



ELEC *tronic*

An Election Law Enforcement Commission Newsletter

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Comments from the Chairman

Eric H. Jaso

“The essence of Democracy is an informed electorate. It is the fulfillment of this goal that the New Jersey Election Law Enforcement Commission (ELEC) embraces as its valued mission.”

The Commission’s Mission Statement starts with that declaration, and it underpins everything we do.

ELEC’s fulfillment of that commitment depends upon the vigorous enforcement of New Jersey’s campaign finance laws, from minor provisions to the most major requirements and prohibitions.

One of those “fine print” yet vital provisions is the disclaimer law.

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 attached to the communication.

In other words, if a candidate purchases a radio spot which promotes his or her candidacy, the ad must contain language identifying the name, business or residence address of the committee, person or group sponsoring the ad and a “paid for by” disclaimer.

This “paid for by” provision applies to all broadcast (including online) and print-media advertising. It also applies to telemarketing efforts, i.e. robo-calls.

So, any time a campaign sends out direct mail, places an ad in a newspaper or online publication, advertises on TV or radio, or even prints campaign signs, a disclaimer is required.

This requirement not only applies to candidates but to political parties, legislative leadership committees, PACs, political committees, and individuals making independent expenditures.

While the main thrust of the law deals with candidate committees, the political identification requirements also apply to spending to pass or defeat a public question. Again, any committee, or political party spending money on

advertising in support or opposition to public referenda must provide a clear identifying statement.

The disclaimer law promotes transparency in government and in elections by informing New Jersey voters what individuals or groups are funding state and local political campaigns.

In a sense, the public serves as the eyes and ears of ELEC, assuring that candidates and committees comply with the disclaimer law.

Every year, citizens file numerous complaints alleging violations of the political identification requirement, enabling ELEC to investigate and, where warranted, sanction offenders.

We at the Commission urge all participants in the electoral process to be aware of this requirement and comply with it.

It’s a small step that goes a long way toward engendering trust in our elections, our government, and ultimately, our democracy.

“Furthering the Interest of an Informed Citizenry”

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Executive Director's Thoughts Jeff Brindle

HISTORY SHOWS POLITICAL PARTIES HAVE ADVANCED VOTING RIGHTS

Reprinted from insidernj.com

Political parties perform many functions. One rarely noted has been their historic role in expanding democracy and extending the voter franchise.

Voting rights almost always has been contentious. Intense debates today over issues like voting ID and gerrymandering indicate that progress does not come easily on such fundamental issues. Some even fret that democracy itself is at risk due to the growing polarization of the two major parties.

History shows, however, that the tug-of-war between the two parties has led to more democracy, not less.

In 1788, only about one percent of Americans cast votes for president, according to US Census data. By 2012, the number had reached more than 40 percent, in part due to the efforts of parties.

During the centuries-long struggle, sometimes Democrats have taken the lead. Other times, it was the Republicans. Some changes were bipartisan. Other reforms were instigated by third parties like the Progressives.

What is clear is when the nation began, voting was an exclusive right.

At the founding, the original Constitution did not specify voter eligibility, instead letting each state decide. In the years following the ratification of the Constitution in 1789, the voter franchise was limited to

freeholders, generally white male property owners.

This tradition was carried forward from colonial days under England, and more distantly from ancient Athens, wherein Aristotle wrote of adult male citizens, presumably property owners, participating in direct democracy.

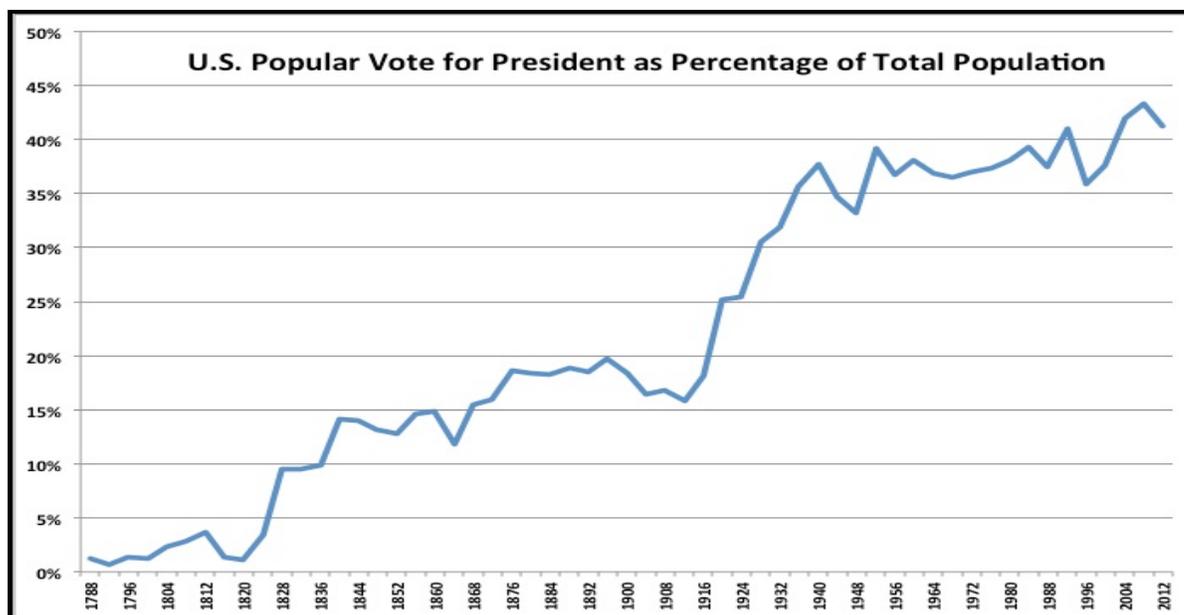
The initial effort to advance voting rights began with the Jeffersonian party in the early 1800s. Pressed by the young party, some states eventually repealed property, income and tax-paying qualifications, and allowed renters to vote.

At the time, the party system was not yet a mass party system but rather one of cadre parties, or factions within Congress. Nevertheless, this was a step toward expanding the electorate.

The trend toward democratization was furthered in the 1830's by the emergence of the mass party system, brought about by the establishment of the Democratic party and later the

Whig party.

Democrats under President Andrew Jackson extended the rights of the common man. They fully eliminated property ownership as a qualification for voting and replaced it with a taxpayer qualification. After the Civil War, with the support of the newly established Republican party,



U.S. presidential election popular vote totals as a percentage of the total U.S. population. Note the surge in 1828 (extension of suffrage to non-property-owning white men), the drop from 1890–1910 (when Southern states disenfranchised most African Americans and many poor whites), and another surge in 1920 (extension of suffrage to women).

https://en.wikipedia.org/wiki/Voting_rights_in_the_United_States

the 15th Amendment was ratified. Though some New England states allowed African-Americans to vote before the Civil War, the Amendment solidified that right for black males.

It read in part “no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.”

Though states, particularly southern states, would enact laws designed to impede voting by African-Americans, eventually the Amendment, backed by U.S. Supreme Court rulings and congressional action, paved the way for an expansion of voting rights for all.

The Progressive party in the late 1800's championed women's rights, including their right to vote. When the Republican party took control of both houses of Congress in 1919, with Democrat Woodrow Wilson in the White House, the 19th Amendment, giving women the right to vote, was passed by the House and Senate and ratified by the states in 1920.

In 1965, a Democratic majority in Congress, along with Republican support, passed the Voting Rights Act. The Act enforced the 15th Amendment and made illegal “voting qualifications or prerequisite to voting” that denies the right to vote on account of race or color.

The Voting Rights Act banned literacy tests, proofs of good moral character, and voucher for qualifications of registered voters.

Today the political parties are locked in a debate again involving voting rights, including the question of whether individuals should be required to present an ID before voting.

The Democratic party opposes voter ID laws, arguing that they present an unnecessary impediment, particularly among minority voters and the poor.

The Republican party favors voter ID laws to protect the integrity of the vote by insuring that ballots are not fraudulently cast.

However the issue plays out, it shows that the parties continue, two centuries later, to be concerned with voting rights, even if for partisan and self-interested reasons.

Efforts by political parties to expand democracy and advance voting rights is one of many contributions made by parties, including those in New Jersey.

Just three months ago, Governor Phil Murphy in April enacted a bill described by Politico as “one of the most expansive voter registration laws in the country.” Under the bill (A-2014), New Jersey citizens seeking or renewing a driver's license at a Motor Vehicle Commission office would automatically be registered to vote unless they opt out.

Democrats are pressing for other laws to expand voter rolls and participation, including bills that would expand early voting and let people register to vote online.

Party advocacy of voter rights is among the many reasons why the political party system needs strengthening

Parties are in decline partly because special interest groups that used to financially support them directly are spending a fast-growing share of their funds on independent campaigns. During last year's gubernatorial and legislative election, independent special interest groups spent \$48

million and outdistanced the political parties by a significant amount.

Tight limits on contributions by public contractors since the mid-2000s also are pinching the coffers of New Jersey political parties.

In the wake of these growing onslaughts, the parties will soon become irrelevant without legislation reversing this trend.

The New Jersey Election Law Enforcement Commission has made recommendations that would strengthen political parties and restore their rightful place in the electoral system in New Jersey.

They include: exempting parties from pay-to-play; increasing contribution limits; allowing state parties to participate in gubernatorial elections; providing individual tax credits contributions to parties and candidates; allowing county organizations to give to each other; including PACs under pay-to-play; and disclosure by independent groups.

Taken together these reforms would revive political parties, which are transparent and more accountable to voters, and halt the rising influence of less answerable independent groups.

“Big Six” 2nd Quarter 2018

Despite the absence of state elections this fall, the so-called Big Six committees through two quarters combined have raised and spent the most money in more than five years, according to the latest reports filed with the New Jersey Election Law Enforcement Commission (ELEC).

The two major state parties and four legislative leadership committees raised a total of \$2.9 million during the first six months of 2018. That is the most since 2013. The committees together spent \$2.4 million- the most since 2012.

TABLE 1
CAMPAIGN FINANCE ACTIVITY BY “BIG SIX”
AT END OF SECOND QUARTER BY YEAR

BOTH PARTIES	RAISED	SPENT	CASH-ON-HAND	NET WORTH*	STATE ELECTIONS**
2007	\$5,776,859	\$2,328,316	\$8,015,277	\$7,911,808	S/A
2008	\$3,438,622	\$2,238,356	\$1,577,591	\$ 918,612	
2009	\$3,653,103	\$1,811,223	\$3,682,236	\$3,548,060	G/A
2010	\$2,175,742	\$1,637,673	\$1,835,526	\$1,666,742	
2011	\$3,684,467	\$1,915,020	\$3,329,478	\$3,051,770	S/A
2012	\$2,988,610	\$2,590,387	\$1,426,366	\$1,193,221	
2013	\$3,382,737	\$1,874,081	\$3,189,889	\$3,093,711	G/S/A
2014	\$1,276,109	\$1,319,714	\$ 800,994	\$ 287,246	
2015	\$2,476,599	\$1,983,389	\$2,160,318	\$1,624,601	A
2016	\$1,661,559	\$1,513,987	\$1,127,086	\$ 979,443	
2017	\$2,751,561	\$2,205,599	\$2,263,401	\$2,178,899	G/S/A
2018	\$2,991,664	\$2,416,353	\$1,321,894	\$1,237,392	

*Net worth is cash-on-hand adjusted for debts owed to and by committee.

**G=Gubernatorial; S=Senate;A=Assembly

Most of the improvement has come because Democrats report significant increases in fundraising, spending and cash-on-hand compared to four years ago. Republican finances were down during the same period.

Democratic coffers may have benefited from the election of Phil Murphy in last year’s gubernatorial election last November following eight years in office by Republican Governor Chris Christie. Democrats also control both legislative houses and expanded their margin in the Assembly in 2017.

Even so, Jeff Brindle, ELEC’s Executive Director, said the combined Big Six fund-raising total is 48 percent below the comparable 2007 amount. While the spending total is slightly higher this year compared to 2007, the cash-on-hand total is 84 percent less, he added.

“It is encouraging to see some improvement in Big Six fundraising this year. But the committees have a long way to go before they are as flush as 2007, particularly in comparison to independent groups, which, just last year spent \$48 million to influence the gubernatorial and legislative elections.”

Brindle said legislative changes recommended by ELEC would bolster party fund-raising while checking the growing dominance of independent special interest groups in today’s elections. These include major simplification of state pay-to-pay laws, more disclosure by independent groups, and higher contribution limits for party committees.

So far in 2017, Democrats have raised five times more funds than Republicans and reported nearly three times more cash-on-hand.

TABLE 2
FUNDRAISING BY "BIG SIX" COMMITTEES
JANUARY 1 THROUGH JUNE 30, 2018

REPUBLICANS	RAISED	SPENT	CASH-ON-HAND	NET WORTH*
New Jersey Republican State Committee	\$ 189,613	\$ 198,204	\$ 94,198	\$ 94,198
Senate Republican Majority	\$ 149,414	\$ 101,485	\$ 115,114	\$ 115,114
Assembly Republican Victory	\$ 126,300	\$ 92,939	\$ 123,680	\$ 123,680
SubTotal-Republicans	\$ 465,327	\$ 392,628	\$ 332,992	\$ 332,992
DEMOCRATS				
New Jersey Democratic State Committee	\$1,839,865	\$1,503,984	\$ 722,077	\$ 688,013
Senate Democratic Majority	\$ 186,894	\$ 111,791	\$ 148,336	\$ 128,336
Democratic Assembly Campaign Committee	\$ 499,578	\$ 407,950	\$ 118,489	\$ 88,051
SubTotal-Democrats	\$2,526,337	\$2,023,725	\$ 988,902	\$ 904,400
Total-Both Parties	\$2,991,664	\$2,416,353	\$1,321,894	\$1,237,392

*Net worth is cash-on-hand adjusted for debts owed to or by the committee.

A comparison with comparable figures from 2014 shows Democratic fundraising, spending and cash reserves all are higher than four years earlier. Republicans are down in fundraising, spending and cash-on-hand though their net worth figure is better.

TABLE 3
CAMPAIGN FINANCE ACTIVITIES FOR "BIG SIX"
COMMITTEES THROUGH SECOND QUARTER
2014 VERSUS 2018

REPUBLICANS	RAISED	SPENT	CASH-ON-HAND	NET WORTH*
2014	\$ 562,829	\$ 729,419	\$ 342,721	\$ (108,048)
2018	\$ 465,327	\$ 392,628	\$ 332,992	\$ 332,992
Difference-Dollars	\$ (97,502)	\$ (336,791)	\$ (9,729)	\$ 441,040
Difference-%	-17%	-46%	-3%	408%
DEMOCRATS				
2014	\$ 713,280	\$ 590,295	\$ 458,273	\$ 395,294
2018	\$2,526,337	\$2,023,725	\$ 988,902	\$ 904,400
Difference-Dollars	\$1,813,057	\$1,433,430	\$ 530,629	\$ 509,106
Difference-%	254%	243%	116%	129%
BOTH PARTIES				
2014	\$1,276,109	\$1,319,714	\$ 800,994	\$ 287,246
2018	\$2,991,664	\$2,416,353	\$1,321,894	\$1,237,392
Difference-Dollars	\$1,715,555	\$1,096,639	\$ 520,900	\$ 950,146
Difference-%	134%	83%	65%	331%

*Net worth is cash-on-hand adjusted for debts owed to or by the committee.

State Parties and Legislative Leadership Committees are required to report their financial activity to the Commission on a quarterly basis. The reports are available on ELEC's website at www.elec.state.nj.us. ELEC also can be accessed on Facebook (www.facebook.com/NJElectionLaw) and Twitter (www.twitter.com/elecnj).

Training Seminars Reminder

For more information, please visit ELEC’s website at www.elec.state.nj.us/.

CAMPAIGN TRAINING SEMINAR	
September 12, 2018	10:00 a.m.
October 2, 2018	10:00 a.m.
PAC (CPC/PPC) TRAINING SEMINAR	
September 25, 2018	10:00 a.m.
October 4, 2018	10:00 a.m.

Reporting Dates Reminder

	INCLUSION DATES	REPORT DUE DATE
GENERAL (90-DAY START DATE: AUGUST 8, 2018)*** - NOVEMBER 6, 2018		
29-day Preelection Reporting Date	6/23/2018 - 10/5/2018	10/9/2018
11-day Preelection Reporting Date	10/6/2018 - 10/23/2018	10/26/2018
20-day Postelection Reporting Date	10/24/2018 - 11/23/2018	11/26/2018
48-Hour Notice Reporting Starts on 10/24/2018 through 11/6/2018		
RUNOFF (DECEMBER)** - DECEMBER 4, 2018		
29-day Preelection Reporting Date	No Report Required for this Period	
11-day Preelection Reporting Date	10/24/2018 - 11/20/2018	11/23/2018
20-day Postelection Reporting Date	11/21/2018 - 12/21/2018	12/24/2018
48-Hour Notice Reporting Starts on 11/21/2018 through 12/4/2018		
PACS, PCFRS & CAMPAIGN QUARTERLY FILERS		
3 rd Quarter	7/1/2018 - 9/30/2018	10/15/2018
4 th Quarter	10/1/2018 - 12/31/2018	1/15/2019
GOVERNMENTAL AFFAIRS AGENTS (Q-4)		
3 rd Quarter	7/1/2018 - 9/30/2018	10/10/2018
4 th Quarter	10/1/2018 - 12/31/2018	1/10/2019

* Inception Date of Campaign (first time filers) or from January 1, 2018 (Quarterly filers).

** A candidate committee or joint candidates committee that is filing in a 2018 Runoff election is not required to file a 20-day postelection report for the corresponding prior election (May Municipal or General).

*** Form PFD-1 is due on April 12, 2018 for Primary Election Candidates and June 15, 2018 for Independent General Election Candidates.

Note: A fourth quarter 2017 filing is needed for Primary 2018 candidates if they started their campaign prior to December 7, 2017. A second quarter 2018 filing is needed by Independent/Non-Partisan General Election candidates if they started their campaign prior to May 9, 2018.

HOW TO CONTACT ELEC

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