



Gubernatorial Public Financing Program

New Jersey Election Law Enforcement Commission

28 West State Street, Trenton, NJ 08625-0185
(609) 292-8700 or Toll Free in NJ 1-888-313-ELEC (3532)

www.elec.state.nj.us

December, 2008

HOW TO USE THIS MANUAL

PLEASE READ THIS FIRST

The guidance provided in this Manual is applicable to publicly financed gubernatorial candidates.

Throughout this Manual, the following abbreviations apply:

Commission The New Jersey Election Law Enforcement Commission

The “Act” “The New Jersey Campaign Contributions and Expenditures Reporting Act”
(Citation: N.J.S.A. 19:44A-1 et seq.)

Regulations The regulations promulgated under the “Act” (Citation: N.J.A.C. 19:25-1 et seq.)

Help With Using this Manual

Any person who wishes to receive clarification concerning any item contained in this Manual should contact the Special Programs Section at ELEC, (609) 292-8700 or toll free in NJ at (888) 313-ELEC. Special Programs may also be contacted by mail at:

New Jersey Election Law Enforcement Commission
Attn: Special Programs Section
P.O. Box 185
Trenton, New Jersey 08625-0185

Candidates and committees may also request an informational session to obtain an overview of the Commission’s statutory and regulatory provisions.

THIS MANUAL IS NOT INTENDED TO SUPERSEDE THE ACT AND REGULATIONS, AND IN THE EVENT OF ANY INCONSISTENCY, THE ACT AND REGULATIONS PREVAIL. ACCORDINGLY, IT IS RECOMMENDED THAT CANDIDATES AND TREASURERS OBTAIN A COPY OF THE ACT AND REGULATIONS.

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I. HISTORY OF PUBLIC FINANCING

In the aftermath of Watergate, citizens became increasingly aware that politicians needed to be held accountable to the public. This was evident with the passing of campaign financial disclosure laws and the creation of public financing programs. Public Financing was first implemented at the federal level in the 1976 presidential election. In 1977, New Jersey became the first state to conduct a gubernatorial general election with public funds and in 1981 included public financing for the gubernatorial primary election.

The governorship of New Jersey is unique in two important respects. First, it is the only office in State government to be elected Statewide. Second, the Governor of New Jersey is regarded as one of the most powerful chief executives in the country. He or she appoints or approves every executive and judicial officer, except for the State Auditor. Thus, the posts that can be filled by the Governor, with the advice and consent of the Senate, include all department heads or the boards that chose them, many division heads; all county prosecutors; and members of the county boards of election and taxation. They also include various policy and advisory boards, executive commissions, State and regional authorities, and interstate agencies. By making numerous appointments at many different levels of government, the Governor has an enormous influence in areas not directly under his or her control.

The Governor can also exert substantial legislative influence through an extensive veto power. As in most other states, the Governor has an absolute veto. However, the New Jersey Constitution also permits him or her to exercise a conditional veto. If the Governor wishes only to amend a bill, he or she may issue a conditional veto setting forth specific amendments. The Legislature can then concur in those amendments by a majority vote in each house. The power to veto conditionally provides a flexible tool to fashion legislation. Finally, New Jersey's Governor also can issue a line-item veto, reducing one or more individual appropriations in a bill.

Because of the extensive appointive and veto powers which the Constitution confers upon the Governor and because the office is the only one in State Government filled by a Statewide vote, the concern that large contributors might exercise undue influence and that persons with limited financial resources be prevented from running is particularly compelling. New Jersey's Public Financing Program is designed to ensure that the people of New Jersey can elect a Governor who is free from improper influences. At the same time, it ensures that potential candidates are not prevented from seeking office because of a lack of personal fortune or access to sources of wealth.

Once a candidate has qualified, each dollar of a contribution to his or her election campaign is matched with two dollars in public funds. In order to qualify for public financing, a candidate in the primary or general election must satisfy several requirements. The candidate must apply for public financing before the designated deadline, submit proof that the qualification threshold has been reached, complete a statement of agreement to participate in two debates, and file a report to disclose whether or not he or she has participated in any issue advocacy groups for the four years before the candidate committee was formed.

Candidates may decline to take public funds and defray their campaign costs entirely with private contributions. In such cases, a candidate is still subject to the contribution limit, but is not subject to the overall expenditure limit, the limit on usage of a candidate's personal funds, or the limit on bank loans. The Public Financing Program is supported through the general treasury and the State income tax check-off provision. Taxpayers elect to contribute to the "Gubernatorial Elections Fund" by checking off a box on their State income tax form. Checking the box does not increase a citizen's tax bill. For individual returns, one dollar goes to the fund and on joint returns, spouses may contribute one dollar each.

Source: New Jersey Public Financing 1985 Gubernatorial Elections, New Jersey Election Law Enforcement Commission, September 1986.

Note: The Lieutenant Governor of New Jersey will take office for the first time in January 2010 following conjoint election with the Governor of New Jersey. The position was created as the result of a Constitutional amendment to the New Jersey State Constitution passed by the voters on November 8, 2005 and effective as of January 17, 2006.

II. ESTABLISHMENT OF A CANDIDATE COMMITTEE AND DEPOSITORIES

A candidate committee is a committee designated by a single candidate as his or her campaign committee. A candidate committee shall be established by appointing a treasurer and opening a campaign depository for the purpose of receiving contributions and making expenditures. This depository must be established no later than the date on which that candidate first receives any contribution or makes or incurs any expenditure in connection with an election. Note that when a candidate contributes his or her personal funds to the campaign, those funds are contributions to the campaign and a campaign depository must be established. Individuals who engage in “pre-candidacy” activity, commonly known as “testing the waters,” are defined by law as candidates and must file reports with the Commission.

III. NAMING A CANDIDATE COMMITTEE

The name of a single candidate committee must contain the surname of the candidate and the office sought. For example, a candidate committee can be called “Smith for Governor” because it contains candidate Smith’s surname and the office sought. Provided that the two requisite elements are contained in the candidate committee name (surname and office sought), other language may be contained in the candidate committee name.

Note: The name of the candidate committee must be consistently used, that is, it must be the sole name under which the committee receives contributions, makes expenditures, labels its political identification statements, or otherwise does business. It is recommended that the name of the account should also be the same as the name of the committee.

IV. APPOINTMENT OF CAMPAIGN OFFICERS

A. Qualifications of Campaign or Committee Officers

Any competent person 18 years of age or older may serve as a campaign treasurer, deputy treasurer, committee chairperson, or vice chairperson. To serve in these positions, the person must maintain a resident address within the State of New Jersey, or alternatively file a Consent to Service of Legal Process form with an address in the State of New Jersey within three days of appointment or within three days of abandoning residence in New Jersey. A Consent to Service of Legal Process form can be obtained by contacting the Special Programs staff of the Commission.

Treasurers for publicly financed gubernatorial candidates are required to receive formal training and must be trained within 90 days of designation of appointment. Attendance at an information session conducted by the Special Programs staff will satisfy this requirement. Treasurers may request a training session by contacting the Special Programs staff at the Commission at (609) 292-8700 or 1-888-313-ELEC (3532).

No person serving as a chairperson of a political party committee or a legislative leadership committee shall be eligible to be appointed to or serve as:

- chairperson, campaign treasurer, or deputy campaign treasurer of a candidate committee other than a candidate established to further the election of that person as a candidate;
- chairperson, campaign treasurer, or deputy campaign treasurer of a political committee; or,
- chairperson, organizational treasurer, or deputy organizational treasurer of a continuing political committee.

B. Treasurer and Deputy Treasurer

A candidate may serve as his/her own campaign treasurer, deputy treasurer, committee chairperson, or vice chairperson. A campaign treasurer may appoint a deputy campaign treasurer. If a deputy treasurer is appointed, the treasurer is required to file, no later than five days after the appointment, a "Designation of Deputy Treasurer and/or Additional Depository" (Form DX) with the Commission. The treasurer shall file an amendment to the Form DX within ten days of the occurrence of any change in the information concerning the deputy treasurer(s) provided on the Form DX.

The candidate or committee shall notify the Commission in writing in the case of death, resignation, or removal of a campaign treasurer or deputy campaign treasurer within ten days of its occurrence. The candidate or committee shall appoint a successor as soon as practicable but in no case more than 20 days after the death, resignation, or removal of the campaign treasurer or deputy campaign treasurer. Within three days of the appointment of the successor, the successor's name and address must be filed on the Form D-1 with the Commission.

Note: Appointment of a campaign treasurer does not constitute a delegation of a candidate's legal responsibility to comply with the Act and regulations.

C. Campaign Depository

A "campaign depository" means a bank account established by a candidate to receive contributions and make expenditures to aid or promote the nomination, election, or defeat of a candidate, or to support or oppose a public question. Any bank authorized by law to transact business in New Jersey and maintaining a branch or office in New Jersey may be designated for the purpose of establishing a campaign depository. All contributions must be deposited in the campaign depository within ten days of receipt.

Each candidate in the primary and/or general election, whether or not intending to participate in the gubernatorial public financing program, shall file a Form D-1 within 10 days after establishing a candidate committee to:

1. Designate the name and address of his or her candidate committee for that election;
2. Appoint a campaign treasurer (appointment of a chairperson is optional);
3. Designate a bank account; and
4. Notify the Commission of such appointment and designation no later than the 10th day after receipt of any contribution or after incurring or making any expenditure, whichever comes first.

If any of the information contained on the Form D-1 changes, the candidate must file an amended Form D-1 no later than three days after the change has been made.

Note: A Form D-1 must be filed for each account (depository, matching, etc.) established by the candidate committee.

D. Deadline for Filing the Form D-1:

No later than the 10th day after receipt of any contribution or after incurring or making any expenditure, whichever comes first.

E. Participating Candidates:

The candidate committee must establish a:

1. Depository Account - contributions not eligible to receive public matching funds such as loans, interest, and the candidate's own funds over the \$3,400 matchable amount, must be deposited into this account.
2. Matching Fund Account - all contributions eligible to receive matching funds must be deposited into this account. Any interest earned in this account must be transferred to the depository account, since interest is not matchable.

Note: A candidate committee may establish more than one Matching Fund Account.

ELEC will establish:

3. Public Fund Account - the Commission will establish an account for each qualified candidate and will have the campaign complete a signature card. Upon the approval of each submission, ELEC will deposit public matching funds into this account for the candidate committee's sole use. The candidate committee will be given a checkbook to make permissible expenditures from the Public Fund Account and may contact the bank to establish wire transfer capability. (Please review section XII. Expenditures, D. Permissible Uses of Campaign Money).

V. CAMPAIGN FINANCE REPORTS

The date a candidate committee must begin filing reports with the Commission depends upon when the financial activity commences. If the committee is established within five months or less of the due date of the 29-day preelection report for the election in which the candidate is running, the committee will file a 29-day preelection report as the initial election fund report. However, if the committee is established more than five months prior to the due date of the 29-day preelection report for the election in which the candidate is running, the committee must file a quarterly report as its initial election fund report. Please note that primary and general elections are separate elections and candidate committees must file separate reports for each election.

Quarterly reports are due for filing on:

- April 15 (covering activity from January 1 through March 31)
- July 15 (covering activity from April 1 to June 30)
- October 15 (covering activity from July 1 through September 30)
- January 15 (covering activity from October 1 through December 31)

The initial election fund report will always begin with the reporting of the first contribution received or expenditure made in an election, including contributions received or expenditures made to determine whether or not an individual should become a candidate.

If, at the conclusion of an election, a candidate committee has net liabilities, the committee must file quarterly reports on the appropriate quarterly reporting dates until there is no remaining balance in any depository, no outstanding obligations, and the candidate committee has been dissolved and concluded its business for the past election.

Election Cycle Reports are those reports which are filed 29 days before an election, 11 days before an election, and 20 days after an election.

Note: In the event that any report filing date falls on a weekend or observed State Holiday, the report is due the next business day.

A. Quarterly Reports and Election Cycle Reports are filed on the:

Form G-1 (Participating Candidates) or **Form R-1** (Non-Participating Candidates)

B. Mandatory Electronic Filing

Electronic filing is mandatory for publicly financed gubernatorial candidates participating in any election occurring after January 1, 2006. To file electronically, the gubernatorial campaign must attend a training session and complete an application for registration and PIN numbers. At the training session, the campaign will be provided with a copy of the Gubernatorial Electronic Filing System (GEFS). There is no fee and helpdesk support is provided. To obtain a copy of GEFS, please contact the Special Programs staff at the Commission at (609) 292-8700.

C. Limitations and Thresholds Applicable to Publicly Financed (“participating”) Gubernatorial Candidates:

- Contribution limit: \$3,400
- \$25,000 max of candidate’s own funds
- \$50,000 aggregate bank loan total
- Qualification Threshold: \$340,000
- Public Funds Cap:
 - Primary: \$3.1 million
 - General: \$7.3 million
- Expenditure limit:
 - Primary: \$5 million
 - General: \$10.9 million

D. Non-Participating Candidates:

- Subject to a \$3,400 contribution limit
- No expenditure limit, no limit on use of candidate’s own funds, no limit on bank loans guaranteed by candidate.

VI. PUBLIC FINANCING PARTICIPATION THRESHOLD AND FILING DEADLINE

The Commission is responsible for administration of the Gubernatorial Public Financing Program, which provides partial public financing to qualified candidates on a two-for-one basis. To be qualified to participate in public financing in the primary and/or general election, a candidate must file a:

1. Form P-1, demonstrating that \$340,000 has been raised and spent or committed to be spent for that particular election,
2. Statement of Agreement To Participate In Two Debates, and
3. Form P-2 "Issue Advocacy Organization Report of Contributions and Expenditures," if the candidate was or is involved in any issue advocacy organization during the four years prior to forming a candidate committee

or

Form P-2A "Candidate Certification of Non-Participation in Issue Advocacy," if the candidate was not and is not involved in any issue advocacy organization during the four years prior to forming a candidate committee.

These forms must be filed on or before the date of the campaign's first submission and no later than:

- April 6, 2009 **(2009 Primary Election)**
- September 1, 2009 **(2009 General Election)**

A. Gubernatorial Electronic Filing System "GEFS"

All participating candidates are required to file their campaign reports and public financing submissions using electronic filing software supplied by the Commission (N.J.A.C. 19:25-3(e)). The Gubernatorial Electronic Filing System (GEFS) is used to scan copies of annotated and receipted deposit slips, checks, and related documents. Contributor and expenditure data is also entered and the Form G-1 or P-1 is generated. The software is free and the Commission provides help desk support. The software also contains help desk support files and campaign management tools.

To obtain a copy of GEFS, the candidate committee should contact the Special Programs staff to schedule a training session at the Commission's office. Candidates may also request an informational session to obtain an overview of the Commission's statutory and regulatory provisions.

VII. DEBATE PARTICIPATION

Candidates participating in the public financing program are required to agree to participate in two candidates' debates in each election and must complete the Statement of Agreement to Participate in the Gubernatorial Primary (or General) Election Debates. Candidates who are not participating in the public financing program, but who have raised and spent the applicable threshold amount and have filed a report with the Commission no later than April 16, 2009 (2009 Primary Election) or September 1, 2009 (2009 General Election), may elect to participate in the primary or general election candidates' debates.

VIII. GUBERNATORIAL BALLOT STATEMENT PROGRAM

The New Jersey Campaign Contributions and Expenditures Reporting Act allows for a statement from each gubernatorial candidate to be provided on the sample ballot mailed to registered voters in the general election. The statements, which are to assist voters in making their determination among the gubernatorial candidates, must not exceed 500 words. Any candidate for election to the Office of Governor, who wishes a statement mailed on his or her behalf, must submit such statement to the Commission on the Form G-2 on or before August 17, 2009.

IX. SUBMISSIONS

Qualified candidates may submit claims for public matching funds by 12:00 noon on the Form P-1, by using the Gubernatorial Electronic Filing System (GEFS) to generate an electronic report. The candidate must decide at the first submission whether or not to disclose contributions of \$300 or less and must indicate this decision on the Form P-1. The first \$109,000 submitted for match (for the first submission only) is not eligible for public funds. After the candidate files his or her initial submission indicating that the qualification amount has been reached, the candidate's subsequent submissions must contain a minimum of \$12,500 in contributions. All submission information is kept confidential and is not available for public inspection.

Note: The candidate committee does not get to select which contributions are not matched and must comply with all statutory and regulatory provisions for all contributions received and submitted.

Every contribution submitted for match must identify the contributor's name and address, contribution amount, date, and the contributor's signature. For all other contributions in excess of \$300 in the aggregate, the contributor's occupation and employer's name and address must also be reported.

If any contribution submitted for match is found to be non-compliant with any of the Commission's statutory or regulatory provisions, it will be rejected and the candidate committee will receive written notification and instructions for remedy. Candidates may resubmit rejected contributions on any subsequent submission date.

Note: If any submission is found to contain an excessive contribution, the candidate committee must make a refund immediately and provide the Special Programs staff with a copy of the refund check before the submission can be processed any further and before any public funds may be disbursed.

After the Special Programs Staff has reviewed each submission, the Commission will certify to the State Treasurer an amount of public matching funds payable to the candidate which is equal to two dollars for every one dollar approved for match. On the basis of this certification, the Treasurer will issue a check for the matching funds which the Commission will deposit in the candidate's public fund account. The initial submission may take a few weeks to complete, but subsequent submissions are generally completed in a week. The timeframe varies depending upon the volume of reports received on any given submission date and the amount of compliance demonstrated by each campaign.

Beginning one month before the election, the Commission may decide to provide prompt public matching funds to gubernatorial campaigns which have demonstrated a proven "track record" as established by a consistently low submission error rate. Under the percentage certification process, payment of a fixed percentage of public funds is made to a qualified candidate for a submission before staff has concluded detailed examination of all contribution items. After staff has an opportunity to completely review the submission, and the exact total of public funds to be certified is determined, the amount certified on the percentage basis is subtracted from the amount actually given to the campaign. The net amount is then certified for distribution to the publicly financed candidate. Automatic percentage certification has never been permitted by the Commission for a candidate's initial submission in an election, or if prior submissions demonstrated an excessive error rate.

The maximum amount of public funds a candidate may receive is:

- 2009 Primary Election - \$3.1 million
- 2009 General Election - \$7.3 million

X. CONTRIBUTIONS

A maximum amount of \$3,400 in the aggregate per election may be accepted from a contributor by a candidate for the Office of Governor, regardless of whether or not that candidate intends to participate in public financing.

A contribution is a transfer of money or other thing of value, made to, or on behalf of, a candidate or committee. Included in the definition of a contribution are loans, gifts, subscriptions, real property, and personal property. A contribution may be in the form of currency, check, or other negotiable instrument. A contribution may also be a non-monetary "in-kind" contribution.

Note: A written record of all contributions (monetary, in-kind, and loans) must be made and maintained, regardless of amount.

A. Receipt and Deposit of Funds

All funds received by a candidate must be deposited by the treasurer in the campaign depository within **10 days** of the date of receipt. The "date of receipt" is the date which a campaign treasurer, or any other authorized person, receives funds on behalf of the candidate or committee. Accordingly, the date of deposit should not be substituted for the date of receipt, unless the funds are received and deposited on the same day.

Note: Often a candidate will contribute or loan his or her own personal funds to a campaign. If so, the funds contributed or loaned to the campaign must, likewise, be deposited by the treasurer in the campaign depository.

B. Contributions; Primary and General Elections

Any candidate may establish and designate a bank account pursuant to N.J.S.A. 19:44A-12 for the ensuing general election and may deposit contributions for the general election before the date of the primary election. However, no moneys deposited in the candidate's general election account may be transferred or expended until the day following the primary election and may not be expended at any time for primary election expenses. Contributions made in aid of the anticipated general election candidacy of a candidate in a primary election shall be returned to the contributors in the event such primary candidate fails to be nominated.

The primary election campaign bank accounts of each candidate shall be separate from the general election campaign bank accounts of each candidate and shall be separately designated in reports required to be filed under the Act. Funds in primary election campaign accounts shall not be commingled with funds in general election campaign accounts.

C. Prohibited Contributions

Banks, insurance companies, public utilities, cable television corporations, as well as certain casino interests are prohibited contributors under provisions of the law outside the Commission's jurisdiction.

Federal law prohibits foreign nationals from making contributions to any candidate and prohibits candidates from accepting such contributions; see 2 U.S.C., Sec. 441e. Questions concerning this prohibition should be addressed to the Federal Election Commission, 999 E Street, N.W., Washington, DC 20463, (800) 424-9530.

Pay-to-Play:

Under state Pay-to-Play laws, Business Entities holding contracts with state agencies in excess of \$17,500 are prohibited from making reportable contributions (over \$300 in the aggregate) to candidates for the holder of the office of Governor and Lieutenant Governor, Legislative Leadership Committees, and State/County/Municipal Political Party Committees. In case of error, a business entity may request and receive a refund of these contributions within 30 days, provided that the contributions were not made within 60 days of a gubernatorial primary or general election.

D. Use of Personal Funds

A candidate's personal funds used on behalf of his or her campaign must be deposited in a candidate committee account and must be reported as either a contribution or loan to the campaign. If the candidate intends to be reimbursed fully or partially for personal funds used on behalf of his or her campaign, then the funds must be reported both as a loan and as an outstanding obligation of the campaign if still outstanding at the end of the reporting period. Note that once a candidate's personal funds are reported as contributions, the funds cannot be later characterized as loans and be repaid to the candidate.

A participating candidate may contribute \$25,000 of his or her own funds to the campaign, but only \$3,400 of that amount is eligible for match. This \$3,400 is required to be deposited into a Matching Fund Account and \$21,600 is required to be deposited into the Depository Account. There is no limit to the amount of personal funds a non-participating candidate may contribute or lend to his or her own campaign.

E. Loans as Contributions

A loan received by a committee is a contribution, until repaid, and must be reported as a contribution from the person or entity making the loan and as an outstanding obligation. A loan is reported as a contribution at the time it is received and must be reported as an outstanding obligation for as long as it remains unpaid. Since a loan is a contribution, it is subject to the contribution limit. Participating candidates must repay all loans in full no later than 20 days prior to the relevant election for which the loan was made and must submit a certification of such repayment no later than 15 days prior to the date of the election. Loans are not eligible for public matching funds.

An obligation by a contributor to pay for goods or services which obligation is expected to be reimbursed by the committee is required to be reported as a contribution (subject to the contribution limit) and as an outstanding obligation of the committee.

A contribution made by a candidate from his or her own funds cannot be repaid to the candidate unless the contribution is reported as a loan and as an outstanding obligation.

F. Contributions by Spouses/Owners of a Joint Checking Account

Each spouse or owner of an account is permitted to make a contribution of \$3,400 each. If a check is drawn on a joint checking account, the contributor shall be deemed to be the owner of the account whose signature appears on the check. The contribution will not be attributed to other joint owners of the account, unless the check or other accompanying written instrument contains the signature of each contributing owner. In the absence of specific instructions to the contrary, the contribution will be allocated equally among all owners whose signatures appear on the written instrument.

G. Contributions by Minors

A “minor” is any person under the age of 18 years. A contribution by a minor is attributed to the legal guardian(s) of the minor unless:

- a. the minor is 14 years of age or older;
- b. the contribution is made from funds comprised of the minor’s earned income; and,
- c. sworn statements made by the minor and by the minor’s legal guardian(s) are submitted with the contribution, which state that the decision to contribute was solely that of the minor and that the funds used to make the contribution were comprised solely of the minor’s earned income.

H. Contributions by Partnerships, Limited Liability Partnerships, and Limited Liability Companies

Partnerships, limited liability partnerships, and limited liability companies are not permitted to make contributions as entities. A contribution drawn on the account of a partnership, limited liability partnership, or limited liability company must be signed by a partner or member and is a contribution from the partner or member who has signed the check or written instrument. In the case of a currency contribution, the partner or member who makes the contribution will be considered to be the contributor.

If it is the intent of the contributor that any portion of the contribution drawn on the account of a partnership, limited liability partnership, or a limited liability company is to be attributed to a partner or individual who did not sign the check or written instrument, the following written information must be received and maintained by the treasurer and provided to ELEC in order to receive matching funds:

1. written instructions concerning the allocation of the contribution amount to a contributing partner/member or among contributing partners/members;
2. a signed acknowledgment of the contribution from each contributing partner/member who has not signed the contribution check or written instrument; and
3. contributor information for each contributing partner/member.

I. Contributions from Affiliated Corporations, Associations, or Labor Organizations

If a candidate or committee receives a contribution from a corporation, association, or labor organization, the candidate or committee must aggregate the amount of that contribution with any other contribution received from a subsidiary, affiliate, branch, division, department, or local unit of that corporation, association, or labor organization. Whether such entity is related or affiliated depends upon the circumstances existing at the time of such contribution, including, but not limited to, the degree of control or common ownership with related entities, the source and control of funds used for such contribution and the degree to which the decision whether to contribute, to what candidate and in what amount are independent decisions.

In considering this criteria, two or more corporations shall be deemed to be affiliated if:

1. Any individual, corporation, partnership, company, association, or other entity owns directly or indirectly, more than a 30 percent interest in each corporation; or
2. One corporation owns, directly or indirectly, more than a 30% interest in another corporation.

J. Contributions from an Estate

A contribution drawn on an account of an estate is attributable to the decedent, and the contribution limit applicable to an individual must be used. In order for the contribution to be accepted, the contribution check must be drawn on an account of an estate that has been admitted to probate, and the will of the decedent must provide a specific bequest authorizing the contribution to the recipient candidate or committee.

XI. TYPES OF CONTRIBUTIONS

A. Monetary Contributions

Contributions by Currency:

A candidate committee may accept a contribution in the form of currency up to \$200 per election, per contributor, provided that the candidate reports the date and amount of the contribution, the name, address and signature of the contributor, and, if the contributor is an individual, the name and address of the contributor's employer, along with the contributor's occupation.

Contributions by Check or Other Negotiable Instrument:

Contributions of greater than \$200 during an election must be made by check or other negotiable instrument. When a contribution is received by check, the contributor must be identified as follows:

1. The individual signing the check is the contributor when a check is drawn on a single or joint account which that individual owns. If, on a joint account, both owners of the account sign the check, and no other written instructions accompany the check, each person who signs the check is attributed half or the total amount of the check. If written instructions signed by each of the joint account owners specify a different allocation of the funds, the specified allocation applies. For example, assume a candidate receives a check drawn on the account of "John and Mary Smith" in the amount of \$1,200, and John Smith signs the check. The candidate must report that he or she received a \$1,200 contribution from John Smith. If, in the same example, both John and Mary Smith sign the check, the candidate must report receiving a \$600 contribution from John Smith and a \$600 contribution from Mary Smith. Again, in the same example, if both John and Mary Smith sign the check, and accompany the check with written instructions, signed by both, indicating that \$500 should be allocated to John Smith and \$700 to Mary Smith, the candidate must report a \$500 contribution from John Smith and a \$700 contribution from Mary Smith.
2. If the check is signed by an authorized representative of a corporation, labor organization, group, or association, the contributor is the corporation, labor organization, group, or association. The person signing the check (i.e., the bookkeeper, or the accountant) is not the contributor. Similarly, if a check is received from a candidate committee, joint candidates committee, political party committee, continuing political committee, legislative leadership committee, or political committee, the contributor is the respective committee and not the individual who signed the check.
3. If the check is drawn on an account of an individual, but signed by the individual's trustee or guardian, the contributor is the individual, not the trustee or guardian. Furthermore, in order to receive public matching funds, the actual contributor's signature must be obtained. Power of Attorney is not accepted.
4. If the check is drawn on an account of a sole proprietor that is an unincorporated business, the contributor is the individual who is the sole proprietor and his/her signature must appear on the check, or on some other supporting written document. A sole proprietorship can not be a contributor.

B. Contributions by Electronic Transfer of Funds

A committee may receive a contribution made by means of an electronic transfer of funds, including a credit card, provided that:

1. the date of receipt of the contribution is the date on which the account owner or credit card owner gives authorization that the contribution may be charged to the owner's account or credit card;
2. the amount of the contribution is the total amount that the account owner or credit card owner authorizes to be charged to the account;
3. the account used to make the contribution must be owned by the individual contributor or other entity making the contribution; and,
4. the campaign treasurer must make and maintain all required records (see section of this Manual on "Recordkeeping").

Note that any fees imposed on the candidate arising out of contributions by electronic transfer of funds must be reported as expenditures to the financial institution assessing the fees. Contributions received by an electronic transfer of funds must be deposited within ten days of receipt directly into a campaign depository.

C. Internet Contributions

A gubernatorial candidate committee may accept Internet contributions and submit those contributions for match. However, the committee must follow the detailed instructions set forth in Advisory Opinion 04-2001. Committees receiving contributions via the Internet should be mindful that certain conditions must be met in order to comply with existing contribution and reporting requirements. Contributions must not be commingled at any time in an account with funds other than those belonging to that committee. In addition, any account established for receipt of Internet contributions must be designated as a Matching Fund account of that committee. This account must be insulated from creditors of the company that provides the Internet contribution services and must be held in escrow for the candidate.

The contribution amount received and reported must be the full amount authorized by the contributor. Any fees assessed by an Internet vendor or a financial institution must be itemized and reported as an expenditure to the vendor or institution. Treasurers shall be required to maintain a record of the name of the account from which a contribution is received as well as standard record-keeping requirements, such as the name, address, and signature of the contributor. The contributor's occupation and employer information will also be required to be reported for any contribution in excess of \$300 in the aggregate.

In order to be eligible for match, contributions received via the Internet must comply with these requirements as well as all requirements of the public financing program outlined in the sections of this manual labeled "Submissions." (N.J.A.C 19:25-15.17, 16.18).

D. In-Kind Contributions

An in-kind contribution is a contribution of goods or services contributed to a candidate or committee. In-kind contributions are not eligible for public matching funds.

A contribution received in the form of goods is reported in an amount equal to the fair market value of the goods to the candidate or committee receiving them. For example, assume that a printer donates bumper stickers with a fair market value of \$700 to Candidate Jones. The candidate must report the receipt of an in-kind contribution from the printer in the amount of \$700.

A contribution in the form of "paid personal services" is required to be reported in an amount equal to the amount of salary, compensation, or consideration for the services paid by the contributor to the individual performing the services. "Paid personal services" means personal, clerical, administrative, or professional services which are not paid for by the candidate or committee benefiting from the services. Upon receipt of a contribution in the form of "paid personal services," the treasurer shall obtain a written statement, from the person contributing the "paid personal services," setting forth the amount of compensation paid by the contributor to the individual performing the services. For additional information concerning contributions of "paid personal services," consult the regulations at N.J.A.C. 19:25-10.4 and 10.5.

Note: Personal services provided on an unpaid, voluntary basis do not constitute a reportable contribution.

Example: A "CPA" is a certified public accountant. He or she voluntarily sets up the books and records for the election of candidate Smith. The "CPA" employs several accountants, bookkeepers, and clerical personnel who perform some of the work required to maintain the financial records for Smith's election campaign. The services of the "CPA" do not constitute a contribution to Smith since they are voluntary and uncompensated personal services. The value of the services of the accountants and other employees of the "CPA" must be reported as a contribution to Smith.

E. Limitations on Contributions Eligible For Match

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

Example: A candidate gives contributors at a fundraising event a watch valued at \$100. Each contributor paid a ticket price of \$500 to attend the event. The contribution received will be reported as \$500, but only \$400 of that contribution is eligible for match.

Note: A contribution in the form of a purchase price paid for admission to a dinner or testimonial affair, or for a fundraising event that provides private benefits to the contributor in the form of entertainment, shall be eligible for full match.

F. Disclosure of Contributions of More than \$300 - Gubernatorial Election Financial Summary Report (Form G-1)

A contribution in excess of \$300 in the aggregate election must be reported in detail on the Form G-1. This procedure applies to a contribution, which, on its face is more than \$300, or when combined with another contribution from that same source, during an election, is more than \$300. For example, a contributor may give \$275 to a campaign during an election and a few days later, during that same election, give another \$100. The contributor has given, in the aggregate, more than \$300. When a contributor gives more than \$300 in an election, the following information must be reported and disclosed to the public:

1. the date the contribution was received;
2. the amount of the contribution;
3. the total amount of all contributions received from that contributor in the election, to date;
4. the name and mailing address of the contributor; and
5. the occupation of the contributor, along with the name and address of the contributor's employer, if the contributor is an individual.

When reporting the occupation information, a description of the contributor's source of income must be provided, such as "florist," "attorney," "doctor," "custodian," or "electrician." **Descriptions such as "self-employed," "owner," or "sole proprietor" are insufficient.** If the contributor does not have a source of livelihood, a description such as "retired," "student," or "none" shall be reported, but in all cases some written description shall be provided and the information shall not be left blank.

When reporting the employer information, report the legal or trade name under which the employer does business. In the case in which a contributor's source of income is his or her own business or corporation, the employer must be reported as the legal or trade name under which the contributor does business. For example, if Joe Smith owns a plumbing business called "Smith's Plumbing," the name of the employer is "Smith's Plumbing." The employer's mailing address is always the address from which the business is operated. For a contributor who does not earn a source of livelihood and for which a description such as "retired," "student," or "none" was entered for the occupation, no employer address is required.

A contribution may not be "netted out" to cover the costs of a fundraising event. For example, if a dinner ticket costs \$350 and the caterer will receive \$75 of that amount for the cost of the dinner, the contribution is still \$350.

G. Contributions Received Immediately Before an Election (48-Hour Notices)

If a contribution in excess of \$1,000 (amount will be adjusted to \$1,200 effective on 1/1/09) in the aggregate from any one source is received starting with the 13th day prior to the election up to and including the day of the election, the contributor's name and address, the date of receipt, and amount of the contribution, along with the name of the recipient committee, must be reported in writing within 48 hours of its receipt (48-hour notice). If the contributor is an individual, the contributor's occupation and the name and address of his or her employer must be reported. To report the contribution, use the Form C-1 or other written means. The candidate or treasurer must sign the report.

Note: A 48-hour notice may be faxed to the Commission. The contributions reported on the 48-hour notice are reportable again on the 20-day postelection report. The following fax numbers may be used to report 48-hour notices: (609) 292-7662, (609) 292-4301, (609) 292-7664, and (609) 292-4416.

H. Return of Excessive Contributions

All candidates and committees must observe the contribution limits and must not knowingly accept an excessive contribution. A candidate who or a committee which receives a contribution in an amount exceeding the contribution limit must return that portion of the contribution that exceeds the limit within 48 hours of receipt. A written record must be made and maintained. A candidate who or a committee which refunds a contribution in whole or part shall report the refund transaction on the report required for the reporting period in which the refund was made. If a candidate or committee does not return an excessive contribution, it may result in the finding of a knowing violation of the contribution limits. If the Special Programs staff detects an excessive contribution while processing a matching funds submission, the candidate committee will be notified and the submission process will cease until a refund has been made. In order to receive matching funds, the committee must provide all documentation, including a copy of the refund check, to the Commission.

XII. EXPENDITURES

A. Definition of an Expenditure

The term “expenditure” includes every transfer of money or other thing of value, any pledge, commitment, or the assumption of liability to transfer money or other thing of value. An expenditure includes actual disbursements made and outstanding obligations incurred, but not yet paid, by the candidate or committee. For reporting purposes, the date of the expenditure is the date when the commitment is made or when the liability is assumed - not necessarily the date of the disbursement.

All expenditures are required to be made through the campaign treasurer or deputy campaign treasurer of the committee. Furthermore, all expenditures are required to be made through a campaign depository. Payment of expenditures by currency is permissible if the payment is made from the proceeds of a petty cash fund.

B. Limitations on Expenditures

- Non-Participating candidates are not subject to an overall expenditure limit.
- Participating candidates are subject to the following expenditure limits:
 - 2009 Primary Election - \$5 million
 - 2009 General Election - \$10.9 million

C. Expenses not subject to the Expenditure limit:

- Reasonable and necessary compliance with the reporting and certification requirements imposed by the Public Financing laws;
- Candidate travel expenses (transportation, food, lodging) and travel expenses of campaign staff members incurred while accompanying the candidate;
- Reasonable cost of food and beverage to persons who attend a testimonial affair on behalf of or in aid of a candidate; and
- Election night celebration or event expenses.

D. Permissible Uses of Campaign Money

Non-public campaign funds received by a candidate committee may be used in six permissible ways:

- the payment of campaign expenses;
- the making of donations to certain charitable organizations;
- transmittal to another candidate or committee;
- the payment of overhead and administrative expenses;
- the pro-rata repayment of contributors; and
- the payment of ordinary and necessary expenses of holding public office.

Public matching funds may only be used for the following purposes:

1. Purchase of time on TV and radio;
2. Purchase of rental space on billboards and outdoor signs;
3. Purchase of advertising space in newspapers and other periodicals;
4. Payment of the costs of advertising production;
5. Payment of the costs of printing and mailing campaign literature;
6. Payment of the costs of legal and accounting expenses incurred through compliance with the public financing laws; and
7. Payment of the costs of telephone deposits, installation charges, and monthly billings.

Note: In addition to these allowable purposes, recent Advisory Opinions issued by the Commission have allowed public matching funds to be used for purposes not envisioned at the time of the law's enactment. Most importantly, these changes involve the use of websites and email to promote communication with voters. Publicly financed candidate committees should pay careful attention to the provisions set forth by Advisory Opinion 01-2005. In this opinion, the Commission determined that committees are allowed to use public funds to purchase email lists and to pay the costs associated with producing and sending emails that deliver a candidate's message to voters. The opinion also allows for public funds to be used to develop and operate a candidate's website, but only to the extent that it relates directly to the communication of a message to voters. By this statement, it should be understood that public funds must not be used to develop a website (or portion thereof) which would be used for the purpose of fundraising.

E. Record Keeping Requirements For Use of Public Matching Funds

To ensure that public matching funds are used only for allowable purposes, publicly financed committees must file with the Commission a report which identifies each disbursement from the committee's public fund account. This report (Schedule 5 of the form P-1) shall be filed along with each new submission for public matching funds and will include all disbursements from the public fund account since the last report was filed. The first report (filed with the second submission) shall identify all disbursements made. In identifying a disbursement, the record shall include the check number, date and amount of payment, the payee's full name and full mailing address, and a complete statement identifying the purpose of the expenditure and that the purpose is for one of the allowable uses above. Failure of a committee to provide the Commission with this report may result in immediate cessation of funding.

F. Reimbursement of Depository Using Public Matching Funds

Public Funds may be used by the committee to reimburse a depository or matching fund account provided that the funds are used to reimburse an allowable expenditure. A reimbursement to a depository or matching funds account from the public funds account must abide by the following conditions:

1. the reimbursement must be made by an individual check from the public funds account in the exact amount of the allowable expenditure or expenditures;
2. the reimbursement must be specifically identified as a reimbursement on submission campaign reports; and
3. this report must contain a list of the previously paid expenditure or expenditures allowable under the purposes outlined above for which the reimbursement is being made.

G. Expenditure Certification

If a participating candidate committee makes an expenditure using public funds that exceeds \$5,000 in the aggregate for the purpose of media consultant services or other services, the committee must obtain a certification from the payee categorizing the services provided and certifying that the funds have been or will be expended in compliance with N.J.A.C 19:25-16.25. The certification is required to be filed with the Form P-1. (See Table 9)

H. Disposal of Assets

After an election, a participating candidate may not transfer any existing funds or materials to another election. Any remaining funds may only be used to pay outstanding obligations assumed prior to the date of the election. If any public or non-public funds remain and there are no outstanding obligations, the remaining funds shall be returned to the Commission for return to the State Treasurer, no later than six months after the date of the election. Any materials remaining including, but not limited to, such as campaign literature, buttons, equipment, and office supplies must be purchased for cost or other reasonable value by any entity.

Note: Materials remaining from a primary campaign may be purchased by the general election campaign.

I. Expenditure Reporting

An expenditure shall be reported by providing the following information:

1. the date the expenditure was made;
2. the full name and address of the payee;
3. the purpose of the expenditure (the specific election-related reason for the expenditure, such as “newspaper advertising,” “postage,” “printing of campaign fliers,” “headquarter rental,” “telephone expense,” etc. must be described; generic, non-informative descriptions such as “operations,” “petty cash,” “expenses,” or “reimbursement” are not permitted); and
4. the amount of the expenditure.

J. Petty Cash Fund

A candidate or committee may expend up to \$100 in an election to establish a petty cash fund. The petty cash fund can be used for occasional and incidental expenses of the campaign. Also, an expenditure of \$100 or less may be made in an election to reimburse a candidate or a campaign or organizational worker who has personally incurred an occasional and incidental expense on behalf of the committee.

K. Expenditures Made by Credit Card

If a credit card is established in the name of the reporting committee, the committee shall report the following information for each charge:

1. the name of the lending institution that issued the card;
2. the name and address of the vendor from whom the purchase was made;
3. the date of the purchase;
4. the purpose of the purchase, including a description of the specific election-related information (i.e., "newspaper advertising," "handbills," "postage," etc.), along with an itemization of the goods or services acquired;
5. the amount of the purchase.

Note: If a credit card expenditure is made on behalf of a committee and the credit card account is not established in the name of the reporting committee, the cardholder is deemed to have loaned the committee the amount charged, until the cardholder is reimbursed. Therefore, the credit card expenditure must be reported as a loan and is subject to the contribution limit. Until reimbursement is made, the amount must also be reported as an outstanding obligation. Under these circumstances, all of the above information is required to be reported, along with the exact name or title of the cardholder; the name of the payee; and the number, date, and amount of the reimbursement check.

L. Street Money

Expenditures made to individuals to aid or promote a candidate or committee in an election, or the passage or defeat of a public question, or to promote or encourage the participation of voters in an election is commonly referred to as "street money." Street money expenditures include, but are not limited to, get-out-the-vote efforts, poll watching, challenging, and other legitimate reasons for paying election-day workers.

All street money expenditures must be paid by a check drawn on the designated depository of the committee making the payment, regardless of the amount paid, and the check must be made payable to the recipient. Payment of street money cannot be made in currency.

M. Use of Funds for Legal Fees

Contributions received by a candidate or committee may be used for the reasonable fees and expenses of legal representation when the need for legal representation arises directly from, and is related to, the campaign for public office, or from the duties of holding public office. Legal fees and expenses incurred in connection with the candidate or officeholder's personal or business affairs cannot be paid from contributions. For additional information and examples of when contributions may be used for legal fees and expenses, consult the regulations at N.J.A.C. 19:25-6.10.

N. Impermissible Uses of Campaign Funds

Campaign funds may be used for the payment of campaign expenses which are not considered to be for the "personal use" of the candidate or other person associated with the campaign. "Personal use" means any use of contributions to pay or fulfill a commitment, obligation, or expense of any person that would arise or exist irrespective of the candidate's campaign or of the candidate's ordinary and necessary expenses of holding public office.

O. Coordinated Expenditures

Whenever a committee (other than a candidate's own committee or joint candidates' committee) makes an expenditure on behalf of a candidate, with the candidate's cooperation, or prior consent, or in consultation with or at the request or suggestion of the candidate, or any person acting on behalf of that candidate, the committee is required to provide immediate written notification to the affected candidate's committee(s). This type of expenditure is a "coordinated expenditure."

Note that "immediate written notification" means a written notice which is delivered to the candidate, or to the candidate's committee within 48 hours of the making or authorizing of the expenditure.

Note: Coordinated expenditures are subject to the contribution limit and count towards the overall expenditure limit.

P. Recordkeeping Period of Retention

All records are required to be maintained for a period of four years after submission of the final report for the election to which they are relevant. A candidate or campaign treasurer may have to produce documents upon the Commission's request for purposes of an audit or other Commission examination.

Q. Media Invoices

Each time public funds are spent to purchase time on television or radio stations, the publicly financed gubernatorial candidate must obtain media invoices from the television or radio station no later than ten days after the due date for the 20-day postelection report. This requirement is intended to provide a mechanism for the candidate to verify that the advertisements were actually broadcast and that no refund is due to a campaign because an advertisement was cancelled or not aired for any other reason. Thus, the invoices are used as part of the postelection process to confirm that no unspent funds are due for refund to the State.

To further facilitate this goal, publicly financed candidate committees must keep a record of each expenditure made from the public funds account for the purpose of purchasing time on radio and television stations. This record shall contain the precise amount of the total expenditure for each of the following:

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

R. Postelection Audit

Upon request, each candidate or treasurer shall provide the Commission staff with any books and records including bank records for all accounts and supporting documents for matching fund submissions for purposes of an audit or other Commission examination. Postelection audits are conducted to ensure the integrity of the expenditure limit and to verify public funds were only spent in accordance with N.J.A.C. 19:25-15.24 and 16.25. A candidate or treasurer must be able to provide original documents upon the Commission's request and must maintain all documents for not less than four years after the date of the final report for each election.

XIII. INDEPENDENT EXPENDITURES

A. Definition of an “Independent Expenditure”

An “independent expenditure” occurs when a person or group spends more than \$1,000 (amount will be adjusted to \$1,200 effective on 1/1/09) funds to support or oppose a candidate or candidates, or to support or oppose a public question, and the money is spent without cooperating with, consulting with, or obtaining the prior consent of the candidate, candidates, public question committee, or any persons or committees acting on their behalf. Whenever an independent expenditure for a political communication is made, the communication must include political identification information (See “Political Identification Statements” in this Manual).

B. Independent Reporting by a Person or Group Making Independent Expenditures in an Election

If a candidate committee, joint candidates committee, political committee or continuing political committee makes an independent expenditure in any amount, the expenditure is reported if the reporting entity is filing the Form R-1. If the independent expenditure is made by a person or group that does not otherwise have a reporting obligation under the Act, the independent expenditure must be reported on the Form IND on the dates established for filing as a political committee.

C. Political Identification for Independent Expenditures

If a political communication is financed by any person or group making an independent expenditure in an election, the labeling must contain, in addition to the information outlined above, a clear and conspicuous statement that the expenditure was not made with the cooperation or prior consent of, or in consultation with, or at the request or suggestion of, the candidate or any person or committee acting on behalf of a candidate (see “Independent Expenditures” in this Manual).

Example: "PAID FOR BY JOHN JONES, 1234 MAIN STREET, ANYTOWN, NJ. THIS EXPENDITURE WAS NOT MADE WITH THE COOPERATION OR PRIOR CONSENT OF, OR IN CONSULTATION WITH OR AT THE REQUEST OR SUGGESTION OF ANY CANDIDATE, OR PERSON OR COMMITTEE ACTING ON BEHALF OF A CANDIDATE."

Note: Independent expenditures are not subject to the contribution limit and do not count towards the overall expenditure limit.

XIV. POLITICAL IDENTIFICATION STATEMENTS (LABELING OF POLITICAL COMMUNICATIONS)

A political communication means means any written statement, pamphlet, flyer, form letter, sign, billboard, or paid advertisement printed in any newspaper or other publication or broadcast on radio or television, or telephone call featuring a recorded message, or delivered or accessed by electronic means, including, but not limited to, the Internet or text messaging, or any other form of advertising meeting certain conditions. Costs of communications to voters containing an explicit appeal for votes to elect or to defeat a candidate are generally reportable as political communication expenditures. An example of an explicit appeal for votes is “Vote for Candidate Smith” or “Defeat Candidate Jones.” Under certain circumstances, communications made or circulated within 90 days of an election may be subject to reporting as political communications even in the absence of an explicit appeal for votes to elect or defeat a candidate. To determine whether a political communication is reportable, consult the regulations at N.J.A.C. 19:25-10.10 and 10.11.

Note: Governmental newsletters circulated prior to an election in which an incumbent officeholder is a candidate may contain political communications reportable to the candidate from the governmental agency.

The cost incurred by others to make a political communication coordinated with a candidate is a reportable “in-kind” contribution to that candidate, and the person incurring the cost of the “in-kind” contribution must give written notice to the candidate.

All candidates and committees subject to the Act are required political communications with a political identification statement that includes the phrase “paid for by” and the name and business or residence address of the committee, person, or group, and clearly state that the committee, person or group that financed or “paid for” the communication. Note that the name and address information of a committee must be the same information that appears on the Form D-1 filed by the committee. Also, persons or groups that make independent expenditures are required to label all political communications with “paid for by” language.

Example: “PAID FOR BY SMITH FOR GOVERNOR, 1 MAIN STREET, ANYTOWN, NJ”;

The following items are exempt from the labeling requirement:

1. a bona fide news item or editorial contained in any publication of bona fide general circulation;
2. small, tangible items of de minimis value commonly used in election campaigns to convey a political message, including but not limited to, buttons, combs, and nail files; and
3. advertising space costing no more than \$50 in a political program book purchased by a candidate or committee and distributed at a fundraising event, provided that the payment for the advertising space is subject to reporting under the Act.

The requirement to label all communications also applies to communications that are in-kind contributions.

XV. INAUGURAL EVENT

A contributor to a gubernatorial inaugural fundraising event may make a maximum contribution of \$500 in the aggregate notwithstanding any contribution by such contributor to a candidate for election to the office of Governor. State Political Parties are exempt from this \$500 limit (see Advisory Opinion 15-2005). Any person or committee sponsoring a gubernatorial inaugural fund raising event shall appoint a treasurer, designate a bank account, and report the required information on the Form D-1 no later than the 10th day after receiving any contribution or expending any money for the gubernatorial inaugural fund raising event. The sponsor must also file a report to the Commission due no later than 45 days after the event, disclosing all contributions and expenditures related to the event. The sponsor shall also be required to file quarterly reports thereafter until all obligations are liquidated and the account is closed.

Note: Regulations concerning contributions from joint checking accounts, affiliated corporations or unions, partnerships, and children or trusts must also be observed.

XVI. FILING AND OTHER INFORMATION

A. Time and Place of Filing Reports

To be filed on time, a submission report must be received at the Commission's office by noon on the specified date. All other reports (quarterly and election cycle) will be considered to be timely filed if they are received by 5:00 p.m. on the designated report due date.

The Commission's office is located at 28 West State Street, on the 13th floor, in Trenton, New Jersey. Please make note of this address if reports that are not required to be filed electronically are hand-delivered (either by a representative of the campaign or by a commercial delivery service).

When using the United States Postal Service (regular mail) to deliver reports, the following address must be used:

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION
ATTN: SPECIAL PROGRAMS SECTION
P.O. BOX 185
TRENTON, NEW JERSEY 08625-0185

B. Reporting by Fax

Reporting by facsimile (fax) is not accepted unless the report is a 48-hour notice. To fax a 48-hour notice, please use the following numbers: (609) 292-7662, (609) 292-4301, (609) 292-7664, or (609) 292-4416.

C. Termination of Reporting

In order to terminate further reporting for an election, there must be no remaining balance in any depository opened or maintained by the committee and any outstanding obligations must be resolved.

D. Advisory Opinions

The Commission is authorized, through its legal counsel, to render advisory opinions as to whether or not a specific set of contemplated facts and circumstances would constitute a violation or would affect the reporting requirements of a present or potential filing entity. Advisory Opinions are intended for new questions of law or interpretations of the Campaign Act. To request an advisory opinion, a candidate committee may submit the "Advisory Opinion Request Form."

E. Enforcement

Each reporting transaction (i.e., receipt of a contribution, making of an expenditure, or the occurrence of any other event which is subject to reporting requirements) that is not reported in the manner, or not filed on the date established for reporting or filing, constitutes an offense pursuant to the Act and subject to the penalties provided at N.J.S.A. 19:44A-22. Similarly, each recordkeeping transaction (i.e., receipt of a contribution, making of an expenditure, or the occurrence of any other event which is subject to recordkeeping requirements) that is not made or maintained in the manner required for recordkeeping constitutes an offense pursuant to the Act and subject to the penalties provided at N.J.S.A. 19:44A-22. Also, contribution limit, political identification, public financing, and other requirements of the Act must be observed and violations of those requirements are subject to penalties pursuant to N.J.S.A. 19:44A-22 and other civil penalty provisions in the Act. The Commission is empowered to conduct investigations, subpoena records and testimony of individuals, hold hearings, and impose monetary fines for each offense. Criminal penalties for certain willful violations are also specified in the Act.

F. ELEC's Website

Please visit the Commission's website to view reports, advisory opinions, complaints and final decisions, search for contributors, obtain forms, and view other information at [**www.elec.state.nj.us**](http://www.elec.state.nj.us).

Table 1 • GUIDE TO FORMS - Participating Candidates

Requirement	Description	2009 Primary Election Deadline	2009 General Election Deadline
Form D-1	Designation of Campaign Treasurer and Depository *must be filed for each account established by the committee	No later than 10 days after establishing a candidate committee (a committee is established on the date a candidate first receives a contribution or makes or incurs any expenditure for an election)	No later than the 10 th day after receipt of any contribution or after incurring or making any expenditure, whichever comes first, designate a bank account.
Form P-2 or Form P-2A	Issue Advocacy Organization Report of Contributions & Expenditures Candidate Certification of Non-Participation in Issue Advocacy	Required to be filed before a candidate may receive public funds, if the candidate was or is involved in any issue advocacy organization in the past four years Required if the candidate was not and is not involved in any issue advocacy organization in the past four years	Required to be filed before a candidate may receive public funds, if the candidate was or is involved in any issue advocacy organization in the past four years Required if the candidate was not and is not involved in any issue advocacy organization in the past four years
Debate Agreement	Statement of Agreement To Participate In Two Debates	April 6, 2009	September 1, 2009
Form G-1 with Schedules 1-12	Gubernatorial Election Financial Report	Required 29 (May 4) and 11 (May 22) days preelection and 20 (June 22) days postelection; preelection and postelection quarterly reports may also be required	Required 29 (October 5) and 11 (October 23) days preelection and 20 (November 23) days postelection; preelection and postelection quarterly reports may also be required
Form PFD-1	Personal Financial Disclosure Statement	April 16, 2009	June 12, 2009
Form P-1 with Schedules 1-5	Gubernatorial Election Matching Fund Claim	Permitted by NOON on: January 6 and 27 February 10 and 24 March 10 and 24 April 7, 14, 21 and 28 May 5, 12, 19, and 26 June 2, 9, and 23 July 7 and 21 August 4 and 18 September 1, 15, and 29 October 13 and 27 November 4	Permitted by NOON on: June 9 and 23 July 7 and 21 August 4 and 18 September 1, 8, 15, 22, and 29 October 6, 13, 20, and 27 November 4, 10, and 24 December 8 and 22 January 5 and 19 February 2 and 16 March 2, 16 and 30 April 6
Form C-1	To report any contribution in excess of \$1,000 (amount will be adjusted to \$1,200 effective on 1/1/09) in the aggregate, from one source, received during the 13 th day prior to the date of the election up to and including the date of the election	Due within 48 hours of receipt	Due within 48 hours of receipt

Table 1 • GUIDE TO FORMS - Non-Participating Candidates

Requirement	Description	2009 Primary Election Deadline	2009 General Election Deadline
Form D-1	Designation of Campaign Treasurer and Depository	No later than 10 days after establishing a candidate committee (a committee is established on the date a candidate first receives a contribution or makes or incurs any expenditure for an election)	No later than 10 days after establishing a candidate committee (a committee is established on the date a candidate first receives a contribution or makes or incurs any expenditure for an election)
Form PFD-1	Personal Financial Disclosure Statement	April 16, 2009	June 12, 2009
Form A-1 or Form R-1	Candidate Sworn Statement that he or she does not expect to expend more than \$3,500 (amount will be adjusted to \$4,000 effective on 1/1/09) for this election Report of Contributions and Expenditures	May 4, 2005, or no later than 5 months from the date on which the campaign is established, whichever is first Required 29 (May 4) and 11 (May 22) days preelection and 20 (June 22) days postelection; preelection and postelection quarterly reports may also be required	October 5, 2005, or no later than 5 months from the date on which the campaign is established, whichever is first Required 29 (October 5) and 11 (October 23) days preelection and 20 (November 23) days postelection; preelection and postelection quarterly reports may also be required
Form PD1	Statement of Agreement To Participate In Two Debates	April 6, 2009	September 1, 2009
Form C-1	<ul style="list-style-type: none"> To Report a contribution in excess of \$300 in the aggregate from one source (A-1 Filers only) To report within 48 hours of receipt, any contribution in excess of \$1,000 (amount will be adjusted to \$1,200 effective on 1/1/09) in the aggregate, from one source, received during the 13th day prior to the date of the election up to and including the date of the election (All Filers) 	Due within 48 hours of receipt (only form that may be faxed)	Due within 48 hours of receipt (only form that may be faxed)

Table 2 • COST INDEX

The Commission is required to calculate the change in campaign costs once every four years and propose amendments to certain limits and thresholds applicable to gubernatorial and non-gubernatorial candidates, committees, and other entities. The effective date of the changes for gubernatorial candidates will be approximately December 1, 2008 (depending upon the rulemaking calendar).

Proposed 2009 • Gubernatorial Cost Index Adjustments Candidate

Limit/Threshold	2005 Amount	Cost Index Multiplier	Sum	2009 Rounded Amount (pursuant to N.J.S.A. 19:44A-7.1b)
Contribution Limit	\$3,000.00	1.331	\$3,339.30	\$3,400.00
Qualification Threshold	\$300,000.00	1.331	\$339,930.00	\$340,000.00
Amount Not Matched	\$96,000.00	1.331	\$108,777.60	\$109,000.00
Primary Public Fund Cap	\$2,700,000.00	1.331	\$3,059,370.00	\$3,100,000.00
Primary Expenditure Limit	\$4,400,000.00	1.331	\$4,985,640.00	\$5,000,000.00
General Public Fund Cap	\$6,400,000.00	1.331	\$7,251,840.00	\$7,300,000.00
General Expenditure Limit	\$9,600,000.00	1.331	\$10,877,760.00	\$10,900,000.00

Table 3 • 2009 PRIMARY ELECTION REPORTING DATES

Candidates and treasurers are reminded that in addition to the submissions for matching funds (Form P-1), they are required to file campaign cycle reports [Form R-1 (non-participating candidates) or Form G-1 (participating candidates)] of all receipts and all expenditures as follows:

Report	Due Date	Financial Activity Included
Preelection quarterly report*	April 15, 2008	January 1, 2008 through March 31, 2008
Preelection quarterly report*	July 15, 2008	April 1, 2008 through June 30, 2008
Preelection quarterly report*	October 15, 2008	July 1, 2008 through September 30, 2008
Preelection quarterly report*	January 15, 2009	October 1, 2008 through December 31, 2008
29-day preelection report	May 4, 2009	Activity through May 1, 2009
11-day preelection report	May 22, 2009	May 2, 2009 through May 19, 2009
20-day postelection report	June 22, 2009	May 20, 2009 through June 19, 2009
Postelection quarterly report**	October 15, 2009	June 20, 2009 through September 30, 2009
Postelection quarterly report**	January 15, 2010	October 1, 2009 through December 31, 2009
Postelection quarterly report**	April 15, 2010	January 1, 2010 through March 31, 2010
Postelection quarterly report**	July 15, 2010	April 1, 2010 through June 30, 2010

*Required if a gubernatorial candidate committee, at its outset, is established more than five months prior to the due date of the 29-day preelection report

**Additional postelection quarterly reports are required until all financial activity is concluded

2009 GENERAL ELECTION REPORTING DATES

Due Date	Report	Financial Activity Included
April 15, 2009	Preelection quarterly report*	January 1, 2009 through March 31, 2009
July 15, 2009	Preelection quarterly report*	April 1, 2009 through June 30, 2009
October 5, 2009	29-day preelection report	Activity through October 2, 2009
October 23, 2009	11-day preelection report	October 3, 2009 through October 20, 2009
November 23, 2009	20-day postelection report	October 21, 2009 through November 20, 2009
April 15, 2010	Postelection quarterly report	November 21, 2009 through March 31, 2010
July 15, 2010	Postelection quarterly report	April 1, 2010 through June 30, 2010
October 15, 2010	Postelection quarterly report	July 1, 2010 through September 30, 2010
January 18, 2011	Postelection quarterly report**	October 1, 2010 through December 31, 2010

**If required (if a gubernatorial candidate committee, at its outset, is established more than five months prior to the due date of the 29-day preelection report, quarterly reports must be filed)*

***Additional postelection quarterly reports are required until all financial activity is concluded*

Table 4 • 2009 GUBERNATORIAL PUBLIC FINANCING CHRONOLOGY

Deadline	2009 Primary Election June 2, 2009	2009 General Election November 3, 2009
Cost Index	July 1, 2008 (report) December 1, 2008 (adjustment)	July 1, 2008 (report) December 1, 2008 (adjustment)
First Submission Date	January 6, 2009	June 9, 2009
Last Date to File to Qualify to Debate	April 6, 2009	September 1, 2009
Last Day to Apply for Public funds	April 6, 2009	September 1, 2009
Debate Sponsor Application Deadline	March 16, 2009	July 1, 2009
Debate Sponsor Selection Deadline	April 15, 2009	July 31, 2009
Earliest Date for Debate	April 15, 2009	September 22, 2009
Latest Date for Debate	May 22, 2009	October 23, 2009
"Emergency" Debate Deadline	May 31, 2009	November 1, 2009
Ballot Statement Deadline from Candidate	N/A	August 17, 2009

Table 5 • 2009 PRIMARY ELECTION MATCHING FUND APPLICATION DATES

A 2009 gubernatorial primary election candidate seeking funds to match contributions may submit applications for matching funds (Forms P-1) by noon on the following Tuesdays in 2009:

- January 6 and 27
- February 10 and 24
- March 10 and 24
- April 7, 14, 21 and 28
- May 5, 12, 19, and 26
- June 2, 9, and 23
- July 7 and 21
- August 4 and 18
- September 1, 15, and 29
- October 13 and 27
- November 4 (Wednesday after Election Day holiday; final primary election submission date)

Table 6 • 2009 GENERAL ELECTION MATCHING FUND APPLICATION DATES

A 2009 gubernatorial general election candidate seeking funds to match contributions may submit applications for matching funds (Forms P-1) by noon on the following Tuesdays in 2009 through 2010:

- June 9 and 23
- July 7 and 21
- August 4 and 18
- September 1, 8, 15, 22, and 29
- October 6, 13, 20, and 27
- November 4 (Wednesday after Election Day holiday), 10, and 24
- December 8 and 22
- January 5 and 19
- February 2 and 16
- March 2, 16 and 30
- April 6 (final general election submission date)

Table 7 • OVERVIEW OF BANK ACCOUNTS FOR PARTICIPATING CANDIDATES

Account Type	Depository Account	Matching Account(s)	Public Account
Established By	Candidate Committee	Candidate Committee	ELEC
Deposited Items	Loans, Interest, Candidate's own funds over \$3,400	All contributions expected to be submitted for match	Public Matching Funds
Permissible Expenditures From the Inception of the Campaign Through the Date of the Election	<ul style="list-style-type: none"> • Payment of Campaign Expenses • Donations to Charities • Contributions to other candidates/committees • Pro-rata repayment of contributors • Reasonable legal fees arising directly from and related to the campaign for public office or from the duties of holding public office 	<ul style="list-style-type: none"> • Payment of Campaign Expenses • Donations to Charities • Contributions to other candidates/committees • Pro-rata repayment of contributors • Reasonable legal fees arising directly from and related to the campaign for public office of from the duties of holding public office 	<ol style="list-style-type: none"> 1. Radio/TV Ads 2. Billboards 3. Newspaper/Magazine Ads 4. Costs of producing the material on radio, TV, billboards, newspapers, & magazines 5. Printing & mailing campaign literature under candidate's name 6. Legal/Accounting expenses incurred in complying with public financing statutory and regulatory provisions 7. Telephone deposits, installation charges, and monthly billings
Permissible Expenditures After the Date of the Election	<ul style="list-style-type: none"> • Payment of outstanding obligations assumed prior to the date of the election • Reasonable and necessary expenses required to wind-up and conclude the candidacy 	<ul style="list-style-type: none"> • Payment of outstanding obligations assumed prior to the date of the election • Reasonable and necessary expenses required to wind-up and conclude the candidacy 	<ul style="list-style-type: none"> • Payment of outstanding obligations and expenses assumed prior to the date of the election for the seven identified permissible uses of public funds
Remaining Funds Leftover	All unused funds must be returned to the State no later than six months after the election date	All unused funds must be returned to the State no later than six months after the election date	All unused funds must be returned to the State no later than six months after the election date

Table 8 • PARTICIPATING AND NON-PARTICIPATING GUBERNATORIAL CANDIDATES

Participating Candidate	Non-Participating Candidate
• Maximum of \$25,000 of the candidates' own funds	• Unlimited use of a candidates' own funds
• Subject to the overall expenditure limit	• Not subject to the overall expenditure limit
• \$50,000 limit on bank loans	• No limit on bank loan amount
• Subject to a \$3,400 contribution limit	• Subject to a \$3,400 contribution limit
• Must agree to participate in two primary gubernatorial debates	• May elect to participate in two primary gubernatorial debates if the candidate files a report with supporting documentation (copies of contribution and expenditure checks, invoices, and bank statements) indicating the debate qualification threshold amount has been reached

Table 9 • NJ ELECTION LAW ENFORCEMENT COMMISSION

SAMPLE OF A CERTIFICATION FOR AN EXPENDITURE IN EXCESS OF \$5,000 MADE WITH PUBLIC FUNDS

**Mead Media
1 Main St
Trenton, NJ 08625**

April 5, 2009

Billed to:
Smith for Governor
1 Win St
Trenton, NJ 08625

Funds totaling \$65,000 were spent in compliance with N.J.A.C. 19:25-16.25 (primary election) or 15.24 (general election) as follows:

Services:

Postage for 4/1/09 #1 Mailing \$50,000

Postage for 4/4/09 #2 Mailing \$15,000

This certification is submitted pursuant to N.J.A.C. 19:25-16.20(c).

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date:

Signature:

Table 10 • EXPENSE TYPES LISTINGS

The following expenses are **not** subject to the expenditure limit:

Description

- Candidate Travel
- Refund – Candidate Travel
- Candidate Travel Spent By Others
- Food and Beverage – Fundraising
- Refund – Food and Beverage – Fundraising
- Food and Beverage – Fundraising Spent By Others
- Election Night Activities
- Refund – Election Night Activities
- Election Night Activities Spent By Others
- Compliance – Legal/Accounting
- Compliance – Telephone
- Compliance – Printing Literature
- Compliance – Mailing
- Compliance – Space Rent-Utilities
- Compliance – Equipment
- Compliance – Office Supplies
- Refund – Compliance Legal/Accounting
- Compliance – Legal/Accounting Spent By Others

The following expenses are **subject** to the expenditure limit:

Description

- Administration – Telephone
- Refund – Administration – Telephone
- Administration – Personnel/Taxes
- Refund – Administration – Personnel/Taxes
- Administration – Other
- Media Time
- Refund – Media Time
- Advertising Production
- Refund – Advertising Production
- Newspaper Advertising
- Refund – Newspaper Advertising
- Billboards
- Refund – Billboards
- Printing Literature
- Refund – Printing Literature
- Mailing Literature
- Refund – Mailing Literature
- Expenditures By Others
- Refund – Expenditures By Others
- Bank Charges
- Refund – Bank Charges

Table 11 • SUBMISSION CHECKLIST

First Submission only:

1. Signed Debate Agreement Form
2. Issue Advocacy Participation (Form P-2) or Non-Participation in Issue Advocacy (Form P-2A)
3. Candidate & Treasurer Certified Electronic Submission
4. Schedule 6, Expenditure Threshold Documentation – Scanned images of checks and other instruments to establish that \$340,000 has been spent
5. Form P-1, paragraph “h” completed

All Subsequent Submissions*:

1. Candidate & Treasurer Certified Electronic Submission
2. Certification for all Expenditures in Excess of \$5,000 made with public funds
3. Issue Advocacy Participation (Form P-2) if applicable

**Must be \$12,500 or greater. Can be new contributions submitted for match, rejected contributions resubmitted for match, or a combination of both new and resubmitted contributions.*



New Jersey Election Law Enforcement Commission
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(609) 292-8700 or Toll Free in NJ 1-888-313-ELEC (3532)
www.elec.state.nj.us