



# Newsletter

## *ELEC*tronic

OCTOBER  
2020

ISSUE

136

AN ELECTION LAW ENFORCEMENT COMMISSION NEWSLETTER  
"Furthering the Interest of an Informed Citizenry"

## Comments from the Chairman

**Eric H. Jaso**

"All I want is compliance with my wishes, after reasonable discussion." – Winston S. Churchill

Over the nearly five decades of its existence, the Election Law Enforcement Commission has achieved 95 percent compliance with campaign finance reporting.

This high compliance rate has not happened naturally much less automatically. Rather, it is the product of ELEC staff's complementary efforts in the areas of education and enforcement. During the current pandemic, with staff working remotely during an election year, those efforts have been extraordinary.

While fielding and responding to over 3,000 compliance calls since March, our staff, aided by new electronic filing capabilities, has processed thousands of reports from candidates, party entities, CPCs, lobbyists, public contractors, and fundraisers. ELEC publishes these

reports online within 48 hours of receipt.

Of course, ELEC could never provide such thorough disclosure without the cooperation of the filing community. For that reason, the Commission has always sought primarily to encourage compliance through the carrots of community education and support rather than the stick of enforcement.

For that reason, the Commission has made outreach to the filer community a top priority. Unfortunately, the pandemic has required us to cancel in-person training seminars. However, staff continues to present training seminars virtually using webinar software.

These seminars, which ELEC advertises on our website ([www.elec.state.nj.us](http://www.elec.state.nj.us)) and in this electronic monthly newsletter, can (and should) be attended by candidates and campaign treasurers, party and PAC treasurers, lobbyists, and business people engaged in public contracting.

Our website provides a vast amount of information and resources, including a training video that is very helpful for the filing community.

While working remotely, ELEC staff also continues to investigate reports of noncompliance and prepare enforcement actions which are presented to the Commissioners at our monthly meetings. Legal staff also has been actively working to resolve cases through negotiated settlements, and where necessary, aggressively litigating contested actions. Legal staff also regularly responds to requests for advisory opinions from regulated entities and persons seeking guidance on complex or novel campaign-finance issues such as electronic donations.

ELEC staff's balanced efforts to encourage compliance with the laws while responding to noncompliance with probing investigations and aggressive enforcement actions backed by robust penalties, have enabled the Commission to maintain this high level of compliance and to fulfill its missions of disclosure and transparency.

By taking this measured approach, the Commission has been able to ensure compliance with the law while maintaining an environment that encourages citizens to participate in our political system.

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### COMMISSIONERS

Eric H. Jaso, Chairman  
Stephen M. Holden, Commissioner  
Marguerite T. Simon, Commissioner  
Edwin R. Matthews, Legal Counsel

## Executive Director's Thoughts

### Jeff Brindle

## Six Months After Covid-19 Struck, ELEC Continues to Do its Job

Reprinted from [insidernj.com](http://insidernj.com)

Since early spring, the New Jersey Election Law Enforcement Commission (ELEC) has functioned remotely, and, given the extreme circumstances, successfully.

With little advance notice, the Commission assembled a plan last March to enable staff to work from home while still providing essential services to the public.

Thus far, the plan has worked well.

Operating in the virtual realm, the Commission has carried out its mission of disclosure. Other New Jersey public agencies presumably have fulfilled their responsibilities as well.

Despite the relative effectiveness of these efforts, it is difficult to envision the Commission or most other government agencies permanently operating with little or no face-to-face contact with the public.

Government is about the public's business.

It is hard to imagine the common good being entrusted long term to a government kept apart from the very constituents it was created to serve.

Ideally, government and the people should be like a happy marriage. A partnership that is close and supportive, not distant and aloof.

A virtual government totally isolated from its citizens isn't good for society.

The Covid-19 pandemic has necessitated extraordinary measures intended to protect the public from the ravages of the virus. As the incidence of cases decrease and the controls are relaxed, hopefully government, along with society at large, will open up again.

In the meantime, the Commission will continue to apply its contingency plan for delivering important services to the public.

Candidates, committees, and lobbyists, as well as public contractors have been filing electronically, allowing the people timely, online access to reports.

Legal and Investigative functions have continued apace, with legal having proposed regulations to adopt new limits for the Gubernatorial Public Financing Program, thresholds for gubernatorial and non-gubernatorial candidates and mandated electronic filing.

A public hearing, which under current circumstances will probably be held virtually, is planned for the Commission's October meeting. The Commission has been meeting and conducting its business online since April.

The pandemic has not stopped ELEC from continuing to publish a steady stream of analytical press releases, newsletters and other publications

such as these columns and white paper research reports. These publications have kept policy makers, the news media and public abreast of political fund-raising efforts and trends, particularly how it has been affected by the virus.

The agency also has summarized activity by lobbyists and contractors in 2019, released a detailed analysis of the record-breaking 2017 legislative election, and soon will be unveiling a long-term analysis of activity by PACs.

While the staff has been able to fully carry out the functions of the Commission remotely, very importantly Compliance staff has continued to respond to phone calls from the public, dispensing guidance for the filing community.

Unfortunately, in-person training seminars needed to be cancelled. However, training has been conducted through its webinar training program.

Thomas Jefferson believed that government works best that is closest to the people. Even the brilliant, inventive mind of Jefferson could not have imagined the today's technological capabilities that have been maintaining a high level of productivity despite the virus. Even if he did, however, I am sure Jefferson would not want an all-virtual government.

Even before the virus arrived, ELEC and other government agencies were doing far more things online compared to ten or 15 years ago. Gone are the days when candidates lined up to file their reports by hand.

Efiling of reports, webinars and the ability to download documents straight from the agency's website are among the time-saving conveniences ELEC now provides electronically in this hurried world.

But once the virus is defeated, government hopefully will return to a more normal balance that allows more face-to-face interactions with the public.

If serving the public is the real purpose of government, the best form of service often is in-person. The Election Law Enforcement Commission is looking forward to resuming in-person training seminars, in-person assistance in its public room, and non-virtual, in-person Commission meetings.

Hopefully, this will happen as soon as the pandemic abates.

## Public Hearing October 20, 2020 11:15 am.

The New Jersey Election Law Enforcement Commission (ELEC) is proposing amendments concerning electronic filing and the statutorily required campaign cost inflation adjustments for Gubernatorial and non-Gubernatorial candidates and committees.

The Commission will hold a hearing to seek public comment about the proposed amendments on **Tuesday, October 20, 2020 at 11:15 a.m.** at:

The Commission invites participation in this hearing and requests that any testimony be limited to no more than ten minutes.

Persons wishing to testify at the October 20, 2020 hearing are asked to reserve time to speak by contacting Administrative Assistant Elbia L. Zeppetelli at (609) 292-8700 no later than October 13, 2020.

Submit written comments by October 21, 2020, to:

Benjamin Kachuriner, Esq.,  
Assistant Legal Counsel  
Election Law Enforcement Commission  
PO Box 185  
Trenton, New Jersey 08625-0185  
Email: [elec.rulemaking@elec.nj.gov](mailto:elec.rulemaking@elec.nj.gov)

## Will This Fall's Pot Contest Cost a Pot of Gold?

By Joe Donohue

In this tumultuous time, one thing is sure about New Jersey's pending ballot question to legalize recreational marijuana on November 3.

It will not come close to the epic fundraising so far involving California's Proposition 22, which will be decided the same day.

The Golden State initiative would classify as independent contractors (not employees) app-based drivers for services like Lyft, Uber or DoorDash. It already has led to an eye-popping total of \$192 million in fund-raising, according to Ballotpedia.com

That makes it the most expensive ballot question in American history even though the election is more than a month from now.

Almost quaint by comparison, the \$39 million in spending on California's own marijuana referendum, approved in 2016, also seems out of range.

Even a seemingly obscure measure in Massachusetts this year has generated \$35 million in contributions to date, according to State House New Service.

Finally, based on 17 past state marijuana initiatives across the nation dating back to 2004, the pending New Jersey referendum is unlikely to come close to the unsuccessful \$26.4 million 2016 ballot question to open two new casinos in Northern New Jersey.

That was the costliest Garden State public question ever. Previous marijuana initiatives in other states have averaged \$8.3 million in combined spending, according to the National Institute for Money in Politics.

South Dakota, Montana and Arizona are holding similar referenda this year.

There are reasons why spending is likely to be underwhelming.

In the 17 previous ballot contests involving marijuana legalization, supporters have shelled out an average of \$6.9 million while foes have spent just \$1.3 million, according to the National Institute for Money in Politics.

**Comparison of Ballot Question Expenditures**

Referendum	Outcome	Year	Raised or Spent*
Proposition 22- California- Independent Contractor Services	Pending	2020	\$192,335,194
Proposition 64- California- Legalization of Marijuana	Passed	2016	\$ 39,215,141
Question 1- Massachusetts- Will determine access rights to vehicular electronic information	Pending	2020	\$ 34,820,000
Allow two new casinos in North Jersey	Failed	2016	\$ 24,669,426
Average of spending on 17 previous state marijuana legalization initiatives	Various	Various	\$ 8,271,873
Tighter Short-Term Rental Rules in Jersey City	Passed	2019	\$ 5,487,603
<b>Legalization of Marijuana- New Jersey</b>	<b>Pending</b>	<b>2020</b>	<b>?????</b>

\*2020 numbers represent fund-raising. Earlier numbers are spending totals.

More likely, this year’s ballot question duel is likely to end up closer to a 2019 local referendum in Jersey City that imposed new rules on short-term rentals despite heavy opposition from Airbnb. It weighed in at \$5.5 million.

So far, two groups- one for, one against- have formed committees to participate in this year’s election on marijuana legalization.

ELEC plans October 14 to release the first disclosure reports filed by these committees.

Unlike California and other states with initiative and referendum, ballot questions are far less common in New Jersey and generally have not drawn much spending.

Advocates of this year’s referendum may not think they have to go overboard because public opinion polls suggest it will pass handily.

However much pro-marijuana advocates ultimately expend, history shows opponents of marijuana initiatives in other states generally spent far less.

This year’s initiative also will be sharing a crowded ballot with a high-profile presidential election, contests for U.S. Congress, local elections and two less well-known public questions.

One of the other ballot questions would make peacetime veterans eligible for property tax breaks already provided to those who served during wartime. The second would delay the state legislative redistricting process and use of new districts if census data is received after February 15.

Looming over everything, of course, is the national pandemic. Gubernatorial candidates in the fall of 2001 had a tough time getting attention in the wake of 9/11.

While there may not be mega-spending, committees pro and con may have to spend some bucks to try to punch through all these distractions and grab the attention of voters.

Advocates have acknowledged in recent news stories that they will be taking steps to ensure voters focused on the presidential election do not forget the legalization issue. Ballot questions are on the rear of the vote-by-mail ballots expected to dominate the race.

However the referendum turns out, ELEC will keep the public abreast of the campaign finance activity it generates.

## Training and Seminars

SEMINARS		
Campaign & ELEC efile Training		
	10/1/2020	10am
PAC (CPC/PPC) & ELEC eFile Training		
	10/8/2020	10am

## Webinars

Introducing ELEC's new web-based Electronic File Filing System.  
Please register for one of the following Webinars.

WEBINARS		
R-1 Webinars		
	10/1/2020	10am
R-3 Webinars		
	10/8/2020	2pm

After registering, you will receive a confirmation email containing information about joining the webinar.

Should you need assistance, please call (609) 292-8700 or visit [https://www.elec.nj.gov/seminar\\_train/SeminarTraining.html](https://www.elec.nj.gov/seminar_train/SeminarTraining.html).

## 2020 Reporting Dates

Please refer to ELEC's website for up-to-date revised dates

[www.elec.nj.gov/pdf/files/reporting\\_dates/REVISED\\_2020\\_Reporting\\_Dates.pdf](http://www.elec.nj.gov/pdf/files/reporting_dates/REVISED_2020_Reporting_Dates.pdf)

	INCLUSION DATES	REPORT DUE DATE
<b>FIRE COMMISSIONER – FEBRUARY 15, 2020</b>		
29-day Preelection Reporting Date	Inception of campaign* – 1/14/2020	1/17/2020
11-day Preelection Reporting Date	1/15/2020 – 2/1/2020	2/4/2020
20-day Postelection Reporting Date	2/2/2020 – 3/3/2020	3/6/2020
48-Hour Notice Reports Start on 2/2/2020 through 2/15/2020		
<b>APRIL SCHOOL BOARD – May 12, 2020</b>		
29-day Preelection Reporting Date	Inception of campaign* – 4/10/2020	4/13/2020
11-day Preelection Reporting Date	4/11/2020 – 4/28/2020	5/1/2020
20-day Postelection Reporting Date	4/29/2020 – 5/29/2020	6/1/2020
48-Hour Notice Reports Start on 4/29/2020 through 5/12/2020		
<b>MAY MUNICIPAL – MAY 12, 2020</b>		
29-day Preelection Reporting Date	Inception of campaign* – 4/10/2020	4/13/2020
11-day Preelection Reporting Date	4/11/2020 – 4/28/2020	5/1/2020
20-day Postelection Reporting Date	4/29/2020 – 5/29/2020	6/1/2020
48-Hour Notice Reporting Starts on 4/29/2020 through 5/12/2020		
<b>RUNOFF (JUNE) ** – JULY 7, 2020</b>		
29-day Preelection Reporting Date	No Report Required for this Period	
11-day Preelection Reporting Date	4/29/2020 – 6/23/2020	6/26/2020
20-day Postelection Reporting Date	6/24/2020 – 7/24/2020	7/27/2020
48-Hour Notice Reporting Starts on 6/24/2020 through 7/7/2020		
<b>PRIMARY (90-DAY START DATE: MARCH 4, 2020) *** – JULY 7, 2020 (See Executive Order No. 120)</b>		
29-day Preelection Reporting Date	Inception of campaign* – 6/5/2020	6/8/2020
11-day Preelection Reporting Date	6/6/2020 – 6/23/2020	6/26/2020
20-day Postelection Reporting Date	6/24/2020 – 7/24/2020	7/27/2020
48-Hour Notice Reporting Starts on 6/24/2020 through 7/7/2020		
<b>GENERAL (90-DAY START DATE: AUGUST 5, 2020) – NOVEMBER 3, 2020</b>		
29-day Preelection Reporting Date	7/25/2020 – 10/2/2020	10/5/2020
11-day Preelection Reporting Date	10/3/2020 – 10/20/2020	10/23/2020
20-day Postelection Reporting Date	10/21/2020 – 11/20/2020	11/23/2020
48-Hour Notice Reporting Starts on 10/21/2020 through 11/3/2020		
<b>RUNOFF (DECEMBER)** – DECEMBER 8, 2020</b>		
29-day Preelection Reporting Date	No Report Required for this Period	
11-day Preelection Reporting Date	10/21/2020 – 11/24/2020	11/27/2020
20-day Postelection Reporting Date	11/25/2020 – 12/25/2020	12/28/2020
48-Hour Notice Reporting Starts on 11/25/2020 through 12/8/2020		

**PACs, PCFRs & CAMPAIGN QUARTERLY FILERS**

1 <sup>st</sup> Quarter	1/1/2020 – 3/31/2020	4/15/2020
2 <sup>nd</sup> Quarter	4/1/2020 – 6/30/2020	7/15/2020
3 <sup>rd</sup> Quarter	7/1/2020 – 9/30/2020	10/15/2020
4 <sup>th</sup> Quarter	10/1/2020 – 12/31/2020	1/15/2021

**GOVERNMENTAL AFFAIRS AGENTS (Q-4)**

1 <sup>st</sup> Quarter	1/1/2020 – 3/31/2020	4/13/2020
2 <sup>nd</sup> Quarter	4/1/2020 – 6/30/2020	7/10/2020
3 <sup>rd</sup> Quarter	7/1/2020 – 9/30/2020	10/13/2020
4 <sup>th</sup> Quarter	10/1/2020 – 12/31/2020	1/11/2021

\*Inception Date of Campaign (first time filers) or January 1, 2020 (Quarterly filers)

\*\*A candidate committee or joint candidates committee that is filing in a 2020 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 9, 2020 for the Primary Election Candidates and July 17, 2020 for the Independent General Election Candidates.

Note: A fourth quarter 2019 filing is needed for the Primary 2020 candidates if they started their campaign prior to December 4, 2019.  
A second quarter is needed by Independent/Non-Partisan General Election candidates if they started their campaign prior to May 5, 2020.

**HOW TO CONTACT ELEC**

[www.elec.state.nj.us](http://www.elec.state.nj.us)

In Person: 25 South Stockton Street, 5<sup>th</sup> Floor, Trenton, NJ  
By Mail: P.O. Box 185, Trenton, NJ 08625  
By Telephone: (609) 292-8700 or Toll Free Within NJ 1-888-313-ELEC (3532)

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