that joint candidates committee control or retain campaign funds from any prior election for the same offices in an amount that exceeds \$5,800, or in the case of a joint candidates committee consisting of more than two candidates, if the candidates comprising the joint candidates committee retain funds from any prior election for the same offices in an amount that exceeds \$8,500.

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

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

Raised contribution limits.

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

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

Added (e) and (f).

Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

Increased dollar amounts throughout.

Case Notes

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

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

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

which the candidate is seeking office. In the event the candidate subsequently receives a contribution in the election, including a contribution of the candidate's own funds, the candidate must establish a candidate committee as provided by N.J.A.C. 19:25-4.1 and file reports pursuant to N.J.A.C. 19:25-8.

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

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

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

19:25-8.6 Contributions received immediately before an election

(a) A campaign treasurer of a candidate committee, or joint candidates committee, shall file a report (Form C-1) or other written notice of any contribution in excess of \$800.00, or any aggregate contributions from a contributor which total in excess of \$800.00, received on or after 12:00 A.M. on the 13th day preceding the date of an election in which the candidate, or joint candidates, is or are seeking election, and received up to and including the date of the election, which report shall contain:

1. The name of the recipient candidate committee, or joint candidates committee;
2. The date the contribution was received;
3. The amount of the contribution;
4. The name and mailing address of the contributor; and
5. If the contributor is an individual, the occupation of the individual and the name and mailing address of the individual's employer.

(b) The report or written notice described in (a) above shall be filed with the Commission within 48 hours of receipt of the contribution, and shall be signed by the campaign treasurer or a candidate, except that a report made by telegram need not be signed. Use of electronic facsimile transmission (that is, fax) to file the report or written notice is permitted.

Amended by R.1995 d.253, effective May 15, 1995.

See: 27 N.J.R. 1161(a), 27 N.J.R. 2010(a).

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

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

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

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

Raised contribution thresholds.

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

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

In (a), inserted a reference to Form C-1 in the introductory paragraph.

Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

In (a), increased dollar amounts.

19:25-8.7 Termination of candidate reporting

(a) A candidate committee, or a joint candidates committee, shall certify its 20-day postelection report or its first quarterly postelection report as its final election fund report for an office in an election and thereby terminate further quarterly reporting for that office in that election, with the following exceptions:

1. The candidate is maintaining the committee for the sole purpose of receiving contributions to retire net liabilities of the election pursuant to N.J.A.C. 19:25-8.7A;
2. The candidate is maintaining the committee to receive contributions and make expenditures pursuant to N.J.A.C. 19:25-11.12 or 12.11 because of a recount or election contest being conducted for that office in the election; or
3. The candidate is or will become an elected officeholder and has no current intention to seek reelection to that office or election to another office subject to the act, and is maintaining the committee for the limited purpose of paying officeholding expenses.

(b) The campaign treasurer, and the candidate, or each joint candidate, shall file and each shall certify the following statements in a final election fund report:

1. There is no remaining balance in any depository opened or maintained by the candidate committee, or joint candidates committee, or if there is a remaining balance or assets, that balance and assets have been transferred to a depository established by the candidate, or joint candidates, for a future election;
2. There are no outstanding obligations of the candidate committee, or joint candidates committee; or, if outstanding obligations exist, the outstanding obligations have been assumed by a candidate committee established by the candidate for a subsequent election, or the total amount of the outstanding obligation does not exceed \$1,000, or does not exceed 10 percent of the expenditures of the election fund with respect to the election, whichever amount is less; or written evidence is provided that any existing outstanding obligations are likely to be discharged or forgiven; and
3. The candidate committee, or joint candidates committee, has been dissolved and wound up its business for the past election.

(c) Notwithstanding (a) above, if after filing a final election fund report, a candidate, or joint candidates, receives or receive any subsequent contributions, makes or make any expenditures, or assumes or assume any obligation in connection with the election for which the candidate or joint candidates was or were seeking office, the candidate, or joint candidates, shall establish a candidate committee, or joint candidates committee, and that committee shall resume filing election fund reports pursuant to N.J.A.C. 19:25-8.1.

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

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

Rewrote (a) and (b).

19:25-8.7A—Retirement of net liabilities

(a) A candidate committee, or joint candidates committee, which files a 20-day postelection report reporting outstanding liabilities in excess of the total assets of the committee including its cash balance in all of the candidate committee depositories for an office in an election, otherwise referred to in this section as net liabilities, may continue to receive contributions to satisfy such net liabilities for that past election for that office, subject to the following:

1. Each contribution received shall indicate in writing a clear designation from the contributor indicating the office and past election to which the contribution is to be applied;
2. Each contribution received shall be aggregated with any other contribution made by that contributor for that office in that past election, and the aggregate contribution cannot exceed the applicable contribution limit for that past election; and
3. Each contribution received shall be deposited into the campaign depository account established for the office in the past election.

(b) The total amount of all contributions received during the postelection quarterly reporting periods for an office in a past election shall not exceed the amount of the net liabilities incurred for that office in that past election, plus the reasonable and necessary expenses to raise contributions to satisfy those net liabilities.

(c) A candidate committee or joint candidates committee which receives contributions under the provisions of (a) above shall continue to file postelection quarterly reports for the office sought in a past election for which such contributions are received until such time as the outstanding obligations are satisfied or transferred to a future election, and the committee files a final report.

(d) A candidate committee or joint candidates committee which receives contributions under the provisions of (a) above may establish a candidate committee and/or joint candidates committee and receive contributions for a future election, provided that:

1. The candidate committee or joint candidates committee shall establish and designate a separate campaign depository for the deposit of the contributions that are received for the future election;
2. The designation of the new campaign depository for the future election shall be reported to the Commission on the Form D-1 or D-2; and

3. Contributions received for the future election by a candidate committee or joint candidates committee which is also continuing to receive contributions for a past election pursuant to the provisions of (a) above shall be designated by the contributor for that future election.

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

19:25-8.8 Political committee election fund reports

(a) A political committee receiving or expending \$1,500 or more in an election shall file election fund reports of all contributions received, all expenditures made, and all other financial transactions of its election fund subject to reporting, and such reports shall be filed on the same dates and be pertinent to the same periods of time as set forth in N.J.A.C. 19:25-8.1 for candidate committee reports.

(b) The campaign treasurer of the political committee shall file and certify the correctness of the reports described in (a) above, and shall certify that no contributions have been received in violation of the contribution limits prescribed by the act.

Amended by R.1995 d.509, effective September 18, 1995.
See: 27 N.J.R. 2564(a), 27 N.J.R. 3621(d).
Amended by R.1996 d.582, effective December 16, 1996 (operative January 1, 1997).
See: 28 N.J.R. 4388(b), 28 N.J.R. 5193(b).
Raised contribution thresholds.
Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).
See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).
In (a), increased dollar amount.

19:25-8.9 Political committee contributions received immediately before an election

(a) A campaign treasurer of a political committee shall file a report (Form C-1) or other written notice of any contribution in excess of \$800.00, or any aggregate contributions from a contributor which total in excess of \$800.00, received on or after 12:00 A.M. on the 13th day preceding the date of the election and received up to and including the date of the election, which report shall contain:

1. The name of the recipient political committee;
2. The date the contribution was received;
3. The amount of the contribution;
4. The name and mailing address of the contributor; and
5. If the contributor is an individual, the occupation of the individual and the name and mailing address of the individual's employer.

(b) The report or written notice described in (a) above shall be filed with the Commission within 48 hours of receipt of the contribution, and shall be signed by the campaign treasurer, except that a report made by telegram need not be signed. Use of electronic facsimile transmis-

sion (that is, fax) to file the report or written notice is permitted.

Amended by R.1995 d.253, effective May 15, 1995.
See: 27 N.J.R. 1161(a), 27 N.J.R. 2010(a).
Amended by R.1995 d.509, effective September 18, 1995.
See: 27 N.J.R. 2564(a), 27 N.J.R. 3621(d).
Amended by R.1996 d.582, effective December 16, 1996 (operative January 1, 1997).
See: 28 N.J.R. 4388(b), 28 N.J.R. 5193(b).
Raised contribution thresholds.
Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).
In (a), inserted a reference to Form C-1 in the introductory paragraph.
Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).
See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).
In (a), increased dollar amounts.

19:25-8.10 Political committee expenditures made immediately before an election

(a) A campaign treasurer of a political committee shall file a report (Form E-1) of any expenditure of money or other thing of value in excess of \$800.00 made, incurred or authorized by the political committee to support or defeat a candidate in an election, or to aid the passage or defeat of a public question, which expenditure is made, incurred or authorized on or after 12:00 A.M. on the 13th day preceding the date of the election and up to and including the date of the election. The report shall contain:

1. The name of the political committee;
2. The name and mailing address of the person, firm or recipient; or organization to whom or which the expenditure was paid or given; and
3. The amount and purpose of the expenditure.

(b) The report or written notice described in (a) above shall be filed with the Commission within 48 hours of the making of the expenditure, and shall be signed by the campaign treasurer, except that a report made by telegram need not be signed. Use of electronic facsimile transmission (that is, fax) to file the report or written notice is permitted.

Amended by R.1995 d.253, effective May 15, 1995.
See: 27 N.J.R. 1161(a), 27 N.J.R. 2010(a).
Amended by R.1995 d.509, effective September 18, 1995.
See: 27 N.J.R. 2564(a), 27 N.J.R. 3621(d).
Amended by R.1996 d.582, effective December 16, 1996 (operative January 1, 1997).
See: 28 N.J.R. 4388(b), 28 N.J.R. 5193(b).
Raised contribution thresholds.
Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).
See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).
In (a), increased dollar amount.

19:25-8.11 Termination of political committee quarterly reporting

(a) A political committee may certify a 20-day postelection report or a quarterly report as its final election fund report for an election and thereby terminate further reporting for that election provided:

1. There is no remaining balance in any depository opened or maintained by the political committee;

2. There are no outstanding obligations of the political committee; or, if outstanding obligations exist, the total amount does not exceed \$1,000, or does not exceed 10 percent of the expenditures of the election fund with respect to the election, whichever amount is less; or written evidence is provided that any existing outstanding obligations are likely to be discharged or forgiven; and

3. The political committee has been dissolved and wound up its business for the past election.

(b) The campaign treasurer of the political committee shall certify and file the final election fund report.

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

In (a), inserted references to election in the introductory paragraph, and deleted a reference to elections in 3.

19:25-8.12 Time and place of filing reports

(a) An original and two copies of all reports required to be filed must be received at the Commission offices no later than 5:00 P.M. on the date the report is due for filing in order to be deemed timely filed. A report submitted by United States mail postmarked on or before a filing date but not received until after 5:00 P.M. of the date the report is due for filing will not be deemed timely filed. A report or written notice of contributions received immediately before an election made pursuant to N.J.A.C. 19:25-8.6 or 8.9, or a report or written notice of expenditures made immediately before an election pursuant to N.J.A.C. 19:25-8.10, may be filed by electronic facsimile transmission (that is, fax).

(b) For election-cycle reports filed pursuant to N.J.A.C. 19:25-8.2 for primary and general elections only, filing may be accomplished by filing an original and three copies with the appropriate county clerk for transmittal to the Commission, provided that the reports are filed with the county clerk no later than 12:00 noon on the date due for filing. Any reports filed after 12:00 noon on the date due for filing will not be deemed timely filed until received by the Commission. The county clerk shall retain one of the copies of the report, and transmit the original and two copies to the Commission. The copy retained by the county clerk shall be duly certified by the campaign treasurer as a duplicate copy. This subsection is not applicable to election-cycle reports other than primary or general elections, and is not applicable to quarterly reports.

(c) With the exception of reports filed with a county clerk pursuant to (b) above, an additional copy of a candidate committee, or joint candidates committee, report filed pursuant to N.J.A.C. 19:25-8.1 shall be filed with the county clerk of the county in which the candidate, or joint candidates, seek office. A candidate, or joint candidates, for State legislative office shall file a copy with the county clerk of the county, or county clerks of the counties, in which the candidate, or joint candidates, resides or reside, if the legislative district includes more than one county. Such a report shall be duly certified as a duplicate copy by the campaign treasurer.

Amended by R.1995 d.253, effective May 15, 1995.
See: 27 N.J.R. 1161(a), 27 N.J.R. 2010(a).

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

19:25-9.1 Quarterly reports

(a) A continuing political committee, a political party committee, or a legislative leadership committee shall file quarterly reports of all contributions received, all expenditures made, and all other transactions of its election fund subject to reporting, which reports shall be due for filing and shall cover the following periods of time:

1. The first quarterly report shall be due for filing on April 15 of a calendar year and shall begin with the reporting of transactions occurring on or after 12:00 A.M. of January 1st of the calendar year of the filing date and end with the reporting of transactions occurring before 12:00 A.M. of April 1 of that calendar year;

2. The second quarterly report shall be due for filing on July 15 of a calendar year and shall begin with the reporting of transactions occurring on or after 12:00 A.M. on April 1 of the calendar year of the filing date and end with the reporting of transactions occurring before 12:00 A.M. of July 1 of that calendar year;

3. The third quarterly report shall be due for filing on October 15 of a calendar year and shall begin with the reporting of transactions occurring on or after 12:00 A.M. on July 1 of the calendar year of the filing date and end with the reporting of transactions occurring before 12:00 A.M. of October 1 of that calendar year; and

4. The fourth quarterly report shall be due for filing on January 15 of a calendar year and shall begin with the reporting of transactions occurring on or after 12:00 A.M. on October 1 of the calendar year preceding the calendar year of the filing date and end with the reporting of transactions occurring before 12:00 A.M. of January 1 of the calendar year of the filing date.

(b) The initial quarterly report shall be filed for the calendar year quarter in which the continuing political committee, political party committee, or legislative leadership committee was established or required to be established, and, in the case of a continuing political committee, quarterly reports shall continue to be filed in each calendar year quarter pursuant to (a) above until such time as a final quarterly report is filed pursuant to N.J.A.C. 19:25-9.5. A political party committee or a legislative leadership committee cannot terminate quarterly reporting requirements.

(c) The organizational treasurer shall file and certify the correctness of the quarterly report, and shall certify that no contributions have been received in violation of the contribution limits prescribed by the act.

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

Substituted references to 12:00 A.M. for references to 12:01 A.M. throughout.

19:25-9.2 Certified statement (Form A-3)

(a) There shall be no obligation to file the quarterly reports referred to in N.J.A.C. 19:25-9.1 on behalf of a continuing political committee, political party committee, or legislative leadership committee that files no later than January 15 of a calendar year a certified statement (Form A-3) to the effect that the total amount to be raised or expended in that calendar year shall not exceed \$3,700. Such committee is required to file the certified statement (Form A-3) notwithstanding that the committee did not receive any contribution or make any expenditure in a calendar year.

(b) In the event a continuing political committee, political party committee, or legislative leadership committee files a certified statement (Form A-3) pursuant to (a) above, and total expenditures exceed \$3,700 during the calendar year for which the statement was filed, the committee shall:

1. File a quarterly report pursuant to N.J.A.C. 19:25-9.1 on the date relevant to the calendar year quarter in which \$3,700 of expenditures was exceeded, and that quarterly report shall include all contributions received and all expenditures made from the beginning of the calendar year; and
2. Continue filing quarterly reports for the remainder of that calendar year, unless a final quarterly report is filed pursuant to N.J.A.C. 19:25-9.5.

(c) If a continuing political committee, political party committee, or legislative leadership committee, which has filed a certified statement for a calendar year pursuant to (a) above, receives during any calendar year quarter a contribution, or aggregate contributions from a contributor, that exceeds the sum of \$400.00, that committee shall file on the dates provided in N.J.A.C. 19:25-9.1 a report containing the following information:

1. The name and mailing address of the contributor;
2. The date the contribution was received;
3. The amount of the contribution, or if the contribution was other than money, a description of the contribution and its value as determined pursuant to N.J.A.C. 19:25-10.4; and
4. If the contributor was an individual, the occupation of the contributor and the name and mailing address of the individual's employer.

Amended by R.1995 d.209, effective April 17, 1995.
See: 27 N.J.R. 312(a), 27 N.J.R. 480(a), 27 N.J.R. 1643(c).
Amended by R.1996 d.582, effective December 16, 1996 (operative January 1, 1997).
See: 28 N.J.R. 4388(b), 28 N.J.R. 5193(b).
Raised contribution limits
Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).
In (a), added a second sentence.
Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).
See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).
Increased dollar amounts throughout.

Case Notes

Joint campaign committee was subject a single fine. N.J.S.A. 19:44A-22. Election Law Enforcement Com'n v. Condo, 93 N.J.A.R.2d (ELE) 1.

19:25-9.3 Contributions received immediately before an election

(a) An organizational treasurer of a continuing political committee, a political party committee, or a legislative leadership committee shall file a report or other written notice with the Commission of any contribution in excess of \$800.00, or any aggregate contributions from a contributor which total in excess of \$800.00, received after the closing date of its most recent quarterly report and on or before the date of an election in which the committee has made or intends to make any contribution or expenditure to aid or promote any candidate or the passage or defeat of any public question. The closing dates of quarterly reports are set forth in N.J.A.C. 19:25-9.1(a).

(b) The report or written notice described in (a) above shall be filed with the Commission within 48 hours of receipt of a contribution in excess of \$800.00, or within 48 hours of receipt of aggregate contributions from a contributor which total in excess of \$800.00, except that all such contributions or aggregate contributions received prior to 12:00 A.M. of the 13th day preceding the date of an election may be reported together on a report or written notice to be filed with the Commission no later than the 11th day before that election. A contribution or aggregate contributions from a contributor totaling in excess of \$800.00 received on or after 12:00 A.M. on the 13th day before the election must be reported within 48 hours of receipt.

(c) The report or written notice described in (a) above shall contain the following information:

1. The name of the recipient committee;
2. The date the contribution was received;
3. The amount of the contribution, or if the contribution was other than money, a description of the contribution and its value as determined pursuant to N.J.A.C. 19:25-10.4;
4. The name and mailing address of the contributor; and
5. If the contributor is an individual, the occupation of the individual and the name and mailing address of the individual's employer.

(d) The report or written notice described in (a) above shall be signed by the organizational treasurer, except that a report made by telegram need not be signed. Use of electronic facsimile transmission (that is, fax) to file the report or written notice is permitted.

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

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

Amended by R.1995 d.253, effective May 15, 1995.

See: 27 N.J.R. 1161(a), 27 N.J.R. 2010(a).

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

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

Raised contribution thresholds.

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

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

In (b), substituted references to 12:00 A.M. for references to 12:01 A.M. throughout.

Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

In (a) and (b), increased dollar amounts.

19:25-9.4 Continuing political committee expenditures made immediately before a primary or general election

(a) An organizational treasurer of a continuing political committee shall file a report (Form E-3) of an expenditure of money or other thing of value in excess of \$800.00, or aggregate expenditures that total in excess of \$800.00, made, incurred or authorized in a primary or general election by the continuing political committee to support or defeat a candidate, or to aid the passage or defeat of a public question, which expenditure is, or aggregate expenditures are made, incurred or authorized after March 31 and on or before the day of the primary election, or after September 30 and on or before the day of the general election. The report shall contain:

1. The name of the continuing political committee making the expenditure;
2. The name and mailing address of the person, firm or recipient; or the name and mailing address of the organization to whom or which the expenditure was paid or given; and
3. The amount and purpose of the expenditure.

(b) The report or written notice described in (a) above shall be signed by the organizational treasurer and filed with the Commission within 48 hours of the making, authorizing or incurring of the expenditure, or aggregate expenditures, except that all expenditures or aggregate expenditures made, incurred or authorized before 12:00 A.M. on the 13th day preceding the date of a primary or general election may be reported together on a report or written notice to be filed no later than the 11th day before that election. A report of an expenditure or aggregate expenditures in excess of \$800.00 made, incurred or authorized on or after 12:00 A.M. on the 13th day preceding the date of a primary or general election shall be filed within 48 hours of receipt, and such a report made by telegram need not be signed. Use of electronic facsimile transmission (that is, fax) to file the report or written notice is permitted.

Amended by R.1995 d.253, effective May 15, 1995.

See: 27 N.J.R. 1161(a), 27 N.J.R. 2010(a).

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

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

Raised contribution thresholds.

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

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

In (b), substituted references to 12:00 A.M. for references to 12:01 A.M. throughout.

Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

Increased dollar amounts throughout.

19:25-9.5 Termination of continuing political committee reporting

(a) A continuing political committee may certify a quarterly report as its final quarterly report and thereby terminate further quarterly reporting provided:

1. The continuing political committee has ceased making contributions to aid or promote any candidate, or to aid or promote the passage or defeat of any public question;
2. The final quarterly report makes a final accounting of any funds used or relating to aiding or promoting any candidate or the passage or defeat of any public question, including the final disposition of any remaining balance; and
3. The continuing political committee is dissolved.

(b) The chairperson and the organizational treasurer shall file and each certify the final quarterly report.

19:25-9.6 Time and place of filing reports

An original and two copies of all reports required to be filed must be received at the Commission offices no later than 5:00 P.M. on the date the report is due for filing in order to be deemed timely filed. A report submitted by United States mail postmarked on or before a filing date but not received until after 5:00 P.M. of the date the report is due for filing will not be deemed timely filed. A report or written notice pursuant to N.J.A.C. 19:25-9.3 of contributions received immediately before an election, or a report or written notice pursuant to N.J.A.C. 19:25-9.4 of expenditures made immediately before an election, may be made by electronic facsimile transmission (that is, fax).

Amended by R.1995 d.253, effective May 15, 1995.

See: 27 N.J.R. 1161(a), 27 N.J.R. 2010(a).

SUBCHAPTER 10. CONTRIBUTION REPORTING

19:25-10.1 General provisions

Each contribution received by a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee must be reported at the time and in the manner provided in the act and this subchapter.

19:25-11.2 Contribution limit chart

(a) The following chart sets forth the contribution limits applicable in an election, or in a calendar year, as the case may be, to persons or entities making contributions to

candidates, candidate committees, political committees, continuing political committees, legislative leadership committees, and State, county or municipal political party committees, except that the chart does not apply to contributions made to a candidate for Governor:

ADJUSTED CONTRIBUTION LIMITS
FOR NON-GUBERNATORIAL CANDIDATES AND COMMITTEES

Entities Receiving Contributions

Entities Making Contributions	Candidate Committee	Political Committee	Continuing Political Committee	Legislative Leadership Committee	State Political Party Committee	County Political Party Committee	Municipal Political Party Committee
Individual to:	\$2,200 per election	\$7,200 per election	\$7,200 per year	\$25,000 per year	\$25,000 per year	\$37,000 per year	\$7,200 per year
Corporation or Union to:	\$2,200 per election	\$7,200 per election	\$7,200 per year	\$25,000 per year	\$25,000 per year	\$37,000 per year	\$7,200 per year
Association or Group to:	\$2,200 per election	\$7,200 per election	\$7,200 per year	\$25,000 per year	\$25,000 per year	\$37,000 per year	\$7,200 per year
Candidate Committee to:	\$7,200 per election	\$7,200 per election	\$7,200 per year	\$25,000 per year	\$25,000 per year	\$37,000 per year	\$7,200 per year
Political Committee to:	\$7,200 per election	\$7,200 per election	\$7,200 per year	\$25,000 per year	\$25,000 per year	\$37,000 per year	\$7,200 per year
Continuing Political Committee to:	\$7,200 per election	\$7,200 per election	\$7,200 per year	\$25,000 per year	\$25,000 per year	\$37,000 per year	\$7,200 per year
Legislative Leadership Committee to:				NO LIMITS			
State Political Party Committee to:				NO LIMITS			
County Political Party Committee to:						NO LIMITS, except those set forth in N.J.A.C. 19:25-11.7 for a county political party committee.	
Municipal Political Party Committee to:						NO LIMITS	
National Political Party Committee to:	\$7,200 per election	\$7,200 per election	\$7,200 per year	\$25,000 per year	\$72,000 per year	\$37,000 per year	\$7,200 per year

(b) No contributing person or entity listed in (a) above shall make a contribution, or aggregate contributions, in excess of the contribution limits set forth in (a) above.

accept a contribution, or aggregate contributions, in excess of the contribution limits set forth in (a) above.

(c) No candidate, candidate committee, political committee, continuing political committee, legislative leadership committee, political party committee, or treasurer or organizational treasurer of any of such committee, shall knowingly

Amended by R.1996 d.167, effective April 1, 1996.
See: 27 N.J.R. 4855(a), 28 N.J.R. 1880(a).
Added provisions relating to partnerships.
Amended by R.1996 d.582, effective December 16, 1996 (operative January 1, 1997).
See: 28 N.J.R. 4388(b), 28 N.J.R. 5193(b).
Raised contribution limits.
Amended by R.1997 d.80, effective February 18, 1997.

See: 28 N.J.R. 3898(a), 28 N.J.R. 4395(a), 29 N.J.R. 590(a).

In (d), substituted "as defined in (e) below" for "of two or more persons conducting a business as co-owners", "signed the check" for "has executed the check", and reference to allocation in an alternate manner for reference to partners or individuals other than those executing the check or written instrument, or conveying the currency; and added (e) and (f).

Amended by R.1998 d.584, effective December 21, 1998.

See: 30 N.J.R. 3391(a), 30 N.J.R. 4389(a).

Deleted former (d) through (f).

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

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

In (a), rewrote the introductory paragraph, and changed N.J.A.C. reference in the table.

Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

In (a), increased dollar amounts throughout.

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

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

In (a), amended dollar amounts throughout.

19:25-11.3 Candidate contributions

(a) A candidate may make a contribution as an individual and subject to the limits set forth in this subchapter notwithstanding any contribution made by the candidate's candidate committee or joint candidates committee, provided that the contribution made by the candidate as an individual is not derived from funds controlled by the candidate committee or joint candidates committee.

(b) Notwithstanding the contribution limits set forth in N.J.A.C. 19:25-11.2 above, a candidate, or a corporation one hundred percent of the stock of which is owned by the candidate, or by the candidate's spouse, child, parent, or sibling residing in the candidate's household, may make contributions without limit to a candidate committee established by that candidate, or to a joint candidates committee established by that candidate.

(c) Notwithstanding the contribution limits set forth in N.J.A.C. 19:25-11.2 above, a candidate committee can make contributions in an election without limit to another candidate committee if both the contributing and recipient candidate committees are established by candidates who are seeking nomination for election, or election to, legislative offices within the same legislative district, or to the same offices within the same political subdivision of this State.

19:25-11.4 Joint candidates committee contribution limits

(a) A joint candidates committee established by candidates who have not established any candidate committees in an election may accept a contribution from a contributor in an amount equal to but not in excess of the sum of the number of candidates participating in the joint candidates committee multiplied by the contribution limit applicable to a contribution made by the contributing entity to a candidate committee of a single candidate.

Example: A joint candidates committee in which three candidates are participating, none of whom have established candidate committees, may receive from an individual a contribution not to exceed \$6,600 in an election, that is three multiplied by the \$2,200 contribution limit applicable to a contribution from an individual to a candidate committee.

(b) A joint candidates committee established by candidates who have not established any candidate committees in an election may make a contribution to a political committee not to exceed \$7,200 per candidate in the election, and may make a contribution to a continuing political committee not to exceed \$7,200 per candidate in a calendar year.

(c) In the event any of the candidates participating in a joint candidates committee also has established a candidate committee in an election, the amount of a contribution that the joint candidates committee may accept from a contributor without violating the contribution limit will be determined by application of the equal attribution requirement set forth in N.J.A.C. 19:25-11.5, Equal attribution requirements.

(d) A joint candidates committee may receive a contribution in an election from another joint candidates committee in an amount equal to \$7,200 multiplied by the number of candidates participating in the contributing joint candidates committee, and that sum may be further multiplied by the number of the candidates participating in the recipient joint candidates committee, provided that the contributing joint candidates committee, and any candidate committee established by any of the participating candidates, have not made any other contributions to the recipient joint candidates committee, or to any candidate committee established by any of the candidates participating in the recipient joint candidates committee.

Example: Joint candidates committee ABC has three candidates participating in it (candidates A, B and C) and wishes to make a contribution to a joint candidates committee DEFG with four candidates participating in it (candidates D, E, F and G). Neither the joint candidates committee ABC, nor any individual candidate committee established by candidates A, B or C, has made any contributions in the election to the joint candidates committee DEFG, or to any individual candidate committee established or maintained by candidates D, E, F or G. Joint candidates committee ABC may contribute the sum of \$86,400 in the election to joint candidates committee DEFG, that is \$7,200 multiplied by three (that is, the three candidates participating in ABC), for a total of \$21,600, further multiplied by four (that is, the four candidates participating in DEFG) for a total maximum permissible contribution in the election of \$86,400.

(e) In the event that a joint candidates committee makes a contribution to another joint candidates committee as described in (c) above, but there have been one or more contributions by the contributing joint candidates committee, or by a candidate committee established by one of the joint candidates committee's candidates, to one or more candidate committees of a candidate or candidates participating in the recipient joint candidates committee, or to the recipient joint candidates committee, the amount of a contribution that the recipient joint candidates committee may receive cannot, after application of the equal attribution requirement set forth in N.J.A.C. 19:25-11.5, exceed \$7,200 per candidate in the election.

2. Any similar association of two or more persons to carry on as co-owners a business for profit including, but not limited to, joint ventures, general partnerships, limited liability partnerships and limited partnerships organized or governed by corresponding laws of any other jurisdiction.

(c) A limited liability company organized pursuant to N.J.S.A. 42:2B-1 et seq., shall not be permitted to make contributions as an entity. A contribution received by a campaign or organizational treasurer drawn upon a limited liability company account and made by means of a check or written instrument drawn on the account of a limited liability company shall be signed by a member or members and shall be deemed to be a contribution from the member or members who signed the check or written instrument by which the contribution was conveyed or, in the case of the contribution of currency, the member who has conveyed the currency. If the check or written instrument is drawn on a limited liability company account and is signed by an individual other than a member, or if it is the intent of the contributor that any portion of a contribution received from a limited liability company account is to be attributed or allocated to a member or members who have not signed the check or written instrument, or in the case of a currency contribution, if the currency was conveyed by an individual who is not a member, the following written information shall be received and maintained by the campaign or organizational treasurer:

1. Written instructions concerning the allocation of the contribution amount to a contributing member, or among contributing members;
2. A signed acknowledgment of the contribution from each contributing member who has not signed the contribution check or other written instrument; and
3. Contributor information for each contributing member as required by N.J.A.C. 19:25-7.1.

(d) In the case of a partnership entity, as defined in (b) above, and in the case of a limited liability company, as described in (c) above, whose partners or members are making contributions by means of a check issued by the partnership entity or limited liability company to a continuing political committee that is established and controlled by the partners or members, provided that the partnership entity or limited liability company controls only a single continuing political committee, the requirement to obtain a signed acknowledgment from each contributing partner or member shall be satisfied if the check from the partnership entity or limited liability company is accompanied by a list of the names of all contributing partners or members and a certification from an authorized partner or member or other authorized individual identifying any partner or member whose contributions to the continuing political committee in the calendar year exceed \$400.00 in the aggregate.

(e) A contribution received by an organizational treasurer from a contributing partner or member by means of a check drawn on the account of a partnership entity, as defined in (b) above, or limited liability company, as described in (c) above, shall be reported pursuant to N.J.A.C. 19:25-9.3, 10.2 and 10.3.

New Rule, R.1998 d.584, effective December 21, 1998.

See: 30 N.J.R. 3391(a), 30 N.J.R. 4389(a).

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

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

In (a) and (c), rewrote the introductory paragraphs.

Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

In (d), increased dollar amount.

19:25-11.11 Contributions received from out-of-State candidates and committees

(a) A contribution received from an organization or entity that is filing campaign finance reports with the Federal Election Commission, or filing campaign finance reports in another state, and is not filing reports with the Commission, shall be received by a New Jersey candidate, candidate committee, joint candidates committee, political committee, continuing political committee, legislative leadership committee, or political party committee as a contribution from an association or group, and such contribution shall be subject to the contribution limit applicable to an association or group.

(b) A contribution received from a candidate committee of a candidate for Federal elected office, or for elected office in another state, shall be received by a New Jersey candidate, candidate committee, joint candidates committee, political committee, continuing political committee, legislative leadership committee, or political party committee as a contribution from an association or group, and such contribution shall be subject to the contribution limit applicable to an association or group.

(c) A contribution received from the personal funds of an individual who is a candidate for elected Federal office, or a candidate for elected office in another state, shall be received by a New Jersey candidate, candidate committee, joint candidates committee, political committee, continuing political committee, legislative leadership committee, or political party committee as a contribution from an individual, and such contribution shall be subject to the contribution limit applicable to an individual.

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

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

19:25-11.12 Contribution received for a recount or election contest

A contribution received by a candidate, candidate committee or joint candidates committee during the pendency of a recount of votes for an office in an election, pursuant to N.J.S.A. 19:28-1 et seq., or for an election contest for an

office in an election, pursuant to N.J.S.A. 19:29-1 et seq., shall be subject to the contribution limits applicable in the election that is the subject of the recount or election contest.

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

19:25-11.13 Contribution from an estate

A contribution received by a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee by means of a check drawn on the account of an estate shall be deemed to be a contribution from the decedent, and shall be subject to the contribution limit applicable to an individual, if the estate has been admitted to probate and if the will of the decedent provides a specific bequest authorizing the contribution to the recipient candidate or committee. In the absence of a specific bequest authorizing the contribution from an estate to the recipient candidate or committee, or if the estate has not been admitted to probate, a candidate, candidate committee joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee shall not deposit or otherwise accept a contribution from the account of an estate.

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

SUBCHAPTER 12. REPORTING OF EXPENDITURES; INDEPENDENT EXPENDITURES

19:25-12.1 General provisions

(a) An expenditure made by a candidate, candidate committee, joint candidates committee or political committee shall be reported as provided by N.J.A.C. 19:25-8, and as provided by this subchapter.

(b) An expenditure made by a continuing political committee, political party committee, or legislative leadership committee shall be reported as provided in N.J.A.C. 19:25-9, and as provided by this subchapter.

19:25-12.2 Expenditure reporting

(a) An expenditure shall be reported by providing the following information:

1. The date the expenditure was made;
2. The full name and address of the payee;
3. The purpose of the expenditure; and
4. The amount of the expenditure.

(b) In describing the purpose of an expenditure pursuant to (a)3 above, the specific election-related reason for the expenditure shall be provided. Descriptions such as "operations," "campaign expense," "petty cash," or "reimbursement" do not satisfy the reporting requirement because they do not provide any specific election-related information. Examples of satisfactory descriptions include such information as "newspaper advertising," "telephone expense," "postage," "printing of campaign flyers," "headquarter rental" and similarly specific items.

(c) If a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or a legislative leadership committee has established and is using more than a single campaign or depository account, its expenditures shall be reported on a separate schedule for each depository account, and each schedule shall state the name and number of the depository account from which the expenditures were made.

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

In (a), deleted a former 2, and recodified former 3 through 5 as 2 through 4; in (b), inserted a reference to petty cash; and added (c).

19:25-12.3 Written notification of a coordinated expenditure

(a) Whenever a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or a legislative leadership committee makes or authorizes an expenditure on behalf of a candidate with the cooperation or prior consent of that candidate, or in consultation with or at the request or suggestion of that candidate, or of any person acting on behalf of that candidate, the committee shall provide immediate written notification to that candidate's candidate committee of the expenditure.

(b) When an individual seeking political party office makes or authorizes an expenditure on behalf of a candidate with the cooperation or prior consent of that candidate, or in consultation with or at the request or suggestion of that candidate, or of any person acting on behalf of that candidate, the individual shall provide immediate written notification to the candidate's candidate committee of the expenditure.

(c) "Immediate written notification" for the purposes of this section shall mean written notice delivered to the candidate or the candidate's candidate committee or joint candidates committee within 48 hours of the making or authorizing of the expenditure, which notice shall contain:

1. The date of the making or authorizing of the expenditure;
2. The name and address of the payee;
3. The purpose of the expenditure; and
4. The amount of the expenditure.

(d) "Expenditure on behalf of a candidate" for the purposes of this section shall mean an expenditure made to a payee or recipient other than that candidate's candidate committee or joint candidates committee and made for the purpose of aiding or promoting the candidate's candidacy, such as the purchase for a vendor of brochures advocating the candidate's election (commonly described as "in-kind contributions"). A contribution made directly to a candidate committee or joint candidates committee is not included in the meaning of "expenditure on behalf of a candidate."

19:25-12.4 Expenditures made by credit card

(a) If an expenditure is authorized by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee to be made by use of or by a charge against a credit card account that was not established in the name of that candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee, the person or entity owning the credit card and who is liable for any debt charged against that credit card account shall be deemed to have made a loan to that committee subject to reporting as a loan in the amount charged until such time as the committee reimburses that person or entity for that amount.

(b) Whenever a committee pursuant to (a) above makes an expenditure to reimburse a person or entity for a charge made against that person's or entity's credit card account, that committee shall report the following information for each such charge:

1. The exact name or title of the person or entity owning the credit card account, and the name of the lending institution that issued the card;
2. The name and address of the vendor from whom the purchase was made;
3. The date of the purchase;
4. A description pursuant to N.J.A.C. 19:25-12.2(b) of the purpose of the purchase, including a specific itemization of the goods or services acquired;
5. The amount of the purchase; and
6. The name of the payee, and the number, date and amount of the reimbursement check.

(c) Payment by use of credit card reported pursuant to (a) above shall not be deemed to be in violation of N.J.S.A. 19:44A-11, requiring campaign expenditures to be made through the campaign or organizational treasurer.

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

In (a), substituted "authorized by" for "made on behalf of" following "expenditure is", and inserted "to be made" following "committee".

19:25-12.5 Expenditures by currency; petty cash fund

Payment of expenditures by currency is permissible if the payment is made from proceeds of a petty cash fund established pursuant to N.J.A.C. 19:25-6.4(b).

19:25-12.6 Payments to individuals; "street money"

(a) Any payment by candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee to an individual which is related to efforts by or on behalf of a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee in aid of or to promote a candidate in an election or the passage or defeat of a public question, or to efforts directly to promote or encourage the participation of voters in an election including, but not limited to, get-out-the-vote efforts, poll watching and challenging, (hereafter referred to as "street money"), shall be made by check issued from the depository account of the candidate or committee making the payment and shall be payable to such named individual.

(b) Any payment by a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee to any vendor, group, association or other entity made for the purpose of providing funds for further distribution to an individual or individuals as "street money" as described in (a) above shall be made by check issued from the depository account of the candidate or committee making the payment and shall be payable to such vendor, group, association or other entity. A candidate or committee making any payment pursuant to this subsection shall, in addition to the information required by (d) below, report the name and address of each individual receiving any payment as "street money" from the vendor, group, association or other entity, and shall report the date the individual received the payment, and the amount of the payment.

(c) Payment in the form of currency for any of the purposes described in (a) and (b) above is prohibited.

(d) A payment or expenditure made for the purposes described in (a) or (b) above shall be reported by including the following information:

1. The date the expenditure was made;
2. The check number;
3. The name and address of any recipient, who shall be the payee;
4. The purpose of the expenditure, including itemization of the specific services provided by the individual-payee; and,
5. The amount of the expenditure.

Amended by R.1997 d.40, effective January 21, 1997.

See: 28 N.J.R. 4568(a), 29 N.J.R. 377(b).

Substantially amended (a) and rewrote (b).

19:25-12.7 Independent expenditures defined

(a) An expenditure by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee to support or defeat a candidate, which expenditure is made without the cooperation or prior consent of, or in consultation with or at the request or suggestion of, a candidate or any person or committee acting on behalf of a candidate, or an expenditure for a communication to aid the passage or defeat of a public question, which expenditure is made without consultation with or at the suggestion of any person or committee supporting or opposing a public question, is an independent expenditure.

(b) An expenditure by a person from his, her, or its own funds of more than \$800.00 in an election to support or defeat a candidate, which expenditure is made without the cooperation or prior consent of, or without consultation with or at the request or suggestion of, a candidate or any person or committee acting on behalf of the candidate, or an expenditure by a person from his, her or its own funds of more than \$800.00 for a communication to aid the passage or defeat of a public question, which expenditure is made without consultation with or at the suggestion of any individual or committee supporting or opposing a public question, is an independent expenditure.

(c) A communication that is paid for by means of an independent expenditure pursuant to (a) or (b) above shall include the political identification information required in N.J.A.C. 19:25-13.

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

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

Rewrote the section.

Amended by R.2000 d.472, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2987(a), 32 N.J.R. 4112(a).

In (b); increased dollar amounts.

19:25-12.8 Reporting of independent expenditures

(a) An independent expenditure, as defined in N.J.A.C. 19:25-12.7(a), made by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee shall be subject to the reporting requirements of the act and this chapter.

(b) An independent expenditure, as defined in N.J.A.C. 19:25-12.7(b), made by a person from his, her or its own funds, shall be reported on the dates established for filing as a political committee set forth in N.J.A.C. 19:25-8, on a form prescribed by the Commission which shall contain the following information:

1. The name and mailing address of the person making the independent expenditure;

2. If the person is an individual, the occupation of the individual and the name and mailing address of the individual's employer; and

3. An itemization of the expenditures, including the dates the expenditures were made, the names and addresses of the payees, the amount of each expenditure, and the total amount expended.

Amended by R.1996 d.393, effective August 19, 1996.

See: 28 N.J.R. 2521(a), 28 N.J.R. 3970(a).

Lowered the expenditure amount requiring reporting from \$1,000 to \$500.

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

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

Raised contribution thresholds.

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

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

Rewrote the section.

19:25-12.9 Expenditures for an inaugural or other election related event

(a) Funds expended by a candidate, candidate committee or joint candidates committee for the purpose of paying for an inaugural or swearing-in celebratory event of a candidate, or other election related event, shall be reported by the recipient candidate or committee as expenditures and are subject to the requirements of the act and these regulations.

(b) Funds expended by a gubernatorial candidate for the purpose of paying for an inaugural event are subject to the provisions of N.J.A.C. 19:25-15.

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

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

Rewrote the section.

19:25-12.10 Allocation

(a) Where an expenditure is made on behalf of two or more candidates, the expenditure must be allocated between or among such candidates in a reasonable manner so as to fairly reflect the relative value to each of the candidates of such expenditure. The initial allocation should be made by the committee or candidates on a reasonable basis, and in advance of the expenditure where possible. All documents and financial records relating to the allocation and the expenditure should be retained:

Example: A municipal political party committee is expending \$100.00 for the purchase of a quantity of bumper stickers containing the slogan "Vote for Candidates A and B." The committee determines that the stickers are of equal value to each of the candidates. Thus, \$50.00 of the expenditure should be allocated to Candidate A and \$50.00 should be allocated to Candidate B. Financial records and a record of the facts on which the allocation is based must be retained.

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

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

"should be retained . . . reports A" deleted.

Recodified from 19:25-13.1 by R.1996 d.393, effective August 19, 1996.
See: 28 N.J.R. 2521(a), 28 N.J.R. 3970(a).
Amended by R.2000 d.322, effective August 7, 2000.
See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).
In (a), inserted "or among" following "between" in the first sentence,
and rewrote the example.

Case Notes

Allocation required only where expenditure made on behalf of two or more candidates. Friends of Governor Tom Kean v. New Jersey Election Law Enforcement Commission, 203 N.J.Super. 523, 497 A.2d 555 (App.Div.1985), affirmed 102 N.J. 319, 508 A.2d 200 (1985).