

ELECTION LAW ENFORCEMENT COMMISSION

CHAPTER 25

REGULATIONS OF THE ELECTION LAW ENFORCEMENT COMMISSION

Authority

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

Source and Effective Date

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

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 25, Regulations of the Election Law Enforcement Commission, expires on March 25, 2017.
See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 25, Regulations of the Election Law Enforcement Commission, was adopted as R.1974 d.267, effective September 25, 1974. See: 6 N.J.R. 371(a), 6 N.J.R. 418(a).

Pursuant to Executive Order No. 66(1978), Chapter 25, Regulations of the Election Law Enforcement Commission, was readopted as R.1990 d.526, effective October 1, 1990. See: 22 N.J.R. 2251(a), 22 N.J.R. 3391(a).

Subchapter 4, Reporting Requirements, was repealed and Subchapter 4, Establishment of Reporting Committees, was adopted as new rules; Subchapter 5, Appointment of Treasurers and Depositories, was repealed and Subchapter 5, Appointment of Campaign Officers and Depositories, was adopted as new rules; Subchapter 6, Deposit of Funds, was repealed and Subchapter 6, Receipt and Use of Funds, was adopted as new rules; Subchapter 7, Use or Transmittal of Deposited Funds; Surplus Campaign Funds, was in part repealed and in part recodified as Subchapter 6, Receipt and Use of Funds; Subchapter 8, Recordkeeping, was recodified as Subchapter 7, Recordkeeping; Subchapter 8, Candidate, Joint Candidates, and Political Committee Reporting, was adopted as new rules; and Subchapter 9, Pre-Election and Post-Election Reports, was repealed by R.1993 d.509, effective October 18, 1993. See: 25 N.J.R. 3429(b), 25 N.J.R. 4753(a).

Subchapter 9, Continuing Political Committee, Political Party Committee, and Legislative Leadership Committee Reporting, was adopted as new rules, and Subchapter 10, Quarterly Reports, was repealed by R.1994 d.573, effective November 21, 1994. See: 26 N.J.R. 3138(a), 26 N.J.R. 4638(a).

Subchapter 11, Contributions; Reporting of, was repealed and Subchapter 10, Contribution Reporting, and Subchapter 11, Contribution Limits, were adopted as new rules by R.1995 d.209, effective April 17, 1995. See: 27 N.J.R. 312(a), 27 N.J.R. 480(a), 27 N.J.R. 1643(c).

Pursuant to Executive Order No. 66(1978), Chapter 25, Regulations of the Election Law Enforcement Commission, was readopted as R.1995 d.509, effective August 16, 1995. See: 27 N.J.R. 2564(a), 27 N.J.R. 3621(d).

Subchapter 12, Reporting of Expenditures; Independent Expenditures, was repealed and Subchapter 12, Reporting of Expenditures; Independent Expenditures, was adopted as new rules by R.1995 d.433, effective August 21, 1995. See: 27 N.J.R. 2110(c), 27 N.J.R. 3214(a).

Subchapter 14, Advisory Opinions, was recodified as Subchapter 18, Advisory Opinions, and Subchapter 14, Recall Elections, was adopted as new rules by R.1996 d.10, effective January 2, 1996. See: 27 N.J.R. 3592(a), 27 N.J.R. 3770(a), 28 N.J.R. 177(a).

Subchapter 13, Allocation of Expenditures, was recodified as N.J.A.C. 19:25-12.10, Allocation, and Subchapter 13, Political Identification

Statements, was adopted as new rules by R.1996 d.393, effective August 19, 1996. See: 28 N.J.R. 2521(a), 28 N.J.R. 3970(a).

Pursuant to Executive Order No. 66(1978), Chapter 25, Regulations of the Election Law Enforcement Commission, was readopted as R.2000 d.322, effective July 17, 2000. Subchapter 3, Pre-Candidate Activity; "Testing the Waters", was repealed by R.2000 d.322, effective August 7, 2000. See: 32 N.J.R. 1291(a), 32 N.J.R. 2930(a).

Subchapter 3, Electric Filing, was adopted as new rules by R.2004 d.280, effective July 19, 2004. See: 36 N.J.R. 1895(a), 36 N.J.R. 3418(a).

Chapter 25, Regulations of the Election Law Enforcement Commission, was readopted as R.2005 d.192, effective May 26, 2005. As a part of R.2005 d.192, Subchapter 21, Professional Campaign Fund Raisers, was adopted as new rules; and former Subchapter 21, Severability Clause, was recodified as Subchapter 22, effective June 20, 2005. See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Subchapter 23, New Jersey Fair and Clean Elections Pilot Project, was adopted as R.2005 d.272, effective August 15, 2005. See: 37 N.J.R. 1704(a), 37 N.J.R. 3051(b).

Subchapter 20, Lobbyists and Legislative Agents, was renamed Lobbyists and Governmental Affairs Agents by R.2005 d.427, effective December 5, 2005 (operative date of January 1, 2006). See: 37 N.J.R. 2838(a), 37 N.J.R. 4559(a).

Subchapter 24, State Contractor Contributions Prohibited; and Subchapter 25, Legislative, County and Municipal Contractor Contributions Prohibited, were adopted as new rules by R.2006 d.166, effective May 1, 2006. See: 38 N.J.R. 111(a), 38 N.J.R. 1864(a).

Subchapter 26, Contribution Disclosure by For-Profit and Nonprofit Entities, was adopted as new rules by R.2007 d.108, effective April 16, 2007. See: 38 N.J.R. 4661(a), 39 N.J.R. 1498(a).

Subchapter 23, New Jersey Fair and Clean Elections Pilot Project, was repealed and Subchapter 23, New Jersey Fair and Clean Elections Pilot Project, was adopted as special new rules by R.2007 d.162, effective April 23, 2007. See: 39 N.J.R. 2140(a). Subchapter 23, New Jersey Fair and Clean Elections Pilot Project, expired September 28, 2008.

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

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

Subchapter 20, Lobbyists and Governmental Affairs Agents, was renamed Represented Entities And Governmental Affairs Agents by R.2012 d.205, effective December 17, 2012. See: 44 N.J.R. 2049(a), 44 N.J.R. 3077(a).

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 rules
19:25-1.4	Relaxation
19:25-1.5	Amendment of regulations
19:25-1.6	Practice where regulations do not govern

- 19:25-1.7 Definitions
- 19:25-1.8 Gender, use of masculine to include feminine
- 19:25-1.9 Candidates and committees subject to thresholds and limits
- 19:25-1.10 Preparation of reports

SUBCHAPTER 2. ADMINISTRATIVE

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

SUBCHAPTER 3. ELECTRONIC FILING

- 19:25-3.1 Application for registration number and personal identification number
- 19:25-3.2 Filing of an electronic report
- 19:25-3.3 Required electronic filing

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 Required treasurer training
- 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
- 19:25-8.6A Expenditure made immediately before an election
- 19:25-8.7 Termination of candidate 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
- 19:25-9.4A Political party committee and legislative leadership committee expenditures made immediately before a primary or general election
- 19:25-9.5 Termination of continuing political committee reporting
- 19:25-9.6 Time and place of filing reports

SUBCHAPTER 10. CONTRIBUTION REPORTING

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

SUBCHAPTER 11. CONTRIBUTION LIMITS

- 19:25-11.1 Candidates subject to contribution limits
- 19:25-11.1A Committees subject to contribution limits
- 19:25-11.2 Contribution limit chart
- 19:25-11.3 Candidate contributions
- 19:25-11.4 Joint candidates committee contribution limits
- 19:25-11.5 Equal attribution requirements
- 19:25-11.6 Public question political committees
- 19:25-11.7 County political party contribution limits
- 19:25-11.7A Limitations on contributions between county political party committees
- 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 Contribution received for a recount or election contest
- 19:25-11.13 Contribution from an estate
- 19:25-11.14 Solicitation and making of contributions on State property prohibited

SUBCHAPTER 12. REPORTING OF EXPENDITURES; INDEPENDENT EXPENDITURES

- 19:25-12.1 General provisions
- 19:25-12.2 Expenditure reporting

ELECTION LAW ENFORCEMENT COMMISSION

19:25-12.3	Written notification of a coordinated expenditure	19:25-15.19	Matching of State committee contributions; submission dates
19:25-12.4	Expenditures made by credit card	19:25-15.20	Special account for public funds
19:25-12.4A	Expenditures made by debit card	19:25-15.21	Receipt of public funds
19:25-12.5	Expenditures by currency; petty cash fund	19:25-15.22	Receipt of public funds; limitation
19:25-12.6	Payments to individuals; "street money"	19:25-15.23	Receipt of public funds; procedure
19:25-12.7	Independent expenditures	19:25-15.24	Use of public funds
19:25-12.8	Reporting of independent expenditures	19:25-15.25	Use of transferred funds
19:25-12.8A	Independent expenditures made immediately before an election	19:25-15.26	Expenses not subject to expenditure limits
19:25-12.9	Expenditures for an inaugural or other election related event	19:25-15.27	Expenditure reporting; travel expenses
19:25-12.10	Allocation	19:25-15.28	Independent expenditures
19:25-12.11	Expenditures for a recount or election contest	19:25-15.28A	Prohibition on independent expenditures by State political party committees and legislative leadership committees
SUBCHAPTER 13. POLITICAL IDENTIFICATION STATEMENTS		19:25-15.28B	Limit on county and municipal political party committee expenditures
19:25-13.1	Definitions	19:25-15.28C	Determination of independence or coordination of an expenditure
19:25-13.2	Political identification requirements	19:25-15.29	Coordinated expenditures
19:25-13.3	Independent expenditure communications	19:25-15.29A	Coordinated expenditures by non-gubernatorial candidates, political party committees, and legislative leadership committees
19:25-13.4	Vendor records	19:25-15.30	Borrowing of funds; repayment
19:25-13.5	Exemptions	19:25-15.31	Computation of value of goods and services
SUBCHAPTER 14. RECALL ELECTIONS		19:25-15.32	Establishment of State committee account; contribution limit
19:25-14.1	Definitions	19:25-15.33	State committee expenditures; ineligible for match; expenditure limit
19:25-14.2	Recall committee subject to candidate committee requirements; penalties	19:25-15.34	State committee treasurer
19:25-14.3	Commencement of fundraising by recall committee	19:25-15.35	Notice by State committee to contributor
19:25-14.4	Recall committee depository and filing requirements	19:25-15.36	State committee statements
19:25-14.5	Registration statement	19:25-15.37	Certification and delivery of statements
19:25-14.6	Recall committee use restrictions	19:25-15.38	Transfer of deposits; certification
19:25-14.7	Establishment of recall defense committee; subject to candidate committee requirements; penalties	19:25-15.39	County and municipal committee expenditures; reports
19:25-14.8	Recall defense committee depository and filing requirements	19:25-15.40	County and municipal committee reports
19:25-14.9	Recall defense committee use restrictions	19:25-15.41	County and municipal committees; prohibition on transfers
19:25-14.10	Requirements for a nominee to succeed elected official	19:25-15.42	Maintenance of records; audit
19:25-14.11	Limits applicable to Federal candidates	19:25-15.43	Disclosure of information
19:25-14.12	Public financing unavailable	19:25-15.44	Prepared statement on behalf of candidates; reimbursement of ballot statement costs
19:25-14.13	Limit on contributions by a prior defeated candidate	19:25-15.45	Postelection contribution; postelection payment of expenses
19:25-14.14	Identification of paid circulator	19:25-15.46	Funds or materials remaining from general election campaign
SUBCHAPTER 15. PUBLIC FINANCING; GENERAL ELECTIONS FOR THE OFFICES OF GOVERNOR AND OF LIEUTENANT GOVERNOR		19:25-15.47	Repayment of public or other funds
19:25-15.1	Scope of subchapter	19:25-15.47A	Disposal of assets
19:25-15.2	Definitions; generally	19:25-15.47B	Application for termination of reporting with net liabilities by publicly financed candidates
19:25-15.3	Definitions for this subchapter	19:25-15.47C	Final report certification with net liabilities for publicly financed candidates
19:25-15.4	Appointment of treasurers and depositories	19:25-15.48	Candidates' statements of qualification before participation in public financing
19:25-15.4A	Selection and certification of a candidate for election to the office of Lieutenant Governor in the general election	19:25-15.49	Statement of candidates electing to participate in debates
19:25-15.5	Gubernatorial candidate committee	19:25-15.50	Application to sponsor debates for the offices of Governor and of Lieutenant Governor
19:25-15.6	Contribution limits; applicability	19:25-15.51	Selection of debate sponsor(s)
19:25-15.7	Separately maintained primary and general bank accounts	19:25-15.52	Dates, times, and location of debates
19:25-15.8	Return of contributions; certification	19:25-15.52A	Notification to Commission of change in debate plans
19:25-15.9	Candidates deemed non-participating; effect	19:25-15.53	Rules for conduct of debates
19:25-15.10	Non-participating candidates	19:25-15.54	Complaint alleging failure to participate in a required debate
19:25-15.11	Limitations on participating candidates	19:25-15.55	Temporary cessation of distribution of public funds
19:25-15.12	Who may or may not contribute	19:25-15.56	Response to complaint for failure to participate in a debate or debates
19:25-15.13	Corporate or labor organization communications	19:25-15.57	Conduct of the hearing
19:25-15.14	Contributions eligible for match	19:25-15.58	Final decision of non-participation
19:25-15.15	Contributions eligible for match; checks and instruments; partnership contributions prohibited; contributions by electronic transfer of funds	19:25-15.59	Inaugural event contribution limit; reporting
19:25-15.16	Limitation on contributions eligible for match	19:25-15.60	Inaugural event contributions from joint checking account
19:25-15.17	Matching of funds		
19:25-15.17A	Reporting of issue advocacy organization information		
19:25-15.18	Dates of submission		

- 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 or 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
- 19:25-16.18A Reporting of issue advocacy organization information
- 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
- 19:25-16.29B Determination of independence or coordination of an expenditure
- 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 Postelection contributions; postelection payment of expenses
- 19:25-16.34 Repayment of public or other funds
- 19:25-16.34A Application for termination of reporting with net liabilities by publicly financed candidates
- 19:25-16.34B Final report certification with net liabilities for publicly financed candidates
- 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
- 19:25-16.41A Notification to Commission of change in debate plans

- 19:25-16.42 Rules for conduct of debates
- 19:25-16.43 Complaint alleging failure to participate in a required 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
- 19:25-17.3A Penalties for failure to file
- 19:25-17.3B Late filing of reports or reporting transactions
- 19:25-17.3C Other penalty factors
- 19:25-17.3D Penalty payment schedule
- 19:25-17.4 Penalty for impermissible use of contributions
- 19:25-17.5 Penalty for making or accepting a contribution in excess of the contribution limit

SUBCHAPTER 18. ADVISORY OPINIONS

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

SUBCHAPTER 19. PERSONAL FINANCIAL DISCLOSURE STATEMENTS

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

SUBCHAPTER 20. REPRESENTED ENTITIES AND GOVERNMENTAL AFFAIRS AGENTS

- 19:25-20.1 Authority
- 19:25-20.2 Definitions
- 19:25-20.3 Exemptions from the Act
- 19:25-20.3A Presumption of lobbying activity
- 19:25-20.3B \$250.00 annual limit on gifts
- 19:25-20.4 Governmental affairs agent notice of representation
- 19:25-20.5 Governmental affairs 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
- 19:25-20.9A Annual report of communication with the general public
- 19:25-20.9B Application for registration number and personal identification number
- 19:25-20.9C Filing of an electronic report
- 19:25-20.10 Receipts
- 19:25-20.10A Contingent fees, prohibited
- 19:25-20.11 Expenditures
- 19:25-20.12 Valuation of contributions and expenditures
- 19:25-20.13 Notice of lobbying benefit
- 19:25-20.14 Contents of annual report
- 19:25-20.15 Audit by Commission; recordkeeping
- 19:25-20.16 Responsibilities for filing annual reports; certification
- 19:25-20.17 Advisory opinions

- 19:25-20.18 Complaint proceedings; investigations; penalties
- 19:25-20.18A Opportunity for hearing
- 19:25-20.18B Default for failure to answer complaint
- 19:25-20.18C One-year post-employment prohibition on lobbying
- 19:25-20.19 Nonresident governmental affairs agents or represented entities
- 19:25-20.20 Annual fee

SUBCHAPTER 21. PROFESSIONAL CAMPAIGN FUND RAISERS

- 19:25-21.1 Definitions
- 19:25-21.2 Registration
- 19:25-21.3 Quarterly reports
- 19:25-21.4 Annual fee
- 19:25-21.5 Termination
- 19:25-21.6 Violations; penalties

SUBCHAPTER 22. SEVERABILITY CLAUSE

- 19:25-22.1 Severability clause

SUBCHAPTER 23. (RESERVED)

SUBCHAPTER 24. STATE CONTRACTOR CONTRIBUTIONS PROHIBITED

- 19:25-24.1 Definitions
- 19:25-24.2 Contributions by business entities prohibited
- 19:25-24.3 Request for repayment of a contribution
- 19:25-24.4 Applicability to State agencies and authorities
- 19:25-24.5 Inapplicability under Federal law or eminent domain
- 19:25-24.6 Allegation of a violation

SUBCHAPTER 25. LEGISLATIVE, COUNTY AND MUNICIPAL CONTRACTOR CONTRIBUTIONS PROHIBITED

- 19:25-25.1 Definitions
- 19:25-25.2 Contributions by business entities prohibited
- 19:25-25.3 Prohibition on acceptance of contributions from a business entity
- 19:25-25.4 Contribution deemed to be a contribution by business entity
- 19:25-25.5 Business entity duty to report to Commission
- 19:25-25.6 Repayment of a contribution
- 19:25-25.7 Penalty for a violation by a business entity
- 19:25-25.8 Penalty for acceptance of an unlawful contribution
- 19:25-25.9 Allegation of a violation
- 19:25-25.10 Opportunity for hearing
- 19:25-25.11 Default for failure to answer complaint

SUBCHAPTER 26. CONTRIBUTION DISCLOSURE BY FOR-PROFIT ENTITIES

- 19:25-26.1 Definitions
- 19:25-26.2 Business entity disclosure to a State agency
- 19:25-26.3 Business entity disclosure to a local unit
- 19:25-26.4 Business entity annual disclosure statement
- 19:25-26.5 Filing the business entity annual disclosure statement
- 19:25-26.6 Contribution deemed to be a contribution by a business entity
- 19:25-26.7 Allegation of a violation; fine
- 19:25-26.8 Opportunity for hearing
- 19:25-26.9 Default for failure to answer complaint
- 19:25-26.10 Recordkeeping; period of retention

SUBCHAPTER 1. GENERAL PROVISIONS

19:25-1.1 Scope of regulations

The provisions of this chapter are promulgated pursuant to the New Jersey Campaign Contributions and Expenditures

Reporting Act, P.L. 1973, c. 83, as amended, N.J.S.A. 19:44A-1 et seq. ("the Act"); the Gubernatorial Legislative Disclosure Statement Act; N.J.S.A. 19:44B-1 et seq.; the Uniform Recall Election Law, P.L. 1995, c. 105, N.J.S.A. 19:27A-1, the Legislative and Governmental Process Activities Disclosure Act, P.L. 1971, c. 183, as amended, N.J.S.A. 52:13C-18 et seq., the "pay to play" laws, P.L. 2004, c. 19, as amended, N.J.S.A. 19:44A-20.3 et seq., P.L. 2005, c. 51, as amended, N.J.S.A. 19:44A-20.13 et seq., and P.L. 2005, c. 271, as amended, N.J.S.A. 19:44A-20.26 et seq. Such provisions shall constitute the rules and regulations of practice and procedure of the New Jersey Election Law Enforcement Commission ("the Commission").

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

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

Citations added.

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

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

Inserted a reference to the Uniform Recall Election Law.

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

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

Rewrote the section.

19:25-1.2 Short title

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

19:25-1.3 Liberal construction of rules

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

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

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

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

19:25-1.4 Relaxation

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

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

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

Substituted "Commission" for "commission".

19:25-1.5 Amendment of regulations

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

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

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

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

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

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

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

19:25-1.6 Practice where regulations do not govern

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

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

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

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

19:25-1.7 Definitions

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

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

"Candidate" means:

1. An individual seeking election to a public office of this State or of a county, municipality or school or fire district at any election;
2. An individual who shall have been elected or failed of election to an office, other than a party office, for which he or she sought election and who receives contributions and makes expenditures for any of the purposes authorized by N.J.S.A. 19:44A-11.2; and
3. An individual who has received funds or other benefits or has made payments solely for the purpose of determining whether the individual should become a candidate as defined in paragraphs 1 and 2 above.

This definition does not include an individual seeking Federal elective office, or State, county or municipal political party office.

"Candidate committee" means a committee established by a candidate pursuant to N.J.S.A. 19:44A-9(a) for the purpose of receiving contributions and making expenditures.

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

"Continuing political committee" includes any group of two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association, including a political club, political action committee, civic association or other organization, which in any calendar year contributes or expects to contribute at least \$5,500 to aid or promote the candidacy of an individual, or the candidacies of individuals, for elective public office, or the passage or defeat of a public question or public questions, and which may be expected to make contributions toward such aid or

promotion or passage or defeat during a subsequent election, provided that the group, corporation, partnership, association, or other organization has been determined by the Commission to be a continuing political committee in accordance with N.J.S.A. 19:44A-8(b). A continuing political committee does not include:

1. A candidate committee, joint candidates committee, political committee, political party committee or a legislative leadership committee.
2. A contributor not involved in fundraising (that is, not soliciting or accepting contributions to aid or promote candidates, or the passage or defeat of public questions), and not conducting any election-related activity other than making contributions from its own funds to a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee.

"Contribution" includes every loan, gift, subscription, advance or transfer of money or other thing of value, including any in-kind contribution, made to or on behalf of any candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee and any pledge or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the Act, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed. Funds or other benefits received solely for the purpose of determining whether an individual should become a candidate are contributions.

"Contributor" means an individual, corporation, labor organization, association, group, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee making a contribution. "Contributor" does not include an unincorporated business entity, a partnership entity as defined in N.J.A.C. 19:25-11.10(b) or a limited liability company as defined in N.J.A.C. 19:25-11.10(c), which entities are not permitted to make contributions.

"Currency" means United States government notes and coins in circulation as a medium of exchange.

"Depository," "campaign depository," and "organizational depository" mean any bank account, whether checking, savings, or other, that is established by a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee for the purpose of receiving contributions and making expenditures to aid or promote a candidate in an election, or to support or oppose a public question.

"District" means the State, legislative district, county, municipality or part thereof, school district or other district in

SUBCHAPTER 3. ELECTRONIC FILING

19:25-3.1 Application for registration number and personal identification number

(a) A candidate, candidate committee, or joint candidates committee shall make a written application for a registration number and personal identification number (PIN) prior to its use of the Commission's electronic filing software. The written request shall include the name, address, and telephone number of the candidate or candidates and the campaign treasurer and such other information as may be required by the Commission.

(b) A political committee, continuing political committee, political party committee or legislative leadership committee shall make a written application for a registration number and personal identification number (PIN) prior to its use of the Commission's electronic filing software. The written request shall include the name, address, and telephone number of the campaign or organizational treasurer and such other information as may be required by the Commission.

(c) Insertion in an electronic report of the registration number and personal identification number (PIN) provided by the Commission to the candidate or candidates, campaign treasurer, or organizational treasurer shall satisfy the obligation to certify the correctness of a report required to be filed by the Act or this chapter.

19:25-3.2 Filing of an electronic report

(a) The Commission will accept a report in an electronic medium from a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee only if the report has been prepared using the computer software supplied to the candidate or committee by the Commission.

(b) A candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee filing a report using computer software provided by the Commission shall use the most current version of the software.

(c) The Commission will accept a report in an electronic medium from a candidate, candidate committee, or joint candidates committee only if the report has been completed according to the methodology in the Commission's software using the confidential registration and personal identification number (PIN) and any other means of identification required from the candidate or candidates and the campaign treasurer.

(d) The Commission will accept a report in an electronic medium from a political committee, continuing political committee, political party committee or legislative leadership committee only if the report has been completed according to the methodology in the Commission's software using the

confidential registration and personal identification number (PIN) and any other means of identification required from the campaign treasurer or organizational treasurer.

(e) A candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee shall maintain as part of its records an exact copy of each report that has been filed electronically.

19:25-3.3 Required electronic filing

(a) A candidate for election to the office of member of the Senate or the office of member of the General Assembly who raises or spends, or expects to raise or spend in excess of \$100,000 in a general election, shall file election fund reports, as defined in N.J.A.C. 19:25-8.2(b), and quarterly reports, as defined in N.J.A.C. 19:25-8.3(b), using electronic filing software supplied to the candidate by the Commission pursuant to this subchapter.

(b) Candidates for election to the office of member of the Senate or the office of member of the General Assembly who are participating in a joint candidates committee and who raise or spend, or expect to raise or spend, in excess of \$100,000 in the joint candidates committee in a general election, shall file election fund reports, as defined in N.J.A.C. 19:25-8.2(b), and quarterly reports, as defined in N.J.A.C. 19:25-8.3(b), using electronic filing software supplied to the candidates by the Commission pursuant to this subchapter.

(c) A candidate for nomination for election to the office of member of the Senate or the office of member of the General Assembly in a primary election who raises or spends, or expects to raise or spend in excess of \$100,000 in the primary election, shall file election fund reports, as defined in N.J.A.C. 19:25-8.2(b), and quarterly reports, as defined in N.J.A.C. 19:25-8.3(b), using electronic filing software supplied to the candidate by the Commission pursuant to this subchapter.

(d) Candidates for nomination for election to the office of member of the Senate or the office of member of the General Assembly in a primary election who are participating in a joint candidates committee, and who raise or spend, or expect to raise or spend, in excess of \$100,000 in the joint candidates committee in a primary election, shall file election fund reports, as defined in N.J.A.C. 19:25-8.2(b), and quarterly reports, as defined in N.J.A.C. 19:25-8.3(b), using electronic filing software supplied to the candidate by the Commission pursuant to this subchapter.

(e) A candidate for nomination for or for election to the office of Governor who raises or spends, or expects to raise or spend, in excess of \$100,000 in a primary or general election, shall file election fund reports, as defined in N.J.A.C. 19:25-8.2(b), and quarterly reports, as defined in N.J.A.C. 19:25-

8.3(b), using electronic filing software supplied to the candidate by the Commission pursuant to this subchapter.

(f) Candidates for nomination for or for election to the offices of Governor and of Lieutenant Governor, who jointly raise or spend, or expect to jointly raise or spend, in excess of \$100,000 in a general election, shall file election fund reports, as defined in N.J.A.C. 19:25-8.2(b), and quarterly reports, as defined in N.J.A.C. 19:25-8.3(b), using electronic filing software supplied to the candidate by the Commission pursuant to this subchapter.

New Rule, R.2005 d.192, effective June 20, 2005.
See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).
Amended by R.2010 d.062, effective April 19, 2010.
See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (a) and (e), substituted "A" for "Beginning on January 1, 2006, a"; in (a), (b), (c), (d) and (e), substituted "this subchapter" for "N.J.A.C. 19:25-3"; in (b), substituted "Candidates" for "Beginning on January 1, 2006, candidates"; and in (c) and (d), deleted "occurring after June 5, 2007," following the first occurrence of "primary election".
Amended by R.2012 d.172, effective October 15, 2012.

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

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

SUBCHAPTER 4. ESTABLISHMENT OF REPORTING COMMITTEES

19:25-4.1 Candidate and joint candidates committees

(a) A candidate for an office in an election shall establish a candidate committee, a joint candidates committee, or both, for an office sought in an election.

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

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

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

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

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

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

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

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

19:25-4.1A Establishment of a candidate committee

(a) A candidate or elected officeholder shall establish a candidate committee by appointing a treasurer and opening a depository for the purpose of receiving contributions and making expenditures no later than the date on which that candidate first receives any contribution or makes or incurs any expenditure in connection with an election.

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

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

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

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

4. The name, mailing address and telephone number of the bank at which the campaign depository has been established, the account name and number, and the names, mailing addresses and telephone numbers of all persons authorized to sign checks or otherwise make transactions.

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

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

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

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

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

Recodified from N.J.A.C. 19:25-4.1 and amended by R.2000 d.322, effective August 7, 2000.

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

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

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

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

Revised text.

Amended by R.2005 d.427, effective December 5, 2005 (operative date of January 1, 2006).

See: 37 N.J.R. 2838(a), 37 N.J.R. 4559(a).

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

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

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

Added (c).

19:25-20.3A Presumption of lobbying activity

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

New Rule by R.2005 d.427, effective December 5, 2005 (operative date of January 1, 2006).

See: 37 N.J.R. 2838(a), 37 N.J.R. 4559(a).

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

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

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

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

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

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

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

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

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

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

New Rule by R.2005 d.427, effective December 5, 2005 (operative date of January 1, 2006).

See: 37 N.J.R. 2838(a), 37 N.J.R. 4559(a).

Amended by R.2012 d.205, effective December 17, 2012.

See: 44 N.J.R. 2049(a), 44 N.J.R. 3077(a).

In (a), (e), (f) and (g), substituted "represented entity" for "lobbyist" throughout.

19:25-20.4 Governmental affairs agent notice of representation

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

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

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

(d) If a governmental affairs agent identifies a membership organization or corporation as the represented entity or person from whom he or she receives compensation for acting as a governmental affairs agent, and the name or occupation so identified does not, either explicitly or by virtue of the nature of the principal business in which the organization or its members, or the corporation or its shareholders, is commonly known to be engaged, clearly reveal the primary specific economic, social, political, or other interest which the organization or corporation may reasonably be understood to seek to advance or protect through its employment, retainer, or engagement of the governmental affairs agent, a description of that primary economic, social, political, or other interest and a list of the persons having organizational or financial control of the organization or corporation, including the names, mailing addresses and occupations of those persons, shall be included in the notice of representation of the governmental affairs agent.

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

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

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

Amended by R.2005 d.427, effective December 5, 2005 (operative date of January 1, 2006).

See: 37 N.J.R. 2838(a), 37 N.J.R. 4559(a).

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

Amended by R.2012 d.205, effective December 17, 2012.

See: 44 N.J.R. 2049(a), 44 N.J.R. 3077(a).

In (d), substituted "represented entity" for "lobbyist".

19:25-20.5 Governmental affairs agent quarterly report

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

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

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

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

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

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

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

Section was "Reporting calculation".

Amended by R.2005 d.427, effective December 5, 2005 (operative date of January 1, 2006).

See: 37 N.J.R. 2838(a), 37 N.J.R. 4559(a).

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

19:25-20.6 Name tags

(a) Each governmental affairs agent who is an individual shall wear a name tag issued by the Commission bearing the full name and photograph of the individual, which name tag shall be prominently displayed and visible at all times when such individual is in the State House, the State House Annex, or any other State building or other location when and where an authorized meeting of a legislative committee is being held for the purpose of influencing legislation or influencing regulation. A governmental affairs agent shall also wear the name tag issued by the Commission at any location when and where a meeting is being held at which there may be an attempt to influence a governmental process.

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

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

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

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

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

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

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

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

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

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

Amended by R.2005 d.427, effective December 5, 2005 (operative date of January 1, 2006).

See: 37 N.J.R. 2838(a), 37 N.J.R. 4559(a).

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

19:25-20.7 Notice of termination

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

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

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

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

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

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

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

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

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

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

Added new (d).

Amended by R.2005 d.427, effective December 5, 2005 (operative date of January 1, 2006).

See: 37 N.J.R. 2838(a), 37 N.J.R. 4559(a).

Substituted "governmental affairs" for "legislative" throughout; in (a), added "; or influencing governmental processes"; in (d), added ", or governmental processes."

19:25-20.8 Voluntary statements

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

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

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

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

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

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

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

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

Revised (c).

Amended by R.2005 d.427, effective December 5, 2005 (operative date of January 1, 2006).

See: 37 N.J.R. 2838(a), 37 N.J.R. 4559(a).

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

19:25-20.9 Annual report

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

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

(c) A represented entity or governmental affairs agent shall file an annual report as defined in (a) and (b) above using electronic filing software supplied by the Commission pursuant to this subchapter.

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

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

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

Amended by R.2005 d.427, effective December 5, 2005 (operative date of January 1, 2006).

See: 37 N.J.R. 2838(a), 37 N.J.R. 4559(a).

Substituted "governmental affairs" for "legislative" throughout; in (a), added ", for the purpose of influencing governmental processes, or for the purpose of communication with the general public," and deleted "pursuant to N.J.A.C. 19:25-20.13."

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

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

In (a), inserted "legislation, regulations or".

Amended by R.2012 d.205, effective December 17, 2012.

See: 44 N.J.R. 2049(a), 44 N.J.R. 3077(a).

In (a) and (b), substituted "represented entity" for "lobbyist"; in (b), substituted "represented entities" for "lobbyists"; and added (c).

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

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

(b) Any person who receives contributions or makes expenditures for the purpose of communication with the general public pursuant to (a) above shall make or obtain and maintain for a period of three calendar years following the year of the communication with the general public all records and documents relating to the communication with the general public. The records and documents shall include, but not be limited to, checks, bank statements, contracts and receipts to support the information filed in the annual report filed pursuant to (a) above, except that a record or document of any single expenditure in an amount of \$5.00 or less may be excluded from this requirement.

(c) A person communicating with the general public shall file an annual report as defined in (a) above using electronic filing software supplied by the Commission pursuant to this subchapter.

New Rule by R.2005 d.427, effective December 5, 2005 (operative date of January 1, 2006).

See: 37 N.J.R. 2838(a), 37 N.J.R. 4559(a).

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

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

Recodified existing text as (a); and added (b).

Amended by R.2012 d.205, effective December 17, 2012.

See: 44 N.J.R. 2049(a), 44 N.J.R. 3077(a).

In (a), substituted "represented entity" for "lobbyist"; and added (c).

19:25-20.9B Application for registration number and personal identification number

(a) A governmental affairs agent, represented entity, or person communicating with the general public shall make a written application for a registration number and personal identification number (PIN) prior to its use of the Commission's electronic filing software. The written request shall include the name, address, and signature of the person applying for the registration number and PIN and such other information as may be required by the Commission.

(b) In the case of a represented entity, the application described in (a) above shall be made by a governmental affairs agent employed by the represented entity or a responsible financial or governmental affairs officer of the represented entity who is responsible for the certification of the correctness of the annual report as described in N.J.A.C. 19:25-20.16.

(c) In the case of a person communicating with the general public, the application described in (a) above shall be made by a representative of the person communicating with the general public who is responsible for the certification of the correctness of the annual report as described in N.J.A.C. 19:25-20.9A.

(d) Insertion in an electronic report of the registration number and personal identification number (PIN) provided by the Commission to a governmental affairs agent, represented entity, or person communicating with the general public shall satisfy the obligation to certify the correctness of a report required to be filed by the Act or this chapter.

New Rule, R.2012 d.205, effective December 17, 2012.

See: 44 N.J.R. 2049(a), 44 N.J.R. 3077(a).

19:25-20.9C Filing of an electronic report

(a) The Commission will accept a report in an electronic medium from a governmental affairs agent, represented entity, or person communicating with the general public only if the report has been prepared using the computer software supplied to the governmental affairs agent, represented entity, or person communicating with the general public by the Commission.

(b) A governmental affairs agent, represented entity, or person communicating with the general public filing a report using computer software provided by the Commission shall use the most current version of the software.

(c) The Commission will accept a report in an electronic medium from a governmental affairs agent, represented entity, or person communicating with the general public only if the report has been completed according to the methodology in the Commission's software using the confidential registration and personal identification number (PIN) and any other means of identification required from the governmental affairs agent, represented entity, or person communicating with the general public.

(d) A governmental affairs agent, represented entity, or person communicating with the general public shall maintain as part of its records an exact copy of each report that has been filed electronically.

New Rule, R.2012 d.205, effective December 17, 2012.

See: 44 N.J.R. 2049(a), 44 N.J.R. 3077(a).

19:25-20.10 Receipts

(a) The following receipts of a represented entity or governmental affairs agent, which relate to communication

provided this information in his or her notice of representation and quarterly reports may satisfy this requirement by so indicating on the annual report;

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

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

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

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

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

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

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

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

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

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

Revised (d).

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

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

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

Amended by R.2005 d.427, effective December 5, 2005 (operative date of January 1, 2006).

See: 37 N.J.R. 2838(a), 37 N.J.R. 4559(a).

Substituted "governmental affairs" for "legislative" throughout; in (a)2, added "the" preceding "reporting lobbyist"; rewrote (a)3.

Amended by R.2012 d.205, effective December 17, 2012.

See: 44 N.J.R. 2049(a), 44 N.J.R. 3077(a).

Substituted "represented entity" for "lobbyist" throughout; in (a)2, substituted "represented entity(ies)" for "lobbyist(s)"; and in (c), substituted "represented entities" for "lobbyists" and "he or she" for "it".

19:25-20.15 Audit by Commission; recordkeeping

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

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

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

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

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

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

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

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

Amended by R.2005 d.427, effective December 5, 2005 (operative date of January 1, 2006).

See: 37 N.J.R. 2838(a), 37 N.J.R. 4559(a).

Substituted "governmental affairs" for "legislative" throughout; rewrote (b); added (c).

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

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

In (b), deleted "or" following "regulation," and inserted "or communicating with the general public,".

Amended by R.2012 d.205, effective December 17, 2012.

See: 44 N.J.R. 2049(a), 44 N.J.R. 3077(a).

In (a), substituted "represented entities" for "lobbyists"; and in (b), substituted "represented entity" for "lobbyist".

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

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

(b) Each organization which itself has a filing obligation as a represented entity pursuant to this subchapter is not relieved of that obligation by virtue of the fact that a governmental affairs agent engaged, designated or employed by it has a filing obligation; except that a represented entity required to file an annual report pursuant to the Act may designate a governmental affairs agent in its employ or otherwise engaged or used by it to file the annual report on its behalf, provided such designation is made in writing by the

represented entity on a form prescribed by the Commission, is acknowledged in writing by the designated governmental affairs agent and is filed with the Commission on or before the date on which the annual report of the represented entity is due for filing, and further provided that any violation of the Act shall subject both the represented entity and the designated governmental affairs agent to the penalties provided by the Act and this subchapter.

(c) Each governmental affairs agent which has a filing obligation pursuant to this subchapter is not relieved of that obligation by virtue of the fact that the organization engaging, retaining or employing it has or may have a filing obligation as a represented entity or that the governmental affairs agent has been designated by which organization to file an annual report for it; except that any represented entity organization required to file a report pursuant to the Act which employs or otherwise engages or uses a governmental affairs agent or agents whose only reportable lobbying activity is on behalf of such organization, may file a single annual report required under N.J.A.C. 19:25-20.14 on behalf of its own lobbying activity and the activities of such governmental affairs agent or agents, provided that any violation of the Act shall subject the represented entity alone to the penalties provided by the Act and this subchapter.

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

(e) A represented entity and governmental affairs agent shall file the designation and acknowledgment as defined in (a) and (b) above using electronic filing software supplied by the Commission pursuant to this subchapter.

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

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

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

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

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

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

Amended by R.2005 d.427, effective December 5, 2005 (operative date of January 1, 2006).

See: 37 N.J.R. 2838(a), 37 N.J.R. 4559(a).

Substituted "governmental affairs" for "legislative" throughout.

Amended by R.2012 d.205, effective December 17, 2012.

See: 44 N.J.R. 2049(a), 44 N.J.R. 3077(a).

Substituted "represented entity" for "lobbyist" throughout; and added (e).

19:25-20.17 Advisory opinions

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

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

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

Recodified from 19:25-20.11. Revised text.

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

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

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

19:25-20.18 Complaint proceedings; investigations; penalties

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

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

(c) In addition to any other penalty provided by law, any person who is found to have committed a violation of the Act or this subchapter shall be liable for a civil penalty of up to \$1,000 for that violation, which penalty may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999" (N.J.S.A. 2A:58-10 et seq.).

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

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

Recodified from 19:25-20.13. Revised text.

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

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

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

Amended by R.2005 d.427, effective December 5, 2005 (operative date of January 1, 2006).

See: 37 N.J.R. 2838(a), 37 N.J.R. 4559(a).

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

19:25-20.18A Opportunity for hearing

In any penalty proceeding undertaken by the Commission pursuant to N.J.S.A. 52:13C-23.1, each respondent shall be afforded the opportunity for a hearing pursuant to the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and N.J.A.C. 1:1.

New Rule, R.2003 d.239, effective June 16, 2003.

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

19:25-20.18B Default for failure to answer complaint

In any penalty proceeding undertaken by the Commission pursuant to N.J.S.A. 52:13C-23.1 or other statutory authority, the Commission may enter a Final Decision, including penalty, against any respondent who fails to file with the Commission a written responsive pleading or answer within 20 days after service on such respondent in conformity with the rules of the New Jersey Office of Administrative Law of a

copy of a complaint alleging a specific violation of the law within the Commission's jurisdiction to enforce.

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

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

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

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

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

(d) Upon receiving evidence of any violation of this section, the Commission shall have the power to hold, or cause to be held, hearings about the violation and, upon finding any person to have committed a violation, to assess such penalty, within the limits set forth in (c) above, as it deems proper under the circumstances, which penalty may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999" (N.J.S.A. 2A:58-10 et seq.).

New Rule by R.2005 d.427, effective December 5, 2005 (operative date of January 1, 2006).
See: 37 N.J.R. 2838(a), 37 N.J.R. 4559(a).

19:25-20.19 Nonresident governmental affairs agents or represented entities

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

(b) Any person other than a governmental affairs agent or represented entity who receives contributions or makes expenditures for the purpose of communication with the general public and not a resident of this State, or not a corporation of this State or authorized to do business in this State, shall file with the Commission, before engaging in communication with the general public, its consent to service of process at an address within this State, or by regular mail at an address outside this State.

(c) For purposes of the annual report described in N.J.A.C. 19:25-20.9 and 20.9A, a nonresident governmental affairs agent, represented entity, or person communicating with the general public must file the consent to service of process as

defined by (a) and (b) above using electronic filing software supplied by the Commission pursuant to this subchapter.

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

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

Recodified from 19:25-20.14. Revised text.

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

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

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

Amended by R.2005 d.427, effective December 5, 2005 (operative date of January 1, 2006).

See: 37 N.J.R. 2838(a), 37 N.J.R. 4559(a).

Section was "Nonresident legislative agent or lobbyist"; substituted "governmental affairs" for "legislative"; substituted "," for "or" following "legislation" and added ", or influence governmental processes,". Amended by R.2007 d.230, effective August 6, 2007.

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

Recodified existing text as (a); and added (b).

Amended by R.2012 d.205, effective December 17, 2012.

See: 44 N.J.R. 2049(a), 44 N.J.R. 3077(a).

Section was "Nonresident governmental affairs agents or lobbyists". In (a) and (b), substituted "represented entity" for "lobbyist"; and added (c).

19:25-20.20 Annual fee

(a) Each governmental affairs agent who is an individual and whose activities are subject to the Act during any part of a 12-month period commencing on January 1 and ending on the following December 31 shall pay an annual fee of \$575.00, and shall submit with the agent's annual fee two identical, two-by-two-inch, color photographs taken of the governmental affairs agent within six months showing a full-face, front view of the agent with a plain white or off-white background.

(b) In the event that the governmental affairs agent is a partnership, committee, association, corporation, or other organization or group of persons, the annual fee shall be \$575.00 for each individual from the partnership, committee, association, corporation, or other organization or group of persons, who is required to wear a name tag pursuant to N.J.A.C. 19:25-20.6.

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

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

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

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

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

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

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

Revised (a) and (b).

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

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

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

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

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

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

In (c), substituted "made" for "due" following "shall be".

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

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

Rewrote (a).

Amended by R.2005 d.427, effective December 5, 2005 (operative date of January 1, 2006).

See: 37 N.J.R. 2838(a), 37 N.J.R. 4559(a).

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

Amended by R.2015 d.114, effective July 20, 2015.

See: 47 N.J.R. 518(a), 47 N.J.R. 888(a), 47 N.J.R. 1876(b).

In (a) and (b), substituted "\$575.00" for "\$425.00".

SUBCHAPTER 21. PROFESSIONAL CAMPAIGN FUND RAISERS

19:25-21.1 Definitions

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

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

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

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

"Professional campaign fund raiser" or "fund raiser" means a person who is employed, retained, or engaged for monetary compensation of at least \$5,000 per year in the aggregate to perform for any candidate or committee, or both, any service directly related to the solicitation of contributions for that candidate or committee. The terms "professional campaign fund raiser" and "fund raiser" do not include any person who is reimbursed only for incurred costs by a candidate or committee for performing any service directly related to the solicitation of contributions for that candidate or committee.

19:25-21.2 Registration

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

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

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

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

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

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

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

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

5. The name of each individual employed by the professional campaign fund raiser who receives monetary compensation of at least \$5,000 per year from the fund raiser to perform for any candidate or committee, or both, any service directly related to the solicitation of contributions for that candidate or committee, or both.

(c) A professional campaign fund raiser shall upon filing the initial registration form in (b) above pay a registration fee of \$1,000. The \$1,000 initial registration fee shall also be applicable to each individual employed by a professional campaign fund raiser who is employed, retained, or engaged for monetary compensation of at least \$5,000 per year in the aggregate to perform for any candidate or committee, or both, any service directly related to the solicitation of contributions for that candidate or committee, or both, and who meets either of the registration criteria in (a) above.