

ASSEMBLY, No. 1206

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

SYNOPSIS

Makes various changes to reporting requirements for independent expenditure committees; establishes reporting requirements for policy impact committees.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/16/2020)

1 **AN ACT** concerning certain disclosures by independent expenditure
2 committees and policy impact committees and amending
3 P.L.1973, c.83, P.L.1993, c.65, and P.L.2019, c.124.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. Section 3 of P.L.1973, c.83 (C.19:44A-3) is amended to read
9 as follows:

10 3. As used in this act, unless a different meaning clearly
11 appears from the context:

12 a. (Deleted by amendment, P.L.1993, c.65.)

13 b. (Deleted by amendment, P.L.1993, c.65.)

14 c. The term "candidate" means: (1) an individual seeking
15 election to a public office of the State or of a county, municipality
16 or school district at an election; except that the term shall not
17 include an individual seeking party office; (2) an individual who
18 shall have been elected or failed of election to an office, other than
19 a party office, for which he sought election and who receives
20 contributions and makes expenditures for any of the purposes
21 authorized by section 17 of P.L.1993, c.65 (C.19:44A-11.2) during
22 the period of his service in that office; and (3) an individual who
23 has received funds or other benefits or has made payments solely
24 for the purpose of determining whether the individual should
25 become a candidate as defined in paragraphs (1) and (2) of this
26 subsection.

27 d. The terms "contributions" and "expenditures" include all
28 expenditure committee, political party committee or legislative
29 leadership committee, and all pledges or other commitments or
30 assumptions of liability to make any such transfer; and for purposes
31 of reports required under the provisions of this act shall be deemed
32 to have been made upon the date when such commitment is made or
33 liability assumed.

34 e. The term "election" means any election described in section
35 4 of this act.

36 f. The term "paid personal services" means personal, clerical,
37 administrative or professional services of every kind and nature
38 including, without limitation, public relations, research, legal,
39 canvassing, telephone, speech writing or other such services,
40 performed other than on a voluntary basis, the salary, cost or
41 consideration for which is paid, borne or provided by someone
42 other than the committee, candidate or organization for whom such
43 services are rendered. In determining the value, for the purpose of
44 reports required under this act, of contributions made in the form of
45 paid personal services, the person contributing such services shall

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

 Matter underlined thus is new matter.

1 furnish to the treasurer through whom such contribution is made a
2 statement setting forth the actual amount of compensation paid by
3 said contributor to the individuals actually performing said services
4 for the performance thereof. But if any individual or individuals
5 actually performing such services also performed for the contributor
6 other services during the same period, and the manner of payment
7 was such that payment for the services contributed cannot readily
8 be segregated from contemporary payment for the other services,
9 the contributor shall in his statement to the treasurer so state and
10 shall either (1) set forth his best estimate of the dollar amount of
11 payment to each such individual which is attributable to the
12 contribution of his paid personal services, and shall certify the
13 substantial accuracy of the same, or (2) if unable to determine such
14 amount with sufficient accuracy, set forth the total compensation
15 paid by him to each such individual for the period of time during
16 which the services contributed by him were performed. If any
17 candidate is a holder of public office to whom there is attached or
18 assigned, by virtue of said office, any aide or aides whose services
19 are of a personal or confidential nature in assisting him to carry out
20 the duties of said office, and whose salary or other compensation is
21 paid in whole or part out of public funds, the services of such aide
22 or aides which are paid for out of public funds shall be for public
23 purposes only; but they may contribute their personal services, on a
24 voluntary basis, to such candidate for election campaign purposes.

25 g. (Deleted by amendment, P.L.1983, c.579.)

26 h. The term "political information" means any statement
27 including, but not limited to, press releases, pamphlets, newsletters,
28 advertisements, flyers, form letters, Internet or digital
29 advertisements, or radio or television programs or advertisements
30 which reflects the opinion of the members of the organization on
31 any candidate or candidates for public office, on any public
32 question, or which contains facts on any such candidate, or public
33 question whether or not such facts are within the personal
34 knowledge of members of the organization.

35 i. The term "political committee" means any two or more
36 persons acting jointly, or any corporation, partnership, or any other
37 incorporated or unincorporated association which is organized to, or
38 does, aid or promote the nomination, election or defeat of any
39 candidate or candidates for public office, or which is organized to,
40 or does, aid or promote the passage or defeat of a public question in
41 any election, if the persons, corporation, partnership or incorporated
42 or unincorporated association raises or expends \$2,400 or more to
43 so aid or promote the nomination, election or defeat of a candidate
44 or candidates or the passage or defeat of a public question; provided
45 that for the purposes of this act, the term "political committee" shall
46 not include a "continuing political committee," as defined by
47 subsection n. of this section, a "political party committee," as
48 defined by subsection p. of this section, a "candidate committee," as

1 defined by subsection q. of this section, a "joint candidates
2 committee," as defined by subsection r. of this section, a
3 "legislative leadership committee," as defined by subsection s. of
4 this section, or an "independent expenditure committee," as defined
5 by subsection t. of this section.

6 j. The term "public solicitation" means any activity by or on
7 behalf of any candidate, political committee, continuing political
8 committee, candidate committee, joint candidates committee,
9 legislative leadership committee, independent expenditure
10 committee, policy impact committee, or political party committee
11 whereby either (1) members of the general public are personally
12 solicited for cash contributions not exceeding \$20.00 from each
13 person so solicited and contributed on the spot by the person so
14 solicited to a person soliciting or through a receptacle provided for
15 the purpose of depositing contributions, or (2) members of the
16 general public are personally solicited for the purchase of items
17 having some tangible value as merchandise, at a price not exceeding
18 \$20.00 per item, which price is paid on the spot in cash by the
19 person so solicited to the person so soliciting, when the net
20 proceeds of such solicitation are to be used by or on behalf of such
21 candidate, political committee, continuing political committee,
22 candidate committee, joint candidates committee, legislative
23 leadership committee, independent expenditure committee, policy
24 impact committee, or political party committee.

25 k. The term "testimonial affair" means an affair of any kind or
26 nature including, without limitation, cocktail parties, breakfasts,
27 luncheons, dinners, dances, picnics or similar affairs directly or
28 indirectly intended to raise campaign funds in behalf of a person
29 who holds, or who is or was a candidate for nomination or election
30 to a public office in this State, or directly or indirectly intended to
31 raise funds in behalf of any political party committee or in behalf of
32 a political committee, continuing political committee, candidate
33 committee, joint candidates committee, independent expenditure
34 committee, policy impact committee, or legislative leadership
35 committee.

36 l. The term "other thing of value" means any item of real or
37 personal property, tangible or intangible, but shall not be deemed to
38 include personal services other than paid personal services.

39 m. The term "qualified candidate" means:

40 (1) Joint candidates for election to the offices of Governor and
41 Lieutenant Governor whose names appear on the general election
42 ballot; who have deposited and expended \$150,000.00 pursuant to
43 section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than
44 September 1 preceding a general election in which the offices of
45 Governor and Lieutenant Governor are to be filled, (a) notify the
46 Election Law Enforcement Commission in writing that the
47 candidates intend that application will be made on the candidates'
48 behalf for monies for general election campaign expenses under

1 subsection b. of section 8 of P.L.1974, c.26 (C.19:44A-33), and (b)
2 sign a statement of agreement, in a form to be prescribed by the
3 commission, to participate in interactive gubernatorial election
4 debates under the provisions of sections 9 through 11 of P.L.1989,
5 c.4 (C.19:44A-45 through C.19:44A-47); or

6 (2) Joint candidates for election to the offices of Governor and
7 Lieutenant Governor whose names do not appear on the general
8 election ballot; who have deposited and expended \$150,000.00
9 pursuant to section 7 of P.L.1974, c.26 (C.19:44A-32); and who,
10 not later than September 1 preceding a general election in which the
11 offices of Governor and Lieutenant Governor are to be filled, (a)
12 notify the Election Law Enforcement Commission in writing that
13 the candidates intend that application will be made on the
14 candidates' behalf for monies for general election campaign
15 expenses under subsection b. of section 8 of P.L.1974, c.26
16 (C.19:44A-33), and (b) sign a statement of agreement, in a form to
17 be prescribed by the commission, to participate in interactive
18 gubernatorial election debates under the provisions of sections 9
19 through 11 of P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47);
20 or

21 (3) Any candidate for nomination for election to the office of
22 Governor whose name appears on the primary election ballot; who
23 has deposited and expended \$150,000.00 pursuant to section 7 of
24 P.L.1974, c.26 (C.19:44A-32); and who, not later than the last day
25 for filing petitions to nominate candidates to be voted upon in a
26 primary election for a general election in which the office of
27 Governor is to be filled, (a) notifies the Election Law Enforcement
28 Commission in writing that the candidate intends that application
29 will be made on the candidate's behalf for monies for primary
30 election campaign expenses under subsection a. of section 8 of
31 P.L.1974, c.26 (C.19:44A-33), and (b) signs a statement of
32 agreement, in a form to be prescribed by the commission, to
33 participate in two interactive gubernatorial primary debates under
34 the provisions of sections 9 through 11 of P.L.1989, c.4 (C.19:44A-
35 45 through C.19:44A-47); or

36 (4) Any candidate for nomination for election to the office of
37 Governor whose name does not appear on the primary election
38 ballot; who has deposited and expended \$150,000.00 pursuant to
39 section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than
40 the last day for filing petitions to nominate candidates to be voted
41 upon in a primary election for a general election in which the office
42 of Governor is to be filled, (a) notifies the Election Law
43 Enforcement Commission in writing that the candidate intends that
44 application will be made on the candidate's behalf for monies for
45 primary election campaign expenses under subsection a. of section
46 8 of P.L.1974, c.26 (C.19:44A-33), and (b) signs a statement of
47 agreement, in a form to be prescribed by the commission, to
48 participate in two interactive gubernatorial primary debates under

1 the provisions of sections 9 through 11 of P.L.1989, c.4 (C.19:44A-
2 45 through C.19:44A-47).

3 n. The term "continuing political committee" means any group
4 of two or more persons acting jointly, or any corporation,
5 partnership, or any other incorporated or unincorporated
6 association, including a political club, political action committee,
7 civic association or other organization, which in any calendar year
8 contributes or expects to contribute at least ~~【\$5,500】~~ \$2,500 to the
9 aid or promotion of the candidacy of an individual, or of the
10 candidacies of individuals, for elective public office, or the passage
11 or defeat of a public question or public questions, and which may be
12 expected to make contributions toward such aid or promotion or
13 passage or defeat during a subsequent election, provided that the
14 group, corporation, partnership, association or other organization
15 has been determined to be a continuing political committee under
16 subsection b. of section 8 of P.L.1973, c.83 (C.19:44A-8); provided
17 that for the purposes of this act, the term "continuing political
18 committee" shall not include a "political party committee," as
19 defined by subsection p. of this section, a "legislative leadership
20 committee," as defined by subsection s. of this section, or an
21 "independent expenditure committee," as defined by subsection t. of
22 this section.

23 o. The term "statement of agreement" means a written
24 declaration, by a candidate for nomination for election to the office
25 of Governor, or by joint candidates for election to the offices of
26 Governor and Lieutenant Governor who intend that application will
27 be made on behalf of the candidate for the office of Governor to
28 receive monies for the primary election or on behalf of the
29 candidates for the office of Governor and the office of Lieutenant
30 Governor for general election campaign expenses under subsection
31 a. or subsection b., respectively, of section 8 of P.L.1974, c.26
32 (C.19:44A-33), that the candidates undertake to abide by the terms
33 of any rules established by any private organization sponsoring a
34 gubernatorial primary or general election debate, as appropriate, to
35 be held under the provisions of sections 9 through 11 of P.L.1989,
36 c.4 (C.19:44A-45 through C.19:44A-47) and in which the
37 candidates are to participate. The statement of agreement shall
38 include an acknowledgment of notice to the candidates who sign it
39 that failure on the candidates' part to participate in any of the
40 gubernatorial debates may be cause for the termination of the
41 payment of such monies on the candidates' behalf and for the
42 imposition of liability for the return to the commission of such
43 monies as may previously have been so paid.

44 p. The term "political party committee" means the State
45 committee of a political party, as organized pursuant to R.S.19:5-4,
46 any county committee of a political party, as organized pursuant to
47 R.S.19:5-3, or any municipal committee of a political party, as
48 organized pursuant to R.S.19:5-2.

1 q. The term "candidate committee" means a committee
2 established pursuant to subsection a. of section 9 of P.L.1973, c.83
3 (C.19:44A-9) for the purpose of receiving contributions and making
4 expenditures.

5 r. The term "joint candidates committee" means a committee
6 established pursuant to subsection a. of section 9 of P.L.1973, c.83
7 (C.19:44A-9) by at least two candidates for the same elective public
8 offices in the same election in a legislative district, county,
9 municipality or school district, but not more candidates than the
10 total number of the same elective public offices to be filled in that
11 election, for the purpose of receiving contributions and making
12 expenditures. For the purpose of this subsection: the offices of
13 member of the Senate and members of the General Assembly shall
14 be deemed to be the same elective public offices in a legislative
15 district; the offices of member of the board of chosen freeholders
16 and county executive shall be deemed to be the same elective public
17 offices in a county; and the offices of mayor and member of the
18 municipal governing body shall be deemed to be the same elective
19 public offices in a municipality.

20 s. The term "legislative leadership committee" means a
21 committee established, authorized to be established, or designated
22 by the President of the Senate, the Minority Leader of the Senate,
23 the Speaker of the General Assembly or the Minority Leader of the
24 General Assembly pursuant to section 16 of P.L.1993, c.65
25 (C.19:44A-10.1) for the purpose of receiving contributions and
26 making expenditures.

27 t. The term "independent expenditure committee" means a
28 person organized under section 527 of the federal Internal Revenue
29 Code (26 U.S.C. s.527) or under paragraph (4) of subsection (c) of
30 section 501 of the federal Internal Revenue Code (26 U.S.C. s.501)
31 that does not fall within the definition of any other organization,
32 other than a policy impact committee as defined under subsection
33 w. of this section, subject to the provisions of P.L.1973, c.83
34 (C.19:44A-1 et seq.), that engages in influencing or attempting to
35 influence the outcome of any election or the nomination, election,
36 or defeat of any person to any State or local elective public office,
37 or the passage or defeat of any public question, **【**legislation, or
38 regulation, or in**】** and excluding providing political information on
39 any candidate or public question, **【**legislation, or regulation,**】** and
40 that raises or expends \$3,000 or more in the aggregate for any such
41 purpose annually, but does not coordinate its activities with any
42 candidate or political party, as determined by the Election Law
43 Enforcement Commission, or is restricted or limited by any law or
44 regulation with regard to the coordination of its activities with any
45 candidate or political party.

46 The Election Law Enforcement Commission shall determine
47 whether a person, candidate committee, joint candidates committee,
48 continuing political committee, or independent expenditure

1 committee has coordinated its activities with any candidate or
2 political party pursuant to the provisions of section 11 of P.L.2019,
3 c.124 (C.).

4 u. **【**The term “electioneering communication” means any
5 communication made within the period beginning on January 1 of
6 an election year and the date of the election and refers to: (1) a
7 clearly identified candidate for office and promotes or supports a
8 candidate for that office or opposes a candidate for that office,
9 regardless of whether the communication expressly advocates a
10 vote for or against a candidate; or (2) a public question and
11 promotes or supports the passage or defeat of that question,
12 regardless of whether the communication expressly advocates a
13 vote for or against the passage of the question. The term includes
14 communications published in any newspaper or periodical;
15 broadcast on radio, television, or the Internet or digital media , or
16 any public address system; placed on any billboard, outdoor
17 facility, button, motor vehicle, window display, poster, card,
18 pamphlet, leaflet, flyer, or other circular; or contained in any direct
19 mailing, robotic phone calls, or mass e-mails.**】** (Deleted by
20 amendment, P.L. , c.) (pending before the Legislature as this
21 bill)

22 v. The term “independent expenditure” means an expenditure
23 by a person **【**expressly advocating, or the functional equivalent
24 thereof, the election or defeat of**】** that: (1) refers to a clearly
25 identified candidate for office and promotes or supports a candidate
26 for that office or opposes a candidate for that office, regardless of
27 whether it expressly advocates a vote for or against a candidate, and
28 that is not made in concert or cooperation with or at the request or
29 suggestion of the candidate, the candidate’s committee, a political
30 party committee, or an agent thereof; or (2) refers to a public
31 question **【**, legislation, or regulation,**】** , and promotes or supports
32 the passage or defeat of that question, regardless of whether the
33 communication expressly advocates a vote for or against the
34 passage of the question, and that is not made in concert or
35 cooperation with or at the request or suggestion of the sponsors,
36 organizers, or committee supporting or opposing the question,
37 **【**legislation, or regulation,**】** a political party, or agents thereof.
38 **【**The “functional equivalent” of expressly advocating means
39 specific advocacy that can be interpreted by a reasonable person as
40 advocating the election or defeat of a candidate, or the passage or
41 defeat of a public question, legislation, or regulation, taking into
42 account whether the communication involved mentions a candidate,
43 a political party, or a challenger to a candidate, or takes a position
44 on a candidate’s character, qualifications, or fitness for office, or
45 that can be interpreted by a reasonable person as taking a position
46 on the merits of a public question, legislation, or regulation, or

1 taking a position in favor or against the passage or defeat of a
2 public question, legislation, or regulation.】

3 w. The term “policy impact committee” means a person
4 organized under section 527 of the federal Internal Revenue Code
5 (26 U.S.C. s.527) or under paragraph (4) of subsection (c) of
6 section 501 of the federal Internal Revenue Code (26 U.S.C. s.501),
7 regardless of whether it is required to be registered pursuant to the
8 “Legislative and Governmental Process Activities Disclosure Act,”
9 P.L.1971, c.183 (C.52:13C-18 et al.), that seeks to influence the
10 passage or defeat of legislation or regulation through direct,
11 express, and intentional communications with any candidate or
12 candidates or elected official or officials, undertaken on a
13 substantial basis, and that expends \$3,000 or more in the aggregate
14 annually for the purposes of making any public communication or
15 communications promoting or supporting the passage or defeat of
16 any legislation or regulation.

17 For the purposes of this subsection, “public communication”
18 means a communication that is published in any newspaper or
19 periodical, broadcast on radio, television, or the Internet or digital
20 media, or any public address system, placed on any billboard,
21 outdoor facility, button, motor vehicle, window display, poster,
22 card, pamphlet, leaflet, flyer, or other circular, or contained in any
23 direct mailing, robotic phone calls, or mass e-mails. The term
24 “public communication” shall not include a communication
25 presented in a candidate debate or forum conducted pursuant to
26 regulations adopted by the Election Law Enforcement Commission,
27 or which solely promotes the debate or forum and made by or on
28 behalf of a sponsor of the debate or forum, a communication by an
29 organization exclusively to its members, stockholders, or executive
30 or administrative personnel, or a communication appearing in a
31 news story, commentary, or editorial, provided that the medium of
32 communication is not owned or controlled by a political party,
33 political committee, candidate, or elected official.

34 (cf: P.L.2019, c.124, s.1)

35
36 2. Section 8 of P.L.1973, c.83 (C.19:44A-8) is amended to read
37 as follows:

38 8. a. (1) Each political committee shall make a full cumulative
39 report, upon a form prescribed by the Election Law Enforcement
40 Commission, of all contributions in the form of moneys, loans, paid
41 personal services, or other things of value made to it and all
42 expenditures made, incurred, or authorized by it in furtherance of
43 the nomination, election, or defeat of any candidate, or in aid of the
44 passage or defeat of any public question, or to provide political
45 information on any candidate or public question, during the period
46 ending 48 hours preceding the date of the report and beginning on
47 the date on which the first of those contributions was received or
48 the first of those expenditures was made, whichever occurred first.

1 The cumulative report, except as hereinafter provided, shall contain
2 the name and mailing address of each person or group from whom
3 moneys, loans, paid personal services or other things of value have
4 been contributed since 48 hours preceding the date on which the
5 previous such report was made and the amount contributed by each
6 person or group, and where the contributor is an individual, the
7 report shall indicate the occupation of the individual and the name
8 and mailing address of the individual's employer. In the case of any
9 loan reported pursuant to this subsection, the report shall contain
10 the name and mailing address of each person who has cosigned such
11 loan since 48 hours preceding the date on which the previous such
12 report was made, and where an individual has cosigned such loans,
13 the report shall indicate the occupation of the individual and the
14 name and mailing address of the individual's employer. The
15 cumulative report shall also contain the name and address of each
16 person, firm or organization to whom expenditures have been paid
17 since 48 hours preceding the date on which the previous such report
18 was made and the amount and purpose of each such expenditure.
19 The cumulative report shall be filed with the Election Law
20 Enforcement Commission on the dates designated in section 16
21 hereof.

22 The campaign treasurer of the political committee reporting shall
23 certify to the correctness of each report.

24 Each campaign treasurer of a political committee shall file
25 written notice with the commission of a contribution in excess of
26 \$500 received during the period between the 13th day prior to the
27 election and the date of the election, and of an expenditure of
28 money or other thing of value in excess of \$500 made, incurred or
29 authorized by the political committee to support or defeat a
30 candidate in an election, or to aid the passage or defeat of any
31 public question, during the period between the 13th day prior to the
32 election and the date of the election. The notice of a contribution
33 shall be filed in writing or by electronic transmission within 48
34 hours of the receipt of the contribution and shall set forth the
35 amount and date of the contribution, the name and mailing address
36 of the contributor, and where the contributor is an individual, the
37 individual's occupation and the name and mailing address of the
38 individual's employer. The notice of an expenditure shall be filed
39 in writing or by electronic transmission within 48 hours of the
40 making, incurring or authorization of the expenditure and shall set
41 forth the name and mailing address of the person, firm or
42 organization to whom or which the expenditure was paid and the
43 amount and purpose of the expenditure.

44 (2) When a political committee or an individual seeking party
45 office makes or authorizes an expenditure on behalf of a candidate,
46 it shall provide immediate written notification to the candidate of
47 the expenditure.

1 b. (1) A group of two or more persons acting jointly, or any
2 corporation, partnership, or any other incorporated or
3 unincorporated association including a political club, political
4 action committee, civic association or other organization, which in
5 any calendar year contributes or expects to contribute at least
6 \$2,500.00 to the aid or promotion of the candidacy of an individual,
7 or of the candidacies of individuals, for elective public office or the
8 passage or defeat of a public question or public questions and which
9 expects to make contributions toward such aid or promotion, or
10 toward such passage or defeat, during a subsequent election shall
11 certify that fact to the commission, and the commission, upon
12 receiving that certification and on the basis of any information as it
13 may require of the group, corporation, partnership, association or
14 other organization, shall determine whether the group, corporation,
15 partnership, association or other organization is a continuing
16 political committee for the purposes of this act. If the commission
17 determines that the group, corporation, partnership, association or
18 other organization is a continuing political committee, it shall so
19 notify that continuing political committee.

20 No person serving as the chairman of a political party committee
21 or a legislative leadership committee shall be eligible to be
22 appointed or to serve as the chairman of a continuing political
23 committee.

24 (2) A continuing political committee shall file with the Election
25 Law Enforcement Commission, not later than April 15, July 15,
26 October 15 and January 15 of each calendar year, a cumulative
27 quarterly report of all moneys, loans, paid personal services or other
28 things of value contributed to it during the period ending on the
29 15th day preceding that date and commencing on January 1 of that
30 calendar year or, in the case of the cumulative quarterly report to be
31 filed not later than January 15, of the previous calendar year, and all
32 expenditures made, incurred, or authorized by it during the period,
33 whether or not such expenditures were made, incurred or authorized
34 in furtherance of the election or defeat of any candidate, or in aid of
35 the passage or defeat of any public question or to provide
36 information on any candidate or public question.

37 The cumulative quarterly report shall contain the name and
38 mailing address of each person or group from whom moneys, loans,
39 paid personal services or other things of value have been
40 contributed and the amount contributed by each person or group,
41 and where an individual has made such contributions, the report
42 shall indicate the occupation of the individual and the name and
43 mailing address of the individual's employer. In the case of any
44 loan reported pursuant to this subsection, the report shall contain
45 the name and address of each person who cosigns such loan, and
46 where an individual has cosigned such loans, the report shall
47 indicate the occupation of the individual and the name and mailing
48 address of the individual's employer. The report shall also contain

1 the name and address of each person, firm or organization to whom
2 expenditures have been paid and the amount and purpose of each
3 such expenditure. The treasurer of the continuing political
4 committee reporting shall certify to the correctness of each
5 cumulative quarterly report.

6 Each continuing political committee shall provide immediate
7 written notification to each candidate of all expenditures made or
8 authorized on behalf of the candidate.

9 If any continuing political committee submitting cumulative
10 quarterly reports as provided under this subsection receives a
11 contribution from a single source of more than \$500 after the final
12 day of a quarterly reporting period and on or before a primary,
13 general, municipal, school or special election which occurs after
14 that final day but prior to the final day of the next reporting period
15 it shall, in writing or by electronic transmission, report that
16 contribution to the commission within 48 hours of the receipt
17 thereof, including in that report the amount and date of the
18 contribution; the name and mailing address of the contributor; and
19 where the contributor is an individual, the individual's occupation
20 and the name and mailing address of the individual's employer. If
21 any continuing political committee makes or authorizes an
22 expenditure of money or other thing of value in excess of \$500, or
23 incurs any obligation therefor, to support or defeat a candidate in an
24 election, or to aid the passage or defeat of any public question, after
25 March 31 and on or before the day of the primary election, or after
26 September 30 and on or before the day of the general election, it
27 shall, in writing or by electronic transmission, report that
28 expenditure to the commission within 48 hours of the making,
29 authorizing or incurring thereof.

30 A continuing political committee which ceases making
31 contributions toward the aiding or promoting of the candidacy of an
32 individual, or of the candidacies of individuals, for elective public
33 office in this State or the passage or defeat of a public question or
34 public questions in this State shall certify that fact in writing to the
35 commission, and that certification shall be accompanied by a final
36 accounting of any fund relating to such aiding or promoting
37 including the final disposition of any balance in such fund at the
38 time of dissolution. Until that certification has been filed, the
39 committee shall continue to file the quarterly reports as provided
40 under this subsection.

41 c. Each political party committee and each legislative
42 leadership committee shall file with the Election Law Enforcement
43 Commission, not later than April 15, July 15, October 15 and
44 January 15 of each calendar year, a cumulative quarterly report of
45 all moneys, loans, paid personal services or other things of value
46 contributed to it during the period ending on the 15th day preceding
47 that date and commencing on January 1 of that calendar year or, in
48 the case of the cumulative quarterly report to be filed not later than

1 January 15, of the previous calendar year, and all expenditures
2 made, incurred, or authorized by it during the period, whether or not
3 such expenditures were made, incurred or authorized in furtherance
4 of the election or defeat of any candidate, or in aid of the passage or
5 defeat of any public question or to provide information on any
6 candidate or public question.

7 The cumulative quarterly report shall contain the name and
8 mailing address of each person or group from whom moneys, loans,
9 paid personal services or other things of value have been
10 contributed and the amount contributed by each person or group,
11 and where an individual has made such contributions, the report
12 shall indicate the occupation of the individual and the name and
13 mailing address of the individual's employer. In the case of any
14 loan reported pursuant to this subsection, the report shall contain
15 the name and address of each person who cosigns such loan, and
16 where an individual has cosigned such loans, the report shall
17 indicate the occupation of the individual and the name and mailing
18 address of the individual's employer. The report shall also contain
19 the name and address of each person, firm or organization to whom
20 expenditures have been paid and the amount and purpose of each
21 such expenditure. The treasurer of the political party committee or
22 legislative leadership committee reporting shall certify to the
23 correctness of each cumulative quarterly report.

24 d. **[(1)]** Each independent expenditure committee shall file
25 with the Election Law Enforcement Commission, not later than
26 April 15, July 15, October 15 and January 15 of each calendar year,
27 a cumulative quarterly report, upon a form prescribed by the
28 Election Law Enforcement Commission, of all contributions
29 received in excess of \$10,000 in the form of moneys, loans, paid
30 personal services, or other things of value made to it during the
31 period ending on the 15th day preceding that date and commencing
32 on January 1 of that calendar year or, in the case of the cumulative
33 quarterly report to be filed not later than January 15, of the previous
34 calendar year, and of all independent expenditures in excess of
35 \$3,000 made, incurred, or authorized by it during the period, and all
36 expenditures in excess of \$3,000 made, incurred, or authorized by it
37 in influencing or attempting to influence the outcome of any
38 election or the nomination, election, or defeat of any person to State
39 or local elective public office or the passage or defeat of any public
40 question, [legislation, or regulation, or in providing political
41 information on any candidate or public question, legislation, or
42 regulation, during the period ending 48 hours preceding the date of
43 the report and beginning on the date on which the first of those
44 contributions was received or the first of those expenditures was
45 made, whichever occurred first] including, but not limited to, for
46 voter registration, get-out-the-vote efforts, polling, research, and
47 any communication published in any newspaper or periodical;
48 broadcast on radio, television, the Internet, digital media, or any

1 public address system; placed on any billboard, outdoor facility,
2 button, motor vehicle, window display, poster, card, pamphlet,
3 leaflet, flyer, or other circular; or contained in any direct mailing,
4 robotic phone calls, or mass e-mails; and excluding a
5 communication appearing in a news story, commentary, or editorial,
6 provided that the medium of communication is not owned or
7 controlled by a political party, political committee, or candidate, a
8 communication presented in a candidate debate or forum conducted
9 pursuant to regulations adopted by the Election Law Enforcement
10 Commission, a communication that solely promotes the debate or
11 forum and made by or on behalf of a sponsor of the debate or
12 forum, and a communication by an organization exclusively to its
13 members, stockholders, or executive or administrative personnel.

14 The cumulative quarterly report, except as hereinafter provided,
15 shall contain the name and mailing address of each person or group
16 from whom moneys, loans, paid personal services or other things of
17 value have been contributed **【**since 48 hours preceding the date on
18 which such previous report was made**】** and the amount contributed
19 by each person or group in excess of \$10,000, and when the
20 contributor is an individual, the report shall indicate the occupation
21 of the individual and the name and mailing address of the
22 individual's employer. In the case of any loan reported pursuant to
23 this subsection, the report shall contain the name and mailing
24 address of each person who has cosigned such loan **【**since 48 hours
25 preceding the date on which the previous such report was made**】**,
26 and when an individual has cosigned such loans, the report shall
27 indicate the occupation of the individual and the name and mailing
28 address of the individual's employer. The cumulative quarterly
29 report shall also contain the name and address of each person, firm,
30 or organization to whom expenditures have been paid **【**since 48
31 hours preceding the date on which the previous such report was
32 made**】** and the amount and purpose of each such expenditure.

33 **【**(2) An independent expenditure committee shall disclose all
34 expenditures made by it in excess of \$3,000, including, but not
35 limited to, for electioneering communications, voter registration,
36 get-out-the-vote efforts, polling, and research. The disclosures
37 required by this paragraph shall be reported to the Election Law
38 Enforcement Commission on the same schedule as required for
39 continuing political committees pursuant to this section.**】**

40 The treasurer of the reporting independent expenditure
41 committee shall certify the correctness of each report and shall
42 maintain all records of contributions and expenditures for a period
43 of not less than four years.

44 The \$10,000 contribution amount and the \$3,000 expenditure
45 amount established in this subsection shall remain as stated in this
46 subsection without further adjustment by the commission pursuant
47 to section 22 of P.L.1993, c.65 (C.19:44A-7.2).

1 e. When a political party committee, a legislative leadership
2 committee, a policy impact committee, or an independent
3 expenditure committee receives a contribution from a single source
4 of more than \$500 in the case of a political party committee or
5 legislative leadership committee, and more than \$10,000 in the case
6 of an independent expenditure committee or a policy impact
7 committee, provided that, in the case of a policy impact committee,
8 such contribution to the policy impact committee is required to be
9 reported pursuant to subsection h. of this section, after the final day
10 of a quarterly reporting period and on or before a primary, general,
11 municipal, school, or special election which occurs after that final
12 day but prior to the final day of the next reporting period it shall, in
13 writing or by electronic transmission, report that contribution to the
14 commission within 48 hours of the receipt thereof, including in that
15 report the amount and date of the contribution; the name and
16 mailing address of the contributor; and where the contributor is an
17 individual, the individual's occupation and the name and mailing
18 address of the individual's employer.

19 When a political party committee, a legislative leadership
20 committee, a policy impact committee, or an independent
21 expenditure committee makes or authorizes an expenditure of
22 money or other thing of value in excess of \$800 in the case of a
23 political party committee or legislative leadership committee, and in
24 excess of \$3,000 in the case of an independent expenditure
25 committee or a policy impact committee, provided that such
26 expenditure by an independent expenditure committee or policy
27 impact committee is required to be reported pursuant to subsections
28 d. and h. of this section, respectively, or incurs any obligation
29 therefor, to support or defeat a candidate in an election, or to aid the
30 passage or defeat of any public question, **[**or to aid the passage or
31 defeat of legislation or regulation in the case of an independent
32 expenditure committee,**]** or to promote or support the passage or
33 defeat of any legislation or regulation in the case of a policy impact
34 committee, after March 31 and on or before the day of the primary
35 election, or after September 30 and on or before the day of the
36 general election, it shall, in writing or by electronic transmission,
37 report that expenditure to the commission within 48 hours of the
38 making, authorizing or incurring thereof.

39 f. In any report filed pursuant to the provisions of this section
40 the organization or committee reporting may exclude from the
41 report the name of and other information relating to any contributor
42 whose contributions during the period covered by the report did not
43 exceed \$300, or in excess of \$10,000 in the case of an independent
44 expenditure committee or a policy impact committee; provided,
45 however, that (1) such exclusion is unlawful if any person
46 responsible for the preparation or filing of the report knew that it
47 was made with respect to any person whose contributions relating to
48 the same election or issue and made to the reporting organization or

1 committee aggregate, in combination with the contribution in
2 respect of which such exclusion is made, more than \$300 , or in
3 excess of \$10,000 in the case of an independent expenditure
4 committee or a policy impact committee, and (2) any person who
5 knowingly prepares, assists in preparing, files or acquiesces in the
6 filing of any report from which the identification of a contributor
7 has been excluded contrary to the provisions of this section is
8 subject to the provisions of section 21 of P.L.1973, c.83 (C.19:44A-
9 21), but (3) nothing in this proviso shall be construed as requiring
10 any committee or organization reporting pursuant to this act to
11 report the amounts, dates or other circumstantial data regarding
12 contributions made to any other organization or political committee,
13 political party committee or campaign organization of a candidate.

14 g. Any report filed pursuant to the provisions of this section
15 shall include an itemized accounting of all receipts and
16 expenditures relative to any testimonial affairs held since the date
17 of the most recent report filed, which accounting shall include the
18 name and mailing address of each contributor in excess of \$300 to
19 such testimonial affair, or in the case of an independent expenditure
20 committee in excess of \$10,000, and the amount contributed by
21 each; in the case of an individual contributor, the occupation of the
22 individual and the name and mailing address of the individual's
23 employer; the expenses incurred; and the disposition of the
24 proceeds of such testimonial affair.

25 The \$300 limit and \$10,000 limit established in this subsection
26 shall remain as stated in this subsection without further adjustment
27 by the commission in the manner prescribed by section 22 of
28 P.L.1993, c.65 (C.19:44A-7.2).

29 h. Each policy impact committee that makes a coordinated
30 expenditure for any public communication, as that term is defined
31 in subsection w. of section 3 of P.L.1973, c.83 (C.19:44A-3), with
32 any candidate, candidate committee, elected official, or any staff
33 member or agent of the foregoing, shall file with the Election Law
34 Enforcement Commission, not later than April 15, July 15, October
35 15 and January 15 of each calendar year, a cumulative quarterly
36 report, upon a form prescribed by the Election Law Enforcement
37 Commission, of all contributions received in excess of \$10,000 in
38 the form of moneys, loans, paid personal services, or other things of
39 value made to it during the period ending on the 15th day preceding
40 that date and commencing on January 1 of that calendar year or, in
41 the case of the cumulative quarterly report to be filed not later than
42 January 15, of the previous calendar year, and of all expenditures in
43 excess of \$3,000 made, incurred, or authorized by it during the
44 period on a public communication promoting or supporting the
45 passage or defeat of any legislation or regulation. The Election Law
46 Enforcement Commission shall have the authority to finally
47 determine whether a policy impact committee has coordinated its
48 activities with any candidate, candidate committee, elected official,

1 or any staff member or agent of the foregoing pursuant to section 11
2 of P.L.2019, c.124 (C. _____).

3 The cumulative quarterly report, except as hereinafter provided,
4 shall contain the name and mailing address of each person or group
5 from whom moneys, loans, paid personal services or other things of
6 value have been contributed and the amount contributed by each
7 person or group in excess of \$10,000, and when the contributor is
8 an individual, the report shall indicate the occupation of the
9 individual and the name and mailing address of the individual's
10 employer. In the case of any loan reported pursuant to this
11 subsection, the report shall contain the name and mailing address of
12 each person who has cosigned such loan, and when an individual
13 has cosigned such loans, the report shall indicate the occupation of
14 the individual and the name and mailing address of the individual's
15 employer. The cumulative quarterly report shall also contain the
16 name and address of each person, firm, or organization to whom
17 such reportable expenditures have been paid and the amount and
18 purpose of each such expenditure.

19 The treasurer of the reporting policy impact committee shall
20 certify the correctness of each report and shall maintain all records
21 of contributions and expenditures for a period of not less than four
22 years.

23 The \$10,000 contribution amount and the \$3,000 expenditure
24 amount established in this subsection shall remain as stated in this
25 subsection without further adjustment by the commission pursuant
26 to section 22 of P.L.1993, c.65 (C.19:44A-7.2).

27 (cf: P.L.2019, c.124, s.2)

28
29 3. Section 21 of P.L.1993, c.65 (C.19:44A-8.1) is amended to
30 read as follows:

31 21. a. Each political committee, as defined in subsection i. of
32 section 3 of P.L.1973, c.83 (C.19:44A-3), which aids or promotes
33 the nomination for election or the election of a candidate or the
34 passage or defeat of a public question, each independent
35 expenditure committee, as defined in subsection t. of section 3 of
36 P.L.1973, c.83 (C.19:44A-3), each continuing political committee
37 as defined in subsection n. of section 3 of P.L.1973, c.83, each
38 policy impact committee, as defined in subsection w. of section 3 of
39 P.L.1973, c.83 (C.19:44A-3), and each legislative leadership
40 committee as defined in subsection s. of section 3 of P.L.1973, c.83,
41 shall submit to the commission a statement of registration which
42 includes:

43 (1) the complete name or identifying title of the committee and
44 the general category of entity or entities, including but not limited
45 to business organizations, labor organizations, professional or trade
46 associations, candidate for or holder of public office, political party,
47 ideological grouping or civic association, the interests of which are

1 shared by the leadership, members, or financial supporters of the
2 committee;

3 (2) the mailing address of the committee and the name and
4 resident address of a resident of this State who shall have been
5 designated by the committee as its agent to accept service of
6 process; and

7 (3) a descriptive statement prepared by the organizers or officers
8 of the committee that identifies (a) the names and mailing addresses
9 of the persons having control over the affairs of the committee,
10 including but not limited to persons in whose name or at whose
11 direction or suggestion the committee solicits funds, and persons
12 participating in any decision to make a contribution of such funds to
13 any candidate, political committee or continuing political
14 committee and, in the case of an independent expenditure
15 committee, any decision to expend funds for the purpose of
16 influencing or attempting to influence the outcome of any election
17 or the nomination, election, or defeat of any person to State or local
18 elective public office or the passage or defeat of any public
19 question, [legislation, or regulation, or in providing political
20 information on any candidate or public question, legislation, or
21 regulation] and in the case of a policy impact committee, any
22 decision to make a reportable expenditure; (b) the name and mailing
23 address of any person not included among the persons identified
24 under subparagraph (a) of this paragraph who, directly or through
25 an agent, participated in the initial organization of the committee;
26 (c) in the case of any person identified under subparagraph (a) or
27 subparagraph (b) who is an individual, the occupation of that
28 individual, the individual's home address, and the name and mailing
29 address of the individual's employer, or, in the case of any such
30 person which is a corporation, partnership, unincorporated
31 association, or other organization, the name and mailing address of
32 the organization; and (d) any other information which the Election
33 Law Enforcement Commission may, under such regulations as it
34 shall adopt pursuant to the provisions of the "Administrative
35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), require as
36 being material to the fullest possible disclosure of the economic,
37 political and other particular interests and objectives which the
38 committee has been organized to or does advance. The commission
39 shall be informed, in writing, of any change in the information
40 required by this paragraph within three days of the occurrence of
41 the change. Legislative leadership committees shall be exempt
42 from the requirements of subparagraphs (a), (b) and (c) of this
43 paragraph.

44 b. After submission of a statement of registration to the
45 commission pursuant to this section, the committee shall use the
46 complete name or identifying title on all documents submitted to
47 the commission, in all solicitations for contributions, in all paid
48 media advertisements purchased or paid for by the committee in

1 support of or in opposition to any candidate or public question, and
2 in all contributions made by the committee to candidates or other
3 committees and, in the case of an independent expenditure
4 committee, any decision to expend funds for the purpose of
5 influencing or attempting to influence the outcome of any election
6 or the selection, nomination, election, or defeat of any person to
7 State or local elective public office or the passage or defeat of any
8 public question **】, legislation, or regulation, or in providing**
9 political information on any candidate or public question,
10 legislation, or regulation**】.**

11 c. Each report of contributions under section 8 of P.L.1973,
12 c.83 (C.19:44A-8) by a political committee, a continuing political
13 committee, an independent expenditure committee, a policy impact
14 committee or a legislative leadership committee required under
15 subsection a. of this section to submit a statement of registration
16 shall include, in the case of each contributor who is an individual,
17 the home address of the individual if different from the individual's
18 mailing address, or, in the case of any contributor which is an
19 organization, any information, in addition to that otherwise
20 required, which the Election Law Enforcement Commission may,
21 under such regulations as it shall adopt pursuant to the provisions of
22 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
23 seq.), require as being material to the fullest possible disclosure of
24 the economic, political and other particular interests and objectives
25 which the contributing organization has been organized to or does
26 advance.

27 d. Any political committee, continuing political committee,
28 independent expenditure committee, policy impact committee, or
29 legislative leadership committee may at any time apply to the
30 commission for approval of an abbreviation or acronym of its
31 complete, official name or title for its exclusive use on documents
32 which it shall submit to the commission. Upon verification that the
33 abbreviation or acronym has not been approved for such use by any
34 other political committee, continuing political committee,
35 independent expenditure committee, policy impact committee, or
36 legislative leadership committee, the commission shall approve the
37 abbreviation or acronym for such use by the applicant committee,
38 and the committee, and any individual, corporation, partnership,
39 membership organization or incorporated or unincorporated
40 association which, under the provisions of P.L.1973, c.83
41 (C.19:44A-1 et al.), submits any documents to the commission
42 containing a reference to that committee, shall thereafter use that
43 approved abbreviation or acronym in documents submitted to the
44 commission. The commission shall, during its regular office hours,
45 maintain for public inspection in its offices a current alphabetically
46 arranged list of all such approved abbreviations and acronyms,
47 indicating for each the name of the committee for which it stands,
48 and shall make copies of the list available upon request.

1 e. No foreign national, government, instrumentality, or agent
2 may register as an independent expenditure committee for the
3 purpose of making **independent** expenditures in any State or local
4 election.

5 (cf: P.L.2019, c.124, s.3)

6
7 4. Section 10 of P.L.1973, c.83 (C.19:44A-10) is amended to
8 read as follows:

9 10. Each political party committee shall, on or before July 1 in
10 each year, designate a single organizational treasurer and an
11 organizational depository and shall, not later than the tenth day after
12 the designation of the organizational depository file the name and
13 address of that depository, and of the organizational treasurer, with
14 the Election Law Enforcement Commission.

15 Every political committee may designate a chairman of the
16 committee, but no person serving as the chairman of a political
17 party committee or a legislative leadership committee shall be
18 eligible to be appointed or to serve as the chairman of a political
19 committee. Every political committee shall, not later than the date
20 on which it first receives any contribution or makes or incurs any
21 expenditure in the furtherance or aid of the election or defeat of any
22 candidate or the passage or defeat of any public question, appoint a
23 single campaign treasurer and designate a campaign depository, but
24 no person serving as the chairman of a political party committee or
25 a legislative leadership committee shall be eligible to be appointed
26 or to serve as the campaign treasurer of a political committee. Not
27 later than the tenth day after the initial designation of the campaign
28 depository, the committee shall file the name and address of the
29 depository, and of the campaign treasurer, with the Election Law
30 Enforcement Commission.

31 Every independent expenditure committee may designate a
32 chairman of the committee, but no person serving as the chairman
33 of a political party committee or a legislative leadership committee
34 shall be eligible to be appointed or to serve as the chairman of an
35 independent expenditure committee. No candidate or holder of
36 public office, directly or indirectly, shall establish, authorize the
37 establishment of, maintain, or participate in the management or
38 control of any independent expenditure committee. Every
39 independent expenditure committee, not later than the date on
40 which it first receives any contribution or makes or incurs any
41 expenditure for the purpose of influencing or attempting to
42 influence the outcome of any election or the nomination, election,
43 or defeat of any person to State or local elective public office or the
44 passage or defeat of any public question **],** legislation, or
45 regulation, or providing political information on any candidate or
46 public question, legislation, or regulation,**]** shall appoint a single
47 organizational treasurer and designate an organizational depository,
48 but no person serving as the chairman of a political party committee

1 or a legislative leadership committee shall be eligible to be
2 appointed or to serve as the organizational treasurer of an
3 independent expenditure committee. Not later than the 10th day
4 after the initial designation of the organizational depository, the
5 committee shall file the name and address of the depository, and of
6 the organizational treasurer, with the Election Law Enforcement
7 Commission.

8 Every policy impact committee may designate a chairman of the
9 committee, but no person serving as the chairman of a political
10 party committee or a legislative leadership committee shall be
11 eligible to be appointed or to serve as the chairman of a policy
12 impact committee. No candidate or holder of public office, directly
13 or indirectly, shall establish, authorize the establishment of,
14 maintain, or participate in the management or control of any policy
15 impact committee. Every policy impact committee, not later than
16 the date on which it first receives any contribution or makes or
17 incurs any expenditure for the purpose of making any public
18 communication promoting or supporting the passage or defeat of
19 any legislation or regulation shall appoint a single organizational
20 treasurer and designate an organizational depository, but no person
21 serving as the chairman of a political party committee or a
22 legislative leadership committee shall be eligible to be appointed or
23 to serve as the organizational treasurer of a policy impact
24 committee. Not later than the 10th day after the initial designation
25 of the organizational depository, the committee shall file the name
26 and address of the depository, and of the organizational treasurer,
27 with the Election Law Enforcement Commission.

28 Every continuing political committee shall, not later than the
29 date on which it first receives any contribution or makes or incurs
30 any expenditure in the furtherance or aid of the election or defeat of
31 any candidate or the passage or defeat of any public question,
32 appoint a single organizational treasurer and designate an
33 organizational depository, provided that no person who is the
34 chairman of a political party committee or a legislative leadership
35 committee shall be eligible to be appointed or to serve as the
36 organizational treasurer of a continuing political committee. Not
37 later than the tenth day after the initial designation of the
38 organizational depository, the committee shall file the name and
39 address of the depository, and of the organizational treasurer, with
40 the Election Law Enforcement Commission.

41 Every legislative leadership committee shall, not later than the
42 date on which it first receives any contribution or makes or incurs
43 any expenditure in the furtherance or aid of the election or defeat of
44 any candidate or the passage or defeat of any public question,
45 appoint a single organizational treasurer and designate an
46 organizational depository. Not later than the tenth day after the
47 initial designation of the organizational depository, the committee
48 shall file the name and address of the depository, and of the

1 organizational treasurer, with the Election Law Enforcement
2 Commission.

3 Each organizational treasurer of a State political party committee
4 or a legislative leadership committee shall be a trained treasurer,
5 pursuant to subsection g. of section 6 of P.L.1973, c.83 (C.19:44A-
6 6), or shall acquire such training within 90 days of appointment as
7 an organizational treasurer. An organizational treasurer of any
8 other political party committee or a continuing political committee
9 or an independent expenditure committee and a campaign treasurer
10 of a political committee may be a trained treasurer.

11 An organizational treasurer of a political party committee, a
12 continuing political committee, an independent expenditure
13 committee, a policy impact committee, or a legislative leadership
14 committee and a campaign treasurer of a political committee may
15 appoint deputy organizational or campaign treasurers as may be
16 required and may designate additional organizational or campaign
17 depositories. Such committees shall file the names and addresses of
18 such deputy treasurers and additional depositories with the Election
19 Law Enforcement Commission not later than the fifth day after their
20 appointment or designation, respectively.

21 Any political party committee, any political committee, any
22 independent expenditure committee, any continuing political
23 committee, any policy impact committee, and any legislative
24 leadership committee may remove its organizational or campaign
25 treasurer or deputy treasurer. In the case of the death, resignation
26 or removal of its organizational or campaign treasurer, the
27 committee shall appoint a successor as soon as practicable and shall
28 file his name and address with the Election Law Enforcement
29 Commission within three days.

30 (cf: P.L.2019, c.124, s.4)

31

32 5. Section 11 of P.L.1973, c.83 (C.19:44A-11) is amended to
33 read as follows:

34 11. No contribution of money or other thing of value, nor
35 obligation therefor, including but not limited to contributions, loans
36 or obligations of a candidate himself or of his family, shall be made
37 or received, and no expenditure of money or other thing of value,
38 nor obligation therefor, including expenditures, loans or obligations
39 of a candidate himself or of his family, shall be made or incurred,
40 directly or indirectly, to support or defeat a candidate in any
41 election, or to aid the passage or defeat of any public question, **【**or
42 to aid the passage or defeat of legislation or regulation in the case of
43 an independent expenditure committee,**】** or to make any public
44 communication promoting or supporting the passage or defeat of
45 any legislation or regulation in the case of a policy impact
46 committee, except through:

- 1 a. The duly appointed campaign treasurer or deputy campaign
2 treasurers of the candidate committee or joint candidates
3 committee;
4 b. The duly appointed organizational treasurer or deputy
5 organizational treasurers of a political party committee or a
6 continuing political committee;
7 c. The duly appointed campaign treasurer or deputy campaign
8 treasurers of a political committee;
9 d. The duly appointed organizational treasurer or deputy
10 organizational treasurer of a legislative leadership committee; **[or]**
11 e. The duly appointed organizational treasurer or deputy
12 organizational treasurer of an independent expenditure committee;
13 or
14 f. The duly appointed organizational treasurer or deputy
15 organizational treasurer of a policy impact committee.

16 It shall be lawful, however, for any person, not acting in concert
17 with any other person or group, to expend personally from his own
18 funds a sum which is not to be repaid to him for any purpose not
19 prohibited by law, or to contribute his own personal services and
20 personal traveling expenses, to support or defeat a candidate or to
21 aid the passage or defeat of a public question; provided, however,
22 that any person making such expenditure shall be required to report
23 his or her name and mailing address and the amount of all such
24 expenditures and expenses, except personal traveling expenses, if
25 the total of the money so expended, exclusive of such traveling
26 expenses, exceeds \$500, and also, where the person is an individual,
27 to report the individual's occupation and the name and mailing
28 address of the individual's employer, to the Election Law
29 Enforcement Commission at the same time and in the same manner
30 as a political committee subject to the provisions of section 8 of
31 P.L.1973, c.83 (C.19:44A-8). Such expenditure made during the
32 period between the 13th day prior to the election and the date of the
33 election shall be filed in writing or by telegram within 48 hours of
34 the making, incurring or authorization of the expenditure and shall
35 set forth the name and mailing address of the person, firm or
36 organization to whom or which the expenditure was paid and the
37 amount and purpose of the expenditure.

38 No contribution of money shall be made in currency, except
39 contributions in response to a public solicitation, provided that
40 cumulative currency contributions of up to \$200 may be made to a
41 candidate committee or joint candidates committee, a political
42 committee, a continuing political committee, an independent
43 expenditure committee, a policy impact committee, a legislative
44 leadership committee or a political party committee if the
45 contributor submits with the currency contribution a written
46 statement of a form as prescribed by the commission, indicating the
47 contributor's name, mailing address and occupation and the amount
48 of the contribution, including the contributor's signature and the

1 name and mailing address of the contributor's employer.
2 Adjustments to the \$200 limit established in this paragraph which
3 have been made by the Election Law Enforcement Commission,
4 pursuant to section 22 of P.L.1993, c.65 (C.19:44A-7.2), prior to
5 the effective date of P.L.2004, c.28 are rescinded. The \$200 limit
6 established in this paragraph shall remain as stated in this paragraph
7 without further adjustment by the commission in the manner
8 prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2).

9 Any anonymous contribution received by a campaign treasurer
10 or deputy campaign treasurer shall not be used or expended, but
11 shall be returned to the donor, if his identity is known, and if no
12 donor is found, the contribution shall escheat to the State.

13 No person, partnership or association, either directly or through
14 an agent, shall make any loan or advance, the proceeds of which
15 that person, partnership or association knows or has reason to know
16 or believe are intended to be used by the recipient thereof to make a
17 contribution or expenditure, except by check or money order
18 identifying the name, mailing address and occupation or business of
19 the maker of the loan, and, if the maker is an individual, the name
20 and mailing address of that individual's employer; provided,
21 however, that such loans or advances to a single individual, up to a
22 cumulative amount of \$50 in any calendar year, may be made in
23 currency.

24 (cf: P.L.2019, c.124, s.5)

25

26 6. Section 12 of P.L.1973, c.83 (C.19:44A-12) is amended to
27 read as follows:

28 12. An organizational or campaign treasurer or deputy
29 organizational or campaign treasurer of a candidate committee or
30 joint candidates committee, a political committee, a continuing
31 political committee, an independent expenditure committee, a
32 policy impact committee, a political party committee or a legislative
33 leadership committee shall make a written record of all funds which
34 he receives as contributions to the candidate committee, joint
35 candidates committee, political committee, continuing political
36 committee, independent expenditure committee, policy impact
37 committee, political party committee or legislative leadership
38 committee, including in that record the name and mailing address of
39 the contributor, the amount and date of the contribution, and where
40 the contributor is an individual, the occupation of the individual and
41 the name and mailing address of the individual's employer. The
42 organizational or campaign treasurer shall retain that record for a
43 period of not less than four years.

44 All funds so received shall be deposited by the campaign or
45 organizational treasurer or deputy campaign or organizational
46 treasurer in a campaign depository of the candidate committee or
47 joint candidates committee, the continuing political committee,
48 political committee, independent expenditure committee, policy

1 impact committee, political party committee or legislative
2 leadership committee no later than the tenth calendar day following
3 receipt of such funds; except that any such treasurer or deputy
4 treasurer may, when authorized by the candidate, candidates or
5 committee of which he is the campaign or organizational treasurer
6 or deputy campaign or organizational treasurer, transfer any such
7 funds to the duly designated campaign or organizational treasurer or
8 deputy campaign or organizational treasurer of another candidate or
9 committee, for inclusion in the campaign depository thereof,
10 without first so depositing them; provided, however, that the
11 amount so transferred shall not be in excess of the amount that may
12 be contributed by one candidate to another candidate in an election
13 pursuant to section 18 of P.L.1993, c.65 (C.19:44A-11.3), but this
14 proviso shall not be construed to prohibit a county or municipal
15 committee of a political party from making a contribution or
16 contributions, or from transferring funds as hereinabove authorized,
17 to any candidate, candidate committee, joint candidates committee,
18 political committee, continuing political committee, independent
19 expenditure committee, policy impact committee, political party
20 committee, or legislative leadership committee. A record of all
21 nondeposited funds so transferred shall be attached to the statement
22 required under this section, identifying them as to source and
23 amount in the same manner as deposited funds.

24 (cf: P.L.2019, c.124, s.6)

25
26 7. Section 18 of P.L.1973, c.83 (C.19:44A-18) is amended to
27 read as follows:

28 18. If any former candidate or any political committee or any
29 person or association of persons in behalf of such political
30 committee or former candidate shall receive any contributions or
31 make any expenditures with relation to any election after the date
32 set in section 16 of P.L.1973, c.83 (C.19:44A-16) for the final
33 report subsequent to such election, or shall conduct any testimonial
34 affair or public solicitation for the purpose of raising funds to cover
35 any part of the expenses of a candidate, political committee,
36 independent expenditure committee, policy impact committee, or
37 other organization in such election, all such contributions,
38 expenditures, testimonial affairs or public solicitations shall be
39 reported to the Election Law Enforcement Commission by the
40 person or persons receiving such contributions or making such
41 expenditures or conducting such testimonial affairs or public
42 solicitations.

43 Such report shall be made by any person receiving any such
44 contribution or contributions, or making any such expenditure or
45 expenditures, which in the aggregate total more than \$100.00, or
46 conducting any testimonial affair or public solicitation of which the
47 net proceeds exceed \$100.00; and shall be made within 20 days
48 from the date upon which the aggregate of such contributions,

1 expenditures or proceeds exceed \$100.00 for the period
2 commencing with the 19th day following such election or with the
3 date upon which any previous report was made pursuant to this
4 section, whichever is sooner. Such report shall be made in the same
5 form and shall contain the same detail prescribed for any other
6 report made pursuant to section 8 or 16 of P.L.1973, c.83
7 (C.19:44A-8 or C.19:44A-16).
8 (cf: P.L.2019, c.124, s.7)
9

10 8. Section 20 of P.L.1973, c.83 (C.19:44A-20) is amended to
11 read as follows:

12 20. No contribution of money or other thing of value, nor
13 obligation therefor, shall be made, and no expenditure of money or
14 other thing of value, nor obligation therefor, shall be made or
15 incurred whether anonymously, in a fictitious name, or by one
16 person or group in the name of another, to support or defeat a
17 candidate in an election or to aid the passage or defeat of any public
18 question or to provide political information on any candidate or
19 public question or to seek to influence the content, introduction,
20 passage or defeat of legislation.

21 No individual, either alone or jointly with one or more other
22 individuals, and no corporation, partnership, membership
23 organization or other incorporated or unincorporated association
24 shall loan or advance to any individual, group of individuals,
25 corporation, partnership, membership organization or other
26 incorporated or unincorporated association any money or other
27 thing of value expressly for the purpose of inducing the recipient
28 thereof, or any other individual, group, corporation, partnership,
29 organization or association, to make a contribution, either directly
30 or indirectly, of money or other thing of value to a candidate or the
31 candidate committee or joint candidates committee of a candidate.

32 No person shall contribute, or purport to contribute, to any
33 candidate, candidate committee or joint candidates committee,
34 political committee, continuing political committee, independent
35 expenditure committee, policy impact committee, political party
36 committee or legislative leadership committee funds or property
37 which does not actually belong to him and is not in his full custody
38 and control; which has been given or furnished to him by any other
39 person or group for the purpose of making a contribution thereof,
40 except in the case of group contributions by persons who are
41 members of the contributing group; or which has been loaned or
42 advanced expressly for the purpose of inducing the making of a
43 contribution to a candidate, candidate committee or joint candidates
44 committee.

45 No treasurer, candidate or member of a candidate committee,
46 joint candidates committee, political committee, continuing political
47 committee, independent expenditure committee, policy impact
48 committee, political party committee or legislative leadership

1 committee shall solicit or knowingly accept, agree to accept or
2 concur in or abet the solicitation or acceptance of any contribution
3 contrary to the provisions of this section.

4 (cf: P.L.2019, c.124, s.9)

5

6 9. Section 11 of P.L.2019, c.124 (C.) is amended to read
7 as follows:

8 11. To determine whether a person, candidate committee, joint
9 candidates committee, continuing political committee, policy
10 impact committee, or independent expenditure committee has made
11 a coordinated expenditure with any candidate, elected official, or
12 political party, the Election Law Enforcement Commission shall
13 consider whether the candidate or political party, the candidate
14 committee, or any staff member or agent thereof:

15 a. cooperated with, consented to, authorized, or exercised
16 control over the production or circulation of the communication
17 expenditure;

18 b. requested or suggested that the communication expenditure
19 be made;

20 c. provided information to the person or entity making the
21 communication expenditure with regard to the content, timing,
22 location, mode, intended audience, distribution, or placement of the
23 television, radio, direct mail, or other form of communication;

24 d. discussed or negotiated with the purchaser, creator,
25 producer, or distributor of the communication concerning the
26 content, timing, location, mode, intended audience, distribution, or
27 placement of the communication;

28 e. shared information or held discussions on campaign or
29 media strategy with the person or entity making the communication
30 expenditure or with the purchaser, creator, producer, or distributor
31 of the communication;

32 f. shared its polling or other research with the person or entity
33 making the communication expenditure or whether or not the
34 person or entity making the communication expenditure shared its
35 polling or other research with the candidate, candidate committee,
36 or with any agent of the candidate or candidate committee; or

37 g. engaged in any other activity the Election Law Enforcement
38 Commission determines, by regulation, constitutes a coordinated
39 expenditure.

40 (cf: P.L.2019, c.124, s.11)

41

42 10. Section 4 of P.L.1973, c.83 (C.19:44A-4) is amended to read
43 as follows:

44 4. The provisions of this act shall apply:

45 a. (Deleted by amendment; P.L.1981, c. 151.)

46 b. (Deleted by amendment; P.L. [1983], c. [579].)

47 c. In any election at which a public question is to be voted
48 upon by the voters of the State or any political subdivision thereof;

1 d. In any election for any public office of the State or any
2 political subdivision thereof; provided, however, that this act shall
3 not, except for paragraph (2) of subsection a. of section 8 of the act
4 (C. 19:44A-8), apply to elections for party office;

5 e. As otherwise specified in this act, P.L.1973, c.83 (C.19:44A-
6 1 et al.).
7 (cf: P.L.1983, c.579, s.8)

8
9 11. (New section) If any provision of this act, P.L. , c. (pending
10 before the Legislature as this bill), or the application thereof to any
11 person or circumstance is held invalid, such invalidity shall not affect
12 other provisions or applications which can be given effect without the
13 invalid provisions or applications, and to this end the provisions of this
14 act are declared to be severable.

15
16 12. This act shall take effect on the first date, following
17 enactment, that occurs after July 16, 2019 by which a quarterly
18 report would be required to be filed pursuant to subsection d. of
19 section 8 of P.L.1973, c.83 (C.19:44A-8), but the first reports filed
20 pursuant to subsections d. and h. of that section shall not be
21 required to be filed until the next quarterly report filing deadline
22 thereafter as specified in those subsections and shall include only
23 those reportable items which occur after the effective date of this
24 act.

25 26 27 STATEMENT

28
29 This bill makes various changes to reporting requirements for
30 independent expenditure committees and establishes policy impact
31 committees as groups that would be required to disclose
32 contributions and expenditures in certain circumstances.

33 The bill clarifies that independent expenditure committees will
34 report on the same schedule as continuing political committees. The
35 bill also modifies how expenditures will be reported.

36 The definition of an independent expenditures is modified to
37 mean an expenditure that refers to (1) a clearly identified candidate
38 for office and promotes or supports a candidate for that office or
39 opposes a candidate for that office, regardless of whether it
40 expressly advocates a vote for or against a candidate, and is not
41 made in concert or cooperation with or at the request or suggestion
42 of the candidate, the candidate's committee, a political party
43 committee, or an agent thereof; or (2) a public question, and
44 promotes or supports the passage or defeat of that question,
45 regardless of whether the communication expressly advocates a
46 vote for or against the passage of the question, and that is not made
47 in concert or cooperation with or at the request or suggestion of the
48 sponsors, organizers, or committee supporting or opposing the

1 question, a political party, or agents thereof. Under the bill,
2 independent expenditures over \$3,000 and all expenditures over
3 \$3,000 made for the purpose of influencing the outcome of any
4 election or public question will be reported. The bill removes
5 providing political information as activity for which a group would
6 qualify as an independent expenditure committee or for which the
7 group would be required to report.

8 Under current law, an independent expenditure means an
9 expenditure expressly advocating the election or defeat of a clearly
10 identified candidate or a public question, legislation, or regulation.
11 The bill removes attempting to influence legislation and regulations
12 as activity for which contributions and expenditures would have to
13 be reported by an independent expenditure committee. The bill also
14 modifies the definition of independent expenditure committee to
15 reflect committees that are restricted or limited by law or regulation
16 with regard to the coordination of its activities with any candidate
17 or political party. The bill excludes certain communications in news
18 stories or editorials, communications in a candidate debate, and
19 communications by an organization exclusively to its members,
20 stockholders, or executive or administrative personnel. The bill also
21 eliminates the definition of electioneering communication.

22 The bill raises the threshold for reporting certain contributions to
23 the Election Law Enforcement Commission (ELEC) within 48
24 hours of receipt when those contributions are received on or before
25 a primary, general, municipal, school, or special election that occurs
26 between the last day of a quarterly reporting period and the last day
27 of the next reporting period. Currently, while contributions to
28 independent expenditure committees are reportable when they
29 exceed \$10,000, contributions during this time period are reportable
30 when they exceed \$500. The bill would change this amount to
31 match the current contribution threshold of over \$10,000, requiring
32 that such contributions be reported to ELEC within 48 hours when
33 received during that time. The bill makes the same change with
34 respect to expenditures, changing the \$800 threshold to the \$3,000
35 threshold to which independent expenditure committees are
36 otherwise subject for purposes of reporting.

37 The bill broadens the activity for which a foreign national,
38 government, or agent is prohibited from registering as an
39 independent expenditure committee to include making any
40 expenditure in any State or local election, rather than only an
41 independent expenditure.

42 The bill lowers, from \$5,500 to \$2,500, the contributions
43 threshold for a group to qualify as a continuing political committee
44 to match the threshold for requiring that group to certify to ELEC
45 that the committee expects to contribute that amount concerning
46 election related activity. The bill also revises, in subsections f. and
47 g. in section 2 of the bill, a provision of law that permits the
48 exclusion of contributions below a reportable amount to match the

1 threshold currently applicable to independent expenditure
2 committees for those groups.

3 Finally, the bill requires policy impact committees to report
4 certain activity to the Election Law Enforcement Commission. A
5 policy impact committee is defined in the bill as a person organized
6 under sections 527 or 501(c)(4) of the federal Internal Revenue
7 Code, regardless of whether it is required to be registered pursuant
8 to the New Jersey “Legislative and Governmental Process Activities
9 Disclosure Act,” that seeks to influence the passage or defeat of
10 legislation or regulation through direct, express, and intentional
11 communications with any candidate or candidates or elected official
12 or officials, undertaken on a substantial basis, and that expends
13 \$3,000 or more in the aggregate annually for the purposes of
14 making any public communication or communications promoting or
15 supporting the passage or defeat of any legislation or regulation.
16 The sponsor believes this definition comports with the strictures for
17 requiring disclosure by these groups as discussed by the New Jersey
18 Supreme Court in New Jersey State Chamber of Commerce v. New
19 Jersey Election Law Enforcement Commission, 82 N.J. 57 (1980).

20 The bill defines public communication to mean a communication
21 that is published in any newspaper or periodical, broadcast on radio,
22 television, or the Internet or digital media, or any public address
23 system, placed on any billboard, outdoor facility, button, motor
24 vehicle, window display, poster, card, pamphlet, leaflet, flyer, or
25 other circular, or contained in any direct mailing, robotic phone
26 calls, or mass e-mails. The term public communication would not
27 include a communication presented in a candidate debate or forum
28 conducted pursuant to regulations adopted by the Election Law
29 Enforcement Commission, or which solely promotes the debate or
30 forum and made by or on behalf of a sponsor of the debate or
31 forum, a communication by an organization exclusively to its
32 members, stockholders, or executive or administrative personnel, or
33 a communication appearing in a news story, commentary, or
34 editorial, provided that the medium of communication is not owned
35 or controlled by a political party, political committee, candidate, or
36 elected official.

37 The bill requires a policy impact committee that makes a
38 coordinated expenditure for any public communication with any
39 candidate or elected official to file a cumulative quarterly report
40 with the Election Law Enforcement Commission, on the same
41 schedule as independent expenditure committees, of all
42 contributions received in excess of \$10,000 and of all expenditures
43 in excess of \$3,000 made, incurred, or authorized by it on a public
44 communication promoting or supporting the passage or defeat of
45 any legislation or regulation.