

New Rule, R.2012 d.172, effective October 15, 2012.
See: 44 N.J.R. 1593(a), 44 N.J.R. 2380(a).
Section was "Reserved".

19:25-15.6 Contribution limits; applicability

(a) No candidate for the office of Governor, whether or not intending to participate in public funding, no candidate for the office of Lieutenant Governor, and no campaign treasurer or deputy campaign treasurer of such candidates shall knowingly accept from any person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee any contribution in aid of the candidacy of or on behalf of such candidates, jointly, in the aggregate in excess of \$3,400 in any general election.

(b) No State committee, and no campaign treasurer or deputy campaign treasurer of such State committee, shall knowingly accept from any person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee any contribution in aid of the candidacies of, or on behalf of any candidates for the offices of Governor and of Lieutenant Governor, jointly, in the aggregate in excess of \$3,400 in any general election, whether or not such candidates intend to participate in public funding.

(c) Contributions from a joint account by one owner of the account shall not be attributed to other owners of the account.

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Added "continuing political committee" as entity and increased contribution limit from \$800.00 to \$1,500.

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised text.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution thresholds and added references to candidate committee, joint candidates committee and legislative leadership committee.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a) and (b), increased dollar amounts; and added (c).

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a) and (b), substituted "\$3,000" for "\$2,600" following "aggregate in excess of".

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a) and (b), substituted "\$3,400" for "\$3,000".

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

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

In (a) and (b), substituted "on" for "in" preceding "behalf"; in (a), inserted "no candidate for the office of Lieutenant Governor," and substituted "candidates" for "candidate" preceding "shall" and "candidates, jointly" for "candidate" following "behalf of such"; and in (b), substituted "candidacies of," for "candidacy of," "candidates for the offices" for "candidate for the office" and "candidates intend" for "candidate intends", and inserted "and of Lieutenant Governor, jointly,".

19:25-15.7 Separately maintained primary and general bank accounts

(a) Any candidate may establish and designate to the Commission a depository bank account, and/or a matching

fund account pursuant to N.J.A.C. 19:25-15.17(b), for a gubernatorial general election and may deposit contributions in such respective accounts at any time after designation. Such general election bank accounts may be established prior to the date of the primary election for nomination for the office of Governor, and prior to the conclusion of any such candidate's primary election campaign. However, if a candidate establishes general election bank accounts prior to or on the date of the primary election for the office of Governor, and such candidate is also a candidate in such primary election, no moneys deposited in such candidate's general election accounts may be transferred or expended until the day following such primary election and may not be expended at any time for primary election expenses.

(b) No candidate establishing bank accounts for the general election may deposit or transfer at any time into such accounts any contributions received on behalf of such candidate's primary election campaign.

(c) No moneys deposited in a candidate's campaign bank accounts for the primary election may be expended at any time for any general election expense of such candidate.

(d) The primary election campaign bank accounts of each candidate (that is, depository bank account, matching fund account and public fund account) shall be separate from the general election campaign bank accounts of such candidate and shall be separately designated in reports required to be filed under the Act. Funds in primary election campaign accounts shall not be commingled with funds in general election campaign accounts.

(e) An expenditure which was made from a candidate's primary election bank account and which is determined after the date of the primary election to be allocable in part to that candidate's general election candidacy shall be reimbursed to the candidate's primary election depository account, established pursuant to N.J.A.C. 19:25-16.4, with general election funds. In no case shall funds from a candidate's primary election public funds account established pursuant to N.J.A.C. 19:25-16.20 be used for any purpose attributable to the general election.

(f) Reimbursements pursuant to (e) above shall be limited strictly to reimbursements for ordinary office expenditures for such purposes as office, furniture, and equipment rental and insurance and salaries, and shall be made on a date after the date of the primary election.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Deleted the text "with commission approval".

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

"Commission" capitalized.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Added (e) and (f).

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

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

In (d), substituted "that is," for "i.e." and "Act" for "act".

19:25-15.8 Return of contributions; certification

(a) Any candidate in the general election who receives and deposits any contributions in such candidate's general election depository bank account or matching fund account on or prior to the date of the primary election for nomination to the office of Governor, and who is defeated at such primary election thereby terminating such candidate's general election campaign must promptly return to each contributor any contribution received and deposited on behalf of such candidate's general election campaign.

(b) Any candidate who receives contributions as described in (a) above shall certify to the Commission in a report to be filed within 30 days after the primary election for nomination to the office of Governor a typed or printed list of contributors showing each contributor's full name and full mailing address (number, street, city, state, zip code), the date of receipt of each contribution, the dollar amount of each contribution, the date and amount of each contribution returned by the candidate, and for each contributor who is an individual and whose aggregate contributions to the candidate in the general election exceed \$300.00, the occupation of the individual and the name and mailing address of the individual's employer. In the event a candidate is unable to return any contribution, or part thereof, for any reason, such candidate shall certify in such report the reasons for inability to return such contribution. In no event shall any such unreturned contribution be withdrawn by the candidate from his or her general election depository bank account until the Commission has approved of disposition of such unreturned contributions.

As amended, R.1984 d.561, effective December 17, 1984.
See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Deleted text and substituted "number, street, city, state, zip code".
Amended by R.1996 d.583, effective December 16, 1996.
See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).
Amended by R.2000 d.473, effective November 20, 2000.
See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (b), increased dollar amount.
Amended by R.2004 d.472, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (b), substituted "\$300.000" for "\$400.00" following "general election exceed".

Case Notes

Transfers of general election money to campaign committee warranted imposition of penalty. *People for Whitman Committee v. Florio, '93, Inc.*, 93 N.J.A.R.2d (ELE) 17.

19:25-15.9 Candidates deemed non-participating; effect

Any candidates for the offices of Governor and of Lieutenant Governor who do not, by September 1 preceding a general election in which the office of Governor is to be filled, jointly apply for public funding in a general election pursuant to N.J.A.C. 19:25-15.17, shall be deemed non-participating in public funding of that general election, and shall not receive public funds on their behalf.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Substituted "the candidate" for "he".

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

September 1 established as deadline for applying for public funds; (b) deleted.

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

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

Rewrote the section.

19:25-15.10 Non-participating candidates

(a) Non-participating candidates for the offices of Governor and of Lieutenant Governor are jointly subject to the \$3,400 limitation on contributions from a person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee, pursuant to N.J.S.A. 19:44A-29.

(b) Non-participating candidates for the offices of Governor and of Lieutenant Governor are jointly subject to the \$3,400 limit on guarantors of bank loans, except if the guarantor is the non-participating candidate.

(c) Non-participating candidates for the offices of Governor and of Lieutenant Governor are not subject to:

1. The overall campaign expenditure limit contained in N.J.S.A. 19:44A-7;

2. The \$25,000 limit on own funds contained in N.J.S.A. 19:44A-29;

3. The \$50,000 limit on bank loans contained in N.J.S.A. 19:44A-44; and

4. Any limits on the amount of bank loans to be guaranteed by each candidate personally.

(d) Non-participating candidates for the offices of Governor and of Lieutenant Governor who elect to participate in the series of interactive debates pursuant to the provisions of N.J.S.A. 19:44A-45 are subject to the restrictions on qualifying expenditures set forth at N.J.A.C. 19:25-15.49.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

(b) added: "or herself".

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Increased contribution limit from \$800.00 to \$1,500 and added reference to continuing political committee.

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised (a) and (b).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution limits and added references to candidate committee, joint candidates committee and legislative leadership committee.

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

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

In (c)3, changed N.J.A.C. reference.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

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

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a) and (b), substituted "\$3,000" for "\$2,600" following "candidate is subject to the".

Amended by R.2008 d.326, effective November 3, 2008.

See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

Added (d).

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a) and (b), substituted "\$3,400" for "\$3,000".

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

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

Rewrote (a), (b), and (d), and the introductory paragraph of (c); and in (c)4, substituted "each" for "the".

19:25-15.11 Limitations on participating candidates

(a) Each candidate for the office of Governor and for the office of Lieutenant Governor intending to participate in public funding, in addition to any other requirement imposed by the Act or this subchapter, is subject to the following limitations:

1. No publicly funded candidate for the office of Governor may make expenditures from the candidate's own funds, including any contributions from the candidate's own funds, in aid of the candidate's campaign in excess of \$25,000. Any loan guaranteed with such candidate's own funds must be included in calculating the aggregate contribution of the candidate in aid of the candidate's campaign until such time as the loan is no longer outstanding.

2. No publicly funded candidate for the office of Lieutenant Governor may make expenditures from the candidate's own funds, including any contributions from the candidate's own funds, in aid of the candidate's campaign in excess of \$25,000. Any loan guaranteed with such candidate's own funds must be included in calculating the aggregate contribution of the candidate in aid of the candidate's campaign until such time as the loan is no longer outstanding.

3. No candidates for the offices of Governor and of Lieutenant Governor, or their campaign treasurer or deputy campaign treasurer, shall borrow an amount that at any one time exceeds \$50,000 in the aggregate for their campaign, and such loan must be repaid in full no later than 20 days prior to the general election for which the loan was made from moneys accepted or allocated pursuant to N.J.S.A. 19:44A-29. Certification of such repayment shall be made by the borrower to the Commission in accordance with N.J.A.C. 19:25-15.30.

4. The amount which any qualified candidates may spend in aid of their joint candidacies for the offices of Governor and of Lieutenant Governor shall not exceed \$10.9 million, which amount shall include payments made solely for the purpose of determining whether to become a candidate. Such amount shall not include expenditures listed in N.J.A.C. 19:25-15.26.

5. Contributions by any candidate for the office of Governor in excess of \$3,400 from the candidate's own funds in aid of the candidate's campaign shall not be deposited in a matching fund account and shall not be calculated in determining if such candidate is a qualified candidate eligible for public matching funds.

6. Contributions by any candidate for the office of Lieutenant Governor in excess of \$3,400 from the candidate's own funds in aid of the candidate's campaign shall not be deposited in a matching fund account and shall not be calculated in determining eligibility for public matching funds.

As amended, R.1983 d.287, effective July 18, 1983.

See: 15 N.J.R. 616(a), 15 N.J.R. 1182(e).

"or her" added.

(a)3: "except that such" deleted and "which amount ... such" added.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Increased general election expenditure limit to \$5,000,000 and increased contribution limit from \$800.00 to \$1,500.

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised (a)3 and 4.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution thresholds and limits.

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)3.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), increased dollar amounts.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$9,600,000" for "\$8,400,000" following "candidacy shall not exceed" in 3, and substituted "\$3,000" for "\$2,600" in 4.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a)3, substituted "\$10.9 million" for "\$9,600,000"; and in (a)4, substituted "\$3,400" for "\$3,000".

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

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

In the introductory paragraph of (a), substituted "Act" for "act (N.J.S.A. 19:44A-1 et. seq.)".

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

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

Rewrote the section.

19:25-15.12 Who may or may not contribute

(a) No person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee, other than a candidate contributing the candidate's own funds to the candidate's own campaign, shall make any contribution to any candidate, the candidate's campaign treasurer or deputy campaign treasurer, or to any other person or committee, in aid of the candidacy of or on behalf of a candidate, whether or not participating in public funding, for election to the offices of Governor and of Lieutenant Governor in a general election, in the aggregate in excess of \$3,400. Any such contribution in excess of \$3,400 must be returned to the contributor pursuant to the require-

ments of N.J.A.C. 19:25-11.8, and evidence of repayment shall be submitted to the Commission.

(b) A joint candidates committee established by candidates who have not established any candidate committees in an election may make a contribution to candidates for election to the offices of Governor and of Lieutenant Governor in an amount not to exceed the sum of the number of candidates participating in the joint candidates committee multiplied by \$3,400. If a candidate has established both a candidate committee and a joint candidates committee in an election, the total amount which may be contributed by that candidate's joint candidates committee and candidate committee to candidates for election to the offices of Governor and of Lieutenant Governor may not exceed \$3,400 per candidate participating in the joint candidates committee.

(c) Subject to the limitations contained in this subchapter and the Act, any person may contribute to more than one candidate.

(d) A corporation, association, or labor organization or any subsidiary, affiliate, branch, division, department, or local unit of any such corporation, association, or labor organization shall not make any contribution to, or on behalf of, a candidate, which, when added to any other contribution by any related or affiliated corporation, association, or labor organization, exceeds \$3,400 in the aggregate. Whether such corporation, association, or labor organization is related or affiliated shall depend on the circumstances existing at the time of such contribution, including, but not by way of limitation, the degree of control or common ownership with related or affiliated corporations, associations, or labor organizations, the source and control of funds used for such contributions and the degree to which the decisions whether to contribute, to what candidate and in what amount are independent decisions.

(e) In considering the criteria set forth in (d) above, two or more corporations shall be conclusively deemed to be affiliated if:

1. Any individual, corporation, partnership, company, association, or other entity owns, directly or indirectly, more than a 30 percent interest in each of such corporations; or

2. One such corporation owns, directly or indirectly, more than a 30 percent interest in the other such corporation.

(f) Contributions by minors shall be attributed to the legal guardian(s) of the minor for the purposes of N.J.A.C. 19:25-15.6, and not to the minor unless:

1. The minor is 14 years or older;
2. The contribution is made from funds comprised of the minor's earned income as defined in N.J.A.C. 19:25-1.7; and

3. Sworn statements made by the minor and by the minor's legal guardian(s) are submitted with the contribution which state that the decision to contribute was solely that of the minor and that the funds used to make the contribution were comprised solely of the minor's earned income.

(g) For the purposes of (f) above, if the minor has more than one legal guardian, the contribution shall be attributed equally to each legal guardian of the minor.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1985 d.239, effective May 20, 1985.

See: 17 N.J.R. 684(a), 17 N.J.R. 1335(b).

Added text to (a): "Notwithstanding the provision... in N.J.S.A. 19:44A-3(n)(2)."

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Deleted unnecessary language in (a) regarding use of term "continuing political committee" and increased contribution limit from \$800.00 to \$1,500.

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised (a) and (c).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution thresholds; added references to candidate committee, joint candidates committee and legislative leadership committee; and added (d).

Amended by R.1997 d.179, effective April 21, 1997.

See: 29 N.J.R. 419(b), 29 N.J.R. 1518(a).

Added (e) and (f).

Amended by R.1997 d.218, effective May 19, 1997.

See: 29 N.J.R. 743(a), 29 N.J.R. 2468(a).

Rewrote (d).

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 new (b); recodified former (b) through (f) as (c) through (g); and in new (e) and (g), made internal reference changes.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

Increased dollar amounts throughout.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$3,000" for "\$2,600" throughout.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a), (b), and (d), substituted "\$3,400" for "\$3,000" throughout; and in (d), inserted a comma following the first occurrence of "candidate".

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

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

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

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

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

In (a) and (b), substituted "offices of Governor and of Lieutenant Governor" for "office of Governor" throughout; in (a), substituted the first occurrence of "the candidate's" for the first occurrence of "his or her", the second occurrence of "the candidate's own" for the second occurrence of "his or her", and "on" for "in" preceding "behalf"; in (b), substituted "candidates" for "a candidate" preceding "for election" twice; and in (d), inserted a comma following "association" throughout, and following "department", the first occurrence of "to", the second occurrence of "of" and "associations".

Case Notes

Former regulation valid. Common Cause of New Jersey v. New Jersey Election Law Enforcement Commission, 155 N.J.Super. 241, 382 A.2d 681 (App.Div.1978).

19:25-15.13 Corporate or labor organization communications

Communications on any subject by a corporation to its stockholders and their families, or by a labor organization to its members and their families, and nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families, shall not be construed to be in aid of the candidacy of, or on behalf of, candidates for election to the offices of Governor and of Lieutenant Governor in any general election.

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

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

Substituted "of, or on behalf of, candidates" for "of or in behalf of a candidate" and "offices of Governor and of Lieutenant Governor" for "office of Governor".

19:25-15.14 Contributions eligible for match

(a) To be eligible for matching with public funds for a gubernatorial general election, a contribution must have been received by candidates for the offices of Governor and of Lieutenant Governor at a time when those candidates were seeking or had sought election for the offices of Governor and of Lieutenant Governor, or must have been received by the candidate for the office of Governor for the purpose of determining whether or not to become a candidate for election to the office of Governor, except that a contribution received and deposited pursuant to N.J.A.C. 19:25-15.7, Separately maintained primary and general bank accounts, shall be eligible. Any funds received prior to the inception of such a candidacy shall not be eligible for match.

(b) Only contributions in cash or by check, money order, or negotiable instrument, shall be contributions eligible for match. Loans shall not be eligible for match. In-kind contributions shall not be eligible for match, but will count toward the individual contribution limit of \$3,400 and the overall expenditure limit contained in N.J.S.A. 19:44A-7 except for expenses not subject to expenditure limits pursuant to N.J.A.C. 19:25-15.26. The total of all contributions eligible for match from any person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee shall not exceed \$3,400 in the aggregate.

(c) A maximum of \$3,400 in the aggregate of a candidate for the office of Governor's own funds may be deposited in the matching fund account, and a maximum of \$3,400 in the aggregate of a candidate for the office of Lieutenant Governor's own funds may be deposited in the matching fund account.

(d) Every contribution eligible for match must be accompanied by a written statement which shall identify the individual making the contribution by full name and full mailing address (number, street, city, state, zip code), the name of the candidate, the amount and date of receipt of the contribution, and shall bear the signature of the contributor. The

requirement of such written statement will be deemed to be satisfied in the case where a contribution is made by means of a check, money order or other negotiable instrument payable on demand and to the order of, or specially endorsed without qualification to, the candidate or to his or her campaign committee, if such check, money order or instrument contains all of the foregoing information.

(e) A contribution received from a contributing member of a political committee or continuing political committee which has made a prior contribution to the candidate shall be eligible for matching funds, provided that the political committee is a bona fide political entity which was not created to circumvent the contribution limit contained in the Act.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1989 d.43, effective January 17, 1989.

See: 20 N.J.R. 2642(a), 21 N.J.R. 173(d).

Added new (a); recodified old (a)-(c) as (b)-(d); added new (e).

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 to (d) "receipt of".

Correction: Reference to N.J.A.C. 19:25-7.1(a) in (a).

See: 21 N.J.R. 1021(b).

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Reference to "continuing political committee" added and increased contribution limit from \$800.00 to \$1,500.

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised (b) and (c).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution thresholds and limits; and added references to candidate committee, joint candidates committee and legislative leadership committee.

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

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

Rewrote (a).

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

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

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$3,000" for "\$2,600" throughout.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (b) and (c), substituted "\$3,400" for "\$3,000" throughout.

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

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

Rewrote (a) and (c); and in (b), inserted a comma following "order" and "instrument".

19:25-15.15 Contributions eligible for match; checks and instruments; partnership contributions prohibited; contributions by electronic transfer of funds

(a) In the case of a check drawn on a joint checking account, the contributor shall be deemed to be the owner whose signature appears on the check. The check will not be attributed equally or otherwise to other joint owners of the account, unless the check or other accompanying written instrument contains the signature of each contributing owner and information identifying the amount of contribution of each such owner. In the absence of specific instructions to the

contrary, the contribution will be allocated equally among all owners whose signatures appear on the instrument. Where the maker of a check drawn on a joint checking account is different from the individual who signs the accompanying written instrument, the Commission shall deem the individual who signs the written instrument to be the contributor of the funds.

(b) In the case of a check drawn on an escrow or trust account, the contribution will be that of the person who is the beneficial owner of the account, and the check or other accompanying written instrument must bear the signature of such beneficial owner.

(c) A partnership as defined in (d) below shall not be permitted to make contributions as an entity. A contribution received by a campaign treasurer and made by means of a check or written instrument drawn on a partnership account shall be signed by a partner or partners and shall be deemed to be a contribution from the partner or partners who signed the check or written instrument by which the contribution was conveyed, or in the case of a contribution of currency, the partner who has conveyed the currency. If the check or written instrument is drawn on a partnership account and is signed by an individual other than a partner, or if it is the intent of the contributor that any portion of the contribution received from a partnership account is to be attributed or allocated to a partner or partners who have not signed the check or written instrument, or in the case of a currency contribution if the currency contribution was conveyed by an individual who is not a partner, the following written information must be received and maintained by the campaign treasurer and accompany the check or written instrument being submitted for match pursuant to N.J.A.C. 19:25-15.17:

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

(d) For the purposes of this section, the term "partnership" means:

1. Any partnership or joint venture organized under or governed by Title 42 of the New Jersey Statutes, including general partnerships within the meaning of N.J.S.A. 42:1-1 et seq., limited liability partnerships organized pursuant to N.J.S.A. 42:1-45 et seq., limited partnerships organized pursuant to or governed by N.J.S.A. 42:2A-1 et seq., and limited partnership associations organized pursuant to N.J.S.A. 42:3-1 et seq., and
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.

(e) A limited liability company shall not be permitted to make contributions as an entity. A contribution received by a campaign 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 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 must be received and maintained by the campaign treasurer and accompany the check or written instrument being submitted for match pursuant to N.J.A.C. 19:25-15.17:

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.

(f) To be eligible for match pursuant to N.J.A.C. 19:25-15.17, a contribution received by means of an electronic transfer of funds, including a credit card, shall be deposited directly into a matching fund account established pursuant to N.J.A.C. 19:25-15.17(b). For each contribution received by an electronic transfer of funds, including a credit card, the matching fund submission shall include a deposit slip or dated receipt from the bank or financial institution which specifically identifies the contributor and the amount of the contribution and a written statement which includes the signature of the contributor, the name of the contributor as it appears on the account used for the electronic transfer of funds or credit card account, the name of the owner of the account used for the electronic transfer of funds or credit card account, and the billing address of the account used for the electronic transfer of funds or credit card.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

(d): Deleted text "unless the decision... contribution" and substituted "and not to the child unless" and added (d)1 and 2.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Rewrote (c); inserted new (d) and (e); and recodified existing (d) as (f).

Amended by R.1997 d.179, effective April 21, 1997.

See: 29 N.J.R. 419(b), 29 N.J.R. 1518(a).

Deleted (f), providing, with specified exceptions, that contributions by children under 18 are attributed to the parent responsible for the contribution.

Amended by R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

Added (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 (c) and (e), rewrote the introductory paragraphs.

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

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

In (a), rewrote the last sentence.

19:25-15.16 Limitation on contributions eligible for match

(a) Any contributions in the form of the purchase price paid for an item with significant intrinsic and enduring value (such as a watch) shall be eligible for match only to the extent the purchase price exceeds the fair market value of the item or benefit conferred on the contributor, and only the excess will be included in calculating the \$3,400 contribution limit.

(b) A contribution in the form of the purchase price paid for admission to a testimonial affair as defined in N.J.A.C. 19:25-1.7 shall be a contribution eligible for match and for purposes of the \$3,400 limitation.

(c) The purchase price paid to a candidate for a fund raising event or admission to any activity that primarily confers private benefits to the contributor in the form of entertainment (such as a concert, motion picture or theatrical performance) shall be deemed the amount of the contribution made to such candidate. The tickets for such an event and the promotional materials shall state that the purchase price represents a political contribution to the candidate.

Amended by R.1989 d.43, effective January 17, 1989.

See: 20 N.J.R. 2642(a), 21 N.J.R. 173(d).

Added (c).

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Increased contribution limit from \$800.00 to \$1,500.

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised (a) and (b).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution limits.

Amended by R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

In (c), deleted references to lotteries throughout, and deleted a reference to raffles in the first sentence.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

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

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$3,000" for "\$2,600" throughout.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a) and (b), substituted "\$3,400" for "\$3,000".

19:25-15.17 Matching of funds

(a) Candidates for the offices of Governor and of Lieutenant Governor seeking to qualify for receipt of public matching funds shall, no later than September 1 preceding a general election in which the offices of Governor and of Lieutenant Governor are to be filled, file with the Commission:

1. A statement of agreement in a form prescribed by the Commission for the candidate for office of Governor to participate in the series of two interactive gubernatorial general election debates and for the candidate for office of Lieutenant Governor to participate in one interactive gubernatorial general election debate;
2. Either of the following:
 - i. A certified application for receipt of public matching funds pursuant to this section; or
 - ii. A statement of qualification to participate in public financing pursuant to N.J.A.C. 19:25-15.48; and
3. A certification or report concerning the candidates' participation in an issue advocacy organization or organizations as set forth in N.J.A.C. 19:25-15.17A.

(b) The campaign treasurer or deputy campaign treasurer of the candidates shall open a matching fund account in a national or a State bank pursuant to N.J.S.A. 19:44A-32, which shall be designated Matching Fund Account of (names of candidates for the office of Governor and of Lieutenant Governor) and in which only contributions eligible for match may be deposited. The campaign treasurer or deputy campaign treasurer of such candidates shall deposit in such matching fund account, funds to be matched in aid of the candidacies of, or on behalf of, such candidates. Such deposit shall be made within 10 days of receipt and shall include only moneys received in accordance with this subchapter and N.J.S.A. 19:44A-29 and 19:44A-11 and 12.

(c) Candidates for the offices of Governor and of Lieutenant Governor who jointly seek to become eligible to receive matching funds shall certify to the Commission in a written statement signed by the candidate for Governor that the candidate is a candidate for Governor in a general election and by the candidate for Lieutenant Governor that the candidate is a candidate for Lieutenant Governor and that they have jointly received and deposited into their matching fund account contributions eligible for match of at least \$340,000 from persons, candidate committees, joint candidates committees, political committees, continuing political committees, or legislative leadership committees each of whose contributions in the aggregate does not exceed \$3,400, and that at least \$340,000 of such contributions have been expended. "Expended" for this purpose shall mean disbursed or committed for expenditure in the campaign.

(d) The statement referred to in (c) above shall include the following:

1. An electronic list of contributors showing each contributor's full name and full mailing address (number, street, city, state, zip code); the date of receipt of each contribution by the candidate and of the deposit into the matching fund account; the dollar amount of each contribution submitted for match, the type of contributor of each contribution from a list of contributor types to be provided by the Commission; for each contributor who is an individual and whose aggregate contributions to the candidate in the general election exceed \$300.00, the occupation of the individual and the name and mailing address of the individual's employer; and the total amount of all contributions submitted for match. The list of contributors shall be segregated by deposit;

2. An electronic list of contributors of contributions not eligible or submitted for match and any other receipt (for example, in-kind contributions, contributions intended to be repaid, or interest on invested funds), showing each contributor's full name and full mailing address (number, street, city, state, zip code), the date of receipt of each such contribution by the candidate, the dollar amount of each such contribution, the type of contributor of each contribution from a list of contributor types to be provided by the Commission, and for each contributor who is an individual and whose aggregate contributions to the candidate in the general election exceed \$300.00, the occupation of the individual and the name and mailing address of the individual's employer; and

3. An electronic list of repayment by the candidate of any contribution, including any loan described under N.J.A.C. 19:25-15.30.

(e) The statement shall include a certification by the candidate for the office of Governor and the candidate for the office of Lieutenant Governor and their campaign treasurer that:

1. The submission includes only contributions eligible for match and does not include any contribution which must be or is intended by the contributor or the recipient to be refunded or repaid at any time; and

2. The receipt by the candidates from the fund for general election campaign expenses of an amount equal to twice the amount of lawful contributions deposited to be matched will not result in the candidate's exceeding the expenditure limitations of N.J.S.A. 19:44A-7.

(f) The certification shall include a scanned image of the face of each check or other written instrument as described in N.J.A.C. 19:25-15.14 for each contribution which the candidates submit to receive matching funds. Where a check is endorsed by some person other than the principal campaign committee, images of the face and back must be provided. The photocopies shall be segregated by deposit, sorted in the

order in which the contributors are listed pursuant to (d) above and accompanied by scanned images of the relevant receipted deposit slips.

(g) The initial certification shall include scanned images of checks as evidence of expenditures made from the depository or matching fund bank accounts, receipted bills, contracts or the like, sufficient to prove the expenditure or commitment to expend at least \$340,000 no later than the date of the general election.

(h) Once eligibility has been established, subsequent statements and certifications shall be submitted confirming the continued compliance of the candidate with (a), (b), and (c) above and such information as is required by (d), (e), and (f) above.

(i) Any statement or list submitted pursuant to this section shall be filed using electronic filing software supplied by the Commission pursuant to N.J.A.C. 19:25-3.

(j) Each submission for public matching fund payments following the date on which candidates for the offices of Governor and of Lieutenant Governor are jointly determined to be qualified candidates shall contain no less than \$12,500 of contributions eligible for match. Upon determination by the Commission that each submission contains no less than \$12,500 of contributions eligible for match, public matching funds will be awarded based upon the total amount of contributions determined to be eligible for match.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Substantially amended.

Amended by R.1989 d.43, effective January 17, 1989.

See: 20 N.J.R. 2642(a), 21 N.J.R. 173(d).

Added (i).

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Requirements for filing for public matching funds added at (a); at (g) proof of expenditure increased from \$50,000 to \$150,000 and new (j) added regarding each submission for match must contain no less than \$12,500 of contributions eligible for match.

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised (b), (c), (d), (f), (g); added new (k).

Amended by R.1993 d.363, effective July 19, 1993.

See: 25 N.J.R. 1957(b), 25 N.J.R. 3240(a).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution thresholds and limits; and added references to candidate committee, joint candidates committee and legislative leadership committee.

Amended by R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

In (c), rewrote the last sentence; and rewrote (g).

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

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

Rewrote (k)2.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (c), (g), (k) and (l), increased dollar amounts.

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Added (a)3.

Amended by R.2004 d.472, effective December 20, 2004 (amendments to (k)2 and (l) operative January 1, 2005).

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Changed dollar amount throughout.

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Rewrote (i).

Amended by R.2008 d.326, effective November 3, 2008.

See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

In (d), inserted designations (d)1 through (d)3; in the introductory paragraph of (d), inserted "the following:"; rewrote (d)1 and (d)2; in (d)3, substituted "An electronic" for "The statement shall also include an original and two photocopies of a"; in (f), substituted "a scanned image" for "three photocopies", "provided" for "photocopied" and "scanned images" for "copies", and inserted "images of" following "campaign committee,"; in (g), substituted "scanned images" for "three photocopies"; and deleted (k) and (l).

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (c) and (g), substituted "\$340,000" for "\$300,000" throughout; and in (c), substituted "\$3,400" for "\$3,000".

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

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

Rewrote the introductory paragraph of (a), (a)1, (b), (c) and the introductory paragraph of (e); in (a)3, substituted "candidates" for "candidate's"; in (c), substituted "the candidate" for "he or she"; in (e)2, substituted "candidate" for "candidates"; in (f), substituted "candidates submit" for "candidate submits"; and in (j), substituted "candidates for the offices of Governor and of Lieutenant Governor are jointly" for "candidate is" and "qualified candidates" for "a qualified candidate".

19:25-15.17A Reporting of issue advocacy organization information

(a) A candidate seeking to qualify for receipt of public matching funds who participated in an issue advocacy organization during the four years prior to the date upon which the candidate became a candidate for election to the office of Governor or office of Lieutenant Governor, or who is at the time of the application for receipt of public matching funds participating in an issue advocacy organization, shall be ineligible to receive public matching funds unless the candidate files an Issue Advocacy Organization Report of Contributions and Expenditures (Form P-2). For the purposes of this section, a candidate shall be deemed to be participating in an issue advocacy organization if the candidate forms or formed, assists or assisted in the formation of, or was or is involved in any way in the management of an issue advocacy organization.

(b) For the purposes of this section, the term "issue advocacy organization" shall mean:

1. An issue advocacy organization that is organized under section 527 of the Federal Internal Revenue Code (26 U.S.C. § 527);

2. An organization that is organized under paragraph (4) of subsection c. of section 501 of the Federal Internal Revenue Code (26 U.S.C. § 501); or

3. An organization that is organized under any other current or future section of the Federal Internal Revenue Code which the Election Law Enforcement Commission determines is similar to any of the organizations described above.

(c) The report filed by a candidate for Governor pursuant to (a) above shall include the following:

1. The name(s) of the issue advocacy organization(s) in which the candidate was a participant during the four years prior to the date upon which he or she became a candidate for election to the Office of Governor or in which the candidate is a participant;

2. The section of the Federal Internal Revenue Code under which the issue advocacy organization is organized;

3. A list from each issue advocacy organization, verified as correct by the candidate, which shall report all contributions received from the inception of the issue advocacy organization, and which shall include for each contribution, the date of receipt, the name of the contributor, the amount of the contribution, and if the contribution was a monetary contribution, an in-kind contribution, or loan;

4. A list from each issue advocacy organization, verified as correct by the candidate, which shall report all expenditures made from the inception of the issue advocacy organization, and which shall include for each expenditure, the date of the payment, the payee name, and the payment amount; and

5. A certification by the candidate of the correctness of the report.

(d) The report filed by a candidate for Lieutenant Governor pursuant to (a) above shall include the following:

1. The name(s) of the issue advocacy organization(s) in which the candidate was a participant during the four years prior to the date upon which the candidate became a candidate for election to the office of Lieutenant Governor or in which the candidate is a participant;

2. The section of the Federal Internal Revenue Code under which the issue advocacy organization is organized;

3. A list from each issue advocacy organization, verified as correct by the candidate, which shall report all contributions received from the inception of the issue advocacy organization, and which shall include for each contribution, the date of receipt, the name of the contributor, the amount of the contribution, and if the contribution was a monetary contribution, an in-kind contribution, or loan;

4. A list from each issue advocacy organization, verified as correct by the candidate, which shall report all expenditures made from the inception of the issue advocacy organization, and which shall include for each expenditure, the date of the payment, the payee name, and the payment amount; and

5. A certification by the candidate of the correctness of the report.

(e) A candidate shall continue to file the Issue Advocacy Organization Report of Contributions and Expenditures (Form P-2) on each date that the candidate applies to receive public matching funds pursuant to N.J.A.C. 19:25-15.18 and on each date established for reporting by a candidate committee pursuant to N.J.A.C. 19:25-8, until such time as the candidate certifies that there are no funds remaining in the issue advocacy organization or organizations and that the issue organization or organizations have wound up their business and been dissolved.

(f) A candidate shall not be required to file the Issue Advocacy Organization Report of Contributions and Expenditures (Form P-2) if the candidate certifies and files the Candidate Certification-Issue Advocacy Organization Participation (Form P-2A) to the effect that:

1. The candidate was not, during the four years prior to the date upon which the candidate became a candidate for election to the office of Governor or Lieutenant Governor a participant in any issue advocacy organization and is not at the time of the application for receipt of public matching funds participating in any issue advocacy organization; or

2. The candidate participated during the four years prior to the date upon which the candidate became a candidate for election to the office of Governor or Lieutenant Governor in an issue advocacy organization or organizations, or is a participant in an issue advocacy organization or organizations at the time of the application for receipt of public matching funds, but the organization or organizations file reports of contributions and expenditures with the Commission or with the Federal Election Commission.

New Rule, R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

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

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

In (a), substituted the first occurrence of "the candidate" for "he or she" and "office of Governor or office of Lieutenant Governor" for "Office of Governor"; in (b)1, (b)2 and (b)3, inserted "that is"; in the introductory paragraph of (c), inserted "by a candidate for Governor"; added new (d), recodified former (d) and (e) as (e) and (f); and in (f)1 and (f)2, substituted "the candidate" for "he or she" and inserted "or Lieutenant Governor".

19:25-15.18 Dates of submission

(a) Statements and certifications may be submitted to the Commission by candidates on or before 12:00 noon of the first Tuesday following the date of the primary election in the year of a general election for the offices of Governor and of Lieutenant Governor of New Jersey, and every other Tuesday thereafter through August 31, and every Tuesday thereafter up to and including the date of the general election being funded.

(b) Statements and certifications may be submitted to the Commission by candidates on or before 12:00 noon of the first Tuesday following the general election and every other Tuesday thereafter up to the first Tuesday following the fifth

month after the general election. No statements and certifications for the general election shall be considered by the Commission thereafter.

(c) In the event that a date for submission shall fall on a holiday, then the submission may be on the next succeeding business day that is not a holiday. The Commission shall promptly approve the certification submitted by the candidate or so much of it as the Commission deems to be proper. In the event that all of the submission is not approved for match, the Commission will promptly so notify the candidate.

(d) Nothing in this section shall relieve any candidate or committee from the preelection or post-election reporting requirements contained in N.J.S.A. 19:44A-8 or 19:44A-16.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

In (a) and (b), substituted "Tuesday" for "Monday" throughout; in (a), substituted "date of" for "Monday immediately preceding" preceding "the general election".

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), (b) and (c), substituted "Commission" for "commission" throughout; in (c), substituted the second occurrence of "that" for "which"; and in (d), substituted "in this section" for "herein contained".

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

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

In (a), substituted "offices of Governor and of Lieutenant Governor" for "office Governor".

19:25-15.19 Matching of State committee contributions; submission dates

(a) The campaign treasurer or deputy campaign treasurer of any candidate seeking matching funds must, on the dates of submission provided in N.J.A.C. 19:25-15.18 deliver to the Commission any statement of contributors or expenditures and photocopies received from any State committee pursuant to N.J.A.C. 19:25-15.37 and must so certify to the Commission. In the event no contribution from a State committee has been received and therefore no deposit made of such State committee contributions in such candidate's matching fund account, the campaign treasurer or deputy campaign treasurer shall so certify to the Commission.

(b) No submission or application for public funds pursuant to N.J.A.C. 19:25-15.18 will be considered by the Commission unless accompanied by written certification in compliance with (a) above.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Commission capitalized and N.J.A.C. cite corrected.

19:25-15.20 Special account for public funds

(a) The Commission shall maintain for each pair of qualified candidates a separate segregated public fund account for deposit of public funds. All public funds received

by the Commission from the General Treasury of the State shall be promptly deposited by the Commission into such separate segregated public fund account. No funds other than such public funds shall be deposited in such separate segregated public fund account, and all expenditures from such account shall be separately identified in reports filed with the Commission.

(b) The campaign treasurer of candidates for the offices of Governor and of Lieutenant Governor, on whose behalf a public fund account has been established, shall file with the Commission on each date upon which a submission for public matching funds has been made pursuant to N.J.A.C. 19:25-15.17, Matching of funds, and N.J.A.C. 19:25-15.18, Date of submission, and for as long as said public fund account is open and such submissions are being made, a report identifying each disbursement made out of the public fund account since the last such submission for public matching funds. The initial report shall identify all such disbursements. The identification of each disbursement from the public fund account shall include the check number, date of payment, amount of payment, full name of payee, full payee mailing address and a complete statement of purpose of the expenditure indicating which of the permitted purposes set forth in N.J.A.C. 19:25-15.24, Use of public funds, is applicable. Failure to file any such report, failure to provide the identification information required in such report, or failure to expend public funds in compliance with N.J.A.C. 19:25-15.24 may result in immediate cessation of public fund deposits by the Commission.

(c) Any report filed pursuant to this section disclosing an expenditure in an aggregate sum exceeding \$5,000 for the purpose of purchase of media consultant services or other services shall be accompanied by a certification from the payee categorizing media advertising purchases or other services provided, incurred or contemplated, and certifying that such funds have been or will be expended in compliance with N.J.A.C. 19:25-15.24.

(d) The reports of disbursements made from the public fund account submitted pursuant to this section shall not be available for public inspection.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1989 d.43, effective January 17, 1989.

See: 20 N.J.R. 2642(a), 21 N.J.R. 173(d).

Added (b)-(d).

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

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

In (a), inserted "pair of" and substituted "candidates" for "candidate"; and in (b), substituted "candidates for the offices of Governor and of Lieutenant Governor," for "a candidate", and inserted a comma following "established".

19:25-15.21 Receipt of public funds

(a) The campaign treasurer or deputy campaign treasurer of any qualified candidates for election to the offices of Governor and of Lieutenant Governor in a general election shall promptly receive, on behalf of such qualified candidates,

public moneys in an amount equal to twice the amount of each contribution eligible for match and deposited in such qualified candidates' matching fund account, described in N.J.S.A. 19:44A-32, except that no payment shall be made to any candidates from such fund for general election campaign purposes for the first \$109,000 deposited in such candidates' matching fund account.

(b) No candidates for election to the offices of Governor and of Lieutenant Governor or their campaign treasurer or deputy campaign treasurer shall receive any general election public matching funds if the Commission determines that an application for matching funds, submitted pursuant to N.J.A.C. 19:25-15.17, contains a contribution or contributions in excess of the general election contribution limit. The Commission shall permit the candidates or their campaign treasurer or deputy campaign treasurer to submit proof that the excessive portion of a contribution or contributions has been refunded.

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised text.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution thresholds.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

Increased dollar amount.

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Designated section as (a) and added (b).

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$96,000" for "\$84,000" preceding "deposited in such candidate's matching fund account".

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a), substituted "\$109,000" for "\$96,000".

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

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

Rewrote the section.

19:25-15.22 Receipt of public funds; limitation

(a) No public funds shall be deposited by the Commission in the public fund account of any qualified candidates on or before the date of the primary election for nomination for the office of Governor of New Jersey immediately preceding the general election for the same office.

(b) The maximum amount which any qualified candidates may jointly receive from public funds shall not exceed \$7.3 million.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Maximum amount of public funding to candidate changed to \$3,300,000.

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised (b).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution limits.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (b), increased dollar amount.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (b), substituted "\$6,400,000" for "\$5,600,000".

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (b), substituted "\$7.3 million" for "\$6,400,000".

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

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

In (a), substituted "candidates" for "candidate"; and in (b), substituted "candidates may jointly" for "candidate may".

19:25-15.23 Receipt of public funds; procedure

The Commission shall certify to the Treasurer of New Jersey the amount to be disbursed to the Commission for the public fund account of each candidate. The Treasurer shall then deliver such amount to the Commission.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Capitalized "Commission".

19:25-15.24 Use of public funds

(a) Public funds received on behalf of qualified candidates from the fund for general election campaign expenses shall be deposited by the Commission in the candidates' public fund account and the candidates' use of such funds shall be strictly limited to the following purposes:

1. Purchase of time on radio and television stations;
2. Purchase of rental space on outdoor signs or billboards;
3. Purchase of advertising space in newspapers, regularly published magazines and periodicals, and on the internet;
4. Payment of the cost of producing the material aired or displayed on radio, television, outdoor signs or billboards, and in newspapers, regularly published magazines and periodicals;
5. Payment of the cost of printing and mailing campaign literature and brochures distributed under the name of the candidate;
6. Payment of the cost of legal and accounting expenses incurred in complying with the public financing regulations of the Commission and with the public financing provisions of the Act;
7. Payment of the cost of telephone deposits, and installation charges and monthly billings in excess of deposits. Within six months after the general election, a candidate shall return to the Commission the amount of any public funds used to pay such telephone deposits which are later returned;

8. Payment of the cost of website communications that are not used for fund-raising purposes;

9. Payment of the cost of email communications that are not used for fund-raising purposes; and

10. Payment for the purchase of lists of postal and email addresses.

(b) Expenditures made prior to the receipt of public funds, including expenditures made for the purpose of determining whether an individual should become a candidate for election to the office of Governor, which fit within (a)1 through 7 above, shall be expenses properly payable out of public funds.

(c) Any expenditure made from the candidates' public fund account which results in the purchase of time on radio and television stations pursuant to (a) above shall be documented by an invoice prepared by the radio or television station listing the media time used and the cost to the candidates. The invoice shall be obtained by the candidates, their campaign treasurer, or deputy campaign treasurer no later than 10 days following the due date for the 20-day postelection report and shall be maintained pursuant to N.J.A.C. 19:25-15.42.

(d) Any expenditure made from the candidates' public fund account shall be identified on election fund reports and submissions for public matching funds to include the check number, date of payment, full name of payee, full payee mailing address, amount of payment, a detailed description of the election-related purpose of the expenditure which includes the applicable permitted use of public funds contained in (a) above and the type of expenditure for each expenditure from a list of expenditure types to be provided by the Commission.

(e) A reimbursement made to a depository or matching fund account of the candidates from the public fund account of the candidates for an expenditure or expenditures permitted under (a) above shall:

1. Be made by individual check from the public fund account in the exact amount of the expenditure or expenditures being reimbursed;
2. Be specifically identified as a reimbursement on the report required pursuant to N.J.A.C. 19:25-15.20(b) and on campaign reports required by the Act; and
3. Contain a list of the previously paid expenditure or expenditures permissible under (a) above for which the reimbursement is being made.

(f) Contributions, other than public funds, received by or on behalf of any candidate (including contributions eligible for match) shall not be subject to the limitations of (a) above, but may be expended for any lawful purpose in furtherance or aid of the candidacy of the candidate.

(b) A reference to a gubernatorial candidate appearing in campaign literature or material circulated to voters by direct mail and paid for by a non-gubernatorial candidate, as defined in (d) below, or by a political party committee, or legislative leadership committee, as defined in N.J.A.C. 19:25-1.7, of the same political party as the gubernatorial candidate, shall be deemed insubstantial and not subject to allocation pursuant to N.J.A.C. 19:25-15.29 provided that:

1. The reference consists of no more than a single use of the name of the candidate for the office of Governor and/or the name of the candidate for the office of Lieutenant Governor in the text, and a single use of the names of the candidates for the offices of Governor and/or of Lieutenant Governor within a slate or listing of the names of gubernatorial and non-gubernatorial candidates, and a single photograph or depiction of the candidate for Governor and/or a single photograph or depiction of the candidate for Lieutenant Governor, provided that a photograph or depiction of each non-gubernatorial candidate larger or of equal size to the gubernatorial candidates' photograph or depiction are included;
2. The size of the print used to reproduce the name of the gubernatorial candidates are the same or smaller than the size of the print used for the names of the non-gubernatorial candidates; and
3. The predominant theme of the text promotes the candidacy or candidacies of the non-gubernatorial candidate or candidates and not that of the gubernatorial candidates.

(c) A reference to a gubernatorial candidate made in a telephone communication to a voter shall be deemed insubstantial and not subject to allocation pursuant to N.J.A.C. 19:25-15.29 provided that:

1. The telephone communication is part of a get-out-the-vote effort of the non-gubernatorial candidate, as defined in (d) below, or of a political party committee or legislative leadership committee, as defined in N.J.A.C. 19:25-1.7, of the same political party as the gubernatorial candidate, conducted seven or fewer days before the gubernatorial general election; and

2. The reference to the gubernatorial candidate is limited to stating the name of the gubernatorial candidate as part of a slate or together with the names of non-gubernatorial candidates.

(d) For the purposes of this section, the term "non-gubernatorial candidate" shall mean any candidate of the same political party as the gubernatorial candidate, other than a gubernatorial candidate, acting alone in a candidate committee or jointly with other candidates in a joint candidates committee.

(e) For the purposes of this section, the references to gubernatorial candidates and pictures of gubernatorial candidates, described in (a), (b), and (c) above, which are

deemed insubstantial and not subject to allocation pursuant to N.J.A.C. 19:25-15.29, shall be strictly limited to references and pictures of a gubernatorial candidate of the same political party as the non-gubernatorial candidate or candidates or political party committee or legislative leadership committee responsible for circulating or causing the circulation of the communication.

New Rule, R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

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

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

Section was "Coordinated expenditures by non-gubernatorial candidates, political party committees and legislative leadership committees". In (a)1, substituted "candidate for the office of Governor and/or the candidate for the office of Lieutenant Governor" for "gubernatorial candidate"; in (a)2, inserted "candidate(s)"; rewrote (b)1; in (b)2, substituted "candidates are" for "candidate is"; and in (b)3, substituted the last occurrence of "candidates" for "candidate"; and in (e), substituted "gubernatorial candidates" for "a gubernatorial candidate", and inserted a comma following "(b)".

19:25-15.30 Borrowing of funds; repayment

Any candidates for the offices of Governor and of Lieutenant Governor, the candidates' campaign treasurer, or deputy campaign treasurer, may borrow funds from any national or State bank, provided that no person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee other than the candidate or the State committee may in any way endorse or guarantee such loan in the aggregate in excess of the \$3,400 contribution limit. Except for a non-participating candidate guaranteeing a loan to the candidate's own campaign, the amount so borrowed shall not at any one time in the aggregate exceed \$50,000 for the campaign, and must be repaid in full by such candidate or the campaign treasurer or deputy campaign treasurer from monies accepted or allocated pursuant to N.J.S.A. 19:44A-29 not later than 20 days prior to the general election. Certification of such repayment shall be made by the borrower to the Commission not later than 15 days prior to the date of the general election. In the event of the failure of the borrower to repay timely the full amount of the loan or to certify properly such repayment to the Commission, all payment of public funds to such candidate shall promptly cease and the Commission shall take action as directed by the Act to prohibit the expenditure by the candidate of monies received from the fund and any other monies received by the candidate in aid of the candidate's campaign in such general election.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Recodified from N.J.A.C. 19:25-15.29 and increased contribution limit from \$800.00 to \$1,500.

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised text.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution limits and added references to candidate committee, joint candidates committee and legislative leadership committee.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

Substituted "\$2,600" for "\$2,100" in the first sentence.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$3,000" for "\$2,600" following "aggregate in excess of".

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

Substituted "\$3,400" for "\$3,000" and substituted "monies" for "mon-
eys" throughout.

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

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

Deleted a comma following the fourth occurrence of "committee" and
substituted "Act" for "act".

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

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

Rewrote the section.

19:25-15.31 Computation of value of goods and services

(a) Goods and services shall, for purposes of the reports required to be filed under the Act and for purposes of the expenditure limitation contained in N.J.S.A. 19:44A-7 where applicable, be valued by the reasonable commercial value of such goods and services to the candidate, whether or not the cost or value of such goods or services to the contributor or other provider of those services is higher or lower than such reasonable commercial value.

Example 1: Candidate Y, a candidate for the office of Governor who has chosen to accept public funding, obtains the use of a helicopter for travel of the candidate for campaign purposes. By agreement with the owner of the helicopter, the campaign committee for the candidate will pay \$900.00 per hour, which represents the cost to the owner of the maintenance and operation of the helicopter. The reasonable commercial value of the use of the helicopter is \$1,000 per hour. In this example, the amount of \$900.00 per hour paid by the campaign committee of the candidate to the owner for use of the helicopter is not includable as an expenditure for purposes of the expenditure limitations contained in N.J.S.A. 19:44A-7. The difference between the \$900.00 per hour actually paid for use of the helicopter and the reasonable commercial value normally charged by the owner for the use of the helicopter, represents a contribution from the owner of the helicopter to the candidate in the amount of \$100.00 per hour. The candidate could obtain the use of the helicopter under this arrangement from a lawful contributor for campaign purposes for not more than 34 hours. If the candidate obtained the use of the helicopter for 35 hours under this arrangement, the owner of the helicopter would have made an unlawful contribution to the candidacy of the candidate, since the aggregate of the contributions \$3,500 from that contributor in this instance would have exceeded \$3,400.

Example 2: Candidate Y in example 1, wishes to obtain the use of the helicopter from the owner for 15 hours, and the campaign committee for the candidate pays to the owner the reasonable commercial value of \$1,000 for each hour, or a total of \$15,000. The amount paid to the owner is not an expenditure within the expenditure limitation contained in

N.J.S.A. 19:44A-7. On these facts the owner has made no contribution to the candidate.

In Example 1 and Example 2, the total amounts of expenditures, including expenditures not subject to the expenditure limitation of N.J.S.A. 19:44A-7, must be reported in the preelection and postelection reports filed on behalf of the candidate.

(b) The costs of a political communication as defined in N.J.A.C. 19:25-10.10 which aids or promotes candidates for the offices of Governor and of Lieutenant Governor, and is undertaken, made or circulated with the cooperation or consent of the candidates, shall be reported by the candidates in the same manner as the receipt of any goods and services, and shall be valued for the purposes of the contribution limit in N.J.A.C. 19:25-15.6 and the expenditure limit in N.J.A.C. 19:25-15.11(a)3 in the same manner as any other contributed goods or services.

Amended by R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Recodified from N.J.A.C. 19:25-15.30 and increased dollar amounts in examples 1 and 2 and added new (b).

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised (a)1 and 2.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), increased dollar amounts and hours.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "30 hours" for "26 hours" following "purposes for not more than", "31 hours" for "27 hours" following "use of the helicopter", "\$3,100" for "\$2,700" following "since the aggregate of the contributions", "\$3,000" for "\$2,600" following "in this instance would have exceeded" in Example 1.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In Example 1 of (a), substituted "34" for "30", "35" for "31", "\$3,500" for "\$3,100", and "\$3,400" for "\$3,000".

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

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

In the introductory paragraph of (a), substituted "Act" for "act".

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

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

In (b), substituted "candidates for the offices of Governor and of Lieutenant Governor" for "a candidate for Governor" and substituted the second and third occurrence of "candidates" for the second and third occurrence of "candidate".

19:25-15.32 Establishment of State committee account; contribution limit

(a) A State committee may establish a State committee account in a national or State bank, authorized to do business in the State of New Jersey, on behalf of any candidates for election to the offices of Governor and of Lieutenant Governor in a general election.

(b) Upon or after establishment of a State committee account by a State committee, such State committee may allocate and deposit certain contributions received by it in

such account. Only a contribution of up to \$3,400, or up to \$3,400 of a contribution in excess of \$3,400 may be so deposited, and only if such deposit does not result in the contributor exceeding a contribution of \$3,400 in the aggregate to such or on behalf of such candidate.

(c) Notwithstanding any provision of this section, any contribution allocated and deposited in a State committee account must be of moneys or other things of value pledged to or received by such State committee in a calendar year in which the gubernatorial election being funded is held.

(d) Any deposit in a State committee account must be from contributions eligible for match, except that proceeds of a loan to the State committee made pursuant to N.J.S.A. 19:44A-44 may be deposited.

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Recodified from N.J.A.C. 19:25-15.31 and increased contribution limit from \$800.00 to \$1,500.

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised (b).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution limits.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (b), increased dollar amounts.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (b), substituted "\$3,000" for "\$2,600" throughout.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (b) substituted "\$3,400" for "\$3,000" throughout.

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

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

In (a), substituted "on" for "in" preceding "behalf" and "candidates for election to the offices of Governor and of Lieutenant Governor" for "candidate for election to the office of Governor".

19:25-15.33 State committee expenditures; ineligible for match; expenditure limit

(a) Any expenditure by a State committee on behalf of candidates for election to the offices of Governor and of Lieutenant Governor shall be made only from the State committee account as defined in this subchapter of such State committee.

(b) Any contribution deposited in a State committee account and expended, and thereby unavailable for transfer and deposit in a matching fund account of a candidate, shall not be eligible for match.

(c) Any expenditure by a State committee in aid of the candidacy of a candidate shall be included in determining total expenditures of such candidate subject to the expenditure limit contained in N.J.A.C. 19:25-15.11(a)3.

Recodified by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Recodified from N.J.A.C. 19:25-15.32.

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

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

In (a), substituted "candidates for election to the offices of Governor and of Lieutenant Governor" for "a candidate for election to the office of Governor".

19:25-15.34 State committee treasurer

The campaign treasurer or deputy campaign treasurer of any State committee, designated by such State committee pursuant to N.J.S.A. 19:44A-10, shall be the campaign treasurer or deputy campaign treasurer of any State committee account established by said State committee.

Recodified by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Recodified from N.J.A.C. 19:25-15.33.

19:25-15.35 Notice by State committee to contributor

(a) The campaign treasurer or deputy campaign treasurer of any State committee depositing any contribution in a State committee account of such State committee must give written notice of such deposit to the contributor within 48 hours of such deposit, and such notice shall contain the following information:

1. The State committee has allocated part or all, as the case may be, of a contribution made by the contributor to candidates for the offices of Governor and of Lieutenant Governor;
2. The allocated contribution counts toward the \$3,400 the contributor may contribute to candidates for the offices of Governor and of Lieutenant Governor, jointly;
3. The name and address of the contributor;
4. The amount and date of the contribution to the State committee;
5. The amount of the contribution deposited on behalf of the candidates.

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Recodified from N.J.A.C. 19:25-15.34 and increased contribution limit from \$800 to \$1,500.

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised (a)2.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution limits.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a)2, increased dollar amount.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$3,000" for "\$2,600" in 2.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a)2 substituted "\$3,400" for "\$3,000".

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

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

In (a)1, substituted "candidates for the offices of Governor and of Lieutenant Governor" for "a candidate for the office of Governor"; in (a)2, substituted "candidates for the offices of Governor and of Lieutenant Governor, jointly" for "a candidate for the office of Governor"; and in (a)5, substituted "candidates" for "candidate".

19:25-15.36 State committee statements

(a) The campaign treasurer or deputy campaign treasurer of a State committee that has established a State committee account shall prepare and maintain a statement of contributors whose contributions have, in whole or part, been deposited in said State committee account. Such statement of contributors shall conform in content and form to that described in N.J.A.C. 19:25-15.17(d).

(b) The campaign treasurer or deputy campaign treasurer of a State committee shall prepare and maintain a statement of expenditures from a State committee account of such State committee. Such statement of expenditures shall contain for each expenditure a check number, date, name and address of payee, amount and brief description of purpose.

(c) The statement of contributors described in (a) above shall include a photocopy of the face of each check or other written instrument as described in N.J.A.C. 19:25-15.14 for each contribution reported on the statement of contributors. Where a check is endorsed by some person other than the campaign treasurer or deputy campaign treasurer of the State committee, the face and back must be photocopied. The photocopies shall be segregated by deposit, sorted in the order in which the contributors are listed pursuant to N.J.A.C. 19:25-15.17(d) and accompanied by copies of the relevant receipted deposit slips.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

(c) added: "sorted in the order ... N.J.A.C. 19:25-15.17(d)".

Recodified by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Recodified from N.J.A.C. 19:25-15.35.

Case Notes

Former regulation regarding post-primary payment of primary expenses invalid; non-profit association standing. *Common Cause v. New Jersey Election Law Enforcement Commission*, 151 N.J.Super. 265 (App.Div.1977), aff'd 74 N.J. 231 (1977).

19:25-15.37 Certification and delivery of statements

(a) The campaign treasurer or deputy campaign treasurer of a State committee that has established a State committee account on behalf of a candidate shall certify to the campaign treasurer or deputy campaign treasurer of such candidate, and to the Commission, the correctness of the statements and photocopies prepared pursuant to N.J.A.C. 19:25-15.36.

(b) The statements and photocopies certified pursuant to (a) above shall be delivered by the campaign treasurer or deputy campaign treasurer of such State committee to the campaign treasurer or deputy campaign treasurer of the candidate on whose behalf the statements and photocopies have been prepared and to the Commission no later than the Thursday preceding the dates of submission for matching fund applications of candidates set forth in N.J.A.C. 19:25-15.18.

(c) The statements and photocopies to be delivered pursuant to (b) above shall include all contributions and expenditures during the periods of time as follows:

1. The statement of contributors prepared pursuant to N.J.A.C. 19:25-15.36(a) shall include contributions deposited in the State committee account from the date of the most previous statement of contributors delivered to the candidate or, if no previous statement has been delivered, from the date the State committee account was established, until the date preceding the transfer to the candidate;

2. The statement of expenditures prepared pursuant to N.J.A.C. 19:25-15.36(b) shall include all expenditures from the date of the most previous statement of expenditures delivered to the candidate or, if no previous statement has been delivered, from the date the State committee account was established, until the date preceding the transfer to the candidate;

3. Photocopies of checks prepared pursuant to N.J.A.C. 19:25-15.36(c) shall pertain to contributions listed in the statement of contributors.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Recodified from N.J.A.C. 19:25-15.36 and changed internal N.J.A.C. cite.

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

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

In (b), substituted "Commission" for "commission".

19:25-15.38 Transfer of deposits; certification

(a) A State committee may transfer deposits made on behalf of a candidate in its State committee account to the matching fund account of such candidate, provided certified statements and photocopies relating to such deposits have been delivered to the treasurer or deputy campaign treasurer of such candidate as provided in N.J.A.C. 19:25-15.37.

(b) At the time of making a transfer pursuant to (a) above, the campaign treasurer or deputy campaign treasurer of the State committee shall certify in writing to the campaign treasurer or deputy campaign treasurer of the candidate in whose matching fund account a transfer is to be made, and certify to the Commission, that the deposit includes only contributions eligible for match and does not include any contribution which must be or is intended by the contributor or recipient to be refunded or repaid at any time and that no contribution by any county or municipal committee is included.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Recodified from N.J.A.C. 19:25-15.37 and updated internal N.J.A.C. cite.

19:25-15.39 County and municipal committee expenditures; reports

(a) The county committee of a political party in a county and the municipal committees of that political party in the same county may make an expenditure or expenditures in the aggregate of \$10,000 in aid of the candidacy of or on behalf of candidates for election to the offices of Governor and of Lieutenant Governor in a general election.

(b) Candidates for election to the offices of Governor and of Lieutenant Governor, or their campaign treasurer, or deputy campaign treasurer shall determine the exact amount that individual county committees or municipal committees may contribute in aid of the candidacies of or on behalf of such candidates, and shall file a report of such determination with the Commission no later than the 11th day prior to the general election being funded.

(c) Any expenditures in aid of the candidacies of candidates for election to the offices of Governor and of Lieutenant Governor, jointly, by the county committee of a political party and the municipal committees of that political party in the same county, shall be included in determining the total expenditures of such candidates subject to the expenditure limit contained in N.J.A.C. 19:25-15.11(a)3.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Recodified from N.J.A.C. 19:25-15.38 and amended to implement the statutory changes in the amounts county and municipal political party committees are permitted to spend in a general election on behalf of a gubernatorial candidate (see Section 5 of P.L. 1989, c.4, amending N.J.S.A. 19:44A-29). Also, subsection (c) has been added to specify that such expenditures must be allocated and counted in determining a gubernatorial candidate's compliance with the expenditure limit (see N.J.S.A. 19:44A-7, amended by Section 2, P.L. 1989, c.4).

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

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

In (b), substituted "Commission" for "commission" and "11th" for "eleventh".

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

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

Rewrote the section.

19:25-15.40 County and municipal committee reports

Any county or municipal committee making any expenditure on behalf of any candidates for the offices of Governor and of Lieutenant Governor in a general election shall file quarterly reports pursuant to N.J.S.A. 19:44A-8 and shall provide written notice to the candidate pursuant to N.J.A.C. 19:25-12.3.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Added "and shall provide ... of candidates."

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Recodified from N.J.A.C. 19:25-15.39.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

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

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

Substituted "candidates for the offices of Governor and of Lieutenant Governor" for "candidate for the office of Governor".

19:25-15.41 County and municipal committees; prohibition on transfers

No county committee or municipal committee may transfer or contribute any funds to any candidate or to any candidate's campaign treasurer or deputy campaign treasurer, or to any political committee supporting any candidate.

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Recodified from N.J.A.C. 19:25-15.40.

19:25-15.42 Maintenance of records; audit

(a) The campaign treasurer or deputy treasurer of each candidate and each State committee shall retain all written instruments, checks, bank statements and all other records of contributions and expenditures, including originals or photocopies of all documents and instruments submitted to the Commission relating to the general election for a period of not less than four years after submission of the final report for the general election.

(b) Each candidate, campaign treasurer or deputy campaign treasurer, or State committee campaign treasurer or deputy campaign treasurer, shall furnish to the Commission any books and records, including bank records for all accounts and supporting documentation for matching fund submissions as may be requested by the Commission for purposes of an audit or other Commission examination.

(c) Each candidate, campaign treasurer or deputy campaign treasurer shall, in addition to the recordkeeping requirements in (a) above and in this chapter, make and maintain a written record of each expenditure made from a candidate's public fund account which results in the purchase of time on radio and television stations, which record shall contain the exact amount of the total expenditure that was used for each of the following purposes:

1. The purchase of time on radio stations;
2. The amount of any credit for radio time that was not used;
3. The purchase of time on television stations;
4. The amount of any credit for television time that was not used;
5. The payment of the cost to produce the material aired on the radio and television stations;
6. The payment of any commission; and
7. The amount, if any, that is due to be refunded.

Amended by R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Added: "submission of the final report for general election."

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Recodified from N.J.A.C. 19:25-15.41.

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Added (c).

19:25-15.43 Disclosure of information

The statements and certifications submitted by a candidate in accordance with N.J.A.C. 19:25-15.17 shall not be public records and shall not be available for public inspection; provided, however, the Commission shall from time to time publish a listing which shall contain the information included in the statements and certifications for each contribution, except that it shall not include the name, address or amount of contribution of any contributor whose contributions in the aggregate are \$300.00 or less unless the candidate authorizes such disclosure in writing.

Amended by R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Added "unless the candidate authorizes such disclosure in writing."

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Recodified from N.J.A.C. 19:25-15.42.

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Deleted text in section.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution limits.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

Increased dollar amount.

Amended by R.2004 d.472, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$300.00" for "\$400.00."

19:25-15.44 Prepared statement on behalf of candidates; reimbursement of ballot statement costs

(a) Candidates for the offices of Governor and of Lieutenant Governor shall be entitled to have a joint statement submitted by the candidates to the Commission, printed and mailed by each county clerk with the sample ballot to each registered voter in the county, together with a short explanation from the Commission that such statements are provided pursuant to the Act and this subchapter to assist the voters in making a determination among the candidates for the offices of Governor and of Lieutenant Governor.

(b) Candidates for the offices of Governor and of Lieutenant Governor who wish such a joint statement mailed on their behalf shall submit to the Commission, on forms to be provided by the Commission, a proposed statement which shall not exceed 500 words in length. The statement shall be submitted to the Commission on or before the 80th day prior to the date on which the general election is to be held.

(c) On or before the 45th day prior to the date on which the general election is to be held, the Commission shall supply each county clerk with the text of the statement received from candidates for election to the offices of Governor and of Lieutenant Governor.

(d) On or before the 45th day prior to the date on which the general election is to be held, the Commission shall determine the total amount of funds available for reimbursement to all 21 counties of the cost of printing and mailing of such

ballot statements and shall notify all county clerks of the total amount of funds available for reimbursement. Such reimbursement shall be made on a pro rata basis if adequate funds are not appropriated by the Governor and the Legislature to reimburse all counties fully. Reimbursement shall not be made to the counties if no funds are appropriated to the Commission by the Governor and the Legislature for that purpose.

(e) No later than December 15th following a general election for the office of Governor, each county clerk shall submit to the Commission on a form provided by the Commission a claim for reimbursement only of the added sample ballot costs which are attributable directly to the printing and mailing of the gubernatorial candidates' statements.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Substituted "80th" day for "60th" day.

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Recodified from N.J.A.C. 19:25-15.43 and new (d) added.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Substantially amended (d) and added (e).

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

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

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

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

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

Section was "Prepared statement on behalf of candidate; reimbursement of ballot statement costs". Rewrote (a), (b) and (c).

19:25-15.45 Postelection contribution; postelection payment of expenses

(a) Any person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee otherwise eligible to make political contributions to a candidate or a State committee may make a contribution in aid of the candidacies of candidates for the offices of Governor and of Lieutenant Governor, jointly, after the date of such general election, provided such person or committee does not exceed \$3,400 in the aggregate for such general election.

(b) Contributions received by candidates for the offices of Governor and of Lieutenant Governor, or a State committee, or a campaign treasurer or deputy campaign treasurer of candidates for the offices of Governor and Lieutenant Governor, or State committee pursuant to (a) above shall be expended in order to liquidate all obligations and to pay expenses incurred during the general election campaign.

(c) Every payment of expenditures for general election obligations made by candidates for the offices of Governor and of Lieutenant Governor, or State committee, or campaign treasurer or deputy campaign treasurer of candidates for the offices of Governor and of Lieutenant Governor, or State committee after the date of the general election (except as otherwise specifically provided by the Act or this subchapter, for example, compliance costs) shall be deemed to be expend-

itures for such general election within the meaning of N.J.S.A. 19:44A-7.

(d) Contributions received by candidates for the offices of Governor and of Lieutenant Governor, or State committee, or campaign treasurer or deputy campaign treasurer of candidates for the offices of Governor and of Lieutenant Governor, or State committee after the date of the general election for that election shall be eligible for matching of funds and shall be matched provided they are submitted pursuant to N.J.A.C. 19:25-15.17 and 15.18 up to the first Monday following the fifth month after the general election.

Amended by R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Recodified from N.J.A.C. 19:25-15.44; reference to continuing political committee added and increased contribution limit from \$800.00 to \$1,500.

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised text.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution limits and added references to candidate committee, joint candidates committee and legislative leadership committee.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), increased dollar amount.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$3,000" for "\$2,600".

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

Section was "Post-election contribution; post-election payment of expenses". In (a), substituted "\$3,400" for "\$3,000".

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

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

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

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

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

Rewrote the section.

19:25-15.46 Funds or materials remaining from general election campaign

Public moneys received by qualified candidates may be retained by such qualified candidates for a period not exceeding six months after the general election for which such moneys were received in order to liquidate all obligations and to pay expenses for the purposes permitted by N.J.A.C. 19:25-15.24 which expenses were incurred during the general election campaign.

Recodified by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Recodified from N.J.A.C. 19:25-15.45.

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

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

Deleted "a" preceding "qualified", substituted "candidates" for "candidate" twice, and inserted "be".

19:25-15.47 Repayment of public or other funds

(a) All public moneys received by qualified candidates remaining after liquidation of all lawful obligations with

respect to that election shall be repaid to the Commission (for return to the Treasurer of the State of New Jersey) not later than six months after the date of such general election. All moneys other than public moneys, remaining available to any qualified candidates after the liquidation of all obligations, shall also be repaid to the Commission (for return to the Treasurer of the State of New Jersey) not later than six months after the date of such general election; provided, however, that nothing herein contained shall require any candidate to pay to the State Treasurer, a total amount of moneys in excess of the total amount of public moneys received by such qualified candidates from the public fund.

(b) No candidate who has received public funds shall incur any debt or make any expenditure after the date of the election for any purpose other than the following:

1. To satisfy outstanding obligations incurred on or before the date of the election made for appropriate campaign purposes; or
2. To pay the reasonable and necessary costs of closing the campaign.

(c) An election night celebration or event conducted by a candidate who has received public funds will be deemed a reasonable and necessary cost of closing the campaign provided that it is conducted on the date of the general election.

Correction: In (a), ... with respect to ("their" deleted) "that" added.

See: 21 N.J.R. 1021(b).

Recodified by R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Recodified from N.J.A.C. 19:25-15.46.

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

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

In (a), deleted "a" preceding the first occurrence of "qualified" and substituted "candidates" for the first, second and fourth occurrences of "candidate".

19:25-15.47A Disposal of assets

Any materials remaining from the general election campaign of publicly financed candidates, including, but not limited to, campaign literature, buttons, office supplies, and any other equipment, may not be transferred or given to any other election campaign of such candidates or of any other candidate or entity, but must be purchased by a person or entity for cost or other reasonable value.

New Rule, R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

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

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

Deleted "a" preceding "publicly" and substituted "candidates" for the first and second occurrences of "candidate".

19:25-15.47B Application for termination of reporting with net liabilities by publicly financed candidates

(a) Publicly financed candidates who have returned all public moneys to the Commission in compliance with the requirements of N.J.A.C. 19:25-15.47, but who have con-

tinued to file postelection quarterly reports to report net liabilities, that is, outstanding obligations in excess of the total assets of the candidate committee, including its cash balance in all of its depository accounts, may apply to the Commission to file a final report to terminate the reporting of the candidates' committee as set forth in (b) through (e) below.

(b) Such application shall not be made earlier than seven years after the date of the election.

(c) Each candidate for the office of Governor, candidate for the office of Lieutenant Governor, and their treasurer filing an application for termination of reporting shall certify the following:

1. For each outstanding obligation, the date each obligation was incurred and the date it was first reported on a report filed with the Commission;
2. A statement describing the efforts made by the campaign to retire the outstanding obligations, including, without limitation, efforts to compromise or resolve the debt with the vendor or service provider;
3. That the candidate committee expects to receive no further contributions to retire its net liabilities in the election;
4. That the candidate committee has liquidated all assets and applied proceeds from such liquidation to retire debt;
5. That the candidate committee expects to make no further expenditures except to bring any remaining depository account balance to zero; and
6. All reports required by the Reporting Act and this chapter have been timely filed and correctly stated, except for good cause shown.

(d) For each outstanding obligation described in (c)1 above, the candidate for the office of Governor, the candidate for the office of Lieutenant Governor, and the treasurer shall each make a separate certification that no pledge or commitment has been made or received by any candidate or treasurer, or other authorized person or representative of the campaign, or by the candidate committee, that the payment of such obligation will be forgiven or assumed by any party other than the candidate committee.

(e) The Commission shall review each such application and shall grant its approval to such application based upon consideration of all factors set forth in (c) and (d) above, and whether or not all outstanding audit issues have been resolved with the candidate committee.

New Rule, R.2009 d.89, effective March 16, 2009.
See: 40 N.J.R. 6763(a), 41 N.J.R. 1267(c).
Amended by R.2010 d.062, effective April 19, 2010.
See: 41 N.J.R. 4682(a), 42 N.J.R. 811(a).

In (c)6, substituted "this chapter" for "Commission rules".

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

In (a), substituted "Publicly financed candidates who have" for "A publicly financed candidate who has", the second occurrence of "have" for the second occurrence of "has" and "candidates" for the last occurrence of "candidate"; in the introductory paragraph of (c) and in (d), inserted "for the office of Governor, candidate for the office of Lieutenant Governor,"; in the introductory paragraph of (c), inserted "their"; and in (d), inserted the second occurrence of "each".

19:25-15.47C Final report certification with net liabilities for publicly financed candidates

(a) Upon approval by the Commission pursuant to the provisions of N.J.A.C. 19:25-15.47B, publicly financed candidates for the offices of Governor and of Lieutenant Governor, and their treasurer may file a final report and certification of termination of reporting upon a form prescribed by the Commission.

(b) Each candidate and treasurer filing a final report described in (a) above shall recertify the statements described in N.J.A.C. 19:25-15.47B(d) for each outstanding obligation.

(c) The final report shall show a zero balance in all campaign depository accounts and all final expenditures of the campaign fund in accordance with N.J.A.C. 19:25-15.45, Post-election payment of expenses, and N.J.A.C. 19:25-15.47, Repayment of public or other funds.

(d) An outstanding obligation reported on a certificate of termination of reporting filed pursuant to (a), (b) and (c) above shall not be considered a "contribution" as defined at N.J.A.C. 19:25-1.7.

(e) Notwithstanding (d) above, by enacting these provisions, the Commission does not waive its authority pursuant to N.J.S.A. 19:44A-6(b)10 to make a referral to the Office of the Attorney General for possible violations of N.J.S.A. 19:44A-21(a) and (b), upon subsequent receipt of evidence of false certification or misrepresentation of contributions or expenditures.

New Rule, R.2009 d.89, effective March 16, 2009.

See: 40 N.J.R. 6763(a), 41 N.J.R. 1267(c).

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

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

In (a), deleted "a" preceding "publicly" and substituted "candidates for the offices of Governor and of Lieutenant Governor, and their treasurer" for "candidate".

19:25-15.48 Candidates' statements of qualification before participation in public financing

(a) Candidates for the offices of Governor and of Lieutenant Governor who intend to apply to the Commission for public matching funds on a date later than September 1 preceding a general election for the office of Governor must on or before September 1 preceding the general election for Governor file:

1. Certified statements of qualification containing evidence that \$340,000 has been jointly deposited and

expended pursuant to N.J.S.A. 19:44A-32 for gubernatorial general election campaign expenses. Evidence that \$340,000 has been deposited and expended shall be filed with the Commission on September 1 preceding a general election for the office of Governor and in a form to be prescribed by the Commission.

2. Each contribution submitted in the report required by (a)1 above as evidence that \$340,000 in contributions has been deposited must be accompanied by a written statement, which shall identify the individual making the contribution by full name and full mailing address (number, street, city, state, zip code), the name of the candidate, the amount and date of receipt of the contribution, and shall bear the signature of the contributor. The requirement of such written statement will be deemed to be satisfied in the case where a contribution is made by means of a check, money order or other negotiable instrument payable on demand and to the order for, or specially endorsed without qualification to, the candidate or to his campaign committee, if such check, money order or instrument contains all of the foregoing information.

3. Each disbursement submitted in the report required by (a)1 above as evidence that \$340,000 has been expended for general election expenses shall include two photocopies of checks, receipted bills, contracts, or similar documents as evidence of the expenditure of at least \$340,000.

4. For each contribution from an individual whose aggregate contributions to the candidates, jointly, in the general election exceed \$300.00 which is submitted in the report required pursuant to this section, the certified statement of qualification shall include the occupation of the individual and the name and mailing address of the individual's employer.

(b) The reports filed pursuant to (a) above to establish qualification shall not be available for public inspection.

(c) Any report required to be filed pursuant to (a) above shall be filed using electronic filing software supplied by the Commission pursuant to N.J.A.C. 19:25-3.

New Rule, R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Rule formerly at this cite was recodified to N.J.A.C. 19:25-15.60.

Administrative correction to (a)3.

See: 21 N.J.R. 2530(a).

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised (a).

Amended by R.1993 d.363, effective July 19, 1993.

See: 25 N.J.R. 1957(b), 25 N.J.R. 3240(a).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution limits.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), increased dollar amounts.

Amended by R.2004 d.472, effective December 20, 2004 ((a)4 operative January 1, 2005).

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$300,000" for "\$260,000" throughout 1 through 3, and substituted "\$300.00" for "\$400.00" in 4.

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Rewrote (c).

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a)1 through (a)3, substituted "\$340,000" for "\$300,000" throughout; and in (a)2, inserted a comma following the first occurrence of "statement".

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

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

Section was "Candidate statement of qualification before participation in public financing". In the introductory paragraph of (a), substituted "Candidates for the offices of Governor and of Lieutenant Governor who intend" for "A candidate who intends"; in (a)1, substituted "Certified statements" for "A certified statement" and inserted "jointly"; and in (a)4, substituted "candidates, jointly," for "candidate".

19:25-15.49 Statement of candidates electing to participate in debates

(a) Candidates for the offices of Governor and of Lieutenant Governor who have not by September 1 preceding a general election applied to the Commission for public matching funds may elect to participate in the series of interactive gubernatorial general election debates by:

1. Notifying the Commission in writing no later than September 1 preceding the general election for the office of Governor of the candidate for the office of Governor's intent to participate in the two general election debates for the office of Governor, and the candidate for the office of Lieutenant Governor's intent to participate in one general election debate for the office of Lieutenant Governor; and

2. Filing statements of qualifications containing evidence that \$340,000 has been jointly deposited and expended pursuant to N.J.S.A. 19:44A-32 for gubernatorial general election expenses. The statements of qualifications shall contain the same information, as required at N.J.A.C. 19:25-15.48(a).

(b) The reports filed pursuant to (a) above to establish qualification for participation in gubernatorial general election debates shall not be available for public inspection; however, the Commission shall publish a listing which shall contain the information included in the statement of qualification, filed pursuant to (a)2 above, for each contribution, except that it shall not include the name, address or amount of contribution of any contributor whose contributions in the aggregate are \$300.00 or less unless the candidates authorize such disclosure in writing.

(c) Candidates for the office of Governor and of Lieutenant Governor who do not elect to accept public financing but who wish to participate in the series of interactive candidates' debates pursuant to the provisions of (a) above:

1. May use personal funds to meet all or part of the threshold deposited amount for qualification. Any such candidates shall include required documentation of their own funds pursuant to the requirements of (a) above; and

2. Shall not use repayment of any loan amount to meet any part of the threshold expended amount for qualification.

(d) Any report required to be filed pursuant to (a) above shall be filed using electronic filing software supplied by the Commission pursuant to N.J.A.C. 19:25-3.

New Rule, R.1989 d.341, effective June 5, 1989.

See: 21 N.J.R. 1109(a), 21 N.J.R. 1837(a).

Rule formerly at this cite was recodified to N.J.A.C. 19:25-15.61.

Amended by R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Revised (a)2.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution limits.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a)2, increased dollar amount.

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Rewrote (b).

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$300,000" for "\$260,000" in 2.

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

In (b), substituted "\$300.00" for "\$400.00"; rewrote (c).

Amended by R.2008 d.326, effective November 3, 2008.

See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

In (a)2, updated the N.J.S.A. reference; added new (c); and recodified former (c) as (d).

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a)2, substituted "\$340,000" for "\$300,000".

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

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

In the introductory paragraph of (a), substituted "Candidates for the offices of Governor and of Lieutenant Governor who have" for "A candidate who has"; rewrote (a)1; in (a)2, substituted the first occurrence of "statements of qualifications" for "a statement of qualification" and the second occurrence of "statements of qualifications" for "statement of qualification"; inserted "jointly", and deleted "that" preceding "required"; in (b), substituted "candidates authorize" for "candidate authorizes"; in the introductory paragraph of (c), substituted "Candidates for the office of Governor and of Lieutenant Governor who do" for "A candidate who does" and "wish" for "wishes"; and in (c)1, substituted "their" for "his or her".

19:25-15.50 Application to sponsor debates for the offices of Governor and of Lieutenant Governor

(a) To be eligible for selection by the Commission to sponsor one or both of the interactive general election debates for the office of Governor, or the debate for the office of Lieutenant Governor, an organization:

1. Must be unaffiliated with any political party or with any holder of or candidate for public office;

2. Must not have endorsed any candidate in the pending general election for the offices of Governor and of Lieutenant Governor and must agree not to make any such endorsement until the completion of any debate sponsored by the organization; and

(b) Any association of two or more separately owned news publications or broadcasting outlets, including newspapers, radio stations or networks, and television stations or networks, having between or among them a substantial readership or audience in this State, and any association of print or broadcast news or press service correspondents having among them a substantial readership or audience in this State, shall be eligible to sponsor any such gubernatorial general election debate.

(c) Written applications by organizations to sponsor one or both of the general election debates for the office of Governor, or the debate for the office of Lieutenant Governor, shall be submitted to the Commission on a form provided by the Commission not later than July 1 of any year in which a general election is held for the office of Governor. The written application shall set forth the following information:

1. The time and date of broadcast of the debate or debates;

2. The specific television and radio stations and other media outlets which have committed to air, broadcast, or simulcast the debate or debates, and the specific New Jersey counties and number of households reached by those specific television and radio stations and other media outlets;

3. The specific television and radio stations and other media outlets which have committed to rebroadcast the debate or debates, and the specific dates and times of such rebroadcast;

4. The location of the debate or debates, and a description of the building or facility including legal seating capacity and accessibility for persons with physical disabilities;

5. A specific description of the format of the debate or debates, including plans for interactive exchanges among the candidates and opportunities for the public to direct questions to the candidates;

6. Specific plans to disseminate information to the public concerning the date, time, location, and media outlets airing or broadcasting the debate or debates;

7. Specific plans, including plans for newspaper advertisements, to disseminate information to the public concerning the date, time, location, and media outlets airing or broadcasting the debate or debates;

8. Plans for accessibility of the debate or debates to hearing-impaired persons in the broadcast audience;

9. Arrangements for a debate moderator or moderators; and

10. Sources of financial support to the organization to underwrite costs associated with the debate or debates.

erned by the New Jersey Uniform Administrative Procedure Rules, N.J.A.C. 1:1, and the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(e) Relief in an action brought pursuant to this section shall be limited to either or both of the following:

1. A finding or findings that an expenditure or expenditures be counted toward the respondent's expenditure limit in N.J.A.C. 19:25-15.11(a)3; and/or

2. A finding or findings that the respondent shall return public matching funds to the State as directed by the Commission because the expenditure limit in N.J.A.C. 19:25-15.11(a)3 has been exceeded.

(f) The Executive Director of the Commission or his or her designee shall be authorized to find that a verified complaint requesting emergent review pursuant to (b) above is deficient and shall not be referred to the Commission for emergent hearing consideration. The Executive Director shall notify the complainant in writing that the verified complaint is deficient. The grounds for finding that a verified complaint is deficient shall include, but not be limited to, any one or more of the following:

1. The verified complaint names as the complainant a person or entity other than a gubernatorial candidate in the election that is the subject of the complaint;

2. The verified complaint names as the respondent a person or entity other than a publicly financed gubernatorial candidate in the election that is the subject of the complaint;

3. The verified complaint does not allege a violation of the general election expenditure limit; or

4. The verified complaint does not contain specific evidence that the alleged expenditure limit violation is in an amount of at least \$10,000.

New Rule, R.1993 d.207, effective May 17, 1993.

See: 25 N.J.R. 910(a), 25 N.J.R. 1994(a).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Inserted (a)2; recodified existing (a)2 as (a)3; inserted (b); recodified existing (b) as (c); and added (d).

Amended by R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

In (a), inserted a new 2, recodified former 2 and 3 as 3 and 4, and added “, including the complainant's best estimate of the amount expended by the gubernatorial candidate and the alleged facts supporting that estimate” at the end of the new 4; in (b), added “and evidence that the alleged expenditure limit violation is in an amount of at least \$10,000” at the end; and added (e).

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

In (a)2, inserted “pending general election” preceding “gubernatorial public financing”; in (b), rewrote the introductory paragraph and added 1 through 3; added (f).

19:25-15.66 Postelection proceedings for return of funds

Candidates for election to the offices of Governor and of Lieutenant Governor who have jointly qualified to and

receive public matching funds in an election shall be subject to postelection proceedings undertaken by the Commission seeking reimbursement if the expenditure limit in N.J.A.C. 19:25-15.11(a)3 has been exceeded, or if public funds have been spent in violation of N.J.A.C. 19:25-15.24, or for any other alleged violation pertinent to the legality of funds awarded in the general election.

New Rule, R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

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

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

Rewrote the section.

SUBCHAPTER 16. PUBLIC FINANCING OF PRIMARY ELECTION FOR GOVERNOR

Subchapter Historical Note

Petition for Rulemaking. See: 33 N.J.R. 2353(a).

Public Notice: Public Financing of Primary and General Elections for the Office of Governor. See: 34 N.J.R. 1284(a).

Public Notice: Election Law Enforcement Commission: Public Hearings Regarding Financing of Primary and General Elections for the Office of Governor. See: 38 N.J.R. 1354(a).

Public Notice: Election Law Enforcement Commission: Public Hearings Regarding Financing of Primary and General Elections for the Office of Governor. See: 42 N.J.R. 677(a).

19:25-16.1 Scope of subchapter

The provisions of this subchapter shall be applicable to the primary election campaign for nomination for election to the office of Governor of New Jersey in June 1981 and every such primary gubernatorial campaign held thereafter, except that the provisions shall not apply to any primary election campaign for nomination for the office of Governor for which the Legislature fails to make an appropriation for public funding.

19:25-16.2 Definitions; generally

The words and terms used in this subchapter are used as defined in this subchapter or in N.J.A.C. 19:25-1.7.

19:25-16.3 Definitions for this subchapter

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Candidate” means an individual who has filed a nominating petition, or has filed a form D-1 with the Commission, or has solicited contributions or made or incurred expenditures on behalf of his or her candidacy, or has allowed others to solicit contributions or make or incur expenditures on behalf of his or her candidacy for nomination for election to the office of Governor of New Jersey, or who has received funds or other benefits or has made payments solely for the purpose of determining whether or not the individual should become a

candidate for the office of Governor of New Jersey in any primary election for which the Legislature makes an appropriation for public funding.

"Contribution" is used as defined in N.J.A.C. 19:25-1.7 and includes loans, except that a loan in the ordinary course of business by a bank pursuant to section 15 of P.L. 1980, c.74 (N.J.S.A. 19:44A-44) is not a contribution by that bank.

"Contribution eligible for match" means contributions from one contributor to be matched from public funds on a two-for-one basis. No contribution, which must be or is intended by the contributor or the recipient to be refunded or repaid at any time, no loan obtained pursuant to N.J.S.A. 19:44A-44, no amount of the candidate's own funds in the aggregate in excess of \$3,400, no in-kind contribution and no other monies received by the candidate, his or her campaign treasurer, or deputy campaign treasurer, except those contributions described in N.J.S.A. 19:44A-29(a), shall be deemed contributions eligible for match. Funds received by an individual who is testing the waters may be matched when the individual becomes a candidate, if such contributions meet all the requirements of the regulation.

"Debate sponsor" means the organization or organizations to which the Commission has delegated the responsibility for conducting one or more of the televised interactive primary election debates.

"Depository bank account" means the campaign bank account designated by a candidate pursuant to N.J.S.A. 19:44A-9 for the deposit pursuant to N.J.S.A. 19:44A-12 of funds received by the campaign treasurer.

"Gubernatorial candidate" means an individual seeking election to the office of Governor in a primary election, for purposes of this subchapter.

"Interactive primary election debate" means the moderated reciprocal discussion of issues among the candidates of a political party which involves responses by the candidates to questions posed by the representative or representatives of the sponsor organization.

"Matching fund account" means the campaign bank account or accounts opened pursuant to N.J.S.A. 19:44A-32 by a campaign treasurer of a candidate, or deputy campaign treasurer, in which only contributions eligible for match may be deposited.

"Non-participating candidate" means any candidate who does not make application for public funding in a primary election pursuant to N.J.A.C. 19:25-16.18 (Matching of funds), or who is not a "qualified candidate" as that term is defined by N.J.A.C. 19:25-16.3. In no case shall a candidate who qualifies for and receives any public funding for a primary election be subsequently deemed a non-participating candidate for that election.

"Own funds" means funds to which the candidate is legally and beneficially entitled, but shall not include funds as to

which he or she is a trustee or funds given or otherwise transferred to the candidate by any person other than the spouse of the candidate for use in aid of his or her candidacy.

"Person" includes an individual, a corporation, an association or a labor union. For purposes of this subchapter, person does not include a partnership. A spouse of any person is deemed to be a separate person.

"Public fund account" means the campaign bank account maintained by the Commission pursuant to N.J.A.C. 19:25-16.20 on behalf of a qualified candidate and for the deposit of public matching funds.

"Qualified candidate" means:

1. Any candidate for nomination for election to the office of Governor whose name appears on the primary election ballot and who has deposited and expended \$340,000 pursuant to N.J.S.A. 19:44A-32; and who, not later than the last day for filing petitions to nominate candidates to be voted upon in a primary election for a general election in which the office of Governor is to be filled, notifies the Election Law Enforcement Commission in writing that the candidate intends that application will be made on the candidate's behalf for monies for primary election campaign expenses pursuant to N.J.S.A. 19:44A-33, and signs a statement of agreement, in a form to be prescribed by the Commission, to participate in two interactive gubernatorial primary election debates; or

2. Any candidate for nomination for election to the office of Governor whose name does not appear on the primary election ballot, but who has deposited and expended \$340,000 pursuant to N.J.S.A. 19:44A-32 and who, not later than the last day for filing petitions to nominate candidates to be voted upon in a primary election for a general election in which the office of Governor is to be filled, notifies the Election Law Enforcement Commission in writing that the candidate intends that application will be made on the candidate's behalf for monies for primary election campaign expenses pursuant to N.J.S.A. 19:44A-33, and signs a statement of agreement, in a form to be prescribed by the Commission, to participate in two interactive gubernatorial primary election debates.

"Statement of agreement" means a written declaration, by a candidate for nomination for election to the office of Governor who intends that application will be made on that candidate's behalf to receive monies for primary election campaign expenses pursuant to N.J.S.A. 19:44A-33, that the candidate undertakes to abide by the terms of any rules established by any private organization sponsoring a gubernatorial primary election debate in which the candidate is to participate. The statement of agreement shall include an acknowledgment of notice to the candidate who signs it that failure on that candidate's part to participate in any of the gubernatorial primary election debates may be cause for termination of the payment of such monies on the candidate's behalf and for the imposition of liability for the return to the

Commission of such monies as may previously have been so paid.

Amended by R.1983 d.287, effective July 18, 1983.

See: 15 N.J.R. 616(a), 15 N.J.R. 1182(e).

New language added to definition "contribution eligible for match": "Funds received of the regulations."

"contributed" changed to "deposited", in "matching fund account".

Amended by R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1985 d.239, effective May 20, 1985.

See: 17 N.J.R. 684(a), 17 N.J.R. 1335(b).

Added definition "Political committee".

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Contribution limit increased from \$800.00; candidate threshold increased from \$50,000.00; added definitions for "debate sponsor", "interactive primary election debate" and "statement of agreement".

Amended by R.1992 d.458, effective November 16, 1992.

See: 24 N.J.R. 3026(a), 24 N.J.R. 4274(a).

Added definition "principal campaign committee".

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised definitions "Contribution eligible for match" and "Qualified candidate".

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

In "Debate sponsor" deleted "private" preceding "organization"; in "Person" added individuals and substituted "partnership" for "political committee"; in "Principal campaign committee" substituted "single" for "political"; and deleted "Political committee".

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In "contribution eligible for match", deleted cites to P.L. 1980, c.74 and increased contribution amount; and in "qualified candidate" raised deposit and expenditure amounts.

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

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

Rewrote "Candidate"; in "Contribution eligible for match", deleted a former third sentence; and deleted "Independent expenditure" and "Principal campaign committee".

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In "Contributions eligible for match" and "Qualified candidate", increased dollar amounts.

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

In "Matching fund account" inserted "or accounts" following "campaign bank account".

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In "Contribution eligible for match" substituted "\$3,000" for "\$2,600" following "aggregate in excess of"; in "Qualified candidate means", substituted "\$300,000" for "\$260,000" following "who has deposited and expended" in 1 and 2.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In definition "Contribution eligible for match", inserted a comma following the first occurrence of "contribution", and substituted "\$3,400" for "\$3,000" and "monies" for "moneys"; and in definition "Qualified candidate", substituted "\$340,000" for "\$300,000" twice.

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

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

In definition "Public fund account", substituted "Commission" for "commission".

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

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

Added definition "Gubernatorial candidate".

Case Notes

Financing provision of statute that increased public matching grants and expenditure limits for gubernatorial candidates did not violate equal protection but instead worked to ensure the similar treatment of gubernatorial candidates; under existing law, vacancy candidates were not distinguished from other candidates in relation to public financing, and statute simply continued to treat originally nominated candidates and those appointed by a vacancy committee as equal for purposes of public funding. *Schundler v. Paulsen*, 774 A.2d 585 (2001).

19:25-16.4 Appointment of treasurers and depositories

(a) Each candidate in a primary election, whether or not intending to participate in public funding, shall:

1. Designate the name and address of his or her candidate committee for the primary election;
2. Appoint a campaign treasurer;
3. Designate a depository bank account; and
4. Notify the Commission pursuant to N.J.A.C. 19:25-4.1A of such appointment and designation no later than the 10th day after receipt of any contribution or after incurring or making any expenditure, whichever comes first.

As amended, R.1983 d.287, effective July 18, 1983.

See: 15 N.J.R. 616(a), 15 N.J.R. 1182(e).

(a): substantially amended.

(b) and (c): deleted.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

New Rule, R.1988 d.447, effective September 19, 1988.

See: 20 N.J.R. 1339(a), 20 N.J.R. 2395(a).

Repealed "Designation of principal campaign committee".

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

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

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

In (a), deleted "whether or not publicly declared and" following "election," in the introductory paragraph, substituted "candidate" for "principal campaign" in 1, and changed N.J.A.C. reference in 4.

19:25-16.5 (Reserved)

Amended by R.1983 d.287, effective July 18, 1983.

See: 15 N.J.R. 616(a), 15 N.J.R. 1182(e).

(b) and (c) added.

Amended by R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

(a) substantially amended.

Amended by R.1988 d.447, effective September 19, 1988.

See: 20 N.J.R. 1339(a), 20 N.J.R. 2395(a).

Substantially amended.

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

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

Section was "Pre-candidate activity".

19:25-16.6 Contribution limits; applicability

(a) Each candidate, whether or not intending to participate in public funding, and each campaign treasurer or deputy campaign treasurer of such candidate shall not knowingly accept from any person, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee any contribution in aid of the candidacy of or in behalf

of such candidate in the aggregate in excess of \$3,400 in any primary election.

(b) Contributions from a joint account by one owner of the account may not be attributed to other owners of the account.

Amended by R.1984 d.561, effective December 17, 1984.
See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Added (c)1 and 2.
Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).
Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.
See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Limit increased from \$800.00 to \$1,500.00.

Amended by R.1992 d.516, effective December 21, 1992.
See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (a).
Amended by R.1996 d.389, effective August 19, 1996.
See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Amended (a).
Amended by R.1996 d.583, effective December 16, 1996.
See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (a), raised contribution amount.
Amended by R.1997 d.179, effective April 21, 1997.
See: 29 N.J.R. 419(b), 29 N.J.R. 1518(a).

Deleted (c), providing, with specified exceptions, that contributions by children under 18 are attributed to the parent responsible for the contribution.

Amended by R.2000 d.473, effective November 20, 2000.
See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), increased dollar amount.
Amended by R.2004 d.472, effective December 20, 2004.
See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$3,000" for "\$2,600" following "aggregate in excess of".

Amended by R.2008 d.359, effective December 1, 2008.
See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a), substituted "\$3,400" for "\$3,000".

19:25-16.7 Candidates deemed non-participating; effect

Any candidate, who does not by the last day for filing petitions to nominate candidates to be voted upon in a primary election for Governor, make application for public funding in a primary election pursuant to N.J.A.C. 19:25-16.18 (Matching of funds) shall be deemed non-participating in public funding of that primary election and shall not receive public funds on behalf of the candidate's campaign.

Amended by R.1984 d.561, effective December 17, 1984.
See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).
Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).
Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.
See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Language added regarding deadline for application as being "last day for filing petitions ..."; (b) deleted. Language incorporated in first paragraph.

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

See: 44 N.J.R. 1593(a), 44 N.J.R. 2380(a).
Inserted a comma following "candidate", and substituted "Governor," for "governor" and "the candidate's" for "his or her".

19:25-16.8 Non-participating candidates

(a) A non-participating candidate is subject to the \$3,400 limitation on contributions from a person, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee pursuant to N.J.S.A. 19:44A-29.

(b) A non-participating candidate is subject to the \$3,400 limit on guarantors of bank loans, except if the guarantor is the non-participating candidate himself or herself.

(c) A non-participating candidate is not subject to the overall campaign expenditure limit contained in N.J.S.A. 19:44A-7; is not subject to the \$25,000 limit on own funds contained in N.J.S.A. 19:44A-29; is not subject to the \$50,000 limit on bank loans contained in N.J.S.A. 19:44A-44; and is not subject to any limits on the amount of bank loans to be guaranteed by the candidate personally.

(d) A non-participating candidate who elects to participate in the series of interactive debates pursuant to the provisions of N.J.S.A. 19:44A-45, is subject to the restrictions on qualifying expenditures set forth at N.J.A.C. 19:25-16.38.

Amended by R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).
Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).
Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.
See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Limit on contributions increased from \$800.00 to \$1,500.00.

Amended by R.1992 d.516, effective December 21, 1992.
See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (a) and (b).
Amended by R.1996 d.389, effective August 19, 1996.
See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Amended (a), and in (c) deleted noncodified statutory references.
Amended by R.1996 d.583, effective December 16, 1996.
See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (a) and (b), raised contribution amount.
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), changed N.J.S.A. reference.
Amended by R.2000 d.473, effective November 20, 2000.
See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a) and (b), increased dollar amounts.
Amended by R.2004 d.472, effective December 20, 2004.
See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$3,000" for "\$2,600" throughout.
Amended by R.2008 d.326, effective November 3, 2008.
See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

Added (d).
Amended by R.2008 d.359, effective December 1, 2008.
See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a) and (b), substituted "\$3,400" for "\$3,000".

19:25-16.9 Limitations on participating candidates

(a) Each candidate intending to participate in public funding, in addition to any other requirement imposed by the Act (N.J.S.A. 19:44A-1 et seq.) or this subchapter, is subject to the following limitations:

1. No candidate receiving public funds may make expenditures from his or her own funds, including any contributions from his or her own funds, in aid of his or her candidacy in excess of \$25,000. Any loan guaranteed with such candidate's own funds must be included in calculating the aggregate contribution of the candidate in aid of his or her candidacy until such time as the loan is no longer outstanding.

2. No candidate, or his or her campaign treasurer or deputy campaign treasurer, shall borrow an amount that at any one time exceeds \$50,000 in the aggregate, and such loan must be repaid in full not later than 20 days prior to the primary election for which the loan was made from moneys accepted or allocated pursuant to N.J.S.A. 19:44A-29. Certification of such repayment shall be made by the borrower to the Commission in accordance with N.J.A.C. 19:25-16.31, Borrowing of funds, repayment.

3. The amount which any qualified candidate may spend in aid of his or her candidacy shall not exceed \$5 million, which amount shall include payments made solely for the purpose of determining whether to become a candidate. Such amount shall not include expenditures listed in N.J.A.C. 19:25-16.27.

4. Contributions by any candidate in excess of \$3,400 from his or her own funds in aid of his or her candidacy shall not be deposited in a matching fund account and shall not be calculated in determining if such candidate is a qualified candidate eligible for public matching funds.

Amended by R.1983 d.287, effective July 18, 1983.

See: 15 N.J.R. 616(a), 15 N.J.R. 1182(e).

(a)3: "except that such" deleted and "which amount . . . candidacy. Such" added.

Amended by R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Candidate spending formula deleted and replaced with flat amount of \$2,200,000.00 and contribution limit increased from \$800.00 to \$1,500.00.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (a)3 and 4.

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

In (a)2 amended statutory references.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (a)3, raised expenditure amount; in (a)4, raised contribution amount.

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)3, rewrote the first sentence.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), increased dollar amounts.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), changed dollar amount in 3 and 4.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In the introductory paragraph of (a), substituted "this subchapter" for "these regulations"; in (a)3, substituted "\$5 million" for "\$4,400,000"; and in (a)4, substituted "\$3,400" for "\$3,000".

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

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

In the introductory paragraph of (a), substituted "Act" for "act"; and in (a)2, substituted "Commission" for "commission" and ", Borrowing of funds, repayment" for "(Borrowing of funds, repayment)".

19:25-16.10 Who may or may not contribute

(a) No person, other than a candidate contributing the candidate's own funds to the candidate's campaign, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee shall make any contribution to any candidate, the candidate's campaign treasurer or deputy campaign treasurer, or to any other person or committee, in aid of the candidacy of, or on behalf of, a candidate, whether or not participating in public funding, for nomination for election to the office of Governor in a primary election, in the aggregate in excess of \$3,400. Any such contribution in excess of \$3,400 must be returned to the contributor pursuant to the requirements of N.J.A.C. 19:25-11.8, and evidence of the repayment shall be submitted to the Commission.

(b) A joint candidates committee established by candidates who have not established any candidate committees in an election may make a contribution to a candidate for nomination for election to the office of Governor in an amount not to exceed the sum of the number of candidates participating in the joint candidates committee multiplied by \$3,400. If a candidate has established both a candidate committee and a joint candidates committee in an election, the total amount which may be contributed by that candidate's joint candidates committee and candidate committee to a candidate for nomination for election to the office of Governor may not exceed \$3,400 per candidate participating in the joint candidates committee.

(c) Subject to the limitations contained in this subchapter and the Act, any person may contribute to more than one candidate.

(d) A corporation, association or labor organization or any subsidiary, affiliate, branch, division, department or local unit of any such corporation, association or labor organization shall not make any contribution to or on behalf of a candidate which, when added to any other contribution by any related or affiliated corporation, association or labor organization, exceeds \$3,400 in the aggregate. Whether such corporation, association or labor organization is related or affiliated shall depend on the circumstances existing at the time of such contribution, including, but not by way of limitation, the degree of control or common ownership with related or affiliated corporations, associations or labor organizations, the source and control of funds used for such contribution and the degree to which the decisions whether to contribute, to what candidate and in what amount are independent decisions.

(e) In considering the criteria set forth in (d) above, two or more corporations shall be conclusively deemed to be affiliated if:

1. Any individual, corporation, partnership, company, association, or other entity owns, directly or indirectly, more than a 30 percent interest in each of such corporations; or

2. One such corporation owns, directly or indirectly, more than a 30 percent interest in the other such corporation.

(f) Contributions by minors shall be attributed to the legal guardian(s) of the minor for the purposes of N.J.A.C. 19:25-16.6, and not to the minor unless:

1. The minor is 14 years or older;

2. The contribution is made from funds comprised of the minor's earned income as defined in N.J.A.C. 19:25-1.7; and

3. Sworn statements made by the minor and by the minor's legal guardian(s) are submitted with the contribution which state that the decision to contribute was solely that of the minor and that the funds used to make the contribution were comprised solely of the minor's earned income.

(g) For the purposes of (f) above, if the minor has more than one legal guardian, the contribution shall be attributed equally to each legal guardian of the minor.

Amended by R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by, R.1985 d.239, effective May 20, 1985.

See: 17 N.J.R. 684(a), 17 N.J.R. 1335(b).

Added text to (a) "Notwithstanding the provision... in N.J.S.A. 19:44A-3(n)(2)."

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Contribution limit increased from \$800.00 to \$1,500.00.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (a) and (c).

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Amended (a) and added (d).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (a) and (c), raised contribution amounts.

Amended by R.1997 d.179, effective April 21, 1997.

See: 29 N.J.R. 419(b), 29 N.J.R. 1518(a).

Added (e) and (f).

Amended by R.1997 d.218, effective May 19, 1997.

See: 29 N.J.R. 743(a), 29 N.J.R. 2468(a).

Rewrote (d).

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 new (b); recodified former (b) through (f) as (c) through (g); and in the new (e) and (g), made internal reference changes.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

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

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$3,000" for "\$2,600" throughout.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a), (b) and (d), substituted "\$3,400" for "\$3,000" throughout.

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

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

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

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

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

In (a), substituted "the candidate's own funds to the candidate's" for "his or her own funds to his or her" and "of, or on behalf of," for "of or in behalf of".

19:25-16.11 Contributions eligible for match

(a) To be eligible for matching with public funds for a gubernatorial primary election, a contribution must have been received by a candidate at a time when that candidate was seeking or had sought nomination for election for the office of Governor, or must have been received by the candidate for the purpose of determining whether or not to become a candidate for nomination for election to the office of Governor. Any funds received prior to the inception of such a candidacy shall not be eligible for match.

(b) Only contributions in cash or by check, money order or negotiable instruments shall be contributions eligible for match. Loans shall not be eligible for match. In-kind contributions shall not be eligible for match, but will count toward the individual contribution limit of \$3,400 and the overall expenditure limit contained in N.J.S.A. 19:44A-7 except for expenses not subject to expenditure limits pursuant to N.J.A.C. 19:25-16.27. The total of all contributions eligible for match from any person, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee shall not exceed \$3,400 in the aggregate.

(c) A maximum of \$3,400 in the aggregate of a candidate's own funds may be deposited in the matching fund account.

(d) Every contribution eligible for match must be accompanied by a written statement which shall identify the individual making the contribution by full name and full mailing address (number, street, city, state, zip code), the name of the candidate, the amount and date of receipt of the contribution, and shall bear the signature of the contributor. The requirement of such written statement will be deemed to be satisfied in the case where a contribution is made by means of a check, money order or other negotiable instrument payable on demand and to the order of, or specially endorsed without qualification to, the candidate or to his or her campaign committee, if such check, money order or instrument contains all of the foregoing information.

(e) A contribution received from a contributing member of a political committee or continuing political committee that has made a prior contribution to the candidate shall be eligible for matching funds, provided that the political com-

mittee is a bona fide political entity, which was not created to circumvent the contribution limit contained in the Act.

Amended by R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1988 d.447, effective September 19, 1988.

See: 20 N.J.R. 1339(a), 20 N.J.R. 2395(a).

Substantially amended.

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 to (d) "receipt of".

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Contribution limit increased from \$800.00 to \$1,500.00.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (b) and (c).

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Amended (b) and (e).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (b) and (c), raised contribution amounts.

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).

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

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

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$3,000" for "\$2,600" throughout.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (b) and (c), substituted "\$3,400" for "\$3,000" throughout.

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

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

In (e), substituted the first occurrence of "that" for "which" and "Act" for "act", and inserted a comma following "entity".

19:25-16.12 (Reserved)

Amended by R.1983 d.287, effective July 18, 1983.

See: 15 N.J.R. 616(a), 15 N.J.R. 1182(e).

Section substantially amended.

Amended by R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Contribution limit increased from \$800.00 to \$1,500.00.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (a).

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Amended (a)3 and (e).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (a)3 and (a)3i, raised expenditure amounts.

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

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

Section was "Contributions and loans prior to candidacy".

19:25-16.13 Contributions eligible for match; checks and instruments; partnership contributions prohibited; contributions by electronic transfer or funds

(a) In the case of a check drawn on a joint checking account, the contributor shall be deemed to be the owner whose signature appears on the check. The check will not be attributed equally or otherwise to other joint owners of the account, unless the check or other accompanying written instrument contains the signature of each contributing owner and information identifying the amount of contribution of each such owner. In the absence of specific instructions to the contrary, the contribution will be allocated equally among all owners whose signatures appear on the instrument. Where the maker of a check drawn on a joint checking account is different from the individual who signs the accompanying written instrument, the Commission shall deem the individual who signs the written instrument to be the contributor of the funds.

(b) In the case of a check drawn on an escrow or trust account, the contribution will be that of the person who is the beneficial owner of the account, and the check or other accompanying written instrument must bear the signature of such beneficial owner.

(c) A partnership as defined in (d) below shall not be permitted to make contributions as an entity. A contribution received by a campaign treasurer and made by means of a check or written instrument drawn on a partnership account shall be signed by a partner or partners and shall be deemed to be a contribution from the partner or partners who signed the check or written instrument by which the contribution was conveyed, or in the case of a contribution of currency, the partner who has conveyed the currency. If the check or written instrument is drawn on a partnership account and is signed by an individual other than a partner, or if it is the intent of the contributor that any portion of the contribution received from a partnership account is to be attributed or allocated to a partner or partners who have not signed the check or written instrument, or in the case of a currency contribution if the currency contribution was conveyed by an individual who is not a partner, the following written information must be received and maintained by the campaign treasurer and accompany the check or written instrument being submitted for match pursuant to N.J.A.C. 19:25-16.18:

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

(d) For the purposes of this section, the term "partnership" means:

1. Any partnership or joint venture organized under or governed by Title 42 of the New Jersey Statutes, including general partnerships within the meaning of N.J.S.A. 42:1-1 et seq., limited liability partnerships organized pursuant to N.J.S.A. 42:1-45 et seq., limited partnerships organized pursuant to or governed by N.J.S.A. 42:2A-1 et seq., and limited partnership associations organized pursuant to N.J.S.A. 42:3-1 et seq., and

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.

(e) A limited liability company shall not be permitted to make contributions as an entity. A contribution received by a campaign 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 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 must be received and maintained by the campaign treasurer and accompany the check or written instrument being submitted for match pursuant to N.J.A.C. 19:25-16.18:

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.

(f) To be eligible for match pursuant to N.J.A.C. 19:25-16.18, a contribution received by means of an electronic transfer of funds, including a credit card, shall be deposited directly into a matching fund account established pursuant to N.J.A.C. 19:25-16.18(b). For each contribution received by an electronic transfer of funds, including a credit card, the matching fund submission shall include a deposit slip or dated receipt from the bank or financial institution which specifically identifies the contributor and the amount of the contribution and a written statement which includes the signature of the contributor, the name of the contributor as it

appears on the account used for the electronic transfer of funds or credit card account, the name of the owner of the account used for the electronic transfer of funds or credit card account, and the billing address of the account used for the electronic transfer of funds or credit card.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Added text "or other accompanying written instrument".

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Rewrote (c).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Amended (c) and added (d) and (e).

Amended by R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

In (e), changed N.J.A.C. reference at the end of the introductory paragraph; and added (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 (c) and (e), rewrote the introductory paragraphs.

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

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

In (a), inserted the last sentence.

19:25-16.14 Limitation on contributions eligible for match

(a) Any contribution in the form of the purchase price paid for an item with significant intrinsic and enduring value (such as a watch) shall be eligible for match only to the extent the purchase price exceeds the fair market value of the item or benefit conferred on the contributor, and only the excess will be included in calculating the \$3,400 contribution limit.

(b) A contribution in the form of the purchase price paid for admission to a dinner or testimonial affair as defined in N.J.A.C. 19:25-1.7 shall be a contribution eligible for match and for purposes of the \$3,400 limitation.

(c) The purchase price paid to a candidate for a fund raising event or admission to any activity that primarily confers private benefits to the contributor in the form of entertainment (such as a concert, motion picture or theatrical performance) shall be deemed the amount of the contribution made to such candidate. The tickets for such an event and the promotional materials shall state that the purchase price represents a political contribution to the candidate.

Amended by R.1988 d.447, effective September 19, 1988.

See: 20 N.J.R. 1339(a), 20 N.J.R. 2395(a).

Split subsection to (a) and (b) and added (c).

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Contribution limit increased from \$800.00 to \$1,500.00.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (a) and (b).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (a) and (b), raised contribution amounts.

Amended by R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

In (c), deleted a reference to lotteries in the last sentence.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

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

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$3,000" for "\$2,600" throughout.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a) and (b), substituted "\$3,400" for "\$3,000".

19:25-16.15 Contributions; primary and general elections

(a) No moneys deposited in a candidate's campaign bank accounts for the primary election may be expended for any candidate's general election expenses.

(b) Any candidate may establish and designate a bank account pursuant to N.J.S.A. 19:44A-12 for the ensuing general election and may deposit contributions for said general election before the date of the primary election. However, no moneys deposited in such candidate's general election account may be transferred or expended until the day following the primary election and may not be expended at any time for primary election expenses.

(c) Contributions made in aid of the anticipated general election candidacy of a candidate in a primary election shall be returned to the contributors in the event such primary candidate fails to be nominated.

(d) The primary election campaign bank accounts of each candidate shall be separate from the general election campaign bank accounts of such candidate and shall be separately designated in reports required to be filed under the Act. Funds in primary election campaign accounts shall not be commingled with funds in general election campaign accounts.

(e) An expenditure made from a candidate's primary election bank account which is determined after the date of the primary election to be allocable in part to that candidate's general election candidacy shall be reimbursed to the candidate's primary election depository account, established pursuant to N.J.A.C. 19:25-16.4, with general election funds. In no case shall funds from a candidate's primary election public funds account established pursuant to N.J.A.C. 19:25-16.20 be used for any purpose attributable to the general election.

(f) Reimbursements pursuant to (e) above shall be made on a date after the date of the primary election and shall be limited strictly to reimbursements for the administrative and compliance costs associated with receipt of unsolicited general election contributions, and for ordinary office expenditures for such purposes as office, furniture, and equipment rental and insurance and salaries.

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Added (e) and (f).

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Rewrote (f).

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

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

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

19:25-16.16 Expenditure reporting

(a) Each expenditure from the depository account, matching fund account, or public funds account established by a gubernatorial candidate shall be reported on election fund reports and as required on submissions for public matching funds by providing the following information:

1. The date the expenditure was made;
2. The checking account title and number;
3. The full name and address of the payee;
4. The purpose of the expenditure;
5. The amount of the expenditure; and
6. The type of expenditure from a list of expenditure types provided by the Commission.

(b) In describing the purpose of an expenditure pursuant to (a)4 above, the specific election-related reason for the expenditure shall be provided. Descriptions such as "operations," "campaign expense" 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," "headquarters rental" and similarly specific items.

Repealed by R.1992 d.458, effective November 16, 1992.

See: 24 N.J.R. 3026(a), 24 N.J.R. 4274(a).

Section was "Political party committee contributions prohibited".

New Rule, R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

19:25-16.17 Funds or materials remaining from primary campaign

(a) Moneys received by a qualified candidate from the fund for primary election expenses may be retained by such qualified candidate for a period not exceeding six months after the primary election for which such moneys were received in order to liquidate all obligations and to pay expenses for the purposes permitted by N.J.A.C. 19:25-16.25 (Use of public funds) which expenses were incurred during the primary campaign.

(b) Materials such as campaign literature, buttons and office supplies and equipment remaining from the primary campaign of a candidate may not be transferred to the general election campaign of such candidate if nominated or to any other election campaign of such candidate or of any other candidate or political committee but may be purchased by the general election campaign for cost or other reasonable value.

As amended, R.1984 d.561, effective December 17, 1984.
See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).
Added text "or to any other ... political committee".

19:25-16.18 Matching of funds

(a) Any candidate seeking to qualify for receipt of public matching funds shall, no later than the last day for filing petitions to nominate candidates to be voted upon in a primary election for Governor, file with the Commission:

1. A statement of agreement in a form prescribed by the Commission to participate in the series of two interactive gubernatorial primary election debates;
2. Either of the following:
 - i. A certified application for receipt of public matching funds pursuant to this section; or
 - ii. A statement of qualification to participate in public financing pursuant to N.J.A.C. 19:25-16.37; and
3. A certification or report concerning the candidate's participation in an issue advocacy organization or organizations as set forth in N.J.A.C. 19:25-16.18A.

(b) The campaign treasurer or deputy campaign treasurer of the candidate shall open a matching fund account in a national or a State bank pursuant to N.J.S.A. 19:44A-32, which shall be designated "Matching Fund Account of (name of candidate)" and in which only contributions eligible for match may be deposited. The campaign treasurer or deputy campaign treasurer of such candidate shall deposit in such matching fund account, funds to be matched in aid of the candidacy of, or on behalf of, such candidate. Such deposit shall be made within 10 days of receipt and shall include only moneys received in accordance with this subchapter and section 5 of P.L. 1980, c. 74 (N.J.S.A. 19:44A-29) and sections 11 and 12 of the Act.

(c) A candidate seeking to become eligible to receive matching funds shall certify to the Commission in a written statement signed by the candidate that he or she is a candidate for Governor in a primary election and that he or she has received and deposited into his or her matching fund account contributions eligible for match of at least \$340,000 from persons or political committees each of whose contributions in the aggregate do not exceed \$3,400, and that at least \$340,000 of such contributions has been expended. "Expended" for this purpose shall mean disbursed or committed for expenditure in the campaign.

(d) The statement referred to in (c) above shall include the following:

1. An electronic list of contributors showing each contributor's full name and full mailing address (number, street, city, state, zip code); the date of receipt of each contribution by the candidate and of the deposit into the matching fund account; the dollar amount of each contribution submitted for match; the type of contributor of each

contribution from a list of contributor types to be provided by the Commission; for each contributor who is an individual and whose aggregate contributions to the candidate in the primary election exceed \$300.00, the occupation of the individual and the name and mailing address of the individual's employer, and the total amount of all contributions submitted for match. The list of contributors shall be segregated by deposit;

2. An electronic list of contributors of contributions not eligible or submitted for match and any other receipt (for example, in-kind contributions, contributions intended to be repaid, or interest on invested funds), showing each contributor's full name and full mailing address (number, street, city, state, zip code), the date of receipt of each such contribution by the candidate, the dollar amount of each such contribution, the type of contributor of each contribution from a list of contributor types to be provided by the Commission, and for each contributor who is an individual and whose aggregate contributions to the candidate in the primary election exceed \$300.00, the occupation of the individual and the name and mailing address of the individual's employer; and

3. An electronic list of repayment by the candidate of any contribution, including any loan described under N.J.A.C. 19:25-16.31 (Borrowing of funds; repayment).

(e) The statement shall include a certification by the candidate and his or her campaign treasurer that:

1. The submission includes only contributions eligible for match and does not include any contribution which must be or is intended by the contributor or the recipient to be refunded or repaid at any time; and

2. The receipt by the candidate from the fund for primary election campaign expenses of an amount equal to twice the amount of lawful contributions deposited to be matched will not result in the candidate's exceeding the expenditure limitations of section 7 of the Act.

(f) The certification shall include a scanned image of the face of each check or other written instrument as described in N.J.A.C. 19:25-16.11 (Contributions eligible for match; generally) for each contribution which the candidate submits to receive matching funds. Where a check is endorsed by some person other than the principal campaign committee, images of the face and back must be provided. The scanned images shall be segregated by deposit, sorted in the order in which the contributors are listed pursuant to (d) above and accompanied by scanned images of the relevant receipted deposit slips.

(g) The initial certification shall include scanned images of checks as evidence of expenditures made from the depository or matching fund bank accounts, receipted bills, contracts or the like, sufficient to prove the expenditure or commitment to expend at least \$340,000 no later than the date of the primary election.

(h) Once eligibility has been established, subsequent statements and certifications shall be submitted confirming the continued compliance of the candidate with subsections (a), (b) and (c) above and such information as is required by (d), (e) and (f) above.

(i) Any statement or list submitted pursuant to this section shall be filed using electronic filing software supplied by the Commission pursuant to N.J.A.C. 19:25-3.

(j) Each submission for public matching fund payments following the date on which a candidate is determined to be a qualified candidate shall contain no less than \$12,500 of contributions eligible for match. Upon determination by the Commission that each submission contains no less than \$12,500 of contributions eligible for match, public matching funds will be awarded based upon the total amount of contributions determined to be eligible for match.

Amended by R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1988 d.447, effective September 19, 1988.

See: 20 N.J.R. 1339(a), 20 N.J.R. 2395(a).

Added (i).

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Established deadline for application for public matching funds as last day for filing petition to nominate; established requirement that candidate agree to two debates and that filing of application or certification for matching funds is necessary; established increased limits on contributions as well as amounts available as public match funds and added (j).

Amended by R.1992 d.458, effective November 16, 1992.

See: 24 N.J.R. 3026(a), 24 N.J.R. 4274(a).

Revised (b), (d) and (f); added (k).

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (c) and (g).

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

In (k)2 changed the contribution amounts from \$100 to \$200, and added (l).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (c), (k)2, and (l), raised contribution amounts; and in (g); raised expenditure amount.

Amended by R.1999 d.300, effective September 7, 1999.

See: 31 N.J.R. 1446(a), 31 N.J.R. 2627(b).

In (c), rewrote the last sentence; and rewrote (g).

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

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

Rewrote (k)2.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (c), (g), (k) and (l), increased dollar amounts.

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Added (a)3.

Amended by R.2004 d.472, effective December 20, 2004 ((l) operative January 1, 2005).

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Changed dollar amount throughout.

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Rewrote (i).

Amended by R.2008 d.326, effective November 3, 2008.

See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

In (d), inserted designations (d)1 through (d)3; in the introductory paragraph of (d), inserted "the following"; rewrote (d)1 and (d)2; in (d)3, substituted "An electronic" for "The statement shall also include an original and two photocopies of a"; in (f), substituted "a scanned image" for "three photocopies", "provided" for "photocopied" and "scanned images" for "copies", and inserted "images of" following "campaign committee"; in (g), substituted "scanned images" for "three photocopies"; and deleted (k) and (l).

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (c) and (g), substituted "\$340,000" for "\$300,000" throughout and in (c), substituted "\$3,400" for "\$3,000".

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

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

In (b), inserted a comma following "N.J.S.A. 19:44A-32" and substituted "c. 74" for "c.74" and "Act" for "act (N.J.S.A. 19:44A-11; 19:44A-12)"; and in (e)2, substituted "Act" for "act (N.J.S.A. 19:44A-7)".

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

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

In the introductory paragraph of (a), substituted "no" for "not"; and in (b), substituted "of, or on behalf of," for "of or in behalf of".

19:25-16.18A Reporting of issue advocacy organization information

(a) A candidate seeking to qualify for receipt of public matching funds who participated in an issue advocacy organization during the four years prior to the date upon which he or she became a candidate for nomination for election to the Office of Governor, or who is at the time of the application for receipt of public matching funds participating in an issue advocacy organization, shall be ineligible to receive public matching funds unless the candidate files an Issue Advocacy Organization Report of Contributions and Expenditures (Form P-2). For the purposes of this section, a candidate shall be deemed to be participating in an issue advocacy organization if the candidate forms or formed, assists or assisted in the formation of, or was or is involved in any way in the management of an issue advocacy organization.

(b) For the purposes of this section, the term "issue advocacy organization" shall mean:

1. An issue advocacy organization that is organized under section 527 of the Federal Internal Revenue Code (26 U.S.C. § 527);
2. An organization that is organized under paragraph (4) of subsection c. of section 501 of the Federal Internal Revenue Code (26 U.S.C. § 501); or
3. An organization that is organized under any other current or future section of the Federal Internal Revenue Code which the Election Law Enforcement Commission determines is similar to any of the organizations described above.

(c) The report filed pursuant to (a) above shall include the following:

1. The name(s) of the issue advocacy organization(s) in which the candidate was a participant during the four years

prior to the date upon which he or she became a candidate for election to the Office of Governor or in which the candidate is a participant;

2. The section of the Federal Internal Revenue Code under which the issue advocacy organization is organized;

3. A list from each issue advocacy organization, verified as correct by the candidate, which shall report all contributions received from the inception of the issue advocacy organization, and which shall include for each contribution, the date of receipt, the name of the contributor, the amount of the contribution, and if the contribution was a monetary contribution, an in-kind contribution, or loan;

4. A list from each issue advocacy organization, verified as correct by the candidate, which shall report all expenditures made from the inception of the issue advocacy organization, and which shall include for each expenditure, the date of the payment, the payee name, and the payment amount; and

5. A certification by the candidate of the correctness of the report.

(d) A candidate shall continue to file the Issue Advocacy Organization Report of Contributions and Expenditures (Form P-2) on each date that the candidate applies to receive public matching funds pursuant to N.J.A.C. 19:25-16.19 and on each date established for reporting by a candidate committee pursuant to N.J.A.C. 19:25-8, until such time as the candidate certifies that there are no funds remaining in the issue advocacy organization or organizations and that the issue organization or organizations have wound up their business and been dissolved.

(e) A candidate shall not be required to file the Issue Advocacy Organization Report of Contributions and Expenditures (Form P-2) if the candidate certifies and files the Candidate Certification-Issue Advocacy Organization Participation (Form P-2A) to the effect that:

1. The candidate was not during the four years prior to the date upon which he or she became a candidate for nomination for election to the Office of Governor a participant in any issue advocacy organization and is not at the time of the application for receipt of public matching funds participating in any issue advocacy organization; or

2. The candidate participated during the four years prior to the date upon which he or she became a candidate for nomination for election to the Office of Governor in an issue advocacy organization or organizations, or is a participant in an issue advocacy organization or organizations at the time of the application for receipt of public matching funds, but the organization or organizations file reports of contributions and expenditures with the Commission or with the Federal Election Commission.

New Rule, R.2004 d.400, effective October 18, 2004.
See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Amended by R.2012 d.172, effective October 15, 2012.
See: 44 N.J.R. 1593(a), 44 N.J.R. 2380(a).
In (b)1, (b)2 and (b)3, inserted "that is".

19:25-16.19 Dates of submission

(a) Statements and certifications may be submitted by candidates on or before 12:00 noon of the first Tuesday following January 1 of the year of a primary election for nomination for the office of Governor of New Jersey, and the fourth Tuesday following January 1, and every other Tuesday thereafter through March 31, and every Tuesday thereafter up to and including the date of the primary election being funded.

(b) Statements and certification may be submitted by candidates on or before 12:00 noon of the first Tuesday following the primary election and every other Tuesday thereafter up to the first Tuesday following the fifth month after the primary election. No statements and certifications for the primary election shall be considered by the Commission thereafter.

(c) In the event that a date for submission shall fall on a holiday, then the submission may be on the next succeeding business day, which is not a holiday. The Commission shall promptly approve the certification submitted by the candidate or so much of it as the Commission deems to be proper. In the event that all of the submission is not approved for match, the Commission will promptly so notify the candidate.

(d) Nothing in this section shall relieve any candidate or committee from the preelection or post-election reporting requirements contained in N.J.S.A. 19:44A-8 or 19:44A-16.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Emergency amendment, R.1989 d.59, effective December 30, 1988 (expires February 28, 1989).

See: 21 N.J.R. 209(a).

Added text in (a) "Notwithstanding the candidates ...".

Emergency amendment, R.1989 d.59 expired on February 28, 1989.

Section reverted to text in effect prior to January 17, 1989.

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Substituted "Tuesday" for "Monday" throughout.

Amended by R.2008 d.326, effective November 3, 2008.

See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

In (d), substituted "post-election" for "post election" and deleted "sections 8 or 16 of the act (" preceding and a closing parenthesis following the N.J.S.A. references.

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

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

In (b) and (c), substituted "Commission" for "commission" throughout; in (c), inserted a comma following "day"; and in (d), substituted "in this section" for "herein contained".

19:25-16.20 Special account for public funds

(a) The Commission shall maintain for each qualified candidate a separate segregated public fund account for deposit of public funds. All public funds received by the Commission from the General Treasury of the State shall be promptly deposited by the Commission into such separate segregated public fund account. No funds other than such

public funds shall be deposited in such separate segregated public fund account, and all expenditures from such account shall be separately identified in reports filed with the Commission.

(b) The campaign treasurer of a candidate on whose behalf a public fund account has been established shall file with the Commission on each date upon which a submission for public matching funds has been made pursuant to N.J.A.C. 19:25-16.18 (Matching of funds) and N.J.A.C. 19:25-16.19 (Dates of submission) and for as long as said public fund account is open and such submissions are being made, a report identifying each disbursement made out of the public fund account since the last such submission for public matching funds. The initial report shall identify all such disbursements. The identification of each disbursement from the public fund account shall include the check number, date of payment, full name of payee, full payee mailing address and a complete statement of purpose of the expenditure indicating which of the permitted purposes set forth in N.J.A.C. 19:25-16.25 (Use of public funds) is applicable. Failure to file any such report, failure to provide the identification information required in such report, or failure to expend public funds in compliance with N.J.A.C. 19:25-16.25, may result in immediate cessation of public fund deposits by the Commission.

(c) Any report filed pursuant to this section disclosing an expenditure in an aggregate sum exceeding \$5,000 for the purpose of media consultant services or other services shall be accompanied by a certification from the payee categorizing media advertising purchases or other services provided, incurred or contemplated, and certifying that such funds have been or will be expended in compliance with N.J.A.C. 19:25-16.25.

(d) The reports of disbursements made from the public fund account submitted pursuant to this section shall not be available for public inspection.

As amended, R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1988 d.447, effective September 19, 1988.

See: 20 N.J.R. 1339(a), 20 N.J.R. 2395(a).

Added (b)-(d).

19:25-16.21 Receipt of public funds

(a) The campaign treasurer or deputy campaign treasurer of any qualified candidate for election to the office of Governor in a primary election shall promptly receive on behalf of such qualified candidate from the funds for primary election campaign expenses monies in an amount equal to twice the amount of each contribution eligible for match and deposited in such qualified candidate's matching fund account, described in N.J.S.A. 19:44A-32 except that no payment shall be made to any candidate from such fund for primary election campaign purposes for the first \$109,000 deposited in such qualified candidate's matching fund account.

(b) No candidate for nomination for election to the office of Governor or his or her campaign treasurer or deputy campaign treasurer shall receive any primary election public matching funds if the Commission determines that an application for matching funds, submitted pursuant to N.J.A.C. 19:25-16.18, contains a contribution or contributions in excess of the primary election contribution limit. The Commission shall permit the candidate or his or her campaign treasurer or deputy campaign treasurer to submit proof that the excessive portion of a contribution or contributions has been refunded.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised text.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised required deposit amount.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

Increased dollar amount.

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Designated section as (a) and added (b).

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$96,000" for "\$84,000" preceding "deposited in such qualified candidate's matching fund account."

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a), substituted "monies" for "moneys" and "\$109,000" for "\$96,000".

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

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

In (a), substituted "on" for "in" preceding "behalf".

19:25-16.22 Receipt of public funds; limitation

(a) No public funds shall be deposited by the Commission in the public fund account of any qualified candidate on or before January 1 of the year of the primary election for nomination for the office of Governor of New Jersey.

(b) The maximum amount, which any qualified candidate may receive from public funds shall not exceed \$3.1 million.

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Deleted formula for maximum receipt of public funds and established amount at \$1,350,000.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (b).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (b), raised funding amount.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (b), increased dollar amount.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (b), substituted "\$2,300,000" for "\$2,700,000" at the end.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (b), substituted "\$3.1 million" for "\$2,700,000".

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

In (a), substituted "Commission" for "commission" and "Governor" for "governor"; and in (b), inserted a comma following "amount".

19:25-16.23 Receipt of public funds; procedure

The Commission shall certify to the Treasurer of New Jersey the amount to be disbursed to the Commission for the public fund account of each candidate. The Treasurer shall then deliver such amount to the Commission, out of the General Treasury of the State from the fund for campaign expenses for the primary election to the office of Governor.

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" throughout.

19:25-16.24 Disclosure of information

The statements and certifications submitted by a candidate in accordance with N.J.A.C. 19:25-16.18 (Matching of funds) shall not be public records and shall not be available for public inspection; provided, however, the Commission shall from time to time publish a listing which shall contain the information included in the statements and certifications for each contribution, except that it shall not include the name, address or amount of contribution of any contributor whose contributions in the aggregate are \$300.00 or less unless the candidate authorizes such disclosure in writing.

Amended by R.1984 d.561, effective December 17, 1984.
See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Added text "unless the candidate authorizes such disclosure in writing".

Amended by R.1992 d.458, effective November 16, 1992.
See: 24 N.J.R. 3026(a), 24 N.J.R. 4274(a).

Stylistic revision.
Administrative Correction.

See: 25 N.J.R. 711(d).
Amended by R.1996 d.389, effective August 19, 1996.
See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Changed the contribution amount from \$100 to \$200.
Amended by R.1996 d.583, effective December 16, 1996.
See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised contribution amount.
Amended by R.2000 d.473, effective November 20, 2000.
See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

Increased dollar amount.
Amended by R.2004 d.472, effective December 20, 2004 (operative January 1, 2005).

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).
Substituted "\$300.00" for "\$400.00" following "in the aggregate are."

19:25-16.25 Use of public funds

(a) Public funds received on behalf of a qualified candidate from the fund for primary election campaign expenses shall be deposited by the Commission in the candidate's public fund account and the candidate's use of such funds shall be strictly limited to the following purposes:

1. Purchase of time on radio and television stations;
2. Purchase of rental space on outdoor signs or billboards;

3. Purchase of advertising space in newspapers, regularly published magazines and periodicals, and on the internet;

4. Payment of the cost of producing the material aired or displayed on radio, television, outdoor signs or billboards, and in newspapers, regularly published magazines and periodicals;

5. Payment of the cost of printing and mailing campaign literature and brochures distributed under the name of the candidate;

6. Payment of the cost of legal and accounting expenses incurred in complying with the public financing regulations of the Commission and with the public financing provisions of the Act;

7. Payment of the cost of telephone deposits, and installation charges and monthly billings in excess of deposits. Within six months after the primary election, a candidate shall return to the Commission the amount of any public funds used to pay telephone deposits, which are later returned;

8. Payment of the cost of website communications that are not used for fund-raising purposes;

9. Payment of the cost of email communications that are not used for fund-raising purposes; and

10. Payment for the purchase of lists of postal and email addresses.

(b) Expenditures made prior to the receipt of public funds, including expenditures made for the purpose of determining whether an individual should become a candidate for nomination for election to the office of Governor, which fit within (a)1 through 7 above, shall be expenses properly payable out of public funds.

(c) Any expenditure made from a candidate's public fund account which results in the purchase of time on radio and television stations pursuant to (a) above shall be documented by an invoice prepared by the radio or television station listing the media time used and the cost to the candidate. The invoice shall be obtained by the candidate, his or her campaign treasurer, or deputy campaign treasurer no later than 10 days following the due date for the 20-day postelection report and shall be maintained pursuant to N.J.A.C. 19:25-16.32.

(d) Any expenditure made from a candidate's public fund account shall be identified on election fund reports and submissions for public matching funds to include the check number, date of payment, full name of payee, full payee mailing address, amount of payment, a detailed description of the election-related purpose of the expenditure which includes the applicable permitted use of public funds contained in (a) above and the type of expenditure for each expenditure from a list of expenditure types to be provided by the Commission.

a gubernatorial candidate, acting alone in a candidate committee or jointly with other candidates in a joint candidates committee.

(e) For the purposes of this section, the references to a gubernatorial candidate and pictures of a gubernatorial candidate, described in (a), (b) and (c) above, which are deemed insubstantial and not subject to allocation pursuant to N.J.A.C. 19:25-16.30, shall be strictly limited to references and pictures of a gubernatorial candidate of the same political party as the non-gubernatorial candidate or candidates or political party committee or legislative leadership committee responsible for circulating or causing the circulation of the communication.

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

19:25-16.31 Borrowing of funds; repayment

Any candidate, campaign treasurer, or deputy campaign treasurer of the candidate, may borrow funds from any national or State bank, provided that no person, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee, other than the candidate, may in any way endorse or guarantee such loan in the aggregate in excess of the \$3,400 contribution limit. Except for a non-participating candidate guaranteeing a loan to the candidate's own campaign, the amount so borrowed shall not at any one time in the aggregate exceed \$50,000 and must be repaid in full by such candidate or the candidate's campaign treasurer or deputy campaign treasurer from monies accepted or allocated pursuant to N.J.S.A. 19:44A-29 not later than 20 days prior to the primary election. Certification of such repayment shall be made by the borrower to the Commission not later than 15 days prior to the date of the primary election. In the event of the failure of the borrower to repay timely the full amount of the loan or to certify properly such repayment to the Commission, all payment of public funds to such candidate shall promptly cease and the Commission shall take action as directed by the Act to prohibit the expenditure by the candidate of monies received from the fund and any other monies received by the candidate in aid of the candidate's campaign in such primary election.

Amended by R.1984 d.561, effective December 17, 1984.
See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).
Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).
See: 21 N.J.R. 788(b).
Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.
See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).
Provisions of emergency amendment R.1989 d.181 readopted without change. Recodified from N.J.A.C. 19:25-16.30 and increased loan limit from \$800.00 to \$1,500.00.
Amended by R.1992 d.516, effective December 21, 1992.
See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).
Revised text.
Amended by R.1996 d.389, effective August 19, 1996.
See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Amended by R.1996 d.583, effective December 16, 1996.
See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised loan guarantee amount.
Amended by R.2000 d.473, effective November 20, 2000.
See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

Substituted "\$2,600" for "\$2,100" in the first sentence.
Amended by R.2004 d.472, effective December 20, 2004.
See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

Substituted "\$3,000" for "\$2,600" following "aggregate in excess of the".

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

Substituted "\$3,400" for "\$3,000" and substituted "monies" for "moneys" three times.

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

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

Deleted a comma following "political party committee", inserted a comma following the third occurrence of "candidate", and substituted "Act" for "act".

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

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

Rewrote the section.

19:25-16.32 Maintenance of records; audit

(a) The campaign treasurer or deputy campaign treasurer of each candidate shall retain all written instruments, checks, bank statements and all other records of contributions and expenditures, including originals or photocopies of all documents and instruments submitted to the Commission relating to the primary for a period not less than four years after submission of the final report for the primary election.

(b) Each candidate, campaign treasurer or deputy campaign treasurer shall furnish to the Commission any books and records, including bank records for all accounts and supporting documentation for matching fund submissions as may be requested by the Commission for purposes of an audit or other Commission examination.

(c) Each candidate, campaign treasurer or deputy campaign treasurer shall, in addition to the recordkeeping requirements in (a) above and in this chapter, make and maintain a written record of each expenditure made from a candidate's public fund account which results in the purchase of time on radio and television stations, which record shall contain the exact amount of the total expenditure that was used for each of the following purposes:

1. The purchase of time on radio stations;
2. The amount of any credit for radio time that was not used;
3. The purchase of time on television stations;
4. The amount of any credit for television time that was not used;
5. The payment of the cost to produce the material aired on the radio and television stations;
6. The payment of any commission; and
7. The amount, if any, that is due to be refunded.

Amended by R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Recodified from N.J.A.C. 19:25-16.31.

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Added (c).

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

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

In (a) and (b), substituted "Commission" for "commission" throughout.

19:25-16.33 Postelection contributions; postelection payment of expenses

(a) Any person, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, otherwise eligible to make political contributions to a candidate may make a contribution in aid of the candidacy of such candidate after the date of such primary provided such person or political committee does not exceed \$3,400 in the aggregate for such primary.

(b) Contributions received by a candidate, campaign treasurer or deputy campaign treasurer pursuant to (a) above shall be expended in order to liquidate all obligations and to pay expenses incurred during the primary campaign, but shall not be transferred to the general election campaign of each candidate.

(c) Every payment of expenditures for primary election obligations made by the candidate, campaign treasurer or deputy campaign treasurer, after the date of the primary election (except as otherwise specifically provided by the Act or this chapter, for example, compliance costs) shall be deemed to be expenditures for such primary election within the meaning of section 7 of the Act.

(d) Contributions received by a candidate, campaign treasurer or deputy campaign treasurer after the date of the primary election for that election shall be eligible for matching of funds and shall be matched provided they are submitted pursuant to N.J.A.C. 19:25-16.18 and 19:25-16.19 up to the first Monday following the fifth month after the primary election.

Amended by R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1988 d.447, effective September 19, 1988.

See: 20 N.J.R. 1339(a), 20 N.J.R. 2395(a).

(b) and (c) added.

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Recodified from N.J.A.C. 19:25-16.32, increased limit from \$800.00 to \$1,500.00.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (a).

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Amended (a).

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (a), raised contribution amount.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), increased dollar amount.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$3,000" for "\$2,600" preceding "in the aggregate for such primary".

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

Section was "Post-election contributions; post-election payment of expenses". In (a), substituted "make" for "made" and "\$3,400" for "\$3,000".

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

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

In (c), substituted "Act or this chapter" for "act or these regulations" and "Act" for "act (N.J.S.A. 19:44A-7)".

19:25-16.34 Repayment of public or other funds

(a) All moneys received by a qualified candidate from the public fund for primary election campaign expenses remaining after the liquidation of all lawful obligations with respect to that election shall be repaid to the Commission (for return to the Treasurer of the State of New Jersey) not later than six months after the date of such primary election. All moneys, other than moneys received from the public fund, remaining available to any qualified candidate after the liquidation of all obligations, shall also be repaid to the Commission (for return to the Treasurer of the State of New Jersey) not later than six months after the date of such primary election provided however, that nothing herein contained shall require any candidate to pay into the public fund a total amount of moneys in excess of the total amount of moneys received by such qualified candidate from the public fund.

(b) No candidate who has received public funds shall incur any debt or make any expenditure after the date of the election for any purpose other than the following:

1. To satisfy outstanding obligations incurred on or before the date of the election made for appropriate campaign purposes; or

2. To pay the reasonable and necessary costs of closing the campaign.

(c) An election night celebration or event conducted by a candidate who has received public funds will be deemed a reasonable and necessary cost of closing the campaign provided that it is conducted on the date of the primary election.

Amended by R.1984 d.561, effective December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

Amended by R.1988 d.447, effective September 19, 1988.

See: 20 N.J.R. 1339(a), 20 N.J.R. 2395(a).

(b) and (c) added.

Amended by R.1988 d.447, effective September 19, 1988.

See: 20 N.J.R. 1339(c), 20 N.J.R. 2395(a).

Added (b) and (c).

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Recodified from N.J.A.C. 19:25-16.33.

19:25-16.34A Application for termination of reporting with net liabilities by publicly financed candidates

(a) A publicly financed candidate who has returned all public moneys to the Commission in compliance with the requirements of N.J.A.C. 19:25-16.34, but who has continued to file postelection quarterly reports to report net liabilities, that is, outstanding obligations in excess of the total assets of the candidate committee, including its cash balance in all of its depository accounts, may apply to the Commission to file a final report to terminate the reporting of the candidate committee as set forth in (b) through (e) below.

(b) Such application shall not be made earlier than seven years after the date of the election.

(c) Each candidate and treasurer filing an application for termination of reporting shall certify the following:

1. For each outstanding obligation, the date each obligation was incurred and the date it was first reported on a report filed with the Commission;

2. A statement describing the efforts made by the campaign to retire the outstanding obligations, including, without limitation, efforts to compromise or resolve the debt with the vendor or service provider;

3. That the candidate committee expects to receive no further contributions to retire its net liabilities in the election;

4. That the candidate committee has liquidated all assets and applied proceeds from such liquidation to retire debt;

5. That the candidate committee expects to make no further expenditures except to bring any remaining depository account balance to zero; and

6. All reports required by the Reporting Act and this chapter have been timely filed and correctly stated, except for good cause shown.

(d) For each outstanding obligation described in (c)1 above, the candidate and the treasurer shall make a separate certification that no pledge or commitment has been made or received by any candidate or treasurer, or other authorized person or representative of the campaign, or by the candidate committee, that the payment of such obligation will be forgiven or assumed by any party other than the candidate committee.

(e) The Commission shall review each such application and shall grant its approval to such application based upon consideration of all factors set forth in (c) and (d) above, and whether or not all outstanding audit issues have been resolved with the candidate committee.

New Rule, R.2009 d.89, effective March 16, 2009.

See: 40 N.J.R. 6763(a), 41 N.J.R. 1267(c).

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

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

In (c)6, substituted "this chapter" for "Commission rules".

19:25-16.34B Final report certification with net liabilities for publicly financed candidates

(a) Upon approval by the Commission pursuant to the provisions of N.J.A.C. 19:25-16.34A, a publicly financed candidate may file a final report and certification of termination of reporting upon a form prescribed by the Commission.

(b) Each candidate and treasurer filing a final report described in (a) above shall recertify the statements described in N.J.A.C. 19:25-16.34A(d) for each outstanding obligation.

(c) The final report shall show a zero balance in all campaign depository accounts and all final expenditures of the campaign fund in accordance with N.J.A.C. 19:25-16.33, Post-election payment of expenses, and N.J.A.C. 19:25-16.34, Repayment of public or other funds.

(d) An outstanding obligation reported on a certificate of termination of reporting filed pursuant to (a), (b) and (c) above shall not be considered a "contribution" as defined at N.J.A.C. 19:25-1.7.

(e) Notwithstanding (d) above, by enacting these provisions, the Commission does not waive its authority pursuant to N.J.S.A. 19:44A-6(b)10 to make a referral to the Office of the Attorney General for possible violations of N.J.S.A. 19:44A-21(a) and (b), upon subsequent receipt of evidence of false certification or misrepresentation of contributions or expenditures.

New Rule, R.2009 d.89, effective March 16, 2009.

See: 40 N.J.R. 6763(a), 41 N.J.R. 1267(c).

19:25-16.35 Computation of value of goods and services

(a) Goods and services shall, for purposes of the reports required to be filed under the Act and for purposes of the expenditure limitation contained in N.J.S.A. 19:44A-7 where applicable, be valued by the reasonable commercial value of such goods and services to the candidate, whether or not the cost or value of such goods or services to the contributor or other provider of those services is higher or lower than such reasonable commercial value.

Example 1: Candidate Y, a candidate for the office of Governor who has chosen to accept public funding, obtains the use of a helicopter for travel of the candidate for campaign purposes. By agreement with the owner of the

helicopter, the campaign committee for the candidate will pay \$900.00 per hour, which represents the cost to the owner of the maintenance and operation of the helicopter. The reasonable commercial value of the use of the helicopter is \$1,000 per hour. In this example, the amount of \$900.00 per hour paid by the campaign committee of the candidate to the owner for use of the helicopter is not includable as an expenditure for purposes of the expenditure limitations contained in N.J.S.A. 19:44A-7. The difference between the \$900.00 per hour actually paid for use of the helicopter and the reasonable commercial value normally charged by the owner for the use of the helicopter, represents a contribution from the owner of the helicopter to the candidate in the amount of \$100.00 per hour. The candidate could obtain the use of the helicopter under this arrangement from a lawful contributor for campaign purposes for not more than 34 hours. If the candidate obtained the use of the helicopter for 35 hours under this arrangement, the owner of the helicopter would have made an unlawful contribution to the candidacy of the candidate, since the aggregate of the contributions \$3,500 from that contributor in this instance would have exceeded \$3,400.

Example 2: Candidate Y in example 1, wishes to obtain the use of the helicopter from the owner for 15 hours, and the campaign committee for the candidate pays to the owner the reasonable commercial value of \$1,000 for each hour, or a total of \$15,000. The amount paid to the owner is not an expenditure within the expenditure limitation contained in N.J.S.A. 19:44A-7. On these facts the owner has made no contribution to the candidate.

In Example 1 and Example 2, the total amounts of expenditures, including expenditures not subject to the expenditure limitation of N.J.S.A. 19:44A-7, must be reported in the preelection and postelection report filed on behalf of the candidate.

(b) The costs of a political communication as defined in N.J.A.C. 19:25-10.10 which aids or promotes a candidate for Governor, and is undertaken, made or circulated with the cooperation or consent of the candidate, shall be reported by the candidate in the same manner as the receipt of any goods and services, and shall be valued for the purposes of the contribution limit in N.J.A.C. 19:25-16.6 and the expenditure limit in N.J.A.C. 19:25-16.9(a) 3 in the same manner as any other contributed goods or services.

Amended by R.1984 d.561, eff. December 17, 1984.
See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).
Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).
Amended by R.1989 d.262, effective April 24, 1989.
See: 21 N.J.R. 703(b), 21 N.J.R. 1379(a).

Added (b) necessitating the computation of the costs of political communications.

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.
See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Recodified from N.J.A.C. 19:25-16.34, increased dollar amounts and number of days in examples.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 2690(b), 24 N.J.R. 4561(a).

Revised (a) and (a)1.-2.

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

In (b) amended a statutory reference.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

Raised monetary amounts in Examples 1 and 2.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), increased dollar amounts and hours.

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "30 hours" for "26 hours" following "purposes for not more than", "31 hours" for "27 hours" following "use of helicopter", "\$3,100" for "\$2,700" preceding "since the aggregate of the contributions", "\$3,000" for "\$2,600" following "in this instance would have exceeded" in Example 1.

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In Example 1 of (a), substituted "34" for "30", "35" for "31", "\$3,500" for "\$3,100", and "\$3,400" for "\$3,000".

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

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

In the introductory paragraph of (a), substituted "Act" for "act".

19:25-16.36 Corporate or labor organization communications

Communications on any subject by a corporation to its stockholders and their families, or by a labor organization to its members and their families, and non-partisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families, shall not be construed to be in aid of the candidacy of, or on behalf of, a candidate for election to the office of Governor in any primary election.

R.1984 d.561, eff. December 17, 1984.

See: 16 N.J.R. 2765(a), 16 N.J.R. 3485(b).

New rule.

Emergency amendment, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency amendment R.1989 d.181 readopted without change. Recodified from N.J.A.C. 19:25-16.35.

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

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

Substituted " , or on behalf of," for "or in behalf of".

19:25-16.37 Candidate statement of qualification before participation in public financing

(a) A candidate who intends to apply to the Commission for public matching funds on a date later than the last day for filing petitions to nominate candidates to be voted upon in a primary election for the office of Governor must on or before the last day for filing petitions to nominate candidates in a primary election for Governor file:

1. A certified statement of qualification containing evidence that \$340,000 has been deposited and expended pursuant to N.J.S.A. 19:44A-32 for gubernatorial primary

election campaign expenses. Evidence that \$340,000 has been deposited and expended shall be filed with the Commission on the last day for filing petitions in the primary election to nominate candidates for the office of Governor and in a form to be prescribed by the Commission.

2. Each contribution submitted in the report required by (a)1 above as evidence that \$340,000 in contributions has been deposited must be accompanied by a written statement, which shall identify the individual making the contribution by full name and full mailing address (number, street, city, state, zip code), the name of the candidate, the amount and date of receipt of the contribution, and shall bear the signature of the contributor. The requirement of such written statement will be deemed to be satisfied in the case where a contribution is made by means of a check, money order or other negotiable instrument payable on demand and to the order for, or specially endorsed without qualification to, the candidate or to his or her campaign committee, if such check, money order or instrument contains all of the foregoing information.

3. Each disbursement submitted in the report required by (a)1 above as evidence that \$340,000 has been expended for primary election expenses shall include two photocopies of checks, receipted bills, contracts, or similar documents as evidence of the expenditure of at least \$340,000.

4. For each contribution from an individual whose aggregate contributions to the candidate in the primary election exceed \$300.00 which is submitted in the report required pursuant to this section, the certified statement of qualification shall include the occupation of the individual and the name and mailing address of the individual's employer.

(b) The reports filed pursuant to (a) above to establish qualification shall not be available for public inspection.

(c) Any report required to be filed pursuant to (a) above shall be filed using electronic filing software supplied by the Commission pursuant to N.J.A.C. 19:25-3.

Emergency New Rule, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency new rule R.1989 d.181 readopted without change.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 2690(b), 24 N.J.R. 4561(a).

Revised (a).

Amended by R.1996 d.389, effective August 19, 1996.

See: 28 N.J.R. 2524(a), 28 N.J.R. 3971(a).

Added (a)4.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (a), raised deposit, expenditure, and contribution amounts.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a), increased dollar amounts.

Amended by R.2004 d.472, effective December 20, 2004 ((a)4 operative January 1, 2005).

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), changed the dollar amount throughout.

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

Rewrote (c).

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a)1 through (a)3, substituted "\$340,000" for "\$300,000" throughout; and in (a)2, inserted a comma following first occurrence of "statement".

19:25-16.38 Statement of candidates electing to participate in debates

(a) A candidate who has not by the last day for filing petitions to nominate candidates to be voted upon in a primary election applied to the Commission for public matching funds may elect to participate in the series of interactive gubernatorial primary election debates by:

1. Notifying the Commission in writing no later than the last day for filing petitions in the primary election to nominate candidates for the office of Governor of his or her intent to participate in the series of gubernatorial primary election debates; and

2. Filing a statement of qualification containing evidence that \$340,000 has been deposited and expended pursuant to N.J.S.A. 19:44-32 for gubernatorial primary election expenses. The statement of qualification shall contain the same information as that required at N.J.A.C. 19:25-16.37(a).

(b) The reports filed pursuant to (a) above to establish qualifications for participation in gubernatorial primary election debates shall not be available for public inspection; however, the Commission shall publish a listing which shall contain the information included in the statement of qualification, filed pursuant to (a)2 above, for each contribution, except that it shall not include the name, address or amount of contribution of any contributor whose contributions in the aggregate are \$300.00 or less unless the candidate authorizes such disclosure in writing.

(c) A candidate who does not elect to accept public financing but who wishes to participate in the series of interactive candidates' debates pursuant to the provisions of (a) above:

1. May use personal funds to meet all or part of the threshold deposited amount for qualification. Any such candidate must include required documentation of his or her own funds pursuant to the requirements of (a) above; and

2. Shall not use repayment of any loan amount to meet any part of the threshold expended amount for qualification.

(d) Any report required to be filed pursuant to (a) above shall be filed using electronic filing software supplied by the Commission pursuant to N.J.A.C. 19:25-3.

Emergency New Rule, R.1989 d.181, effective March 6, 1989 (expires May 5, 1989).

See: 21 N.J.R. 788(b).

Adopted concurrent proposal, R.1989 d.263, effective April 24, 1989.

See: 21 N.J.R. 788(b), 21 N.J.R. 1380(a).

Provisions of emergency new rule R.1989 d.181 readopted without change.

Amended by R.1992 d.516, effective December 21, 1992.

See: 24 N.J.R. 3690(b), 24 N.J.R. 4561(a).

Revised (a)2.

Amended by R.1996 d.583, effective December 16, 1996.

See: 28 N.J.R. 4395(b), 28 N.J.R. 5199(a).

In (a)2, raised deposit and expenditure amount.

Amended by R.2000 d.473, effective November 20, 2000.

See: 32 N.J.R. 2994(a), 32 N.J.R. 4117(a).

In (a)2, increased dollar amount.

Amended by R.2004 d.400, effective October 18, 2004.

See: 36 N.J.R. 2985(a), 36 N.J.R. 4837(a).

Rewrote (b).

Amended by R.2004 d.472, effective December 20, 2004.

See: 36 N.J.R. 4079(a), 36 N.J.R. 5697(a).

In (a), substituted "\$300,000" for "\$260,000" following "qualification containing evidence that" in 2.

Amended by R.2005 d.192, effective June 20, 2005.

See: 37 N.J.R. 754(a), 37 N.J.R. 2228(a).

In (b), substituted "\$300.00" for "\$400.00"; rewrote (c).

Amended by R.2008 d.326, effective November 3, 2008.

See: 40 N.J.R. 3611(a), 40 N.J.R. 6478(b).

Added new (c); and recodified former (c) as (d).

Amended by R.2008 d.359, effective December 1, 2008.

See: 40 N.J.R. 4728(a), 40 N.J.R. 6861(a).

In (a)2, substituted "\$340,000" for "\$300,000".

19:25-16.39 Application to sponsor debates

(a) To be eligible for selection by the Commission to sponsor one or more of the interactive gubernatorial primary election debates, an organization:

1. Must be unaffiliated with any political party or with any holder of or candidate for public office;

2. Must not have endorsed any candidate in the pending primary election for the office of Governor and must agree not to make any such endorsement until the completion of any debate sponsored by the organization; and

(b) Any association of two or more separately owned news publications or broadcasting outlets, including newspapers, radio stations or networks, and television stations or networks, having between or among them a substantial readership or audience in this State, and any association of print or broadcast news or press service correspondents having among them a substantial readership or audience in this State, shall be eligible to sponsor any such gubernatorial primary election debate.

(c) Written applications by organizations to sponsor a gubernatorial primary election debate or debates shall be submitted to the Commission on a form provided by the Commission not later than March 15 of any year in which a primary election is held to nominate candidates for the office of Governor. The written application shall set forth the following information:

1. The time and date of broadcast of the debate or debates;

2. The specific television and radio stations and other media outlets which have committed to air, broadcast, or simulcast the debate or debates, and the specific New Jersey counties and number of households reached by those specific television and radio stations and other media outlets;

3. The specific television and radio stations and other media outlets which have committed to rebroadcast the debate or debates, and the specific dates and times of such rebroadcast;

4. Plans for coverage of the debate or debates by media outlets broadcasting in a foreign language;

5. The location of the debate or debates, and a description of the building or facility including legal seating capacity and accessibility for persons with physical disabilities;

6. A specific description of the format of the debate or debates, including plans for interactive exchanges among the candidates and opportunities for the public to direct questions to the candidates;

7. Specific plans, including plans for newspaper advertisements, to disseminate information to the public concerning the date, time, location, and media outlets airing or broadcasting the debate or debates;

8. Plans for accessibility of the debate or debates to hearing-impaired persons in the broadcast audience;

9. Arrangements for a debate moderator or moderators; and

10. Sources of financial support to the organization to underwrite costs associated with the debate or debates.

(d) If the applicant anticipates the presence of an audience at the debate or debates, the written application shall in addition to the information required under (c) above, set forth the following information:

1. The number of persons expected in the audience;

2. The method to be used to select the audience, including information on distribution of tickets;

3. Plans for interaction between the candidates and the audience; and

4. Plans for accessibility of the debate to hearing-impaired members of the audience.

(e) If the applicant anticipates imposing an admission fee or ticket price for attendance at the debate, the application shall state the amount of the admission fee or ticket price and include an explanation of why such an admission fee or ticket price is being charged.