



ELEC-TRONIC

An Election law Enforcement Commission Newsletter

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"Furthering the Interest of an Informed Citizenry"

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In This Issue

- Comments from the Chairman
- Long-Time ELEC Recommendation Awaits Governor's Signature
- Executive Director's Thoughts
- Danielle Hacker "Profile"
- Training Seminars
- Lobbying Reporting Dates
- Reporting Dates

Website:

www.elec.state.nj.us

Comments from the Chairman Ronald DeFilippis

The New Jersey Election Law Enforcement Commission embraces the goal of an informed electorate as part of its valued mission.

Essential to the fulfillment of this goal is the enforcement of all campaign finance laws, from minor ones to the most major.

One of the those seemingly minor ones is the disclaimer law. This requirement is sometimes overlooked by candidates and campaigns, frequently leading to complaints from their opponents.

Whenever a candidate or joint candidates committee expends money for an advertisement designed to promote or defeat a candidate, a political identification statement must be included with the communication.

This "paid for by" provision applies to all print media advertising and broadcast media advertising. Moreover, telemarketing efforts such as robo-calls also come under this rubric.

Any time a campaign sends direct mail, places an ad in a newspaper or online publication, or advertises on TV or radio, a disclaimer is required.

In other words, if Pat Smith is running for State Assembly and places an ad in the newspaper, the ad must contain the following: "Paid for by Committee to Elect Pat Smith, Nine Dogwood Lane, Smithville, NJ."

Language identifying the name, business or residence address of the committee, person or group sponsoring the ad, must be included in the "paid for by" disclaimer.

The requirement applies to political parties, PACs, political committees, and individuals making independent expenditures as well as to candidates.

Besides the above, the political identification requirements also apply to spending to pass or defeat a public question. Any committee, political party, etc. spending money on advertising in support or opposition to public referenda must provide a clear identifying statement.

The disclaimer law is one way that the electorate learns about who is paying for election-related advertising.

The Commission takes its role in enforcing it seriously.

The public is the real watchdog for the Commission related to assuring that candidates and committees comply with the political identification law.

Every year complaints are filed by citizens alleging violations of the political identification requirement. As a result, fines are issued regarding infractions of the law.

This law is front and center in the battle to promote transparency in government.

By the public being aware of this requirement, and with electoral participants adhering to it, the mission of transparency is better served.

Long-Time ELEC Recommendation Awaiting Governor's Signature

In a bipartisan vote, the state Legislature has approved a long-standing recommendation by ELEC that eliminates a requirement for candidates to file duplicate reports with county clerks.

"This change hopefully will make life a little easier for candidates," said Jeff Brindle, ELEC's Executive Director.

"The requirement made sense in the pre-Internet days. But now that anyone with a computer can look up reports on our website, it seems superfluous," Brindle added.

The bill (A-2851) was approved by the Assembly 72-5 on June 16. It cleared the state Senate by a margin of 36-2 on June 23.

The prime sponsors of the Assembly bill are Assemblyman Craig Coughlin (D-19), Nancy Pinkin (D-18), John McKeon (D-27), and Shavonda Sumter (D-35). The prime sponsors of a companion Senate bill (S-390/621) are Senators Nicholas Scutari (D-22) and Samuel Thompson (R-12).

The legislation now awaits Governor Chris Christie's approval.

Executive Director's Thoughts Jeff Brindle

Is New Jersey's pay-to-play law in danger of being found unconstitutional?

Reprinted from PolitickerNJ.com.

The answer to that question may be clearer after September 30, when the U.S. Court of Appeals for the District of Columbia will hear arguments in a case challenging federal pay-to-play law.

In Wagner v. Federal Election Commission three contractors are challenging the law, which prohibits federal government contractors from making contributions to national political parties, committees or candidates for federal office.

The federal pay-to-play law is so broad it even bars donations to any person for any political purpose.

The challenge is being made on the basis of the First Amendment, which protects free speech, and the Fifth Amendment, which guarantees equal protection.

Initially the case was heard by the U.S. District Court for the District of Columbia. That court upheld the long-standing prohibition on federal contractors.

However, on May 31, 2013, a three-judge panel of the D.C. Court of Appeals determined that neither the district court nor an appellate panel had jurisdiction to consider constitutional issues in this case.

The appellate panel therefore remanded Wagner v. FEC to the district court for the purposes of certifying questions of constitutionality.

On June 5, 2013, the district court agreed these are constitutional issues, directing Wagner to be heard by the full D.C. Court of Appeals.

The potential for this case to impact New Jersey's pay-to-play law is real, despite one main difference between the federal law and New Jersey's.

Federal law places an outright ban on contributions by federal contractors. New Jersey law merely limits contributions by public contractors.

Yet this distinction might not override First Amendment concerns and the fact that both laws treat contractors differently than other contributors.

Certainly it is not clear what the appeals court will decide, nor ultimately the U.S. Supreme Court if it decides to take the case on appeal.

The appeals court may determine that despite the fact that federal pay-to-play law falls under the Federal Elections Campaign Act it really has more to do with contracts, therefore upholding its constitutionality.

On the other hand, the court may rely on Chief Justice Robert's narrowed definition of corruption as articulated in McCutcheon v. FEC. The chief justice indicated that the "appearance of corruption" does not constitute actual corruption and therefore should not be held up as a standard in deciding campaign finance cases.

Regardless of the outcome of the federal case, it would behoove the New Jersey Legislature to amend the pay-to-play law along the lines recommended by the Election Law Enforcement Commission, Governor Chris Christie, and Senator James Beach, (D. Camden).

Besides simplifying the law, by establishing one state law, eliminating the Fair and Open loophole, and enhancing disclosure, this proposal would importantly raise the contribution limit impacting contractors from \$300 to \$1,000.

These reforms would help the state defend against any constitutional challenge in the off chance that the federal law is deemed to be unconstitutional.

In any event, New Jersey's pay-to-play law needs to be reformed. It is too complicated and replete with loopholes. Though well intentioned, it has driven would be contributors to either stop contributing or to seek ways to circumvent the statute.

Now with the Wagner case looming in the background there is even more reason for the Legislature to move legislation to amend existing law.

Danielle Hacker "Profile" Assistant Compliance Officer

By Joe Donohue, Deputy Director

Most candidates and party officials know they must file reports about their campaign finances with the NJ Election Law Enforcement Commission (ELEC).

What many may not realize is that professional campaign fundraisers also have filing obligations.

Danielle Hacker, an assistant compliance officer with ELEC, has been helping those professionals fulfill their disclosure responsibilities, which were required by a 2004 law.

Under the law, people earning at least \$5,000 annually soliciting political contributions must register with ELEC and file quarterly reports.

While the group is not large (ELEC's website currently lists just 18 professional campaign fundraisers), Hacker said most are not newcomers to politics and they are well aware of the rules.

"They know that they have to file, so they just do it. They do what they are supposed to do and then just cruise along," she said.

Quarterly reports filed by professional fundraisers can be viewed here:
http://www.elec.state.nj.us/publicinformation/prof_campaign_fund.htm.

Registration reports include name, address, and summary information on at least three fundraising events within the previous quarter. Registration reports are not available online but can be requested by contacting the agency.

Hacker was born and raised in Kearny, Hudson County. Her mother, Debbie, is a retired school teacher, while her father, Al, also retired, spent his career working for the local public works department.

After graduating from the College of New Jersey with a bachelor's degree in women and gender studies in 2005, Hacker was hired at ELEC.

Along with overseeing the professional fundraiser program, Hacker provides assistance to lobbyists and is one of several ELEC staff members who provide free training sessions to candidates, party members, lobbyists and treasurers.

"I think seminars are my favorite thing to do. I just like to interact with people and see that they are getting the right information," Hacker said.

Now a resident of Ocean County, Hacker recently had a daughter, Paige and is married to Brian Konopka, a diesel mechanic.

The family also includes Sadie, a 1.5-year-old Rottweiler rescued from the Bergen County Animal Shelter, and Mr. Fuzzles, a 3-year-old former stray cat found on the streets of Trenton.

"We rescued him and cleaned him up and now he's a good cat," Hacker said.

In her free time, she reads and watches television shows such as "Nurse Jackie," "Orange is the New Black," and "Grey's Anatomy."

Hacker also has taken glass-blowing classes twice and has created a paper weight, pumpkin and ornament. She likes seasonal activities, such as traveling to the beach in Point Pleasant and picking apples at Lee's Turkey Farm in East Windsor in the fall.

Hacker and her husband, whom she calls an excellent cook, share a passion for travel and fine food.

One of their trips took them to Barcelona, Spain to visit Tickets, a world-renowned restaurant. Paris and Marseilles, other centers of fine cuisine, also were on the itinerary. Other trips have included Germany and the Bahamas.

The couple honeymooned in Thailand, which is known for its gorgeous beaches.

It also has some unusual delicacies.

"Brian ate crickets and grasshoppers. I didn't."

TRAINING SEMINARS

The seminars listed below will be held at the Offices of the Commission, located at 28 West State Street, Trenton, NJ. Please visit ELEC's website for more information on training seminar registration.

www.elec.state.nj.us.

TREASURER TRAINING FOR CANDIDATES AND JOINT CANDIDATES COMMITTEES	
September 11, 2014	10:00 a.m.
September 30, 2014	10:00 a.m.
TREASURER TRAINING FOR POLITICAL PARTY COMMITTEES AND PACS	
June 26, 2014	10:00 a.m.
September 23, 2014	10:00 a.m.
December 10, 2014	10:00 a.m.
R-1 ELECTRONIC FILING SOFTWARE (REFS) TRAINING	
July 23, 2014	10:00 a.m.
September 9, 2014	10:00 a.m.
October 1, 2014	10:00 a.m.

LOBBYING REPORTING DATES

Lobbying Quarterly Filing	INCLUSION DATES	ELEC DUE DATE
2 nd Quarter	4/1/14 – 6/30/14	7/10/14
3 rd Quarter	7/1/14 – 9/30/14	10/10/14
4 th Quarter	10/1/14 – 12/31/14	1/12/15

REPORTING DATES

	INCLUSION DATES	REPORT DUE DATES
Fire Commissioner - 2/15/2014		
29-day pre-election	Inception of campaign* - 1/14/14	1/17/2014
11-day pre-election	1/15/14 - 2/1/14	2/4/2014
20-day post-election	2/2/14 - 3/4/14	3/7/2014
48 Hour Notice Reports Start on 2/2/2014 through 2/15/2014		
School Board Election - 4/23/2014		
29-day pre-election	Inception of campaign* - 3/22/14	3/25/2014
11-day pre-election	3/23/14 - 4/9/14	4/14/2014
20-day post-election	4/10/14 - 5/10/14	5/13/2014
48 Hour Notice Reports Start on 4/10/2014 through 4/23/2014		
May Municipal Election - 5/13/2014		
29-day pre-election	Inception of campaign* - 4/11/14	4/14/2014
11-day pre-election	4/12/14 - 4/29/14	5/2/2014
**20-day post-election	4/30/14 - 5/30/14	6/2/2014
48 Hour Notice Reports Start on 4/30/2014 through 5/13/2014		
Runoff Election (June)** - 6/10/2014		
29-day pre-election	No Report Required for this Period	
11-day pre-election	4/30/14 - 5/27/14	5/30/2014
20-day post-election	5/28/14-6/27/14	6/30/2014
48 Hour Notice Reports Start on 5/28/14 through 6/10/14		
Primary Election - 6/3/2014		
29-day pre-election	Inception of campaign* - 5/2/14	5/5/2014
11-day pre-election	5/3/14 - 5/20/14	5/23/2014
20-day post-election	5/21/14 - 6/20/14	6/23/2014
48 Hour Notice Reports Start on 5/21/14 through 6/3/14		
90 Day Start Date: 3/5/14		
General Election - 11/4/2014		
29-day pre-election	6/21/14 - 10/3/14	10/6/2014
11-day pre-election	10/4/14 - 10/21/14	10/24/2014
20-day post-election	10/22/14 - 11/21/14	11/24/2014
48 Hour Notice Reports Start on 10/22/14 through 11/4/14		
Runoff Election** - 12/2/2014		
29-day pre-election	No Report Required for this Period	
11-day pre-election	10/22/14 - 11/18/14	11/21/2014
20-day post-election	11/19/14 - 12/19/14	12/22/2014
48 Hour Notice Reports Start on 11/19/14 through 12/2/14		
PACs, PCFRs & Campaign Quarterly Filers		
1st Quarter	1/1/14 - 3/31/14	4/15/2014
2nd Quarter***	4/1/14 - 6/30/14	7/15/2014
3rd Quarter	7/1/14 - 9/30/14	10/15/2014
4th Quarter	10/1/14 - 12/31/14	1/15/2015

* Inception Date of Campaign (first time filers) or from January 1, 2014 (Quarterly filers).

** A candidate committee or joint candidates committee that is filing in a 2014 Runoff election is not required to file a 20-day post-election report for the corresponding prior election (May Municipal or General).

*** A second quarter report is needed by Independent General Election candidates if they started their campaign before May 6, 2014.