

19:70-5.11 Prior notice by the State Comptroller

Insofar as practicable, prior notice of any proposed debarment or suspension shall be given by the State Comptroller to the Attorney General and the State Treasurer.

19:70-5.12 List of debarred, suspended, or disqualified persons

The State Comptroller shall supply, to the State Treasurer, a list of all persons having been debarred, suspended, or disqualified in accordance with the procedures prescribed in this chapter. Such list shall at all times be available for public inspection.

19:70-5.13 State Comptroller's authority to contract

Nothing in this chapter shall be construed to limit the authority of the State Comptroller to refrain from contracting within the discretion allowed by law.

(a)

ELECTION LAW ENFORCEMENT COMMISSION
Regulations of the Election Law Enforcement
Commission

Proposed Readoption with Amendments: N.J.A.C.
19:25

Authorized By: Election Law Enforcement Commission, Joseph W. Donohue, Acting Executive Director.

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

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2024-018.

The sitting New Jersey Election Law Enforcement Commission will conduct a **public hearing** concerning this notice of proposal on Tuesday, April 16, 2024, at 11:00 A.M. at:

Election Law Enforcement Commission
 25 South Stockton St., 5th floor
 Trenton, New Jersey 08608

Persons wishing to testify are requested to reserve time to speak by contacting Administrative Assistant Elbia L. Zeppetelli at (609) 292-8700, no later than Friday, April 12, 2024.

Submit written comments by April 17, 2024, to:

Benjamin Kachuriner, Assistant Legal Counsel
 Election Law Enforcement Commission
 PO Box 185
 Trenton, New Jersey 08625-0185
 Email: ELEC.rulemaking@elec.nj.gov

The agency proposal follows:

Summary

In accordance with N.J.S.A. 52:14B-5.1, N.J.A.C. 19:25 was scheduled to expire on July 19, 2024. The Election Law Enforcement Commission (Commission) proposes the readoption of N.J.A.C. 19:25 with amendments based on recently enacted legislation. See P.L. 2023, c. 30. As this notice of readoption has been filed with the Office of Administrative Law prior to July 19, 2024, that date is extended 180 days to January 15, 2025, pursuant to N.J.S.A. 52:14B-5.1.c. The rules of the Commission implement the provisions of the following laws: the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq. (Campaign Reporting Act); the Gubernatorial Legislative Disclosure Statement Act, N.J.S.A. 19:44B-1 et seq. (Financial Disclosure Act); the Legislative and Governmental Process Activities Disclosure Act, N.J.S.A. 52:13C-18 et seq. (Lobbying Act); and the Uniform Recall Election Law, N.J.S.A. 19:27A-1 et seq. (Recall Act). The Commission has examined the text of the rules and, with the exception of the amendments, has determined the rules to be necessary, reasonable, and proper for the purpose for which they were promulgated.

As the Commission has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

A description of the subchapters follows:

Subchapter 1, General Provisions, sets forth the statutory authority for the Commission's rules and includes rules dealing with construction, relaxation, and amendments. This subchapter also includes definitions of general application.

Subchapter 2, Administrative, includes rules establishing Commission office hours, rules for access and release of documents, and rules dealing with authorized signatures on Commission documents.

Subchapter 3, Electronic Filing, establishes the requirement to file all reports electronically and sets forth the procedures to electronically file a report with the Commission.

Subchapter 4, Establishment of Reporting Committees, sets forth the requirements, including filing of specific reports, to establish a candidate committee, a joint candidates committee, a political committee, a continuing political committee, and a legislative leadership committee and for designation by a political party committee.

Subchapter 5, Appointment of Campaign Officers and Depositories, includes the requirements for campaign or committee officers, campaign or committee depository accounts, and for appointment of deputy treasurers and additional depositories.

Subchapter 6, Receipt and Use of Funds, establishes rules for the receipt and deposit of candidate and committee funds. The subchapter also includes rules to establish the permissible campaign and office holding uses of funds by a candidate, a candidate committee, or a joint candidates committee.

Subchapter 7, Recordkeeping, describes the records which must be kept by candidates, committee's, and treasurers and the period of retention applicable to such records.

Subchapter 8, Candidate, Joint Candidates, and Political Committee Reporting, establishes the rules, including due dates, for filing election cycle reports, quarterly reports, and certified statements by candidate committees, joint candidates committees, and political committees. Rules for reporting contributions received and expenditures made immediately before an election and for termination of reporting are also included.

Subchapter 9, Continuing Political Committee, Political Party Committee, and Legislative Leadership Committee Reporting, governs the filing of quarterly reports and certified statements by continuing political committees, political party committees, and legislative leadership committees. The rules include the due dates for filing such reports. Reporting of contributions received and expenditures made immediately before an election is also addressed.

Subchapter 10, Contribution Reporting, establishes the detailed information that must be reported by all candidates and committees for each contribution that exceeds a threshold amount. This subchapter describes the standard for reporting of occupation and employer information and the rules for receipt and reporting of currency contributions and reporting associated with "political communications." Rules for reporting of interest income and loans, as well as for reporting contributions by minors and contributions made by electronic transfers of funds are also included. The rules also provide instructions for correct reporting of contributions received by means of checks from different types of contributors.

Subchapter 11, Contribution Limits, sets forth the limit on a contribution made by an individual, a corporation or union, an association or group, a candidate committee, a political committee, a continuing political committee, a political party committee or a national political party committee to a candidate committee, a political committee, a continuing political committee, a legislative leadership committee, or to a State, county, or municipal political party committee. The rules also address county political party committee contribution limits and calculation of the contribution limit for contributions made to a candidate participating in both a candidate committee and a joint candidates committee. The subchapter also establishes rules for the return of excessive contributions and determination of affiliation between or among contributors. The rules establish the prohibition on partnership contributions.

Subchapter 12, Reporting of Expenditures; Independent Expenditures, establishes the rules for correct reporting of expenditures by candidates and committees, including expenditures made by credit and debit cards and expenditures for the purpose of “street money.” Subchapter 12 also defines and establishes rules for reporting of independent expenditures and expenditures for inaugural or other election-related events.

Subchapter 13, Political Identification Statements, establishes the requirement to include “paid for by” information on a political communication and recordkeeping requirements by other vendors.

Subchapter 14, Recall Elections, establishes reporting and other requirements applicable to a recall committee or a recall defense committee. Subchapter 14 also sets forth the permissible use of funds received by a recall defense committee.

Subchapter 15, Public Financing; General Elections for the Offices of Governor and of Lieutenant Governor, and Subchapter 16, Public Financing of Primary Election for Governor, establish the rules by which gubernatorial primary and general election candidates may apply and qualify for receipt of public matching funds. These two subchapters establish the gubernatorial primary and general election contribution and public financing expenditure limits, the expenses that are not subject to expenditures limits, and the rules for reporting coordinated expenditures. The rules also concern the mandatory debates for publicly financed candidates and applications by debate sponsors. Subchapter 15 includes rules for the gubernatorial ballot statement program and the inaugural event contribution limit and reporting requirements.

Subchapter 17, Complaints and Other Proceedings; Violations, provides for complaint and hearing procedures and penalties for violations of the Campaign Reporting Act and the Recall Act.

Subchapter 18, Advisory Opinions, establishes procedures for requesting a Commission Advisory Opinion.

Subchapter 19, Personal Financial Disclosure Statements, implements the requirement that gubernatorial and legislative candidates file personal financial disclosure statements pursuant to the Financial Disclosure Act.

Subchapter 20, Represented Entities and Governmental Affairs Agents, implements the provisions of the Lobbying Act. It includes exemptions from lobbying reporting, definitions applicable to lobbying activity, rules for filing quarterly reports of lobbying activity, and rules for the contents of annual financial reports. The rules also concern annual lobbying fees.

Subchapter 21, Professional Campaign Fund Raisers, defines “professional campaign fund raiser,” and requires professional campaign fund raisers to register with the Commission, file reports, pay an annual fee, and also provides for penalties for violations of this subchapter.

Subchapter 22, Severability Clause, contains a severability clause.

Subchapter 23 is reserved for future use.

Subchapter 24, State Contractor Contributions Prohibited, implements the provisions of the “pay-to-play” prohibition law regarding State contracts, which disqualify a business entity from receiving contracts with New Jersey State agencies if a contribution was made prior to the award of the contract and provides that a business entity that receives a State contract is prohibited from making certain campaign contributions during the term of the contract.

Subchapter 25, Legislative, County, and Municipal Contractor Contributions Prohibited, implements the “pay-to-play” prohibition law regarding legislative, county, and municipal contracts, which disqualify a business entity from receiving contracts with New Jersey legislative, county, and municipal agencies if a contribution was made prior to the award of the contract, and provides that a business entity that receives such a contract is prohibited from making certain campaign contributions during the term of the contract.

Subchapter 26, Contribution Disclosure by For-Profit Entities, implements the “pay-to-play” disclosure law, which requires that prior to entering a governmental contract of more than \$17,500 that is not publicly advertised, a business entity must disclose to that governmental entity certain contributions made during the past year. Further, a business entity that has received \$50,000 or more through government contracts in a calendar year must file an annual statement with the Commission.

Proposed Amendments

During the evaluation of existing text to determine whether its rules are necessary, reasonable, and proper, the Commission has identified numerous provisions that require amendments to be consistent with P.L. 2023, c. 30, and other recently enacted legislation. Further, the Commission has identified provisions that require administrative edits to provide clarity or to correct errors. The Commission’s proposed amendments are separated into six categories: Contribution Reporting Thresholds, Contributions and Expenditures Immediately Before Elections, Contribution Limits, Pay-to-Play Provisions, Housekeeping Accounts, and Additional/Administrative Amendments. Some provisions are included in multiple categories.

Contribution Reporting Thresholds

Recently enacted legislation (P.L. 2023, c. 30) mandates that the contribution reporting threshold, established at N.J.S.A. 19:44A-8 and 16, which had been \$300.00 since 2004, be set permanently at \$200.00. The Commission proposes to amend the following rules to implement this change: N.J.A.C. 19:25-6.5(a)5, 8.4(c), 9.2(c), 10.2, 10.2A(a), 10.3, 11.10(d), 15.8(b), 15.17(a)2i, 15.43, 16.18(a)2i, 16.24, 24.1 (definition of “contribution reportable by the recipient”), 25.1 (definition of “contribution reportable by the recipient”), and 26.1 (definition of “contribution reportable by the recipient”).

Contributions and Expenditures Immediately Before Elections

Amendments at N.J.A.C. 19:25-8.6, Contributions received immediately before an election

P.L. 2023, c. 30, mandates that the threshold for filing notices by a candidate of contributions immediately before an election, established at N.J.S.A. 19:44A-16i, which had been adjusted to \$1,900 in 2021, be set at \$200.00. Requirements to report within 48 hours have been adjusted to a bifurcated 72/24-hour approach. The Commission proposes to amend N.J.A.C. 19:25-8.6 to reflect the new threshold and update the name of the form at subsection (a). Further, the Commission proposes to amend the reporting timeframe at subsection (b) to require filing of a notice: within 72 hours when the contribution is received between the 13th day and 8th day before the election; and within 24 hours when the contribution is received between the 7th day before the election and the day of the election.

Amendments at N.J.A.C. 19:25-8.6A, Expenditures made immediately before an election

P.L. 2023, c. 30, adjusts candidate requirements to report certain expenditures within 48 hours, established at N.J.S.A. 19:44A-16i, to a bifurcated 72/24-hour approach. The threshold, which had been adjusted to \$1,900 in 2021, was not amended at P.L. 2023, c. 30. However, since this obligation was created at P.L. 2004, c. 33, and adjusted for inflation with the thresholds required at N.J.S.A. 19:44A-7.2(b)3, the expenditure threshold has been implemented at the same level as the contribution threshold at N.J.A.C. 19:25-8.6. The Commission proposes to amend N.J.A.C. 19:25-8.6A to reflect the \$200.00 threshold and update the name of the form at subsection (a). To clarify reporting, existing N.J.A.C. 19:25-8.6A(b)1, 2, and 3 have been relocated as paragraphs (a)1, 2, and 3, without change. Further, the reporting timeframe at subsection (b) has been updated to require filing of a notice: within 72 hours when the expenditure is made between the 13th day and 8th day before the election; and within 24 hours when the expenditure is made between the 7th day before the election and the day of the election.

Amendments at N.J.A.C. 19:25-8.9, Political committee contributions received immediately before an election, and 8.10, Political committee expenditures made immediately before an election

P.L. 2023, c. 30, mandates that the threshold for filing notices of contributions and expenditures by a political committee immediately before an election, established at N.J.S.A. 19:44A-8.a.(1), which had been adjusted to \$1,900 in 2021, be set at \$200.00. Requirements to report within 48 hours have been adjusted to a bifurcated 72/24-hour approach. The Commission proposes to amend N.J.A.C. 19:25-8.9 and 8.10 to reflect the new threshold and update the name of the form at subsection (a) of each section. Further, the reporting timeframe at subsection (b) has been updated to require filing of a notice: within 72 hours when the contribution is received or expenditure is made between the 13th day and

8th day before the election; and within 24 hours when the contribution is received or expenditure is made between the 7th day before the election and the day of the election.

Amendments at N.J.A.C. 19:25-9.3, Contributions received immediately before an election

P.L. 2023, c. 30, mandates that the threshold for filing notices by a continuing political committee, political party committee, or legislative leadership committee of contributions immediately before an election, established at N.J.S.A. 19:44A-8.b.(2) and 8.e, which had been adjusted to \$1,900 in 2021, be set at \$200.00. Requirements to report within 48 hours have been adjusted to a bifurcated 72/24-hour approach, beginning 15 days before the election. Existing N.J.A.C. 19:25-9.3 permits committees to file a cumulative notice no later than the 11th day prior to the election of all transactions up to the 14th day prior to the election. The Commission proposes to implement the cumulative report on the 11th day prior to the election, with the 72/24-hour notices to follow. Therefore, the Commission proposes to amend N.J.A.C. 19:25-9.3 to reflect the new threshold and update the name of the form at subsection (a). Further, the reporting timeframe at subsection (b) has been updated to require filing of a notice: no later than the 11th day before the election for all such contributions received on or after the first day of the quarter up to and including the 14th day before the election; within 72 hours when the contribution is received between the 13th day and 8th day before the election; and within 24 hours when the contribution is received between the 7th day before the election and the day of the election. Existing N.J.A.C. 19:25-9.3(d) is proposed for deletion as the substance is proposed for relocation to subsection (b).

Amendments at N.J.A.C. 19:25-9.4, Continuing political committee expenditures made immediately before a primary or general election

P.L. 2023, c. 30, mandates that the threshold for filing notices by a continuing political committee of expenditures immediately before a primary or general election, established at N.J.S.A. 19:44A-8.b.(2), which had been adjusted to \$1,900 in 2021, be set at \$200.00. Requirements to report within 48 hours have been adjusted to a bifurcated 72/24-hour approach beginning 15 days before the election. Existing N.J.A.C. 19:25-9.4 permits committees to file a cumulative notice no later than the 11th day prior to the primary or general election of all transactions up to the 14th day prior to the primary or general election. The Commission proposes to implement the cumulative report on the 11th day prior to the primary or general election, with the 72/24-hour notices to follow. Therefore, the Commission proposes to amend N.J.A.C. 19:25-9.4 to reflect the new threshold and update the name of the form at subsection (a). Further, the reporting timeframe at subsection (b) has been updated to require filing of a notice: no later than the 11th day before the primary or general election for all such expenditures made on or after the first day of the quarter up to and including the 14th day before the primary or general election; within 72 hours when the expenditure is made between the 13th day and 8th day before the primary or general election; and within 24 hours when the expenditure is made between the 7th day before the election and the day of the election.

Amendments at N.J.A.C. 19:25-9.4A, Political party committee and legislative leadership committee expenditures made immediately before a primary or general election

P.L. 2023, c. 30, adjusts political party committee and legislative leadership committee requirements to report certain expenditures within 48 hours, established at N.J.S.A. 19:44A-8.e, to a bifurcated 72/24-hour approach beginning 15 days before the election. Existing N.J.A.C. 19:25-9.4A permits committees to file a cumulative notice no later than the 11th day prior to the primary or general election of all transactions up to the 14th day prior to the primary or general election. The Commission proposes to implement the cumulative report on the 11th day prior to the primary or general election, with the 72/24-hour notices to follow. The threshold, which had been adjusted to \$1,900 in 2021, was not amended at P.L. 2023, c. 30. However, since this obligation was created at P.L. 2004, c. 33, and adjusted for inflation with the thresholds required at N.J.S.A. 19:44A-7.2(b)3, the expenditure threshold has been implemented at the same level as the contribution threshold at N.J.A.C. 19:25-9.3 and the expenditure threshold at N.J.A.C. 19:25-9.4. The

Commission proposes to amend N.J.A.C. 19:25-9.4A to reflect the \$200.00 threshold and update the name of the form at subsection (a). Further, the reporting timeframe at subsection (b) has been updated to require filing of a notice: no later than the 11th day before the primary or general election for all such expenditures made on or after the first day of the quarter up to and including the 14th day before the primary or general election; within 72 hours when the expenditure is made between the 13th day and 8th day before the primary or general election; and within 24 hours when the expenditure is made between the 7th day before the election and the day of the primary or general election.

Amendments at N.J.A.C. 19:25-12.8A, Independent expenditures made immediately before an election

P.L. 2023, c. 30, mandates that the threshold for required notices for individuals making independent expenditures immediately before an election, established at N.J.S.A. 19:44A-11, which had been adjusted to \$1,900 in 2021, be set at \$200.00. Requirements to report within 48 hours have been adjusted to a bifurcated 72/24-hour approach. The Commission proposes to amend N.J.A.C. 19:25-12.8A to reflect the new threshold and remove references to Forms E-1 and 48-HR at subsection (a). Further, the reporting timeframe at subsection (b) has been updated to require filing of a notice: within 72 hours when the expenditure is made between the 13th day and 8th day before the election; and within 24 hours when the expenditure is made between the 7th day before the election and the day of the election.

Amendments at N.J.A.C. 19:25-12.7, Independent expenditures

P.L. 2023, c. 30, requires that the threshold for reporting of an independent expenditure by a person from that person's own funds, established at N.J.S.A. 19:44A-11, which had been adjusted to \$1,900 in 2021, be set at \$200.00. The Commission proposes to amend N.J.A.C. 19:25-12.7(b) to implement this change.

Contribution Limits

P.L. 2023, c. 30, mandates the increase of contribution limits for candidates, political committees, continuing political committees, political party committees, and legislative leadership committees. Amendments at N.J.S.A. 19:44A-11.3 double existing limits for contributions to candidates. Amendments at N.J.S.A. 19:44A-11.4 increase existing limits for contributions to State political party committees, legislative leadership committees, and county political party committees to \$75,000 for each entity. In addition, amendments to N.J.S.A. 19:44A-11.4 double existing limits for contributions to municipal political party committees and double the amount that a State political party committee may receive from a national political party committee. Amendments at N.J.S.A. 19:44A-11.5 double existing limits for contributions to political committees and continuing political committees. The Commission proposes to amend the following rules to implement the new contribution limits: N.J.A.C. 19:25-11.2; 11.4(a), (b), (d), and (e); 11.5(b); and 11.7. In adjusting the contribution limit at N.J.A.C. 19:25-11.7(c)1, the Commission is also addressing an error in the existing text that recites the incorrect threshold.

Pay-to-Play Provisions

Subchapter 24

P.L. 2023, c. 30, amended existing pay-to-play prohibitions applicable to State agencies within the Executive Branch. These provisions disqualify a business entity from receiving contracts with State agencies if a contribution was made prior to the award of the contract and prohibit a business entity that receives a State contract from making certain campaign contributions. Pursuant to N.J.S.A. 19:44A-20.14 and 20.23, contracts awarded pursuant to a fair and open process have been exempted from the prohibition. Additionally, business entity contributions to State and county political party committees are no longer prohibited, pursuant to N.J.S.A. 19:44A-20.14 and 20.15. The Commission proposes to amend the following rules to implement the changes at N.J.S.A. 19:44A-20.14, 20.15, and 20.23:

- At N.J.A.C. 19:25-24.1, the definitions of "contribution," "contribution reportable by the recipient," and "in-kind contribution" are proposed for amendment to remove reference to political party committee and legislative leadership committee. The

Commission proposes to add a definition for “fair and open process” and remove the definitions of “county committee of a political party,” “organizational treasurer,” “political party committee,” and “State committee of a political party.”

- N.J.A.C. 19:25-24.2, Contributions by business entities prohibited, is proposed for amendment to add the exception for a contract awarded pursuant to a fair and open process at subsection (a) and to remove reference to State and county committee of a political party throughout the section.
- N.J.A.C. 19:25-24.3, Request for repayment of a contribution, is proposed for amendment to remove a reference to the State or county committee of a political party at subsection (a).
- N.J.A.C. 19:25-24.4, Applicability to State agencies and authorities, is proposed for amendment to add the exception for a contract awarded pursuant to a fair and open process.
- N.J.A.C. 19:25-24.6, Allegation of a violation, is proposed for amendment to remove a reference to a State or county committee of a political party at paragraph (a)3.

Subchapter 25

P.L. 2023, c. 30, amended existing pay-to-play provisions applicable to legislative, county, and municipal contracts that disqualify a business entity from receiving contracts with legislative, county, and municipal agencies if certain contributions were made prior to the award of the contract, and prohibit a business entity that receives a contract from making certain campaign contributions. Provisions applicable to legislative, county, and municipal contracts already include an exception for contracts awarded pursuant to a fair and open process. N.J.S.A. 19:44A-20.7 further clarifies “fair and open process” to include public bidding or competitive contracting. Pursuant to N.J.S.A. 19:44A-20.3, 20.4, and 20.5, contributions by business entities to State political party committees, legislative leadership committees, county political party committees, and municipal political party committees are no longer prohibited. Pursuant to N.J.S.A. 19:44A-20.10a, there is a penalty of at least \$250.00 if the business entity fails to disclose required information. The Commission proposes to amend the following rules to implement N.J.S.A. 19:44A-20.3, 20.4, 20.5, 20.7, and 20.10a:

- At N.J.A.C. 19:25-25.1, Definitions, “contribution,” “contribution reportable by the recipient,” and “in-kind contribution,” are proposed for amendment to remove reference to political party committee or legislative leadership committee and the definition of “fair and open process” is proposed for amendment to add additional clarity provided by statutory amendments. The Commission proposes to delete the following definitions: “county committee of a political party,” “legislative leadership committee,” “municipal committee of a political party,” “organizational treasurer,” “political party committee,” and “State committee of a political party.”
- N.J.A.C. 19:25-25.2, Contributions by business entities prohibited, is proposed for amendment to delete references to the State political party committee and legislative leadership committee, a county political party committee, and a municipal political party committee, from the respective subsections.
- N.J.A.C. 19:25-25.3, Prohibition on acceptance of contributions from a business entity, is proposed for amendment to delete references to State political party committee and legislative leadership committee, a county political party committee, and a municipal political party committee, from the respective subsections.
- N.J.A.C. 19:25-25.5(b)2 is proposed for amendment to delete the reference to State, county, and municipal political party committees and legislative leadership committees.
- N.J.A.C. 19:25-25.6, Repayment of a contribution, is proposed for amendment to delete the reference to State, county, and municipal political party committees and legislative leadership committees.
- N.J.A.C. 19:25-25.7, Penalty for a violation by a business entity, is proposed for amendment to recodifying existing subsections (b) and (c) as new paragraphs (a)1 and 2 to clarify the types of violations that may be subject to the penalties pursuant to subsection (a), and to delete references to State, county, or municipal political party committees and legislative leadership committees. The Commission

proposes to add new subsection (b) to implement the statutory penalty provision that subjects a business entity that fails to properly disclose a contribution to a fine not less than \$250.00.

- N.J.A.C. 19:25-25.8, Penalty for acceptance of an unlawful contribution, is proposed for amendment to delete references to State, county, and municipal political party committee, legislative leadership committee, and organizational treasurer.
- N.J.A.C. 19:25-25.9(a) and (a)4 are proposed for amendment to delete references to State, county, and municipal political party committee and legislative leadership committee.

Subchapter 26

P.L. 2023, c. 30, amended existing pay-to-play provisions applicable to for-profit business entities. Pursuant to N.J.S.A. 19:44A-20.26 and 20.27, business entities are no longer required to disclose to contracting entities or to the Commission, contributions made to political party committees, and legislative leadership committees. Additionally, pursuant to N.J.S.A. 19:44A-20.10a, there is a penalty of at least \$250.00 if the business entity fails to disclose required information. The Commission proposes to amend the following rules to implement N.J.S.A. 19:44A-20.26, 20.27 and 20.10a.

- At N.J.A.C. 19:25-26.1, Definitions, “contributions,” “contributions reportable by recipient,” and “in-kind contribution” are proposed for amendment to delete references to political party committee and legislative leadership committee and the definition of “fair and open process” is proposed for amendment to add additional clarity provided by statutory amendments (as discussed above). The Commission proposes to delete the definitions of “legislative leadership committee,” “municipal committee of a political party,” “political party committee,” and “State committee of a political party.”
- N.J.A.C. 19:25-26.2(a)1 is proposed for amendment to remove references to political party committee and legislative leadership committee.
- N.J.A.C. 19:25-26.3 is proposed for amendment to delete subparagraphs (b)1i and ii, pertaining to political party committees and legislative leadership committees.
- N.J.A.C. 19:25-26.4(b) is proposed for amendment to delete subparagraphs (b)3ii and iii, pertaining to political party committees and legislative leadership committees.
- N.J.A.C. 19:25-26.7(a)4 and (b) are proposed for amendment to delete political party committee and legislative leadership committee. The Commission further proposes to amend subsection (b) to implement the new statutory penalty provision that subjects a business entity that fails to properly disclose a contribution to a fine of not less than \$250.00.

Housekeeping Accounts

P.L. 2023, c. 30, creates a new type of depository account, referred to as a “housekeeping account,” specifically limited to the State and county political party committees of the two major parties, that must remain separate from all other depository accounts. Each State and county political party committee is permitted to designate a depository account as a housekeeping account to pay non-political expenses of the committee designating the account. The housekeeping account may also be used to pay non-political expenses incurred after a gubernatorial election by a gubernatorial campaign. Therefore, the Commission proposes the following amendments to implement N.J.S.A. 19:44A-10.2:

- At N.J.A.C. 19:25-1.7, Definitions, to add a definition of “housekeeping account.” The new definition clarifies that only State political party committees organized pursuant to N.J.S.A. 19:5-4 and county political party committees organized pursuant to N.J.S.A. 19:5-3 may designate a housekeeping account to be used for non-political purposes.
- At N.J.A.C. 19:25-4.6, Designation by a political party committee, to add new subsection (e) which describes the committee’s registration requirements upon designation of a housekeeping account. Paragraph (e)1 implements the contribution limit to a housekeeping account, which is equal to half of the contribution limit to a State or county political party committee. Paragraph (e)2

implements the statutory non-political uses of housekeeping funds and clarifies that use of the housekeeping funds for political expenses is prohibited and provides examples of prohibited uses. Paragraph (e)3 explains that transactions of the housekeeping account must be reported on quarterly reports required at N.J.A.C. 19:25-9.1, and such transactions are subject to the contribution reporting requirements at N.J.A.C. 19:25-10, the contribution limits at N.J.A.C. 19:25-11, and the expenditure reporting requirements at N.J.A.C. 19:25-12. Subparagraph (e)3i describes use of housekeeping funds by a gubernatorial candidate for non-political expenses incurred after a gubernatorial election. It requires that the housekeeping funds received by the gubernatorial candidate may not exceed the identifiable non-political expense and clarifies how the transaction must be reported by the gubernatorial candidate.

- At N.J.A.C. 19:25-11.2, Contribution limit chart, to add the housekeeping account contribution limit of \$37,500.
- At N.J.A.C. 19:25-15.3 and 16.3, Definitions, to amend “contribution eligible for match” to indicate that housekeeping funds are not eligible for match. The Commission proposes to further amend N.J.A.C. 19:25-16.3 to remove the last sentence. The Commission deleted this sentence in an earlier rulemaking; however, the sentence was inadvertently included in the text of a subsequent rulemaking. The proposed deletion of this sentence will correct the error.
- At N.J.A.C. 19:25-15.14 and 16.11, Contributions eligible for match, to clarify that housekeeping funds are not eligible for match.
- At N.J.A.C. 19:25-15.45 and 16.33, Postelection contribution; postelection payment of expenses, to indicate that housekeeping accounts may be used to pay non-political expenses incurred after a gubernatorial election by gubernatorial candidates.

Additional/Administrative Amendments

The Commission proposes the following administrative amendments consisting of changes and additional citations in order to conform with recent legislation, correct errors in the existing rule text, and to clarify language:

- At N.J.A.C. 19:25-1.7, Definitions, “ELEC eFile,” to replace “48-HR” with “72/24-HR,” the Commission’s form to be used to file the 72/24 hour reports established by P.L. 2023, c. 30.
- At N.J.A.C. 19:25-2.1, Office, to reflect the change in the Commission’s website from “www.elec.state.nj.us” to “www.elec.nj.gov.”
- Throughout the chapter, references to “chosen freeholders” have been updated to “county commissioners” pursuant to P.L. 2020, c. 67, which changed the name of governing bodies at the county level.
- Throughout the chapter, references to “his, her, or its” have been updated to “the person’s.”
- Reference to “Supplemental Contributor and Expenditure Information (Form 72/24-HR)” has been added at N.J.A.C. 19:25-17.3A(e) and 17.3B(d) to reflect the Commission’s form to be used to file the 72/24-hour reports established at P.L. 2023, c. 30. The Commission further proposes to amend N.J.A.C. 19:25-17.3B(d) to replace “48-hour” with “72/24-hour” and to include cross-references to N.J.A.C. 19:25-8.6A, 9.4A, and 12.8A to complete the list of sections implementing the 72/24-hour obligations.
- Amendments are proposed throughout the chapter to correct grammatical and spelling errors.
- Amendments are proposed to correct errors in the text of the rules as follows:
 - N.J.A.C. 19:25-26.1, Definitions, inadvertently excludes “political committee” and “continuing political committee” from the definition of “contribution.”
 - N.J.A.C. 19:25-26.7(a)4 inadvertently excludes “political committee” from the information required in a request to the Commission to investigate a business entity.

Social Impact

Sunset Readoption

The rules proposed for readoption with amendments will have a positive social impact. The rules proposed for readoption with

amendments are designed to reflect recent legislation and carry out the disclosure, contribution limit, political identification, and other salutary purposes of the Campaign Reporting Act, the Financial Disclosure Act, the Lobbying Act, and the Recall Act, and will promote the integrity of the electoral and legislative processes in this State. The rules will provide governmental affairs agents, candidates, various reporting committees, and their treasurers with guidelines on how to comply with various reporting requirements. The rules, therefore, will assist the public in a fuller understanding of campaign reports, gubernatorial and legislative financial disclosure statements, and governmental affairs agent registration statements and reports. The Commission notes that candidate, committee, and lobbying reports may be accessed by the political community and the public on the Commission’s website at www.elec.nj.gov.

Contribution Reporting Thresholds

The proposed amendments regarding contribution reporting thresholds implement recently enacted amendments to the Campaign Reporting Act and will affect candidate committees, joint candidates committees, political committees, continuing political committees, political party committees, legislative leadership committees, and the individuals and organizations that contribute to them. Amending the contribution reporting thresholds to \$200.00 will have a positive social impact by increasing disclosure.

Contributions and Expenditures Immediately Before Elections

The proposed amendments regarding contributions and expenditures immediately before elections implement recently enacted amendments to the Campaign Reporting Act and will affect candidate committees, joint candidates committees, political committees, continuing political committees, political party committees, legislative leadership committees, and individuals making independent expenditures from personal funds. Amending the thresholds and timeframes will increase disclosure of transactions prior to elections.

Contribution Limits

The proposed amendments regarding contribution limits implement recently enacted amendments to the Campaign Reporting Act and will affect candidate committees, joint candidates committees, political committees, continuing political committees, political party committees, legislative leadership committees, and the individuals and organizations that contribute to them. The proposed amendments will have a positive social impact as contribution limits have not been adjusted since 2005.

Pay-to-Play

The proposed pay-to-play amendments implement recently enacted amendments to the Campaign Reporting Act and will affect business entities who contract with government entities at the State, county, and municipal level, as well as the recipients of campaign contributions. The proposed amendments will have a positive social impact by clarifying obligations and creating uniformity.

Housekeeping Account

The proposed amendments regarding housekeeping accounts implement recently enacted amendments to the Campaign Reporting Act and will affect State and county political party committees and their contributors. The proposed amendments will have a positive social impact by permitting State and county political party committees to maintain a separate fund for non-political purposes and by requiring the detailed reporting of all such transactions.

Additional/Administrative Amendments

The administrative amendments detailed in the Summary above will have a positive social impact by correcting errors and providing clarity to regulated entities and the general public.

Economic Impact

Sunset Readoption

The rules proposed for readoption with amendments will generate no new compliance costs for filing entities or contributors who are required to observe limits on the amounts they may contribute to candidates and

various committees. The Commission believes that the costs generated by the rules proposed for readoption with amendments are justified by the public purposes of the Campaign Reporting Act, the Financial Disclosure Act, the Lobbying Act, and the Recall Act in order to promote the integrity of the electoral and legislative processes in this State.

Contribution Reporting Thresholds

The Commission believes that the proposed amendments concerning the \$200.00 contribution reporting threshold may have an economic impact upon candidate committees, joint candidates committees, political committees, continuing political committees, legislative leadership committees, and individuals or groups that contribute to entities. The lower reporting threshold may lead to additional bookkeeping expenses as additional reports may be necessary to disclose additional contributions. However, the Commission believes that the public will benefit from the increase in disclosure.

Contributions and Expenditures Immediately Before Elections

The Commission believes that the proposed amendments arising out of recently enacted legislation may have an economic impact among candidate committees, joint candidates committees, political committees, continuing political committees, and legislative leadership committees. The new reporting requirements may lead to additional bookkeeping expenses due to the increased frequency of reports and the reduction in reporting threshold. However, the Commission believes that the public benefit of increased disclosure will offset such costs.

Contribution Limits

The increase in contribution limits may have an economic impact on candidate committees, joint candidates committees, political committees, continuing political committees, and legislative leadership committees as there may be an increase in contributions that are received.

Pay-to-Play

The Commission believes that the proposed amendments concerning pay-to-play laws will have a positive economic impact as the amendments implement recently enacted legislation that provides consistency and clarity. There may be a temporary impact on business entities through increased bookkeeping expenses to implement changes.

Housekeeping Accounts

The proposed amendments concerning housekeeping accounts will have a positive economic impact as each State and county political party committee that designates a housekeeping account will be permitted to receive funds for non-political purposes that may support businesses Statewide.

Additional/Administrative Amendments

The additional/administrative amendments detailed in the Summary above will not have any recognizable economic impact.

Federal Standards Statement

A Federal standards analysis is not required because the rules proposed for readoption with amendments concern New Jersey filing entities. The rules are not subject to any Federal requirements or standards.

Jobs Impact

The rules proposed for readoption with amendments are not expected to have any impact upon the number of persons employed by candidates, candidate committees, joint candidates committees, political committees, continuing political committees, political party committees, and legislative leadership committees or in any other sector of the State.

Agriculture Industry Impact

The rules proposed for readoption with amendments are not expected to have any impact on the agriculture industry.

Regulatory Flexibility Analysis

The rules proposed for readoption with amendments affect election campaign and legislative disclosure, contribution limits, political identification, and other salutary purposes of the Campaign Reporting Act, the Financial Disclosure Act, the Lobbying Act, and the Recall Act. As such, the rules proposed for readoption and amendment may affect, impact, or impose reporting, recordkeeping, or other compliance duties on

small businesses as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. While N.J.A.C. 19:25-26.10, Recordkeeping; period of retention, does impose a recordkeeping obligation on small businesses (business entities) that have received \$50,000 or more in the aggregate in any calendar year through agreements or contracts with a public entity, and small businesses that are affected by Subchapter 26 are subject to reporting requirements pursuant to the “pay-to-play” disclosure law, P.L. 2005, c. 271, amended at P.L. 2007, c. 304, N.J.S.A. 19:44A-20.27, amended at P.L. 2023, c. 30., the rules proposed for readoption with amendments do not impose any new recordkeeping, reporting, compliance, or filing obligations, beyond anything that may be discussed in the Summary above.

Housing Affordability Impact Analysis

The rules proposed for readoption with amendments are not expected to have any impact on the affordability of housing in New Jersey and it is unlikely that the rules would evoke a change in the average costs associated with housing, as the rules affect the election campaign and legislative disclosure, contribution limits, political identification, and other salutary purposes of the Campaign Reporting Act, the Financial Disclosure Act, the Lobbying Act, and the Recall Act.

Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments are not expected to have any impact on smart growth and it is unlikely that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey, as the rules affect the election campaign and legislative disclosure, contribution limits, political identification, and other salutary purposes of the Campaign Reporting Act, the Financial Disclosure Act, the Lobbying Act, and the Recall Act.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commission has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 19:25.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

19:25-1.7 Definitions

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

...
 “ELEC eFile” means the web-based system available on the Commission’s website used to file Forms R-1, R-3, G-1, P-1, and [48-HR] 72/24-HR.

...
 “Housekeeping account” means a separate organizational depository established by a State political party committee organized pursuant to N.J.S.A. 19:5-4, or a county political party committee organized pursuant to N.J.S.A. 19:5-3, to receive contributions and make expenditures for non-political purposes.

...
 “Joint candidates committee” means a committee established pursuant to N.J.S.A. 19:44A-9(a) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality, or school or fire district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purposes of this definition, the offices of member of the Senate and members of the General Assembly shall be deemed to be the same elective public offices in a legislative district; the offices of member of the board of [chosen freeholders] county commissioners and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be

deemed to be the same elective public offices in a municipality. For the purposes of this definition, a candidate committee formed jointly by candidates for the offices of Governor and of Lieutenant Governor of the same party is not a "joint candidates committee."

...

SUBCHAPTER 2. ADMINISTRATIVE

19:25-2.1 Office

The office of the Election Law Enforcement Commission is located at 25 South Stockton Street, Trenton, New Jersey. All correspondence may be sent to the following address only: Election Law Enforcement Commission, PO Box 185, Trenton, New Jersey 08625-0185. The telephone number is: (609) 292-8700. The Commission maintains an Internet site at [www.elec.state.nj.us] www.elec.nj.gov.

SUBCHAPTER 4. ESTABLISHMENT OF REPORTING COMMITTEES

19:25-4.2 Establishment of a joint candidates committee

(a) (No change.)

(b) For the purposes of establishing a joint candidates committee pursuant to this section only, the following offices shall be deemed to be the same elective public offices:

1. (No change.)

2. The offices of county executive in a county and member of the board of [chosen freeholders] **county commissioners**; or

3. (No change.)

(c)-(f) (No change.)

19:25-4.6 Designation by a political party committee

(a)-(d) (No change.)

(e) **Each State political party committee and county political party committee may create a housekeeping account by opening a new depository account, which shall be kept separate from any other depository account, which must be designated as the committee's housekeeping account, and which must be included on the designation of organizational depository (Form D-3) described at (b), (c), and (d) above. A State political party committee or county political party committee that first designates a housekeeping account at a time other than the annual designation shall file the designation of organizational depository (Form D-3) no later than 10 days after designating a housekeeping account.**

1. **Each State political party committee and county political party committee that opens and designates a housekeeping account may raise funds for deposit into the housekeeping account in amounts not to exceed \$37,500 per contributor per calendar year. Funds deposited into a different organizational depository shall not be transferred to the designated housekeeping account.**

2. **Housekeeping account funds are limited to the following purposes:**

i. **To pay non-political expenses of the committee that designated the housekeeping account. Political expenses, including contributions, in-kind contributions, contributions made on behalf of or to a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee and independent expenditures made to promote the election or defeat of a candidate or the passage or defeat of a public question are not permitted to be made with funds from the designated housekeeping account; and**

ii. **To pay for non-political gubernatorial campaign expenses incurred by a gubernatorial campaign after the date of the election in which the gubernatorial candidate participated, which expenses are both reasonable and necessary to allow for the closing of the campaign as described at N.J.A.C. 19:25-15.47 and 16.34.**

3. **All transactions of the State political party committee or county political party committee housekeeping account must be identified as transactions of the housekeeping account on quarterly reports as required at N.J.A.C. 19:25-9.1 and are subject to the provisions at N.J.A.C. 19:25-10, 11, and 12.**

4. Housekeeping funds utilized by a gubernatorial campaign pursuant to this section may be expended in the following manner:

i. **Funds may be contributed in an amount specified, but not in an amount to exceed the non-political expense incurred for which the housekeeping funds are to be utilized, by the gubernatorial campaign. The gubernatorial campaign shall report the receipt of the housekeeping funds as a contribution specifically from the housekeeping account of the political party committee providing the funds, which shall not be considered inconsistent with N.J.A.C. 19:25-15.12, 15.28B, or 16.10. Funds received from the housekeeping account of the political party committee shall not be deposited in the matching fund account of a publicly financed candidate and shall not be eligible for match. Upon the receipt and deposit of housekeeping funds by the gubernatorial campaign, the specified reasonable and necessary non-political expense incurred after the date of the election shall be paid by the gubernatorial campaign and reported on the applicable report (Form G-1); or**

ii. **Funds may be paid directly to the vendor of goods or services, from the designated housekeeping account, by the State political party committee or county political party committee on behalf of the gubernatorial campaign. Upon payment by the political party committee to the vendor, the gubernatorial campaign shall report the transaction like that of an in-kind contribution on the applicable report (Form G-1) and such contribution shall not be considered inconsistent with N.J.A.C. 19:25-15.12, 15.28B, or 16.10.**

SUBCHAPTER 6. RECEIPT AND USE OF FUNDS

19:25-6.5 Use or disposition of campaign funds

(a) All contributions received by a candidate, candidate committee, joint candidates committee, or legislative leadership committee shall be used only for the following purposes:

1.-4. (No change.)

5. **The pro-rata repayment of contributors, except that contributors of [\$300.00] **\$200.00** or less may be excluded from repayment; or**

6. (No change.)

(b)-(d) (No change.)

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

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

(a)-(b) (No change.)

(c) **If a candidate committee or joint candidates committee that has filed a certified statement receives any contribution from any one source aggregating more than [\$300.00] **\$200.00**, or receives a currency contribution in any amount, it shall file a report (Form C-1) that shall provide the name and mailing address of the source, the date or dates received, and the aggregate total amount of contributions therefrom, and where the source is an individual, the occupation of the individual and the name and mailing address of the individual's employer. The report shall be signed by the candidate or campaign treasurer and filed no later than:**

1.-4. (No change.)

(d)-(f) (No change.)

19:25-8.6 Contributions received immediately before an election

(a) **A candidate, or a campaign treasurer of a candidate committee or joint candidates committee, shall file a notice (Form C-1 or [48-HR] **72/24-HR**) of any contribution in excess of [\$1,900] **\$200.00**, or any aggregate contributions from a contributor, which total in excess of [\$1,900] **\$200.00**, received on or after the 13th day preceding the date of an election in which the candidate, or joint candidates, is, or are, seeking election, and received up to and including the date of the election, which notice shall contain:**

1.-5. (No change.)

(b) **The notice described [in] at (a) above [shall be filed with the Commission within 48 hours of receipt of the contribution and] shall be signed by the campaign treasurer or a candidate[.] and filed with the Commission:**

1. Within 72 hours of receipt of the contribution, if the contribution is received on or after the 13th day prior to the election up to and including the eighth day prior to the election; or

2. Within 24 hours of receipt of the contribution, if the contribution is received on or after the seventh day prior to the election up to and including the date of the election.

19:25-8.6A Expenditures made immediately before an election

(a) A candidate, or a campaign treasurer of a candidate committee or joint candidates committee, shall file a notice (Form E-1 or [48-HR] 72/24-HR) with the Commission of an expenditure of money or other thing of value in excess of [\$1,900] **\$200.00**, or aggregate expenditures that total in excess of [\$1,900] **\$200.00**, made, incurred, or authorized by the candidate committee or joint candidates committee to support or defeat a candidate in an election, or to aid the passage or defeat of any public question, during the period of time between the 13th day prior to the election and the date of the election[.], **which notice shall contain:**

1. The name of the candidate or joint candidates making the expenditure;

2. The name of the person, firm, or organization to whom or which the expenditure was paid; and

3. The amount and purpose of the expenditure.

(b) The notice described [in] at (a) above shall be signed by the campaign treasurer or [the] a candidate and filed with the Commission [within 48 hours of the making, authorizing, or incurring of the expenditure, or aggregate expenditures, and shall include the following]:

1. The name of the candidates or joint candidates making the expenditure;

2. The name of the person, firm, or organization to whom or which the expenditure was paid; and

3. The amount and purpose of the expenditure.]

1. Within 72 hours of the making, authorizing, or incurring of the expenditure, if the expenditure is made, authorized, or incurred on or after the 13th day prior to the election up to and including the eighth day prior to the election; or

2. Within 24 hours of the making, authorizing, or incurring of the expenditure, if the expenditure is made, authorized, or incurred on or after the seventh day prior to the election up to and including the date of the election.

(c) There shall be no obligation to file the notice [in] at (a) above if an expenditure has been made by a candidate to support [his or her] **the candidate's** own candidacy or by joint candidates to support their own candidacies, or to support or defeat a candidate for the same office in the same election. For the purposes of this subsection, the offices of member of the Senate and member of the General Assembly shall be deemed to be the same office in a legislative district; the offices of member of the board of [chosen freeholders] **county commissioners** and county executive shall be deemed to be the same office in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same office in a municipality.

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

(a) A campaign treasurer of a political committee shall file a notice (Form C-1 or [48-HR] 72/24-HR) of any contribution in excess of [\$1,900] **\$200.00**, or any aggregate contributions from a contributor, which total in excess of [\$1,900] **\$200.00**, received on or after the 13th day preceding the date of the election and received up to and including the date of the election, which notice shall contain:

1.-5. (No change.)

(b) The notice described [in] at (a) above [shall be filed with the Commission within 48 hours of receipt of the contribution and] shall be signed by the campaign treasurer[.] **and filed with the Commission:**

1. Within 72 hours of receipt of the contribution, if the contribution is received on or after the 13th day prior to the election up to and including the eighth day prior to the election; or

2. Within 24 hours of receipt of the contribution, if the contribution is received on or after the seventh day prior to the election up to and including the date of the election.

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

(a) A campaign treasurer of a political committee shall file a notice (Form E-1 or [48-HR] 72/24-HR) of any expenditure of money or other thing of value in excess of [\$1,900] **\$200.00** made, incurred, or authorized by the political committee to support or defeat a candidate in an election, or to aid the passage or defeat of a public question, which expenditure is made, incurred, or authorized on or after the 13th day preceding the date of the election and up to and including the date of the election. The notice shall contain:

1.-3. (No change.)

(b) The notice described [in] at (a) above shall be [filed with the Commission within 48 hours of the making of the expenditure and shall be] signed by the campaign treasurer[.] **and filed with the Commission:**

1. Within 72 hours of the making, authorizing, or incurring of the expenditure, if the expenditure is made, authorized, or incurred on or after the 13th day prior to the election up to and including the eighth day prior to the election; or

2. Within 24 hours of the making, authorizing, or incurring of the expenditure, if the expenditure is made, authorized, or incurred on or after the seventh day prior to the election up to and including the date of the election.

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

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

(a)-(b) (No change.)

(c) If a continuing political committee, political party committee, or legislative leadership committee, which has filed a certified statement for a calendar year pursuant to (a) above, receives during any calendar year quarter a contribution, or aggregate contributions from a contributor, that exceeds the sum of [\$300.00] **\$200.00**, or receives a currency contribution in any amount, that committee shall file on the dates provided at N.J.A.C. 19:25-9.1, a report (Form C-3) containing the following information:

1.-4. (No change.)

19:25-9.3 Contributions received immediately before an election

(a) An organizational treasurer of a continuing political committee, a political party committee, or a legislative leadership committee shall file a notice (Form C-3 or [48-HR] 72/24-HR) with the Commission of any contribution in excess of [\$1,900] **\$200.00**, or any aggregate contributions from a contributor, which total in excess of [\$1,900] **\$200.00**, received after the closing date of its most recent quarterly report and on or before the date of an election in which the committee has made or intends to make any contribution or expenditure to aid or promote any candidate or the passage or defeat of any public question. The closing dates of quarterly reports are set forth at N.J.A.C. 19:25-9.1(a).

(b) The notice described [in] at (a) above shall be **signed by the organizational treasurer and** filed with the Commission: [within 48 hours of receipt of a contribution in excess of \$1,900, or within 48 hours of receipt of aggregate contributions from a contributor, which total in excess of \$1,900, except that all such contributions or aggregate contributions received prior to the 13th day preceding the date of an election may be reported together on a notice to be filed with the Commission no later than the 11th day before that election. A contribution or aggregate contributions from a contributor totaling in excess of \$1,900 received on or after the 13th day before the election must be reported within 48 hours of receipt.]

1. No later than the 11th day before the election for all such contributions or aggregate contributions received on or after the first day of the quarter up to and including the 14th day prior to the election;

2. Within 72 hours of receipt of the contribution or aggregate contributions, if received on or after the 13th day prior to the election up to and including the eighth day prior to the election; or

3. Within 24 hours of receipt of the contribution or aggregate contributions, if received on or after the seventh day prior to the election up to and including the date of the election.

(c) (No change.)

[(d) The notice described in (a) above shall be signed by the organizational treasurer.]

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

(a) An organizational treasurer of a continuing political committee shall file a notice (Form E-3 or [48-HR] **72/24-HR**) of an expenditure of money or other thing of value in excess of [\$1,900] **\$200.00**, or aggregate expenditures that total in excess of [\$1,900] **\$200.00**, made, incurred, or authorized in a primary or general election by the continuing political committee to support or defeat a candidate, or to aid the passage or defeat of a public question, which expenditure is, or aggregate expenditures are, made, incurred, or authorized after March 31 and on or before the day of the primary election, or after September 30, and on or before the day of the general election. The notice shall contain:

1.-3. (No change.)

(b) The notice described [in] **at** (a) above shall be signed by the organizational treasurer and filed with the Commission: [within 48 hours of the making, authorizing, or incurring of the expenditure, or aggregate expenditures, except that all expenditures or aggregate expenditures made, incurred, or authorized before the 13th day preceding the date of a primary or general election may be reported together on a notice to be filed no later than the 11th day before that election. A notice of an expenditure or aggregate expenditures in excess of \$1,900 made, incurred, or authorized on or after the 13th day preceding the date of a primary or general election shall be filed within 48 hours of receipt.]

1. No later than the 11th day before the election for all such expenditures or aggregate expenditures made, authorized, or incurred on or after April 1 up to and including the 14th day prior to the primary election, or on or after October 1 up to and including the 14th day prior to the general election;

2. Within 72 hours of the making, authorizing, or incurring of the expenditure, if the expenditure is made, authorized, or incurred on or after the 13th day prior to the primary or general election up to and including the eighth day prior to the primary or general election; or

3. Within 24 hours of the making, authorizing, or incurring of the expenditure, if the expenditure is made, authorized, or incurred on or after the seventh day prior to the primary or general election up to and including the date of the primary or general election.

19:25-9.4A Political party committee and legislative leadership committee expenditures made immediately before a primary or general election

(a) An organizational treasurer of a political party committee or an organizational treasurer of a legislative leadership committee shall file a notice (Form E-3 or [48-HR] **72/24-HR**) of an expenditure of money or other thing of value in excess of [\$1,900] **\$200.00**, or aggregate expenditures that total in excess of [\$1,900] **\$200.00**, made, incurred, or authorized in a primary or general election by the political party committee or legislative leadership committee to support or defeat a candidate, or to aid the passage or defeat of a public question, which expenditure is, or aggregate expenditures are made, incurred, or authorized after March 31 and on or before the day of the primary election, or after September 30 and on or before the day of the general election. The notice shall contain:

1.-3. (No change.)

(b) The notice described [in] **at** (a) above shall be signed by the organizational treasurer and filed with the Commission: [within 48 hours of the making, authorizing, or incurring of the expenditure, or aggregate expenditures, except that all expenditures or aggregate expenditures made, incurred, or authorized before the 13th day preceding the date of a primary or general election may be reported together on a notice to be filed no later than the 11th day before that election. A notice of an expenditure or aggregate expenditures in excess of \$1,900 made, incurred, or authorized on or after the 13th day preceding the date of a primary or general election shall be filed within 48 hours of receipt.]

1. No later than the 11th day before the election for all such expenditures or aggregate expenditures made, authorized, or incurred on or after April 1 up to and including the 14th day prior to the primary election, or on or after October 1 up to and including the 14th day prior to the general election;

2. Within 72 hours of the making, authorizing, or incurring of the expenditure, if the expenditure is made, authorized, or incurred on or after the 13th day prior to the primary or general election up to and including the eighth day prior to the primary or general election; or

3. Within 24 hours of the making, authorizing, or incurring of the expenditure, if the expenditure is made, authorized, or incurred on or after the seventh day prior to the primary or general election up to and including the date of the primary or general election.

SUBCHAPTER 10. CONTRIBUTION REPORTING

19:25-10.2 Contributions of more than [\$300.00] **\$200.00**; currency contributions

(a) A contribution received by a candidate committee, joint candidates committee, or political committee during an election fund report period established [in] **at** N.J.A.C. 19:25-8 in an amount of more than [\$300.00] **\$200.00**, or aggregate contributions received by such a committee in an election from a contributor totaling more than [\$300.00] **\$200.00** during such a report period, or a currency contribution, in any amount received during such a reporting period, must be reported by providing the following information:

1.-5. (No change.)

(b) A contribution received by a continuing political committee, a political party committee, or a legislative leadership committee during a calendar year of more than [\$300.00] **\$200.00** from a contributor, or aggregate contributions received by such a committee during a calendar year from a contributor totaling more than [\$300.00] **\$200.00**, or a currency contribution, in any amount received during a calendar year, must be reported by providing the following information:

1.-5. (No change.)

(c) A candidate committee or joint candidates committee [which] **that** has filed a certified statement (that is, Form A-1 or A-2) in an election and which receives a contribution in that election of more than [\$300.00] **\$200.00**, or aggregate contributions from a contributor of more than [\$300.00] **\$200.00**, or a currency contribution, in any amount, shall file the report provided [in] **at** N.J.A.C. 19:25-8.4(c).

(d) A continuing political committee, political party committee, or legislative leadership committee which has filed a certified statement (Form A-3) in a calendar year and which receives in that calendar year a contribution of more than [\$300.00] **\$200.00**, or aggregate contributions from a contributor of more than [\$300.00] **\$200.00**, or a currency contribution, in any amount, shall file the report provided [in] **at** N.J.A.C. 19:25-9.2(c).

19:25-10.2A Reporting of occupation and employer information

(a) Occupation and employer information shall be reported for each individual contributor whose contribution is more than [\$300.00] **\$200.00**, or whose contributions are more than [\$300.00] **\$200.00** in the aggregate, in an election to a candidate committee, joint candidates committee, or political committee, or in a calendar year to a continuing political committee, political party committee, or legislative leadership committee or whose contribution is a currency contribution in any amount received during such reporting period.

(b)-(c) (No change.)

19:25-10.3 Contributions of [\$300.00] **\$200.00** or less

(a) Except as provided [in] **at** N.J.A.C. 19:25-10.2 for currency contributions, a contribution received by a candidate, candidate committee, joint candidates committee, or political committee in an amount of [\$300.00] **\$200.00** or less in an election must be reported on the election fund report required [by] **at** N.J.A.C. 19:25-8.2 or 8.3 for the time period in which the contribution was received by including the amount of the contribution in the total sum reported in the report for all contributions received in the amount of [\$300.00] **\$200.00** or less, but the name and mailing address of the contributor or the occupation of a

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contributor who is an individual and the name and mailing address of the individual's employer is not required to be reported.

(b) At any time during an election pursuant to (a) above, if the aggregate amount received from a contributor by a candidate, candidate committee, joint candidates committee, or political committee exceeds the sum of [\$300.00] **\$200.00**, the contribution resulting in aggregate contributions totaling more than [\$300.00] **\$200.00** and each subsequent contribution (regardless of amount) received from the contributor during the election must be reported on the pertinent election fund report in the same manner as a contribution of more than [\$300.00] **\$200.00** pursuant to N.J.A.C. 19:25-10.2(a).

(c) Except as provided [in] **at** N.J.A.C. 19:25-10.2 for currency contributions, a contribution received by a continuing political committee, a political party committee, or a legislative leadership committee in an amount of [\$300.00] **\$200.00** or less in a calendar year must be reported on the quarterly report required [by] **at** N.J.A.C. 19:25-9.1 for the calendar year quarter in which the contribution was received by including the amount of the contribution in the total sum reported for the quarterly reporting period of all contributions received in the amount of [\$300.00] **\$200.00** or less, but the name and mailing address of the contributor or the occupation of a contributor who is an individual and name and mailing address of the individual's employer is not required to be reported.

(d) At any time during a calendar year pursuant to (c) above, if the aggregate amount received from a contributor by a continuing political committee, political party committee, or legislative leadership committee exceeds the sum of [\$300.00] **\$200.00**, the contribution resulting in aggregate contributions totaling more than [\$300.00] **\$200.00** and each subsequent contribution (regardless of amount) received from the contributor during the remainder of the calendar year must be reported on the pertinent quarterly report in the same manner as a contribution of more than [\$300.00] **\$200.00** pursuant to N.J.A.C. 19:25-10.2(b).

SUBCHAPTER 11. CONTRIBUTION LIMITS

19:25-11.2 Contribution limit chart

(a) The following chart sets forth the contribution limits applicable in an election, or in a calendar year, as the case may be, to persons or entities making contributions to candidates, candidate committees, political committees, continuing political committees, legislative leadership committees, and State, county, or municipal political party committees, except that the chart does not apply to contributions made to candidates for Governor and Lieutenant Governor:

ADJUSTED CONTRIBUTION LIMITS FOR NON-GUBERNATORIAL CANDIDATES AND COMMITTEES

Entities Making Contributions	Entities Receiving Contributions						
	Candidate Committee	Political Committee	Continuing Political Committee	Legislative Leadership Committee	State Political Party Committee	County Political Party Committee	Municipal Political Party Committee
Individual to:	[\$2,600] \$5,200 per election	[\$7,200] \$14,400 per election	[\$7,200] \$14,400 per year	[\$25,000] \$75,000 per year	[\$25,000] \$75,000 per year	[\$37,000] \$75,000 per year	[\$7,200] \$14,400 per year
Corporation or Union to:	[\$2,600] \$5,200 per election	[\$7,200] \$14,400 per election	[\$7,200] \$14,400 per year	[\$25,000] \$75,000 per year	[\$25,000] \$75,000 per year	[\$37,000] \$75,000 per year	[\$7,200] \$14,400 per year
Association or Group to:	[\$2,600] \$5,200 per election	[\$7,200] \$14,400 per election	[\$7,200] \$14,400 per year	[\$25,000] \$75,000 per year	[\$25,000] \$75,000 per year	[\$37,000] \$75,000 per year	[\$7,200] \$14,400 per year
Candidate Committee to:	[\$8,200] \$16,400 per election	[\$7,200] \$14,400 per election	[\$7,200] \$14,400 per year	[\$25,000] \$75,000 per year	[\$25,000] \$75,000 per year	[\$37,000] \$75,000 per year	[\$7,200] \$14,400 per year
Political Committee to:	[\$8,200] \$16,400 per election	[\$7,200] \$14,400 per election	[\$7,200] \$14,400 per year	[\$25,000] \$75,000 per year	[\$25,000] \$75,000 per year	[\$37,000] \$75,000 per year	[\$7,200] \$14,400 per year
Continuing Political Committee to:	[\$8,200] \$16,400 per election	[\$7,200] \$14,400 per election	[\$7,200] \$14,400 per year	[\$25,000] \$75,000 per year	[\$25,000] \$75,000 per year	[\$37,000] \$75,000 per year	[\$7,200] \$14,400 per year
Legislative Leadership Committee				NO LIMITS			
State Political Party Committee to:				NO LIMITS			
County Political Party Committee to:	NO LIMITS, except those set forth [in] at N.J.A.C. 19:25-11.7 for a county political party committee.						

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<u>Entities Making Contributions</u>	<u>Candidate Committee</u>	<u>Political Committee</u>	<u>Continuing Political Committee</u>	<u>Legislative Leadership Committee</u>	<u>State Political Party Committee</u>	<u>County Political Party Committee</u>	<u>Municipal Political Party Committee</u>
Municipal Political Party Committee to:				NO LIMITS			
National Political Party Committee to:	[\$8,200] \$16,400 per election	[\$7,200] \$14,400 per election	[\$7,200] \$14,400 per year	[\$25,000] \$75,000 per year	[\$72,000] \$144,000 per year	[\$37,000] \$75,000 per year	[\$7,200] \$14,400 per year
Any Contributor to a Housekeeping Account:	N/A	N/A	N/A	N/A	\$37,500 per year	\$37,500 per year	N/A

(b)-(c) (No change.)

19:25-11.3 Candidate contributions

(a)-(b) (No change.)

(c) Notwithstanding the contribution limits set forth [in] **at** N.J.A.C. 19:25-11.2, a candidate committee or joint candidates committee can make contributions in the same election without limit to another candidate committee or joint candidates committee if both the contributing and recipient committees are established by candidates who are seeking nomination for election, or election to, legislative offices within the same legislative district, or to the same offices within the same political subdivision of this State, that is, the offices of mayor and member of the municipal governing body, or to the offices of county executive in a county and members of the board of [chosen freeholders] **county commissioners** in the same county.

19:25-11.4 Joint candidates committee contribution limits

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

Example: A joint candidates committee in which three candidates are participating, none of whom have established candidate committees, may receive from an individual a contribution not to exceed [\$7,800] **\$15,600** in an election, that is three multiplied by the [\$2,600] **\$5,200** contribution limit applicable to a contribution from an individual to a candidate committee.

(b) A joint candidates committee established by candidates who have not established any candidate committees in an election may make a contribution to a political committee not to exceed [\$8,200] **\$14,400** per candidate in the election, and may make a contribution to a continuing political committee not to exceed [\$8,200] **\$14,400** per candidate in a calendar year.

(c) (No change.)

(d) A joint candidates committee may receive a contribution in an election from another joint candidates committee in an amount equal to [\$8,200] **\$16,400** multiplied by the number of candidates participating in the contributing joint candidates committee, and that sum may be further multiplied by the number of the candidates participating in the recipient joint candidates committee, provided that the contributing joint candidates committee, and any candidate committee established by any of the participating candidates, have not made any other contributions to the recipient joint candidates committee, or to any candidate committee established by any of the candidates participating in the recipient joint candidates committee.

Example: Joint candidates committee ABC has three candidates participating in it (candidates A, B, and C) and wishes to make a contribution to a joint candidates committee DEFG with four candidates participating in it (candidates D, E, F, and G[.]). Neither the joint candidates committee ABC, nor any individual candidate committee established by candidates A, B or C, has made any contributions in the

election to the joint candidates committee DEFG, or to any individual candidate committee established or maintained by candidates D, E, F, or G. Joint candidates committee ABC may contribute the sum of [\$98,400] **\$196,800** in the election to joint candidates committee DEFG, that is [\$8,200] **\$16,400** multiplied by three (that is, the three candidates participating in ABC), for a total of [\$24,600] **\$49,200**, further multiplied by four (that is, the four candidates participating in DEFG) for a total maximum permissible contribution in the election of [\$98,400] **\$196,800**.

(e) In the event that a joint candidates committee makes a contribution to another joint candidates committee as described [in] **at** (c) above, but there have been one or more contributions by the contributing joint candidates committee, or by a candidate committee established by one of the joint candidates committee's candidates, to one or more candidate committees of a candidate or candidates participating in the recipient joint candidates committee, or to the recipient joint candidates committee, the amount of a contribution that the recipient joint candidates committee may receive cannot, after application of the equal attribution requirement set forth [in] **at** N.J.A.C. 19:25-11.5, exceed [\$8,200] **\$16,400** per candidate in the election.

19:25-11.5 Equal attribution requirements

(a) (No change.)

(b) Each contribution received in an election by the joint candidates committee of a candidate who has also established a candidate committee in that election must be equally attributed to each of the candidates participating in the joint candidates committee, and the contribution limits in this subchapter must be applied to those participating candidates and to any candidate committee established by any of the participating candidates.

1. Example: The ABC joint candidates committee, consisting of Candidates A, B, and C, receives a contribution from an individual in the amount of [\$7,800] **\$15,600** in an election. For purposes of applying the contribution limits to the participating candidates and their individual candidate committees, the contribution must be equally attributed to each of the three participating candidates so that each is deemed to have received a contribution in the amount of [\$2,600] **\$5,200** in the election from the contributor. The sum of [\$2,600] **\$5,200** is the maximum amount an individual can contribute to a candidate in an election. Therefore, no further contributions can be made by the contributor in the election to the ABC joint candidates committee, or to any candidate committee established in the election by candidates A, B, or C.

2. Example: The ABC joint candidates committee receives a contribution of \$300.00 in an election from a contributor who has contributed [\$2,600] **\$5,200** in that election to an individual candidate committee established or maintained by candidate A. The sum of [\$2,600] **\$5,200** is the maximum amount an individual can contribute to a candidate committee in an election. Application of the equal attribution requirement set forth [in] **at** (a) above would result in the attribution of \$100.00 to Candidate A of the total \$300.00 contribution to joint candidates committee ABC. Since the sum of the amount contributed to the candidate committee of A [\$2,600] **\$5,200**, plus the attribution of \$100.00 of the \$300.00 contribution made to the ABC joint candidates committee, results in a total contribution from the contributor in the election of [\$2,700] **\$5,300** to Candidate A, the ABC joint candidates committee must refund

the \$300.00 contribution to avoid receipt of an excessive contribution, or alternatively, the candidate committee of A must refund \$100.00 in order that the total contribution from the contributor in the election does not exceed the [\$2,600] **\$5,200** per election contribution limit of candidate A.

19:25-11.7 County political party contribution limits

(a) In addition to the limits set forth [in] **at** N.J.A.C. 19:25-11.2, a county political party committee shall not make a contribution, or aggregate contributions, in excess of [\$8,200] **\$16,400** in an election to a candidate committee established by a candidate seeking election for an office in another county.

(b) In addition to the limits set forth [in] **at** N.J.A.C. 19:25-11.2, a county political party committee shall not make a contribution, or aggregate contributions, in excess of [\$7,200] **\$14,400** in a calendar year to a municipal political party committee in another county.

(c) In addition to the limits set forth [in] **at** N.J.A.C. 19:25-11.2, a county political party committee may make contributions, or aggregate contributions, subject to the following limits:

1. To a candidate for State [legislature] **Legislature** in a legislative district in which less than 20 percent of the legislative district's population resides in the county of the contributing county political party committee, a contribution not to exceed [\$7,200] **\$16,400** in the election; and

2. To a candidate for State [legislature] **Legislature** in a legislative district in which at least 20 percent but less than 40 percent of the legislative district's population resides in the county of the contributing county political party committee, a contribution not to exceed [\$37,000] **\$50,000** in the election.

19:25-11.10 Partnership contributions prohibited

(a)-(c) (No change.)

(d) In the case of a partnership entity, as defined [in] **at** (b) above, and in the case of a limited liability company, as described [in] **at** (c) above, whose partners or members are making contributions by means of a check issued by the partnership entity or limited liability company to a continuing political committee that is established and controlled by the partners or members, provided that the partnership entity or limited liability company controls only a single continuing political committee, the requirement to obtain a signed acknowledgment from each contributing partner or member shall be satisfied if the check from the partnership entity or limited liability company is accompanied by a list of the names of all contributing partners or members and a certification from an authorized partner or member or other authorized individual identifying any partner or member whose contributions to the continuing political committee in the calendar year exceed [\$300.00] **\$200.00** in the aggregate.

(e) (No change.)

SUBCHAPTER 12. REPORTING OF EXPENDITURES; INDEPENDENT EXPENDITURES

19:25-12.7 Independent expenditures

(a) (No change.)

(b) An expenditure by a person from [his, her, or its] **the person's** own funds of more than [\$1,900] **\$200.00** in an election to support or defeat a candidate, which expenditure is made without the cooperation or prior consent of, or without consultation with, or at the request or suggestion of, a candidate or any person or committee acting on behalf of the candidate, or an expenditure by a person from [his, her, or its] **the person's** own funds of more than [\$1,900] **\$200.00** for a communication to aid the passage or defeat of a public question, which expenditure is made without consultation with or at the suggestion of any individual or committee supporting or opposing a public question, is an independent expenditure.

(c) (No change.)

19:25-12.8 Reporting of independent expenditures

(a) (No change.)

(b) An independent expenditure, as defined [in] **at** N.J.A.C. 19:25-12.7(b), made by a person from [his, her or its] **the person's** own funds, shall be reported on the dates established for filing as a political committee

set forth [in] **at** N.J.A.C. 19:25-8, on a form prescribed by the Commission which shall contain the following information:

1.-3. (No change.)

19:25-12.8A Independent expenditures made immediately before an election

(a) A person who makes an independent expenditure in an amount in excess of [\$1,900] **\$200.00**, as defined at N.J.A.C. 19:25-12.7(b), from [his, her, or its] **the person's** own funds during the period of time between the 13th day prior to an election and the date of the election, shall file a notice (Form IND[, E-1 or 48-HR]) of the expenditure with the Commission, which notice shall include the following:

1.-3. (No change.)

(b) The notice described [in] **at** (a) above shall be filed with the Commission; [within 48 hours of the making, authorizing, or incurring of the independent expenditure.]

1. Within 72 hours of the making, authorizing, or incurring of the expenditure, if the expenditure is made, authorized, or incurred on or after the 13th day prior to the election up to and including the eighth day prior to the election; or

2. Within 24 hours of the making, authorizing, or incurring of the expenditure, if the expenditure is made, authorized, or incurred on or after the seventh day prior to the election up to and including the date of the election.

SUBCHAPTER 15. PUBLIC FINANCING; GENERAL ELECTIONS FOR THE OFFICES OF GOVERNOR AND OF LIEUTENANT GOVERNOR

19:25-15.3 Definitions for this subchapter

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

...

"Contribution eligible for match" means contributions from one contributor to be matched from public funds on a two-for-one basis. No contribution, which must be, or is intended by the contributor or the recipient to be, refunded or repaid at any time, no loan obtained pursuant to N.J.S.A. 19:44A-44, **no funds received from the housekeeping account of a State political party committee or county political party committee authorized pursuant to N.J.S.A. 19:44A-10.2**, no amount of the candidate's own funds in the aggregate in excess of \$4,900, no in-kind contribution, and no other moneys received by the candidates for Governor and for Lieutenant Governor, their campaign treasurer, or deputy campaign treasurer, except those contributions described at N.J.S.A. 19:44A-29(a) shall be deemed contributions eligible for match.

...

19:25-15.8 Return of contributions; certification

(a) (No change.)

(b) Any candidate who receives contributions as described [in] **at** (a) above shall certify to the Commission on the next filed quarterly report after the primary election for nomination to the office of Governor showing each contributor's full name and full mailing address (number, street, city, state, zip code), the date of receipt of each contribution, the dollar amount of each contribution, the date and amount of each contribution returned by the candidate, and for each contributor who is an individual and whose aggregate contributions to the candidate in the general election exceed [\$300.00] **\$200.00**, the occupation of the individual and the name and mailing address of the individual's employer. In the event a candidate is unable to return any contribution, or part thereof, for any reason, such candidate shall certify in such report the reasons for inability to return such contribution. In no event shall any such unreturned contribution be withdrawn by the candidate from [his or her] **the candidate's** general election depository bank account until the Commission has approved of disposition of such unreturned contributions.

19:25-15.14 Contributions eligible for match

(a) To be eligible for matching with public funds for a gubernatorial general election, a contribution must have been received by candidates for

the offices of Governor and of Lieutenant Governor at a time when those candidates were seeking or had sought election for the offices of Governor and of Lieutenant Governor, or must have been received by the candidate for the office of Governor for the purpose of determining whether or not to become a candidate for election to the office of Governor, except that a contribution received and deposited pursuant to N.J.A.C. 19:25-15.7, Separately maintained primary and general bank accounts, shall be eligible. Any funds received prior to the inception of such a candidacy shall not be eligible for match. **Any funds received from the housekeeping account of a State political party committee or county political party committee authorized pursuant to N.J.S.A. 19:44A-10.2 shall not be eligible for match.**

(b)-(f) (No change.)

19:25-15.17 Matching of funds

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

1. (No change.)

2. Form P-1 establishing the candidates' deposited contributions eligible for match of at least \$490,000 and that at least \$490,000 of the contributions have been expended or are committed to be expended.

i. Form P-1 shall report all contributions, regardless of whether they are eligible, or being submitted, for match showing each contributor's full name and full mailing address (number, street, city, state, zip code); the date of receipt of each contribution; the dollar amount of each contribution; and for each contributor who is an individual, and whose aggregate contributions to the candidates exceed [\$300.00] **\$200.00**, or were made in currency in any amount, the occupation of the individual and the name and mailing address of the individual's employer;

ii.-iii. (No change.)

3. (No change.)

(b) (No change.)

19:25-15.43 Disclosure of information

The Form P-1 submitted in accordance with N.J.A.C. 19:25-15.17, Matching of funds, shall not be a public record and shall not be available for public inspection; however, the Commission shall, from time to time, publish a listing of each contribution, except that it shall not include the name, address, or amount of contribution of any contributor whose contributions in the aggregate are [\$300.00] **\$200.00** or less, unless the candidate authorizes such disclosure.

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

(a)-(d) (No change.)

(e) Candidates for the offices of Governor and Lieutenant Governor may utilize the funds deposited in a housekeeping account established pursuant to N.J.S.A. 19:44A-10.2 to pay non-political expenses incurred following the election in which the candidates participated. Utilization of housekeeping funds shall be consistent with the provisions at N.J.A.C. 19:25-4.6(e).

SUBCHAPTER 16. PUBLIC FINANCING OF PRIMARY ELECTION FOR GOVERNOR

19:25-16.3 Definitions [for this subchapter]

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

...

"Contribution eligible for match" means contributions from one contributor to be matched from public funds on a two-for-one basis. No contribution, which must be, or is intended by the contributor or the recipient to be, refunded or repaid at any time, no loan obtained pursuant to N.J.S.A. 19:44A-44, **no funds received from the housekeeping account of a State political party committee or county political party committee authorized pursuant to N.J.S.A. 19:44A-10.2**, no amount of the candidate's own funds in the aggregate in excess of \$4,900, no in-kind contribution, and no other monies received by the candidate, [his or her]

the candidate's campaign treasurer, or deputy campaign treasurer, except those contributions described at N.J.S.A. 19:44A-29.a, shall be deemed contributions eligible for match. [Funds received by an individual who is testing the waters may be matched when the individual becomes a candidate, if such contributions meet all the requirements of the regulation.]

...

19:25-16.11 Contributions eligible for match

(a) To be eligible for matching with public funds for a gubernatorial primary election, a contribution must have been received by a candidate at a time when that candidate was seeking or had sought nomination for election for the office of Governor, or must have been received by the candidate for the purpose of determining whether or not to become a candidate for nomination for election to the office of Governor. Any funds received prior to the inception of such a candidacy shall not be eligible for match. **Any funds received from the housekeeping account of a State political party committee or county political party committee authorized pursuant to N.J.S.A. 19:44A-10.2 shall not be eligible for match.**

(b)-(f) (No change.)

19:25-16.18 Matching of funds

(a) A candidate for the office of Governor seeking to qualify for receipt of public matching funds shall, no later than the last day for filing a petition to nominate candidates for the primary election for Governor, file with the Commission:

1. (No change.)

2. Form P-1 establishing the candidate deposited contributions eligible for match of at least \$490,000 and that at least \$490,000 of the contributions have been expended or are committed to be expended.

i. Form P-1 shall report all contributions, regardless of whether they are eligible for, or being submitted for, match showing each contributor's full name and full mailing address (number, street, city, state, zip code); the date of receipt of each contribution; the dollar amount of each contribution; and, for each contributor who is an individual, and whose aggregate contributions to the candidates exceed [\$300.00] **\$200.00**, or were made in currency in any amount, the occupation of the individual and the name and mailing address of the individual's employer.

ii.-iii. (No change.)

3. (No change.)

(b) (No change.)

19:25-16.24 Disclosure of information

The Form P-1 submitted in accordance with N.J.A.C. 19:25-16.18, Matching of funds, shall not be a public record and shall not be available for public inspection; however, the Commission shall, from time to time, publish a listing of each contribution, except that it shall not include the name, address, or amount of contribution of any contributor whose contributions in the aggregate are [\$300.00] **\$200.00** or less, unless the candidate authorizes such disclosure.

19:25-16.33 Postelection contributions; postelection payment of expenses

(a)-(d) (No change.)

(e) A candidate may utilize the funds deposited in a housekeeping account established pursuant to N.J.S.A. 19:44A-10.2 to pay non-political expenses incurred following the election in which the candidate participated. Utilization of housekeeping funds shall be consistent with the provisions at N.J.A.C. 19:25-4.6(e).

SUBCHAPTER 17. COMPLAINTS AND OTHER PROCEEDINGS; VIOLATIONS

19:25-17.3A Penalties for failure to file

(a)-(d) (No change.)

(e) In determining the amount of penalties to be imposed for failure to file a **Supplemental Contributor and Expenditure Information (Form 72/24-HR)**, a Report of Independent Expenditures (Form IND), a Supplemental Contributor Information (Form C-1), a Supplemental Contributor Information (Form C-3), a Supplemental Expenditure Information (Form E-1), or a Continuing Political Committee

Supplemental Expenditure Information (Form E-3), the failure to report each contribution reporting transaction and each expenditure reporting transaction that was required to be reported on such report(s), shall constitute a separate offense, pursuant to N.J.A.C. 19:25-17.2. The Commission shall impose a penalty for each failure to report a contribution reporting transaction or an expenditure reporting transaction, and each penalty shall be not less than the dollar amount of each such unreported contribution or expenditure reporting transaction, up to the maximum penalty provided [in] at N.J.A.C. 19:25-17.3 for each unreported contribution or expenditure reporting transaction.

(f)-(h) (No change.)

19:25-17.3B Late filing of reports or reporting transactions

(a)-(c) (No change.)

(d) In determining the amount of a penalty to be imposed pursuant to N.J.A.C. 19:25-17.3 for a **Supplemental Contributor and Expenditure Information (Form 72/24-HR)**, a Supplemental Contributor Information (Form C-1), a Supplemental Contributor Information (Form C-3), a Supplemental Expenditure Information (Form E-1), a Continuing Political Committee Supplemental Expenditure Information (Form E-3), or any other report which was required to be filed for the purpose of preelection [48-hour] **72/24-hour** notice of the receipt of a contribution or the making of an expenditure immediately before an election, pursuant to N.J.A.C. 19:25-8.6, **8.6A**, 8.9, 8.10, 9.3, [or] 9.4, **9.4A**, or **12.8A**, and where such report was filed after the date of the election, the Commission shall treat the failure to file such report on or prior to the date of the election as a failure to file, subject to the penalties provided [in] at N.J.A.C. 19:25-17.3A(e).

(e) (No change.)

SUBCHAPTER 24. STATE CONTRACTOR CONTRIBUTIONS PROHIBITED

19:25-24.1 Definitions

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

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

“Contribution reportable by the recipient” shall mean a currency contribution in any amount or a contribution or contributions in excess of [\$300.00] **\$200.00** in the aggregate per election made to or received by a candidate committee or joint candidates committee [or per calendar year made to or received by a political party committee or legislative leadership committee].

... [“County committee of a political party” means a committee organized pursuant to N.J.S.A. 19:5-3.]

... “Fair and open process” means, at a minimum, that the contract shall be:

1. Publicly advertised in newspapers or on the Internet website maintained by the public entity in sufficient time to give notice in advance of the contract;

2. Awarded pursuant to a process that provides for public solicitation of proposals or qualifications and awarded and disclosed pursuant to criteria established, in writing, by the public entity prior to the solicitation of proposals or qualifications; and

3. Publicly opened and announced when awarded.

A contract awarded pursuant to a process that includes public bidding or competitive contracting pursuant to State contracts law or the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. (P.L. 1971,

c. 198), shall constitute a fair and open process. The decision of a public entity as to what constitutes a fair and open process shall be final.

... “In-kind contribution” means a contribution of goods or services received by a candidate committee[,] or joint candidates committee[, political party committee or legislative leadership committee], which contribution is paid for by a person or entity other than the recipient committee, but does not include services provided without compensation by an individual volunteering a part of or all of [his or her] **their** time on behalf of a candidate or committee.

... [“Organizational treasurer” means the person or persons appointed as treasurer by a political party committee or the person or persons undertaking activity relating to contributions and expenditures of a political party committee pursuant to the Campaign Reporting Act.

“Political party committee” means the State committee of a political party, as organized pursuant to N.J.S.A. 19:5-4; any county committee of a political party, as organized pursuant to N.J.S.A. 19:5-3; or any municipal committee of a political party, as organized pursuant to N.J.S.A. 19:5-2.]

... [“State committee of a political party” means a committee organized pursuant to N.J.S.A. 19:5-4.]

19:25-24.2 Contributions by business entities prohibited

(a) A business entity [which] **that** agrees to any contract or agreement, **except for a contract or agreement awarded pursuant to a fair and open process**, with the State or any department or agency thereof or its independent authorities either for the rendition of services or furnishing of any material, supplies, or equipment or for the acquisition, sale, or lease of any land or building, if the value of the transaction exceeds \$17,500, shall not knowingly solicit or make any contribution reportable by the recipient of money, or pledge of a contribution, including in-kind contributions, to a candidate committee of any candidate or holder of the public office of Governor [or to any State or county committee of a political party] prior to the completion of the contract or agreement.

(b) For the purposes of (a) above, a business entity shall have knowingly made a contribution if the business entity did not request, in writing, within 30 days of the date on which the contribution was made, that the recipient candidate committee of any candidate or holder of the public office of Governor [or State or county committee of a political party] repay the contribution and, if the business entity did not receive repayment within those 30 days.

(c) For the purposes of (a) above, it shall be presumed that a contribution made to a candidate committee of any candidate or holder of the public office of Governor [or to a State or county committee of a political party] within 60 days of a gubernatorial primary or general election was made knowingly.

19:25-24.3 Request for repayment of a contribution

(a) If a business entity makes a contribution during the term of a contract that would constitute a violation of N.J.A.C. 19:25-24.2, the entity may request, in writing, that the recipient candidate committee of any candidate or holder of the public office of Governor [or State or county committee of a political party] repay the contribution in full and, if such repayment is received within 30 days after the date on which the contribution was made, the business entity would no longer be in violation of N.J.A.C. 19:25-24.2.

(b) (No change.)

19:25-24.4 Applicability to State agencies and authorities

The provisions of this subchapter shall apply to all contracts and agreements, **other than a contract or agreement that is awarded pursuant to a fair and open process**, with State agencies including contracts or agreements with any of the principal departments in the Executive Branch, and any division, board, bureau, office, commission, or other instrumentality within or created by such department and any independent State authority, board, commission, instrumentality, or agency.

19:25-24.6 Allegation of a violation

(a) A request to the Commission to investigate an allegation that a business entity has made a contribution or contributions in violation of N.J.A.C. 19:25-24.2 shall be filed on a form prescribed by the Commission and shall include:

1.-2. (No change.)

3. The name and address of the candidate committee of any candidate or holder of the public office of Governor [or the State or county committee of a political party] that is alleged to have accepted a contribution or contributions from a business entity with a contract or agreement awarded by the State or any department or agency thereof or its independent authorities.

(b) (No change.)

SUBCHAPTER 25. LEGISLATIVE, COUNTY, AND MUNICIPAL CONTRACTOR CONTRIBUTIONS PROHIBITED

19:25-25.1 Definitions

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

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

"Contribution reportable by the recipient" shall mean a currency contribution in any amount or a contribution or contributions in excess of [\$300.00] **\$200.00** in the aggregate per election made to or received by a candidate committee or joint candidates committee [or per calendar year made to or received by a political party committee or legislative leadership committee].

["County committee of a political party" means a committee organized pursuant to N.J.S.A. 19:5-3.]

... "Fair and open process" means, at a minimum, that the contract shall be:

1.-3. (No change.)

A contract awarded pursuant to a process that includes public bidding or competitive contracting pursuant to State contracts law or the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. (P.L. 1971, c. 198), shall constitute a fair and open process. The decision of a public entity as to what constitutes a fair and open process shall be final.

... "In-kind contribution" means a contribution of goods or services received by a candidate committee[,] or joint candidates committee, [political party committee or legislative leadership committee,] which contribution is paid for by a person or entity other than the recipient committee, but does not include services provided without compensation by an individual volunteering a part of or all of [his or her] **their** time on behalf of a candidate or committee.

... "Joint candidates committee" means a committee established pursuant to N.J.S.A. 19:44A-9(a) by at least two candidates for the same elective public offices in the same election in a legislative district, county, or municipality, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purposes of this definition, the offices of member of the Senate and members of the General Assembly shall be deemed to be the same elective public offices in a legislative district; the offices of member of the board of [chosen freeholders] **county commissioners** and county executive shall be deemed to be the same elective public offices in a county; and the offices

of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

... ["Legislative leadership committee" means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly, or the Minority Leader of the General Assembly pursuant to N.J.S.A. 19:44A-10.1 for the purpose of receiving contributions and making expenditures.

"Municipal committee of a political party" means a committee organized pursuant to N.J.S.A. 19:5-2.]

... ["Organizational treasurer" means the person or persons appointed as treasurer by a legislative leadership committee or political party committee or the person or persons undertaking activity relating to contributions and expenditures of a legislative leadership committee or political party committee pursuant to the Campaign Reporting Act.

"Political party committee" means the State committee of a political party, as organized pursuant to N.J.S.A. 19:5-4; any county committee of a political party, as organized pursuant to N.J.S.A. 19:5-3; or any municipal committee of a political party, as organized pursuant to N.J.S.A. 19:5-2.]

... ["State committee of a political party" means a committee organized pursuant to N.J.S.A. 19:5-4.]

19:25-25.2 Contributions by business entities prohibited

(a) Notwithstanding the provisions of any other law to the contrary, a business entity that has entered into a contract having an anticipated value in excess of \$17,500 with a State agency in the Legislative Branch, that requires approval by a presiding officer of either or both houses of the Legislature, except a contract that is awarded pursuant to a fair and open process, shall not during the term of that contract make a contribution, reportable by the recipient, to [the State committee of the political party of which that presiding officer is a member or to a legislative leadership committee or] any candidate committee or joint candidates committee established by that presiding officer.

(b) Notwithstanding the provisions of any other law to the contrary, a business entity that has entered into a contract having an anticipated value in excess of \$17,500 with a county, or any agency or instrumentality thereof, except a contract that is awarded pursuant to a fair and open process, shall not during the term of that contract make a contribution, reportable by the recipient, to [any county committee of a political party in that county if a member of that political party is serving in an elective public office of that county when the contract is awarded or to] any candidate committee or joint candidates committee of any person serving in an elective public office of that county when the contract is awarded.

(c) Notwithstanding the provisions of any other law to the contrary, a business entity that has entered into a contract having an anticipated value in excess of \$17,500 with a municipality, or any agency or instrumentality thereof, except a contract that is awarded pursuant to a fair and open process, shall not during the term of that contract make a contribution, reportable by the recipient, to [any municipal committee of a political party in that municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded or to] any candidate committee or joint candidates committee of any person serving in an elective public office of that municipality when the contract is awarded.

19:25-25.3 Prohibition on acceptance of contributions from a business entity

(a) No [State committee of a political party, legislative leadership committee,] candidate committee or joint candidates committee, as set forth [in] **at** N.J.A.C. 19:25-25.2(a), shall accept a contribution from a business entity during the term of the contract between the business entity and the State agency in the Legislative Branch.

(b) No [county committee of a political party,] candidate committee or joint candidates committee, as set forth [in] **at** N.J.A.C. 19:25-25.2(b), shall accept a contribution from a business entity during the term of the contract between the business entity and the county or its agency or instrumentality.

(c) No [municipal committee of a political party,] candidate committee or joint candidates committee, as set forth [in] at N.J.A.C. 19:25-25.2(c), shall accept a contribution from a business entity during the term of the contract between the business entity and the municipality or its agency or instrumentality.

19:25-25.5 Business entity duty to report to Commission

(a) (No change.)

(b) The report of a contribution or contributions made during the duration of a contract in violation of N.J.A.C. 19:25-25.2 shall be filed with the Commission by means of a letter and shall include:

1. (No change.)

2. The name and address of the [State, county, or municipal political party committee, legislative leadership committee,] candidate committee[, or joint candidates committee to which the contribution was made;

3.-4. (No change.)

19:25-25.6 Repayment of a contribution

If a business entity makes a contribution during the term of a public contract that would constitute a violation of N.J.A.C. 19:25-25.2, the business entity may request, in writing, within 60 days of the date on which the contribution was made, that the recipient [State, county, or municipal political party committee, legislative leadership committee,] candidate committee[, or joint candidates committee repay the contribution and, if repayment is received within those 60 days, the business entity would no longer be in violation of N.J.A.C. 19:25-25.2.

19:25-25.7 Penalty for a violation by a business entity

(a) A business entity which is determined by the Commission to have willfully and intentionally made a contribution that is in violation of N.J.A.C. 19:25-25.2, or failed to report a contribution, as required [by] at N.J.A.C. 19:25-25.5, may be liable to a penalty of up to the value of its public contract.

[(b)] 1. For the purposes of [(a) above] **this subsection**, a business entity shall have willfully and intentionally made a contribution that is in violation of N.J.A.C. 19:25-25.2 if the business entity did not request, in writing, within 60 days of the date on which the contribution was made, that the recipient [State, county, or municipal committee of a political party, legislative leadership committee,] candidate committee[, or joint candidates committee repay the contribution and, if repayment was not received within those 60 days.

[(c)] 2. For the purposes of [(a) above] **this subsection**, a business entity shall have willfully and intentionally failed to comply with the continuing duty to report a contribution that is in violation of N.J.A.C. 19:25-25.5 if the business entity fails to file the report required [by] at N.J.A.C. 19:25-25.5 within 60 days of making the contribution.

(b) Notwithstanding the provisions of any law, rule, or regulation to the contrary, a business entity that fails to disclose a contribution as required at N.J.A.C. 19:25-25.5 shall be subject to a fine of not less than \$250.00.

[(d)] (c) (No change in text.)

19:25-25.8 Penalty for acceptance of an unlawful contribution

(a) A [State, county, or municipal committee of a political party, legislative leadership committee,] candidate committee, joint candidates committee, or campaign [or organizational] treasurer thereof, who or which is determined by the Commission to have willfully and intentionally accepted a contribution in violation of N.J.A.C. 19:25-25.3, shall be liable to a penalty for each such violation equal to the penalties set forth [in] at N.J.S.A. 19:44A-22e.

(b) For the purposes of (a) above, the willful and intentional acceptance of a contribution by a [State, county, or municipal committee of a political party, legislative leadership committee,] candidate committee, joint candidates committee, or campaign [or organizational] treasurer thereof, shall refer to the act of receiving a contribution that is in violation of N.J.A.C. 19:25-25.3 and retaining the contribution for a period of more than 60 days.

19:25-25.9 Allegation of a violation

(a) A request to the Commission to investigate an allegation that a business entity has made a contribution or contributions in violation of

N.J.A.C. 19:25-25.2, that a [State, county, or municipal committee of a political party, legislative leadership committee,] candidate committee[, or joint candidates committee has accepted a contribution or contributions in violation of N.J.A.C. 19:25-25.3, or that a business entity has failed to file a report required [by] at N.J.A.C. 19:25-25.5, shall be filed on a form prescribed by the Commission and shall include:

1.-3. (No change.)

4. The name and address of the [State, county, or municipal committee of a political party, legislative leadership committee,] candidate committee[, or joint candidates committee that is alleged to have received a contribution or contributions in violation of N.J.A.C. 19:25-25.3.

SUBCHAPTER 26. CONTRIBUTION DISCLOSURE BY FOR-PROFIT ENTITIES

19:25-26.1 Definitions

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

...

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

“Contribution reportable by the recipient” shall mean a currency contribution in any amount or a contribution or contributions in excess of [\$300.00] **\$200.00** in the aggregate per election made to or received by a candidate committee, joint candidates committee, or political committee or per calendar year made to or received by a [political party committee, legislative leadership committee or] continuing political committee.

...

“Fair and open process” means, at a minimum, that the contract shall be:

1.-3. (No change.)

A contract awarded under a process that includes public bidding or competitive contracting pursuant to State contracts law or the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. (P.L. 1971, c. 198), shall constitute a fair and open process. The decision of a public entity as to what constitutes a “fair and open process” shall be final.

“In-kind contribution” means a contribution of goods or services received by a candidate committee, joint candidates committee, political committee, **or** continuing political committee, [political party committee, or legislative leadership committee,] which contribution is paid for by a person or entity other than the recipient committee, but does not include services provided without compensation by an individual volunteering a part of or all of [his or her] **their** time on behalf of a candidate or committee.

...

“Joint candidates committee” means a committee established pursuant to N.J.S.A. 19:44A-9(a) by at least two candidates for the same elective public offices in the same election in a legislative district, county, or municipality, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purposes of this definition, the offices of member of the Senate and members of the General Assembly shall be deemed to be the same elective public offices in a legislative district; the offices of member of the board of [chosen freeholders] **county commissioners** and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

...

["Legislative leadership committee" means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly, or the Minority Leader of the General Assembly pursuant to N.J.S.A. 19:44A-10.1 for the purpose of receiving contributions and making expenditures.]

...

["Municipal committee of a political party" means a committee organized pursuant to N.J.S.A. 19:5-2.]

...

["Political party committee" means:

1. The State committee of a political party, as organized pursuant to N.J.S.A. 19:5-4;
2. Any county committee of a political party, as organized pursuant to N.J.S.A. 19:5; or
3. Any municipal committee of a political party, as organized pursuant to N.J.S.A. 19:5-2.]

...

["State committee of a political party" means a committee organized pursuant to N.J.S.A. 19:5-4.]

19:25-26.2 Business entity disclosure to a State agency

(a) Not later than 10 days prior to the execution of any contract with a State agency, which contract has an anticipated value in excess of \$17,500, except for a contract that is awarded pursuant to a fair and open process, a business entity bidding on or negotiating for the contract shall submit to the State agency, according to procedures established by the State agency, a list of contributions, including contributions deemed to be contributions of the business entity pursuant to N.J.A.C. 19:25-26.6, which shall contain the following:

1. The name of each [political party committee, legislative leadership committee,] continuing political committee, or candidate committee or joint candidates committee of a candidate for, or holder of, a State elective office to which the business entity made a contribution reportable by the recipient during the 12-month period preceding the date of the execution of the contract with the State agency;

2.-3. (No change.)

(b)-(c) (No change.)

19:25-26.3 Business entity disclosure to a local unit

(a) (No change.)

(b) The business entity shall include the following information on the list of contributions submitted to a local unit pursuant to (a) above:

1. The names of all of the following to which the business entity made a contribution reportable by the recipient during the 12-month period

preceding the date of the resolution awarding the contract with the local unit:

[i. Any political party committee;

ii. Any legislative leadership committee;]

Recodify existing iii.-iv. as **i.-ii.** (No change in text.)

(c)-(d) (No change.)

19:25-26.4 Business entity annual disclosure statement

(a) (No change.)

(b) A business entity shall report the following on the annual disclosure statement:

1.-2. (No change.)

3. The name and address of the recipient candidate or committee, the contribution date, and the contribution amount for each contribution reportable by the recipient that was made by the business entity, including contributions deemed to be contributions of the business entity pursuant to N.J.A.C. 19:25-26.6, during the calendar year to the following:

i. The candidate committee or joint candidates committee of a candidate for or holder of the office of Governor, State Senate, General Assembly, county executive, [freeholder] **county commissioner**, sheriff, clerk, surrogate, and member of a municipal, school board, and fire district governing body;

[ii. A political party committee;

iii. A legislative leadership committee;]

Recodify existing iv.-v. as **ii.-iii.** (No change in text.)

4. (No change.)

(c) (No change.)

19:25-26.7 Allegation of a violation; fine

(a) A request to the Commission to investigate an allegation that a business entity has violated the provisions of this subchapter shall be filed on a form prescribed by the Commission and shall include:

1.-3. (No change.)

4. The name(s) and address(es) of the candidate committee, joint candidates committee, political [party] committee, [legislative leadership committee,] or continuing political committee that is alleged to have received a contribution from the business entity, which contribution was not disclosed by the business entity as required by this subchapter.

(b) A business entity that fails to comply with the requirements of this subchapter shall be subject to a fine to be imposed by the Commission in an amount **not less than \$250.00**, which shall be based upon the amount that the business entity failed to report.