

SENATE, No. 3413

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 4, 2021

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Requires reporting of campaign contributions exceeding \$200 within 72 hours and eliminates quarterly reports; removes campaign contribution limits.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning campaign contribution limits and reporting
2 requirements and amending P.L.1973, c.83, P.L.1993, c.65, and
3 P.L.2004, c.29 and repealing various parts of the statutory law.

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

7
8 1. Section 2 of P.L.1973, c.83 (C.19:44A-2) is amended to read
9 as follows:

10 2. It is hereby declared to be in the public interest and to be the
11 policy of the State **to limit political contributions and** to require
12 the reporting of **all** contributions received and expenditures made
13 to aid or promote the nomination, election or defeat of any
14 candidate for public office or to aid or promote the passage or
15 defeat of a public question in any election and to require the
16 reporting of **all** contributions received and expenditures made to
17 provide political information on any candidate for public office, or
18 on any public question.
19 (cf: P.L.1993, c.65, s.1)

20
21 2. Section 22 of P.L.1993, c.65 (C.19:44A-7.2) is amended to
22 read as follows:

23 22. a. Not later than December 1 of each year preceding any
24 year in which a general election is to be held to fill the offices of
25 Governor and Lieutenant Governor for a four-year term, the
26 Election Law Enforcement Commission shall adjust the amounts,
27 set forth in subsection b. of this section, which shall be applicable
28 under P.L.1973, c.83 (C.19:44A-1 et al.) to primary and general
29 elections for any public office other than the offices of Governor
30 and Lieutenant Governor at a percentage which shall be the same as
31 the percentage of change that the commission applies to the
32 amounts used for the primary election for the office of Governor
33 and the general election for the offices of Governor and Lieutenant
34 Governor held in the third year preceding the year in which that
35 December 1 occurs, pursuant to section 19 of P.L.1980, c.74
36 (C.19:44A-7.1), and any amount so adjusted shall be rounded in the
37 same manner as provided in that section.

38 b. The amounts subject to adjustment as provided under this
39 section shall be:

40 (1) the minimum amount raised or expended by any two or more
41 persons acting jointly who qualify as a political committee and the
42 minimum amount contributed or expected to be contributed in any
43 calendar year by any group of two or more persons acting jointly
44 who qualify as a continuing political committee as defined in
45 section 3 of P.L.1973, c.83 (C.19:44A-3);

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 (2) (Deleted by amendment, P.L.2004, c.28);

2 (3) [the minimum amount of a contribution to a political
3 committee, continuing political committee, legislative leadership
4 committee or a political party committee received during the period
5 between the 13th day prior to the election and the date of the
6 election, the minimum amount of an expenditure by a political
7 committee during that period, and the minimum amount of an
8 expenditure by a continuing political committee during the period
9 beginning after March 31 and ending on the date of the primary
10 election and the period beginning after September 30 and ending on
11 the date of the general election which triggers an obligation to
12 report that contribution to the commission pursuant to section 8 of
13 P.L.1973, c.83 (C.19:44A-8), and the minimum amount of a
14 contribution to a candidate, candidate committee or joint candidates
15 committee received during the period between the 13th day prior to
16 the election and the date of the election which triggers an obligation
17 to report that contribution to the commission pursuant to section 16
18 of P.L.1973, c.83 (C.19:44A-16)] Deleted by amendment, P.L. , c.
19 (pending before the Legislature as this bill);

20 (4) the maximum amount which may be expended by the
21 campaign organizations of two or more candidates forming a joint
22 candidates committee without being required to file contribution
23 reports, pursuant to section 8 of P.L.1973, c.83 (C.19:44A-8);

24 (5) the maximum amount that a person, not acting in concert
25 with any other person or group, may spend to support or defeat a
26 candidate or to aid the passage or defeat of a public question
27 without being required to report all such expenditures and expenses
28 to the commission pursuant to section 11 of P.L.1973, c.83
29 (C.19:44A-11) and the maximum amount that a person, not acting
30 in concert with any other person or group, may raise through a
31 public solicitation and expend to finance any lawful activity in
32 support of or in opposition to any candidate or public question or to
33 seek to influence the content, introduction, passage or defeat of
34 legislation pursuant to section 19 of P.L.1973, c.83 (C.19:44A-19);

35 (6) the maximum amount that may be expended, in the
36 aggregate, on behalf of a candidate without requiring that candidate
37 to file contribution reports with the commission and the maximum
38 amount that may be expended, in the aggregate, on behalf of a
39 candidate seeking election to a public office of a school district,
40 without requiring that candidate to file contribution reports with the
41 commission pursuant to section 16 of P.L.1973, c.83 (C.19:44A-
42 16);

43 (7) the maximum amount of penalty which may be imposed by
44 the commission on any person who fails to comply with the
45 regulatory provisions of P.L.1973, c.83 (C.19:44A-1 et al.) for a
46 first offense or a second and subsequent offenses, pursuant to
47 section 22 of P.L.1973, c.83 (C.19:44A-22);

1 (8) the maximum amount of penalty which may be imposed by
2 the commission on any corporation or labor organization which
3 provides any of its employees any additional increment of salary for
4 the express purpose of making a contribution to a candidate,
5 candidate committee, joint candidates committee, political party
6 committee, legislative leadership committee, political committee or
7 continuing political committee for a first or a second and
8 subsequent offenses, pursuant to section 15 of P.L.1993, c.65
9 (C.19:44A-20.1);

10 (9) (Deleted by amendment, P.L.2004, c.174);

11 (10) (Deleted by amendment, P.L.2004, c.174);

12 (11) (Deleted by amendment, P.L.2004, c.174);

13 (12) the amount of filing fees which may be collected from a
14 candidate committee, a joint candidates committee, a continuing
15 political committee, a political party committee, a legislative
16 leadership committee, or any other person pursuant to section 6 of
17 P.L.1973, c.83 (C.19:44A-6) (as that section shall have been
18 amended by P.L.1983, c.579).

19 c. Not later than December 15 of each year preceding any year
20 in which a general election is to be held to fill the offices of
21 Governor and Lieutenant Governor for a four-year term, the
22 commission shall report to the Legislature and make public its
23 adjustment of limits in accordance with the provisions of this
24 section. Whenever, following the transmittal of that report, the
25 commission shall have notice that a person has declared as a
26 candidate for nomination for election or for election to any public
27 office in a forthcoming primary or general election, it shall
28 promptly notify that candidate of the amounts of those adjusted
29 limits.

30 (cf: P.L.2009, c.66, s.9)

31

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

34 8. a. (1) Each political committee shall make a full cumulative
35 report, upon a form prescribed by the Election Law Enforcement
36 Commission, of all contributions in excess of \$200 in the form of
37 moneys, loans, paid personal services, or other things of value made
38 to it and all expenditures made, incurred, or authorized by it in
39 furtherance of the nomination, election, or defeat of any candidate,
40 or in aid of the passage or defeat of any public question, or to
41 provide political information on any candidate or public question,
42 **【during the period ending 48 hours preceding the date of the report**
43 **and beginning on the date on which the first of those contributions**
44 **was received or the first of those expenditures was made, whichever**
45 **occurred first】** within 72 hours of the receipt of the contribution or
46 the making of the expenditure. The cumulative report, except as
47 hereinafter provided, shall contain the name and mailing address of
48 each person or group from whom moneys, loans, paid personal

1 services or other things of value in excess of \$200 have been
2 contributed **【since 48 hours preceding the date on which the**
3 **previous such report was made】** and the amount contributed by
4 each person or group, and where the contributor is an individual,
5 the report shall indicate the occupation of the individual and the
6 name and mailing address of the individual's employer. In the case
7 of any loan reported pursuant to this subsection, the report shall
8 contain the name and mailing address of each person who has
9 cosigned such loan **【since 48 hours preceding the date on which the**
10 **previous such report was made】**, and where an individual has
11 cosigned such loans, the report shall indicate the occupation of the
12 individual and the name and mailing address of the individual's
13 employer. The cumulative report shall also contain the name and
14 address of each person, firm or organization to whom expenditures
15 have been paid **【since 48 hours preceding the date on which the**
16 **previous such report was made】** and the amount and purpose of
17 each such expenditure. **【The cumulative report shall be filed with**
18 **the Election Law Enforcement Commission on the dates designated**
19 **in section 16 hereof.】**

20 The campaign treasurer of the political committee reporting shall
21 certify to the correctness of each report.

22 Each campaign treasurer of a political committee shall file
23 written notice with the commission of a contribution in excess of
24 **【\$500】** \$200 received during the period between the 13th day prior
25 to the election and the date of the election, and of an expenditure of
26 money or other thing of value in excess of **【\$500】** \$200 made,
27 incurred or authorized by the political committee to support or
28 defeat a candidate in an election, or to aid the passage or defeat of
29 any public question, during the period between the 13th day prior to
30 the election and the date of the election. The notice of a
31 contribution shall be filed in writing or by electronic transmission
32 within 48 hours of the receipt of the contribution and shall set forth
33 the amount and date of the contribution, the name and mailing
34 address of the contributor, and where the contributor is an
35 individual, the individual's occupation and the name and mailing
36 address of the individual's employer. The notice of an expenditure
37 shall be filed in writing or by electronic transmission within 48
38 hours of the making, incurring or authorization of the expenditure
39 and shall set forth the name and mailing address of the person, firm
40 or organization to whom or which the expenditure was paid and the
41 amount and purpose of the expenditure.

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

46 b. (1) A group of two or more persons acting jointly, or any
47 corporation, partnership, or any other incorporated or

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

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

22 (2) A continuing political committee shall file with the Election
23 Law Enforcement Commission, **【not later than April 15, July 15,**
24 **October 15 and January 15 of each calendar year,】** a cumulative
25 **【quarterly】** report of all moneys, loans, paid personal services or
26 other things of value in excess of \$200 contributed to it **【during the**
27 **period ending on the 15th day preceding that date and commencing**
28 **on January 1 of that calendar year or, in the case of the cumulative**
29 **quarterly report to be filed not later than January 15, of the previous**
30 **calendar year】** within 72 hours of the receipt of the contribution,
31 and all expenditures made, incurred, or authorized by it during
32 **【the】** that period, whether or not such expenditures were made,
33 incurred or authorized in furtherance of the election or defeat of any
34 candidate, or in aid of the passage or defeat of any public question
35 or to provide information on any candidate or public question.

36 The cumulative **【quarterly】** report shall contain the name and
37 mailing address of each person or group from whom moneys, loans,
38 paid personal services or other things of value in excess of \$200
39 have been contributed and the amount contributed by each person or
40 group, and where an individual has made such contributions, the
41 report shall indicate the occupation of the individual and the name
42 and mailing address of the individual's employer. In the case of any
43 loan reported pursuant to this subsection, the report shall contain
44 the name and address of each person who cosigns such loan, and
45 where an individual has cosigned such loans, the report shall
46 indicate the occupation of the individual and the name and mailing
47 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】** \$200 during
13 the period between the 13th day prior to and the date of a primary,
14 general, municipal, school or special election **【which occurs after**
15 **that final day but prior to the final day of the next reporting period】**
16 it shall, in writing or by electronic transmission, report that
17 contribution to the commission within 48 hours of the receipt
18 thereof, including in that report the amount and date of the
19 contribution; the name and mailing address of the contributor; and
20 where the contributor is an individual, the individual's occupation
21 and the name and mailing address of the individual's employer. If
22 any continuing political committee makes or authorizes an
23 expenditure of money or other thing of value in excess of \$500, or
24 incurs any obligation therefor, to support or defeat a candidate in an
25 election, or to aid the passage or defeat of any public question **【,**
26 **after March 31 and on or before the day of the primary election, or**
27 **after September 30 and on or before the day of the general**
28 **election,】** during that period it shall, in writing or by electronic
29 transmission, report that expenditure to the commission within 48
30 hours of the making, authorizing or incurring thereof.

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

42 c. Each political party committee and each legislative
43 leadership committee shall file with the Election Law Enforcement
44 Commission, **【not later than April 15, July 15, October 15 and**
45 **January 15 of each calendar year,】** a cumulative **【quarterly】** report
46 of all moneys, loans, paid personal services or other things of value
47 in excess of \$200 contributed to it **【during the period ending on the**

1 15th day preceding that date and commencing on January 1 of that
2 calendar year or, in the case of the cumulative quarterly report to be
3 filed not later than January 15, of the previous calendar year**】**
4 within 72 hours of the receipt of the contribution, and all
5 expenditures made, incurred, or authorized by it during **【the】** that
6 period, whether or not such expenditures were made, incurred or
7 authorized in furtherance of the election or defeat of any candidate,
8 or in aid of the passage or defeat of any public question or to
9 provide information on any candidate or public question.

10 The cumulative **【quarterly】** report shall contain the name and
11 mailing address of each person or group from whom moneys, loans,
12 paid personal services or other things of value in excess of \$200
13 have been contributed and the amount contributed by each person or
14 group, and where an individual has made such contributions, the
15 report shall indicate the occupation of the individual and the name
16 and mailing address of the individual's employer. In the case of any
17 loan reported pursuant to this subsection, the report shall contain
18 the name and address of each person who cosigns such loan, and
19 where an individual has cosigned such loans, the report shall
20 indicate the occupation of the individual and the name and mailing
21 address of the individual's employer. The report shall also contain
22 the name and address of each person, firm or organization to whom
23 expenditures have been paid and the amount and purpose of each
24 such expenditure. The treasurer of the political party committee or
25 legislative leadership committee reporting shall certify to the
26 correctness of each cumulative **【quarterly】** report.

27 d. (1) Each independent expenditure committee shall file with
28 the Election Law Enforcement Commission, **【not later than April**
29 **15, July 15, October 15 and January 15 of each calendar year,】** a
30 cumulative **【quarterly】** report, upon a form prescribed by the
31 Election Law Enforcement Commission, of all contributions
32 received in excess of \$10,000 in the form of moneys, loans, paid
33 personal services, or other things of value made to it, and of all
34 expenditures in excess of \$3,000 made, incurred, or authorized by it
35 in influencing or attempting to influence the outcome of any
36 election or the nomination, election, or defeat of any person to State
37 or local elective public office or the passage or defeat of any public
38 question, legislation, or regulation, or in providing political
39 information on any candidate or public question, legislation, or
40 regulation, **【during the period ending 48 hours preceding the date of**
41 **the report and beginning on the date on which the first of those**
42 **contributions was received or the first of those expenditures was**
43 **made, whichever occurred first】** within 72 hours of the receipt of
44 the contribution or the making of the expenditure. The **【quarterly】**
45 report, except as hereinafter provided, shall contain the name and
46 mailing address of each person or group from whom moneys, loans,
47 paid personal services or other things of value have been

1 contributed **【**since 48 hours preceding the date on which such
2 previous report was made**】** and the amount contributed by each
3 person or group in excess of \$10,000, and when the contributor is
4 an individual, the report shall indicate the occupation of the
5 individual and the name and mailing address of the individual's
6 employer. In the case of any loan reported pursuant to this
7 subsection, the report shall contain the name and mailing address of
8 each person who has cosigned such loan **【**since 48 hours preceding
9 the date on which the previous such report was made**】**, and when an
10 individual has cosigned such loans, the report shall indicate the
11 occupation of the individual and the name and mailing address of
12 the individual's employer. The **【**quarterly**】** report shall also contain
13 the name and address of each person, firm, or organization to whom
14 expenditures have been paid **【**since 48 hours preceding the date on
15 which the previous such report was made**】** and the amount and
16 purpose of each such expenditure.

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

24 The treasurer of the reporting independent expenditure
25 committee shall certify the correctness of each report and shall
26 maintain all records of contributions and expenditures for a period
27 of not less than four years.

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

32 e. When a political party committee, legislative leadership
33 committee or independent expenditure committee receives a
34 contribution from a single source of more than **【**\$500 after the final
35 day of a quarterly reporting period and on or before**】** \$200 during
36 the period between the 13th day prior to and the date of a primary,
37 general, municipal, school, or special election **【**which occurs after
38 that final day but prior to the final day of the next reporting period**】**
39 it shall, in writing or by electronic transmission, report that
40 contribution to the commission within 48 hours of the receipt
41 thereof, including in that report the amount and date of the
42 contribution; the name and mailing address of the contributor; and
43 where the contributor is an individual, the individual's occupation
44 and the name and mailing address of the individual's employer.
45 When a political party committee, legislative leadership committee,
46 or an independent expenditure committee makes or authorizes an
47 expenditure of money or other thing of value in excess of \$800, or

1 incurs any obligation therefor, to support or defeat a candidate in an
2 election, or to aid the passage or defeat of any public question, or to
3 aid the passage or defeat of legislation or regulation in the case of
4 an independent expenditure committee **】, after March 31 and on or**
5 **before the day of the primary election, or after September 30 and on**
6 **or before the day of the general election】** during that period, it
7 shall, in writing or by electronic transmission, report that
8 expenditure to the commission within 48 hours of the making,
9 authorizing or incurring thereof.

10 f. In any report filed pursuant to the provisions of this section
11 the organization or committee reporting may exclude from the
12 report the name of and other information relating to any contributor
13 whose contributions during the period covered by the report did not
14 exceed **【\$300】** \$200, provided, however, that (1) such exclusion is
15 unlawful if any person responsible for the preparation or filing of
16 the report knew that it was made with respect to any person whose
17 contributions relating to the same election or issue and made to the
18 reporting organization or committee aggregate, in combination with
19 the contribution in respect of which such exclusion is made, more
20 than **【\$300】** \$200 and (2) any person who knowingly prepares,
21 assists in preparing, files or acquiesces in the filing of any report
22 from which the identification of a contributor has been excluded
23 contrary to the provisions of this section is subject to the provisions
24 of section 21 of P.L.1973, c.83 (C.19:44A-21), but (3) nothing in
25 this proviso shall be construed as requiring any committee or
26 organization reporting pursuant to this act to report the amounts,
27 dates or other circumstantial data regarding contributions made to
28 any other organization or political committee, political party
29 committee or campaign organization of a candidate.

30 g. Any report filed pursuant to the provisions of this section
31 shall include an itemized accounting of all receipts and
32 expenditures relative to any testimonial affairs held since the date
33 of the most recent report filed, which accounting shall include the
34 name and mailing address of each contributor in excess of **【\$300】**
35 \$200 to such testimonial affair and the amount contributed by each;
36 in the case of an individual contributor, the occupation of the
37 individual and the name and mailing address of the individual's
38 employer; the expenses incurred; and the disposition of the
39 proceeds of such testimonial affair.

40 The **【\$300】** \$200 limit established in this subsection shall
41 remain as stated in this subsection without further adjustment by the
42 commission in the manner prescribed by section 22 of P.L.1993,
43 c.65 (C.19:44A-7.2).
44 (cf: P.L.2019, c.124, s.2)

45
46 4. Section 11 of P.L.1973, c.83 (C.19:44A-11) is amended to
47 read as follows:

1 11. No contribution of money or other thing of value, nor
2 obligation therefor, including but not limited to contributions, loans
3 or obligations of a candidate himself or of his family, shall be made
4 or received, and no expenditure of money or other thing of value,
5 nor obligation therefor, including expenditures, loans or obligations
6 of a candidate himself or of his family, shall be made or incurred,
7 directly or indirectly, to support or defeat a candidate in any
8 election, or to aid the passage or defeat of any public question, or to
9 aid the passage or defeat of legislation or regulation in the case of
10 an independent expenditure committee, except through:

11 a. The duly appointed campaign treasurer or deputy campaign
12 treasurers of the candidate committee or joint candidates
13 committee;

14 b. The duly appointed organizational treasurer or deputy
15 organizational treasurers of a political party committee or a
16 continuing political committee;

17 c. The duly appointed campaign treasurer or deputy campaign
18 treasurers of a political committee;

19 d. The duly appointed organizational treasurer or deputy
20 organizational treasurer of a legislative leadership committee; or

21 e. The duly appointed organizational treasurer or deputy
22 organizational treasurer of an independent expenditure committee.

23 It shall be lawful, however, for any person, not acting in concert
24 with any other person or group, to expend personally from his own
25 funds a sum which is not to be repaid to him for any purpose not
26 prohibited by law, or to contribute his own personal services and
27 personal traveling expenses, to support or defeat a candidate or to
28 aid the passage or defeat of a public question; provided, however,
29 that any person making such expenditure shall be required to report
30 his or her name and mailing address and the amount of all such
31 expenditures and expenses, except personal traveling expenses, if
32 the total of the money so expended, exclusive of such traveling
33 expenses, exceeds **【\$500】** \$200, and also, where the person is an
34 individual, to report the individual's occupation and the name and
35 mailing address of the individual's employer, to the Election Law
36 Enforcement Commission at the same time and in the same manner
37 as a political committee subject to the provisions of section 8 of
38 P.L.1973, c.83 (C.19:44A-8). Such expenditure made during the
39 period between the 13th day prior to the election and the date of the
40 election shall be filed in writing or by telegram within 48 hours of
41 the making, incurring or authorization of the expenditure and shall
42 set forth the name and mailing address of the person, firm or
43 organization to whom or which the expenditure was paid and the
44 amount and purpose of the expenditure.

45 No contribution of money shall be made in currency, except
46 contributions in response to a public solicitation, provided that
47 cumulative currency contributions of up to \$200 may be made to a
48 candidate committee or joint candidates committee, a political

1 committee, a continuing political committee, an independent
2 expenditure committee, a legislative leadership committee or a
3 political party committee if the contributor submits with the
4 currency contribution a written statement of a form as prescribed by
5 the commission, indicating the contributor's name, mailing address
6 and occupation and the amount of the contribution, including the
7 contributor's signature and the name and mailing address of the
8 contributor's employer. Adjustments to the \$200 limit established in
9 this paragraph which have been made by the Election Law
10 Enforcement Commission, pursuant to section 22 of P.L.1993, c.65
11 (C.19:44A-7.2), prior to the effective date of P.L.2004, c.28 are
12 rescinded. The \$200 limit established in this paragraph shall remain
13 as stated in this paragraph without further adjustment by the
14 commission in the manner prescribed by section 22 of P.L.1993,
15 c.65 (C.19:44A-7.2).

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

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

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

32

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

35 12. An organizational or campaign treasurer or deputy
36 organizational or campaign treasurer of a candidate committee or
37 joint candidates committee, a political committee, a continuing
38 political committee, an independent expenditure committee, a
39 political party committee or a legislative leadership committee shall
40 make a written record of all funds which he receives as
41 contributions to the candidate committee, joint candidates
42 committee, political committee, continuing political committee,
43 independent expenditure committee, political party committee or
44 legislative leadership committee, including in that record the name
45 and mailing address of the contributor, the amount and date of the
46 contribution, and where the contributor is an individual, the
47 occupation of the individual and the name and mailing address of
48 the individual's employer. The organizational or campaign treasurer

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

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

30
31 6. Section 16 of P.L.1973, c.83 (C.19:44A-16) is amended to
32 read as follows:

33 16. a. The campaign treasurer of each candidate committee and
34 joint candidates committee shall make a full cumulative report,
35 upon a form prescribed by the Election Law Enforcement
36 Commission, of all contributions in excess of \$200 in the form of
37 moneys, loans, paid personal services or other things of value, made
38 to him or to the deputy campaign treasurers of the candidate
39 committee or joint candidates committee, and all expenditures paid
40 out of the election fund of the candidate or candidates [, during the
41 period ending with the second day preceding the date of the
42 cumulative report and beginning on the date of the first of those
43 contributions, the date of the first of those expenditures, or the date
44 of the appointment of the campaign treasurer, whichever occurred
45 first] within 72 hours of the receipt of the contribution or the
46 making of the expenditure. The report shall also contain the name
47 and mailing address of each person or group from whom moneys,
48 loans, paid personal services or other things of value in excess of

1 \$200 were contributed [after the second day preceding the date of
2 the previous cumulative report] and the amount contributed by each
3 person or group, and where an individual has made such
4 contributions, the report shall indicate the occupation of the
5 individual and the name and mailing address of the individual's
6 employer. In the case of any loan reported pursuant to this section,
7 the report shall further contain the name and mailing address of
8 each person who cosigns such loan, the occupation of the person
9 and the name and mailing address of the person's employer. If no
10 moneys, loans, paid personal services or other things of value were
11 contributed, the report shall so indicate, and if no expenditures were
12 paid or incurred, the report shall likewise so indicate. The
13 campaign treasurer and the candidate or several candidates shall
14 certify the correctness of the report.

15 b. During the period between the appointment of the campaign
16 treasurer and the election with respect to which contributions are
17 accepted or expenditures made by him, [the campaign treasurer
18 shall file his cumulative campaign report (1) on the 29th day
19 preceding the election, and (2) on the 11th day preceding the
20 election; and after the election he shall file his report on the 20th
21 day following such election. Concurrent with the report filed on the
22 20th day] following an election, or at any time thereafter, the
23 campaign treasurer of a candidate committee or joint candidates
24 committee may certify to the Election Law Enforcement
25 Commission that the election fund of such candidate committee or
26 joint candidates committee has wound up its business and been
27 dissolved, or that business regarding the late election has been
28 wound up but the candidate committee or joint candidates
29 committee will continue for the deposit and use of contributions in
30 accordance with section 17 of P.L.1993, c.65 (C.19:44A-11.2).
31 Certification shall be accompanied by a final accounting of such
32 election fund, or of the transactions relating to such election,
33 including the final disposition of any balance remaining in such
34 fund at the time of dissolution or the arrangements which have been
35 made for the discharge of any obligations remaining unpaid at the
36 time of dissolution. Until the candidate committee or joint
37 candidates committee is dissolved, each such treasurer shall
38 continue to file reports in the form and manner herein prescribed.

39 The Election Law Enforcement Commission shall promulgate
40 regulations providing for the termination of post-election campaign
41 reporting requirements applicable to political committees, candidate
42 committees and joint candidates committees. The requirements to
43 file [quarterly] reports after the first post-election report may be
44 waived by the commission, notwithstanding that the certification
45 has not been filed, if the commission determines under any
46 regulations so promulgated that the outstanding obligations of the
47 political committee, candidate committee or joint candidates

1 committee do not exceed 10% of the expenditures of the campaign
2 fund with respect to the election or \$1,000.00, whichever is less, or
3 are likely to be discharged or forgiven.

4 A candidate committee or joint candidates committee shall file
5 with the Election Law Enforcement Commission, **【not later than**
6 **April 15, July 15, October 15 of】** each calendar year in which the
7 candidate or candidates in control of the committee does or do not
8 run for election or reelection and **【January 15 of】** each calendar
9 year in which the candidate or candidates does or do run for
10 election or reelection, a cumulative **【quarterly】** report of all
11 moneys, loans, paid personal services or other things of value in
12 excess of \$200 contributed to it or to the candidate or candidates
13 **【during the period ending on the 15th day preceding that date and**
14 **commencing on January 1 of that calendar year or, in the case of the**
15 **cumulative quarterly report to be filed not later than January 15, of**
16 **the previous calendar year】** within 72 hours of the receipt of the
17 contribution, and all expenditures made, incurred, or authorized by
18 it or the candidate or candidates during **【the】** that period, whether
19 or not such expenditures were made, incurred or authorized in
20 furtherance of the election or defeat of any candidate, or in aid of
21 the passage or defeat of any public question or to provide
22 information on any candidate or public question. **【The commission**
23 **may by regulation require any such candidate committee or joint**
24 **candidates committee to file during any calendar year one or more**
25 **additional cumulative reports of such contributions received and**
26 **expenditures made as may be necessary to ensure that no more than**
27 **five months shall elapse between the last day of a period covered by**
28 **one such report and the last day of the period covered by the next**
29 **such report.】**

30 The commission, on any form it shall prescribe for the reporting
31 of expenditures by a candidate committee or joint candidates
32 committee, shall provide for the grouping together of all
33 expenditures under the category of "campaign expenses" under
34 paragraph (1) of subsection a. of section 17 of P.L.1993, c.65,
35 identified as such, and for the grouping together, separately, of all
36 other expenditures under the categories prescribed by paragraphs
37 (2) through (6) of that subsection. **【The cumulative quarterly report**
38 **due on April 15 in a year immediately after the year in which the**
39 **candidate or candidates does or do run for election or reelection**
40 **shall contain a report of all of the contributions received and**
41 **expenditures made by the candidate or candidates since the 18th day**
42 **after that election.】**

43 The cumulative **【quarterly】** report shall contain the name and
44 mailing address of each person or group from whom moneys, loans,
45 paid personal services or other things of value in excess of \$200
46 have been contributed and the amount contributed by each person or
47 group, and where an individual has made such contributions, the

1 report shall indicate the occupation of the individual and the name
2 and mailing address of the individual's employer. In the case of any
3 loan reported pursuant to this section, the report shall contain the
4 name and address of each person who cosigns such loan, and where
5 an individual has cosigned such loans, the report shall indicate the
6 occupation of the individual and the name and mailing address of
7 his employer. The report shall also contain the name and address of
8 each person, firm or organization to whom expenditures have been
9 paid and the amount and purpose of each such expenditure. The
10 treasurer of the candidate committee or joint candidates committee
11 and the candidate or candidates shall certify to the correctness of
12 each cumulative **【quarterly】** report.

13 c. No candidate for elective public office shall be required to
14 file a duplicate copy of the campaign treasurer's report with the
15 county clerk of the county in which the candidate resides.

16 d. There shall be no obligation to file the reports required by
17 this section on behalf of a candidate if such candidate files with the
18 Election Law Enforcement Commission a sworn statement to the
19 effect that the total amount to be expended in behalf of his
20 candidacy by the candidate committee, by any political party
21 committee, by any political committee, or by any person shall not in
22 the aggregate exceed \$2,000.00 or \$4,000 for any joint candidates
23 committee containing two candidates or \$6,000 for any joint
24 candidates committee containing three or more candidates. The
25 sworn statement may be submitted at the time when the name and
26 address of the campaign treasurer and depository is filed with the
27 Election Law Enforcement Commission, provided that in any case
28 the sworn statement is filed no later than the 29th day before an
29 election. If a candidate who has filed such a sworn statement
30 receives contributions from any one source aggregating more than
31 **【\$300】** \$200 he shall forthwith make report of the same, including
32 the name and mailing address of the source and the aggregate total
33 of contributions therefrom, and where the source is an individual,
34 the occupation of the individual and the name and mailing address
35 of the individual's employer, to the Election Law Enforcement
36 Commission. The **【\$300】** \$200 limit established in this subsection
37 shall remain as stated in this subsection without further adjustment
38 by the commission in the manner prescribed by section 22 of
39 P.L.1993, c.65 (C.19:44A-7.2).

40 e. There shall be no obligation imposed upon a candidate
41 seeking election to a public office of a school district to file either
42 the reports required under subsection b. of this section or the sworn
43 statement referred to in subsection d. of this section, if the total
44 amount expended and to be expended in behalf of his candidacy by
45 the candidate committee, any political committee, any continuing
46 political committee, or a political party committee or by any person,
47 does not in the aggregate exceed \$2,000.00 per election or \$4,000
48 for any joint candidates committee containing two candidates or

1 \$6,000 for any joint candidates committee containing three or more
2 candidates; provided, that if such candidate receives contributions
3 from any one source aggregating more than **[\$300]** \$200, he shall
4 forthwith make a report of the same, including the name and
5 mailing address of the source, the aggregate total of contributions
6 therefrom, and where the source is an individual, the occupation of
7 the individual and the name and mailing address of the individual's
8 employer, to the commission.

9 The **[\$300]** \$200 limit established in this subsection shall
10 remain as stated in this subsection without further adjustment by the
11 commission in the manner prescribed by section 22 of P.L.1993,
12 c.65 (C.19:44A-7.2).

13 f. In any report filed pursuant to the provisions of this section,
14 the names and addresses of contributors whose contributions during
15 the period covered by the report did not exceed **[\$300]** \$200 may
16 be excluded; provided, however, that (1) such exclusion is unlawful
17 if any person responsible for the preparation or filing of the report
18 knew that such exclusion was made with respect to any person
19 whose total contributions relating to the same election and made to
20 the reporting candidate or to an allied campaign organization or
21 organizations aggregate, in combination with the total contributions
22 in respect of which such exclusion is made, more than **[\$300]**
23 \$200, and (2) any person who knowingly prepares, assists in
24 preparing, files or acquiesces in the filing of any report from which
25 the identity of any contributor has been excluded contrary to the
26 provisions of this section is subject to the provisions of section 21
27 of this act, but (3) nothing in this proviso shall be construed as
28 requiring any candidate committee or joint candidates committee
29 reporting pursuant to this act to report the amounts, dates or other
30 circumstantial data regarding contributions made to any other
31 candidate committee, joint candidates committee, political
32 committee, continuing political committee, political party
33 committee or legislative leadership committee.

34 The **[\$300]** \$200 limit established in this subsection shall
35 remain as stated in this subsection without further adjustment by the
36 commission in the manner prescribed by section 22 of P.L.1993,
37 c.65 (C.19:44A-7.2).

38 g. Any report filed pursuant to the provisions of this section
39 shall include an itemized accounting of all receipts and
40 expenditures relative to any testimonial affair held since the date of
41 the most recent report filed, which accounting shall include the
42 name and mailing address of each contributor in excess of **[\$300]**
43 \$200 to such testimonial affair and the amount contributed by each;
44 in the case of any individual contributor, the occupation of the
45 individual and the name and mailing address of the individual's
46 employer; the expenses incurred; and the disposition of the
47 proceeds of such testimonial affair.

1 The **[\$300]** \$200 limit established in this subsection shall
2 remain as stated in this subsection without further adjustment by the
3 commission in the manner prescribed by section 22 of P.L.1993,
4 c.65 (C.19:44A-7.2).

5 h. (Deleted by amendment, P.L.1993, c.65.)

6 i. Each campaign treasurer of a candidate committee or joint
7 candidates committee shall file written notice with the commission
8 of a contribution in excess of **[\$500]** \$200 received during the
9 period between the 13th day prior to the election and the date of the
10 election and of an expenditure of money or other thing of value in
11 excess of \$800 made, incurred or authorized by the candidate
12 committee or joint candidates committee to support or defeat a
13 candidate in an election, or to aid the passage or defeat of any
14 public question, during the period between the 13th day prior to the
15 election and the date of the election, provided that a candidate shall
16 not be required to file written notice pursuant to this subsection of
17 an expenditure made to support his or her own candidacy, or to
18 support or defeat a candidate for the same office in an election. For
19 the purposes of this subsection, the offices of member of the Senate
20 and member of the General Assembly shall be deemed to be the
21 same office in a legislative district; the offices of member of the
22 board of chosen freeholders and county executive shall be deemed
23 to be the same office in a county; and the offices of mayor and
24 member of the municipal governing body shall be deemed to be the
25 same office in a municipality.

26 The notice of a contribution shall be filed in writing or by
27 telegram within 48 hours of the receipt of the contribution and shall
28 set forth the amount and date of the contribution, the name and
29 mailing address of the contributor, and where the contributor is an
30 individual, the occupation of the individual and the name and
31 mailing address of the individual's employer. The notice of an
32 expenditure shall be filed in writing or by telegram within 48 hours
33 of the making, incurring or authorization of the expenditure and
34 shall set forth the name and mailing address of the person, firm or
35 organization to whom or which the expenditure was paid and the
36 amount and purpose of the expenditure.

37 j. Each county shall provide on its Internet site a link to the
38 Internet site for the Election Law Enforcement Commission for the
39 purpose of providing public access to the reports that are required to
40 be submitted to the commission pursuant to this section.

41 (cf: P.L.2014, c.58, s.1)

42
43 7. Section 18 of P.L.1973, c.83 (C.19:44A-18) is amended to
44 read as follows:

45 18. If any former candidate or any political committee or any
46 person or association of persons in behalf of such political
47 committee or former candidate shall receive any contributions or
48 make any expenditures with relation to any election after the date

1 **【set in section 16 of P.L.1973, c.83 (C.19:44A-16) for the final**
2 **report subsequent to】** of such election, or shall conduct any
3 testimonial affair or public solicitation for the purpose of raising
4 funds to cover any part of the expenses of a candidate, political
5 committee, independent expenditure committee, or other
6 organization in such election, all such contributions, expenditures,
7 testimonial affairs or public solicitations shall be reported to the
8 Election Law Enforcement Commission by the person or persons
9 receiving such contributions or making such expenditures or
10 conducting such testimonial affairs or public solicitations. Such
11 report shall be made by any person receiving any such contribution
12 or contributions, or making any such expenditure or expenditures,
13 which in the aggregate total more than **【\$100.00】** \$200, or
14 conducting any testimonial affair or public solicitation of which the
15 net proceeds exceed **【\$100.00】** \$200; and shall be made within **【20**
16 **days】** 72 hours from the date upon which the aggregate of such
17 contributions, expenditures or proceeds exceed **【\$100.00** for the
18 period commencing with the 19th day following such election or
19 with the date upon which any previous report was made pursuant to
20 this section, whichever is sooner**】** \$200. Such report shall be made
21 in the same form and shall contain the same detail prescribed for
22 any other report made pursuant to section 8 or 16 of P.L.1973, c.83
23 (C.19:44A-8 or C.19:44A-16).
24 (cf: P.L.2019, c.124, s.7)
25

26 8. Section 1 of P.L.2004, c.29 (C.19:44A-19.2) is amended to
27 read as follows:

28 1. a. As used in this section:

29 "candidate" means a candidate for nomination for election or
30 election to the office of Governor or the office of member of the
31 Senate or General Assembly, and any candidate committee, joint
32 candidates committee, or both, of such a candidate;

33 "committee" means a political committee, continuing political
34 committee, political party committee, or legislative leadership
35 committee;

36 "person" means an individual, partnership, committee,
37 association, corporation, or any other organization or group of
38 persons; and

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

1 b. Whenever a professional campaign fund raiser plans or
2 organizes or is involved in the planning or organizing of, or attends,
3 at least three events within a three-month period at which
4 contributions are raised by that person for a candidate or committee
5 by whom he or she has been employed, retained or engaged, or that
6 person raises money or other thing of value [at least equivalent to
7 the maximum amount of contributions permitted to be made by an
8 individual to a candidate for public office pursuant to section 18 of
9 P.L.1993, c.65 (C.19:44A-11.3) in the aggregate] in contributions
10 for such a candidate or committee prior to a primary election or
11 prior to a general election in an amount specified by the Election
12 Law Enforcement Commission, that person shall register with the
13 Election Law Enforcement Commission using a form prepared by
14 the commission.

15 The form shall be filed within five business days after either
16 threshold is reached and shall include the name, business mailing
17 address, and regular occupation or business of the fund raiser, the
18 resident mailing address of a State resident designated as the fund
19 raiser's agent for the service of process, the general nature of the
20 services to be offered, the dates and locations of each fund raising
21 event the person planned or organized or was involved in the
22 planning or organizing of, or attended, the amount of money the
23 person raised at each event and any other information the
24 commission deems relevant. A professional campaign fund raiser
25 who registers for the first time pursuant to this subsection shall re-
26 register annually thereafter regardless of the number of events that
27 person plans, organizes or attends, or the amount of contributions
28 that person receives as long as the person remains employed,
29 retained or engaged as a professional fund raiser. A fund raiser who
30 chooses to terminate fund raising services in this State shall so
31 notify the commission in writing within 30 days after such
32 termination of services.

33 c. A fund raiser who has filed a registration form with the
34 commission pursuant to subsection b. of this section shall file, not
35 later than April 15, July 15, October 15 and January 15 of each
36 calendar year, a report with the commission which includes, for the
37 preceding quarter, the names of each candidate or committee for
38 which fund raising services were provided, the services provided to
39 each named candidate or committee, gross and net amounts raised
40 for each named candidate or committee, the amount of
41 compensation received from each candidate or committee, and an
42 itemized list of expenditures made in connection with providing
43 fund raising services.

44 d. A fund raiser who has not registered with the commission
45 pursuant to subsection b. of this section but is required to be
46 registered, shall not, for compensation, perform for any candidate or
47 committee any service directly related to the solicitation of
48 contributions for that candidate or committee. A candidate or

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

5 e. Each fund raiser who registers with the commission shall
6 pay, with the initial registration and annually thereafter, a fee to the
7 commission which the commission shall establish by regulation to
8 be not less than the fee paid by legislative agents pursuant to
9 subsection j. of section 6 of P.L.1971, c.183 (C.52:13C-23), as well
10 as reasonable fees for the filing of quarterly reports.

11 f. There is created a non-lapsing revolving fund to be known as
12 the "Professional Campaign Fund Raiser Fund," to be held separate
13 and apart from all other funds of the State. All fees collected
14 pursuant to subsection e. of this section shall be deposited in that
15 fund and appropriated exclusively for the purposes of the
16 commission. All monies appropriated from the fund shall be
17 dedicated to defray the expenses of the commission in
18 administering this act.

19 g. (1) Any fund raiser who is determined by the commission to
20 have purposely violated any provision of this section or to have
21 filed or prepared or assisted in the preparation for filing or
22 purposely acquiesced in the preparation or filing of any report
23 required under this section which the fund raiser knows is false,
24 inaccurate or incomplete in any material particular, or who
25 purposely fails or refuses to file any such report when required to
26 do so pursuant to this section, or who purposely supplies any
27 information the fund raiser knows to be false, inaccurate or
28 incomplete to any person preparing or assisting in the preparation of
29 any such report, with the knowledge that such information is
30 intended for the purposes of such report, is guilty of a crime of the
31 fourth degree.

32 (2) Any fund raiser responsible for the preparation, certification,
33 filing or retention of any reports, notices or other documents, who
34 fails, neglects or omits to prepare, certify, file or retain any such
35 report, record or notice or document by the time required by this
36 section or who omits or incorrectly states or certifies any of the
37 information required by this section to be included in such report,
38 record, notice or document shall be liable to a penalty of not more
39 than \$6,000 for the first offense and not more than \$12,000 for the
40 second and each subsequent offense. Any penalty imposed
41 pursuant to this subsection may be recovered by a summary
42 proceeding pursuant to the "Penalty Enforcement Law of 1999,"
43 P.L.1999, c.274 (C.2A:58-10 et seq.).
44 (cf: P.L.2004, c.29, s.1)

45
46 9. Section 22 of P.L.1973, c.83 (C.19:44A-22) is amended to
47 read as follows:

1 22. a. (1) Except as provided in subsection e. or f., any person,
2 including any candidate, treasurer, candidate committee or joint
3 candidates committee, political committee, continuing political
4 committee, political party committee or legislative leadership
5 committee, charged with the responsibility under the terms of this
6 act for the preparation, certification, filing or retention of any
7 reports, records, notices or other documents, who fails, neglects or
8 omits to prepare, certify, file or retain any such report, record,
9 notice or document at the time or during the time period, as the case
10 may be, and in the manner prescribed by law, or who omits or
11 incorrectly states or certifies any of the information required by law
12 to be included in such report, record, notice or document, any
13 person who proposes to undertake or undertakes a public
14 solicitation, testimonial affair or other activity relating to
15 contributions or expenditures in any way regulated by the
16 provisions of this act who fails to comply with those regulatory
17 provisions, and any other person who in any way violates any of the
18 provisions of this act shall, in addition to any other penalty
19 provided by law, be liable to a penalty of not more than \$6,000 for
20 the first offense and not more than \$12,000 for the second and each
21 subsequent offense.

22 (2) No person shall willfully and intentionally agree with
23 another person to make a contribution to a candidate, candidate
24 committee, joint candidates committee, political committee,
25 continuing political committee, political party committee, or
26 legislative leadership committee with the intent, or upon the
27 condition, understanding or belief, that the recipient candidate or
28 committee shall make or have made a contribution to another such
29 candidate or committee, but this paragraph shall not be construed to
30 prohibit a county or municipal committee of a political party from
31 making a contribution or contributions to any candidate, candidate
32 committee, joint candidates committee, political committee,
33 continuing political committee, political party committee, or
34 legislative leadership committee. A finding of a violation of this
35 paragraph shall be made only upon clear and convincing evidence.
36 A person who violates the provisions of this paragraph shall be
37 liable to a penalty equal to four times the amount of the contribution
38 which that person agreed to make to the recipient candidate or
39 committee.

40 b. Upon receiving evidence of any violation of this section, the
41 Election Law Enforcement Commission shall have power to hold,
42 or to cause to be held under the provisions of subsection d. of this
43 section, hearings upon such violation and, upon finding any person
44 to have committed such a violation, to assess such penalty, within
45 the limits prescribed in subsection a. of this section, as it deems
46 proper under the circumstances, which penalty shall be paid
47 forthwith into the State Treasury for the general purposes of the
48 State.

1 c. In assessing any penalty under this section, the Election Law
2 Enforcement Commission may provide for the remission of all or
3 any part of such penalty conditioned upon the prompt correction of
4 any failure, neglect, error or omission constituting the violation for
5 which said penalty was assessed.

6 d. The commission may designate a hearing officer to hear
7 complaints of violations of this act. Such hearing officer shall take
8 testimony, compile a record and make factual findings, and shall
9 submit the same to the commission, which shall have power to
10 assess penalties within the limits and under the conditions
11 prescribed in subsections b. and c. of this section. The commission
12 shall review the record and findings of the hearing officer, but it
13 may also seek such additional testimony as it deems necessary. The
14 commission's determination shall be by majority vote of the entire
15 authorized membership thereof.

16 e. Any person who willfully and intentionally makes or accepts
17 any contribution in violation of section 4 of P.L.1974, c.26
18 (C.19:44A-29) [or section 18, 19 or 20 of P.L.1993, c.65
19 (C.19:44A-11.3, C.19:44A-11.4 or C.19:44A-11.5)], shall be liable
20 to a penalty of:

21 (1) Not more than \$10,000 if the cumulative total amount of
22 those contributions is less than or equal to \$5,000.00;

23 (2) Not more than \$150,000 if the cumulative total amount of
24 those contributions was more than \$5,000.00 but less than \$75,000;
25 and

26 (3) Not more than \$200,000 if the cumulative total amount of
27 those contributions is equal to or more than \$75,000.00.

28 f. In addition to any penalty imposed pursuant to subsection e.
29 of this section, a person holding any elective public office shall
30 forfeit that public office if the Election Law Enforcement
31 Commission determines that the cumulative total amount of the
32 illegal contributions was more than \$50,000.00 and that the
33 violation had a significant impact on the outcome of the election.

34 g. Any penalty prescribed in this section shall be enforced in a
35 summary proceeding under the "Penalty Enforcement Law of
36 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

37 (cf: P.L.2004, c.32, s.1)
38

39 10. Section 24 of P.L.1993, c.65 (C.19:44A-22.1) is amended to
40 read as follows:

41 24. If a political committee or continuing political committee,
42 having been established or consisting of members or having
43 received contributions in violation of this act, shall have made any
44 contribution or expenditure in opposition to, or in furtherance of the
45 defeat of, a candidate, that candidate may, in a summary action in
46 the Superior Court, apply for an order directing that political
47 committee or continuing political committee to show cause why the
48 court should not grant such injunctive relief as the candidate may

1 seek. The court shall decide the application within 48 hours of the
2 filing thereof and, upon a proper demonstration of the candidate's
3 entitlement thereto, shall grant appropriate injunctive relief against
4 that political committee or continuing political committee.

5 In addition, the court may order that contributions previously
6 received by the committee shall be deemed to be contributions to
7 the candidate committee or joint candidates committee, as
8 appropriate, of the candidate's opponent in the election **【for all**
9 **purposes of section 18 of P.L.1993, c.65 (C.19:44A-11.3)】**, and
10 shall so advise the Election Law Enforcement Commission. **【The**
11 **court may also order that, to the extent that the amounts of such**
12 **contributions so attributed are, together with other amounts**
13 **contributed by the same contributors directly to the candidate**
14 **committee or joint candidates committee, in excess of the amounts**
15 **of contributions which that candidate committee or joint candidates**
16 **committee could legally have received directly from those**
17 **contributors under that section 18, the candidate committee or joint**
18 **candidates committee of the aggrieved candidate may receive**
19 **contributions in excess of the amounts of contributions which that**
20 **candidate committee or joint candidates committee could legally**
21 **receive under section 18 of that P.L.1993, c.65 (C.19:44A-11.3).】**

22 If the court determines that an application for injunctive relief
23 under this section is frivolous, the court may award costs, including
24 any attorney's fees, to the political committee or continuing
25 committee against which such relief was sought.

26 (cf: P.L.1993, c.65, s.24)

27
28 11. The following sections are repealed:

29 Section 2 of P.L.2004, c.174 (C.19:44A-7.3);

30 Sections 18, 19, 20 and 23 of P.L.1993, c.65 (C.19:44A-11.3,
31 C.19:44A-11.4, C.19:44A-11.5, and C.19:44A-11.6); and

32 Section 13 of P.L.2004, c.19 (C.19:44A-11.3a).

33
34 12. This act shall take effect immediately.

35 36 37 STATEMENT

38
39 This bill requires candidates and various campaign committees to
40 report to the Election Law Enforcement Commission (ELEC) all
41 campaign contributions in excess of \$200 within 72 hours of
42 receiving the contribution, and eliminates the quarterly contribution
43 and expenditure reports. Expenditures would also be reported in the
44 cumulative 72-hour report required under the bill. This bill also
45 removes campaign contribution limits.

46 Under current law, candidate committees, joint candidate
47 committees, political committees, continuing political committees,
48 political party committees, and legislative leadership committees

1 are required to file with ELEC a cumulative quarterly report (on the
2 15th of April, July, October, and January each year) of all
3 contributions in the form of moneys, loans, paid personal services,
4 or other things of value made to it and all expenditures made,
5 incurred, or authorized by it in furtherance of the nomination,
6 election, or defeat of any candidate, or in aid of the passage or
7 defeat of any public question, or to provide political information on
8 any candidate or public question. This bill eliminates the quarterly
9 reports of all contributions and requires, instead, the reporting of all
10 contributions in excess of \$200 within 72 hours of receiving the
11 contribution. The expenditures made would also be included in the
12 72-hour reports. The same 72-hour reporting requirements would
13 apply to independent expenditure committees, but the contributions
14 and expenditure thresholds applicable to such committees remain as
15 stated under current law.

16 This bill retains and uniformly applies a requirement for
17 contributions received, and expenditures made, within 13 days
18 preceding an election to be reported to ELEC within 48 hours.

19 This bill also eliminates the contribution limits established under
20 current law by repealing those statutes.