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ELEC-Tronic

AN ELECTION LAW ENFORCEMENT COMMISSION NEWSLETTER

"Furthering the Interests of an Informed Citizenry"

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Comments from the Chair Jerry Fitzgerald English

[Gubernatorial and Lieutenant Gubernatorial Debate Dates Set: October 1st, October 8th, and October 16th](#)

The dates have been set for the ELEC sanctioned gubernatorial and lieutenant gubernatorial public financing debates.

As the State agency that selects the organizations to sponsor the debates, the Commission has a pivotal responsibility in insuring maximum viewing for New Jersey citizens.

The first gubernatorial debate will occur on October 1, 2009 at 8:00 p.m. It is sponsored by NJN-Public Television and Radio, in conjunction with the Philadelphia Inquirer, and the Gannett New Jersey newspaper group, and will be shown on WHYY TV in Philadelphia, and WNET 13 in New York.

By law, the lieutenant gubernatorial debate must take place between the two gubernatorial debates. Sponsored by Leadership New Jersey, in conjunction with News 12 New Jersey, NJ 101.5 FM, and the Gannett newspaper chain, this first ever debate will occur on October 8, 2009 at 8:00 p.m on channel News 12.

... continued on page 2.

Inside This Issue

- 1 [Comments from the Chair](#)
- 1 [ELEC Invites Public to Use its Website](#)
- 3 [Executive Director's Thoughts](#)
- 4 [Commission's Corner](#)
- 4 [ELEC Directors](#)
- 5 [Disposing of Campaign Money when Leaving Office](#)
- 5 [ELEC Treasurer Training to be Held in the Field](#)
- 6 [Dates to Remember](#)

ELEC Invites Public to Use Its Website

In the near future the Commission will make a major announcement that will significantly contribute to the enforcement of pay-to-play. This announcement involves a major enhancement to the Commission's website.

Speaking of ELEC's website, however, it is considered one of the best of its kind in the nation. Last year the California Voter Foundation ranked the website number one in the northeast.

It is a valuable resource for all who are interested in obtaining information on lobbyists, pay-to-play, gubernatorial public financing, and, of course, the campaign financial activity of every candidate in the State of New Jersey.

First, its user-friendly aspect is enhanced by the way the information is organized. For example, the homepage contains five major sections: Public Information, For ELEC Filers, Pay-to-Play, Legal Resources, and About ELEC.

By clicking the "Public Information" section, the user can view reports, access a campaign finance database, find out who is running for office, and view statistical information and reports.

The "For ELEC Filers" section provides forms and instructions for filing entities, while the "Pay-to-Play" section provides information about the law, filing deadlines, and training seminars.

The "Legal Resources" section includes complaints and final decisions, regulatory proposals, and advisory opinions.

For citizens interested in filing complaints or requesting an advisory opinion the "Legal Resources" is the place to go.

Finally, the "About ELEC" section contains information concerning the Commissioners and key staff as well as the Commission in general.

... continued on page 2

Comments from the Chair Jerry Fitzgerald English

Gubernatorial and Lieutenant Gubernatorial Debate Dates Set: October 1st, October 8th, and October 16th

Continued from page 1.

The second gubernatorial debate is sponsored by William Paterson University with WWOR-TV, WTXF-TV and Fox News and will take place on October 16, 2009 at 7:00 p.m. It will be televised on WWOR TV in Secaucus and WTXF TV 29 in Philadelphia and the Fox News Channel on October 18, 2009.

The participants in the debate are Governor Jon S. Corzine, the Democratic candidate, Christopher Christie, the Republican candidate, and Christopher Daggett, Independent candidate.

Candidates who are receiving public matching funds because they raised and spent the requisite \$340,000 and submitted the proper paperwork are required to participate in the debates.

Candidates who have reached the \$340,000 threshold amount but have opted not to take public funds are eligible to participate if so desired.

Candidates Christie and Daggett are participating in the Gubernatorial Public Financing Program while Governor Corzine is not.

The gubernatorial public financing debates have been part of the gubernatorial landscape since 1989. The program itself has existed since 1977 and has been deemed a model for public financing initiatives throughout the states.

Every four years the debates become one of the focal points of the campaign. Aside from the retail politics undertaken by the candidates and their mass advertising, the debates perform the very important function of helping voters form opinions of the candidates and their issue positions.

Adding to the normal interest in the gubernatorial debates is the fact that for the first time there will be the debate between lieutenant gubernatorial candidates.

The lieutenant gubernatorial candidates are those individuals who have been selected by the gubernatorial candidates who are participating or otherwise eligible to participate in the public funds matching program.

They are:

- Loretta Weinberg, Democrat;
- Kim Guadagno, Republican; and,
- Frank Esposito, Independent.

Without doubt these debates are an important part of the process of making for a more informed public in terms of the importance of the gubernatorial general election.

Moreover, another important part of the process is voting. So don't forget to vote.

ELEC Invites Public to Use Its Website

Continued from page 1.

The website is designed to help users navigate easily through various sites in order to present information in an organized, understandable way. Further, it is formulated to include features that enable users to reach information quickly and painlessly.

For example, the search for candidate, political party, legislative leadership, and continuing political party committee information has been made easier. The public can create a list of candidates and committees organized by location, office, and party affiliation. This feature has made it easier for individuals who are unsure of what they are looking for to complete their search.

An aspect of the website that is of great interest is the inclusion of the many Commission analytical reports, annual reports, special reports, statistical information, and even this newsletter.

As with all aspects of the Commission, we have made sure that the personal touch has not been ignored, even with our computer system. Staff is available Monday through Friday 9:00 a.m. to 5:00 p.m. to help the public navigate the website if necessary.

And speaking of staff, it would be remiss of me to not mention the contributions of our Technical and Data Entry staff toward making ELEC's site a winning one.

In conclusion, ELEC's website is modern, contains an abundance of information, and permits filers to obtain information they need, researchers to navigate about easily, and the public to become informed about the important areas of campaign finance, lobbying, and pay-to-play.

We invite all to access our website at www.elec.state.nj.us.

Executive Director's Thoughts Jeffrey M. Brindle

[527 Organizations and the Gubernatorial Campaign](#)

During the past decade the public has witnessed a change in the way presidential campaigns have been waged.

Rather than simply candidate-centered operations backed by political party support, citizens now need a scorecard to keep track of who is in the game.

Besides the candidates themselves and the national and State political party committees there are a plethora of interest groups which have become very good at organizing, funding, and waging campaigns, both for candidates and in behalf of issues.

Matters first changed in the early 1950's when campaigns for president became candidate-centered affairs after years of these elections being dominated by national, state, and local party committees.

The change coincided with the introduction of television sets into the living rooms of American families and the Eisenhower campaign's use of television advertising as part of a new media campaign.

Now things have changed again. Now not only are presidential campaigns run by the candidates themselves, but in addition to political party entities making their services available, we now see 527 groups very much engaged directly, or indirectly, in these campaigns.

Generally speaking, a 527 group is a tax-exempt organization established to influence an election or an issue and is not subject to regulation by the Federal Election Commission (FEC).

Such groups as Swift Boat Veterans and Media Fund have made their presence known. Through the use of issue advertising millions of dollars in spending has taken place. A member of the public might conclude that these groups are supporting or opposing a particular candidate by virtue of language which may criticize a position taken or opposed by a particular candidate. As long as the 527's virtually avoid using the magic words "support or defeat," however, they are free of the Bipartisan Campaign Reform Act (BCRA) black out period before elections.

With a decade of this activity occurring at the federal level the question for New Jersey is: will this

new dynamic gain a foothold in the State's elections and will we see it first in this year's gubernatorial contest?

The answer seems to be yes. The only question left is to what extent.

Of course in New Jersey we have a very viable Gubernatorial Public Financing Program which provides qualifying candidates with the option of participating in the program or opting out of it.

Once a candidate participates in the program and receives public funding he or she is subject to an expenditure limit amounting to \$10.9 million. Of that amount a maximum of \$7.3 million is derived from public funds.

A candidate not participating in the program has no expenditure limit.

In either case, expenditures by 527's are allowable as long as the spending is done independently of the gubernatorial campaigns and without coordination or consultation with them. In addition, consultants are not allowed to be shared.

A publicly-financed candidate must be concerned with both the contribution limit and the expenditure limit. A non publicly-financed candidate must be concerned with the contribution limit, which is \$3,400 per contributor and applicable to both publicly-financed and non publicly-financed candidates.

So it's important to both types of candidacies that the campaign finance laws are observed and that these groups are truly undertaking their activities independently.

New Jersey's regulatory scheme requires reporting by groups and individuals who spend independently to support or oppose a candidate. The Commission has previously held that advertising requiring reporting must contain express election advocacy such as the words of "support" or "oppose" or "vote for" or "against."

When these groups file, then the public will know how much money is actually being spent on the gubernatorial campaign. These groups will either report as a political committee, as a continuing political committee or file a form indicating the amount spent on the independent expenditure.

However, if the advertisement is in the form of issue advertising, then the public may be denied this information.

This potential lack of transparency is an impediment to a truly informed public.

The Commission's Corner

This Section is set aside for writings by Commissioners and staff.

Electronic Filing at ELEC

By [Carol Neiman, Director of Information Technology](#)

The Commission has been supplying candidates with electronic filing software since 1999 when former Governor Christine Todd Whitman mandated that all campaign finance reports be available on-line and electronic filing be made available to the Legislature. Then, in January 2006, the Commission ruled that candidates running for Governor, State Senate or General Assembly who raise or spend in excess of \$100,000 in an election are required to file their campaign reports electronically. To this end, the Commission has developed several different programs.

Candidates running for the Legislature are supplied with the R-1 Electronic Filing System (better known as REFS) software. There is no charge for this software; however, candidates or their treasurers are encouraged to come to the Commission's office for a half day training session. The dates of these training sessions are announced on the website. And because the software is designed for filing the R-1 report, candidates running for any office in any election are encouraged to use REFS and file electronically.

Candidates applying to the Gubernatorial Public Financing Program are supplied with the Gubernatorial Electronic Filing System (GEFS) software which allows the candidate to enter all of their contributor and expenditure information one time, then use the same information to apply for public matching funds, and also file their disclosure reports electronically.

Before being able to file electronically, a Registration Form containing an original signature must be completed by anyone who normally signs a report filed with the Commission. This form can be found on the Commission's website and can be filled out on-line. Once completed, the form needs to be printed, signed, and faxed to the Commission's office at the number indicated on the form. The Commission will then issue a registration number and personal identification number (PIN) that will be used on all electronically filed forms and reports. The combination of the registration and PIN when entered will take the place of your signature and your name will be displayed on the report.

The Commission's Information Technology (IT) staff has also developed on-line web based filing for most of the short forms filed with the Commission. These forms include the designation of treasurers and depositories, sworn statements, and 48-hour notices among other forms for candidate committees, political party committees, legislative leadership committees, and PACs. The registration and PIN are also needed to file these forms electronically.

The IT staff of the Commission strives to utilize the best technology available while providing the highest quality of services to ELEC filers. Visit the electronic filing section of the Commission's website available within the tab "For ELEC Filers."

Job Announcement

[Deputy Executive Director](#)

The Commission is seeking to fill the position of Deputy Executive Director. Interested persons should access www.elec.state.nj.us/ and visit the "Employment Opportunities" section. The closing date for this position is September 22, 2009. You may contact Personnel Officer Anita Vaingankar for further information.

ELEC Directors

Jeffrey M. Brindle..... Executive Director

Carol L. Hoekje Legal Director

Evelyn Ford Compliance Director

Carol Neiman Director of Information Technology

Amy F. Davis..... Director of Special Programs

Linda White Director of Lobbying

Leonard Gicas..... Director of Review & Investigation

Todd J. Wojcik..... Director of Campaign Financing

Steven M. Dodson.... Director of Finance & Administration

Disposing of Campaign Money when Leaving Office

Any time an elected public official decides to leave office, questions invariably arise as to the disposition of any remaining funds in his or her campaign account. Over the past few months, there have been several officeholders who have announced that they will retire from public office. The timing, therefore, seems right to discuss just how these funds can be spent.

The campaign financing statutes and Commission regulations allow for spending campaign funds in the following six ways:

1. the payment of campaign expenses;
2. contributions to bona fide charities as recognized by the IRS code;
3. contributions to other candidates, political party committees, legislative leadership committees, political committees, and PACs;
4. the payment of a candidate's overhead, administrative expenses, and campaign debts;
5. the pro-rata repayment of contributors; and,
6. the payment of the ordinary and necessary expenses of holding public office.

Thus, when an officeholder plans on leaving office, all remaining money must be disposed of in one or more of these six ways.

It is important to note that the Campaign Act and the regulations contain very definite prohibitions against the use of campaign funds for personal use and for the payment of legal fees in connection with the defense of a candidate or officeholder who is the subject of a criminal inquiry or criminal investigation, or for the defense of a criminal indictment or other criminal proceeding.

In general, candidates leaving public office should wind down and dissolve their campaign account as quickly as possible, unless paying down debt or spending the funds for officeholding expenses. Candidates cannot receive contributions on or after the date when he or she ceases to be an officeholder. Of course, reports must continue to be filed during this termination process, disclosing the details of how the money is being spent. A final report certifying that the candidate committee has been dissolved and has wound up its business for the past election is also required.

ELEC Treasurer Training to be Held in the Field

Members of ELEC's Compliance staff will conduct two off-site candidate/treasurer training seminars this fall.

One seminar will be held at the Sheraton Atlantic City Convention Center in Atlantic City on September 19th at 10:00 a.m. The other seminar will be held at the Days Hotel Conference Center, East Brunswick, at 6:30 p.m. on September 21st.

The training seminars are part of an initiative launched to enhance compliance with campaign finance laws and to increase public awareness of the Commission and its public services.

The new off-site seminars are designed to reach candidates and treasurers unable to attend in-house seminars and are situated to accommodate people from both North and South Jersey. This is the start of an effort that will continue in the spring with what is hoped will be additional seminars throughout the State.

The goal is to reach as many people personally who are participating in the fall campaign to insure a high level of compliance with campaign finance laws and to guide candidates and treasurers through the mechanics of filing disclosure reports.

In the past, training seminars have been conducted in-house at the Commission's offices in Trenton. These seminars will be continued and will be offered in the fall pre-election period on September 15th and September 30th at 10:00 a.m. Training is also available on-line by visiting ELEC's website.

ELEC is also inviting political party organizations and interested groups to contact the Commission staff if any are interested in coordinating additional training seminars in the future. Currently there will be a training seminar for parties and PACs at ELEC on October 1st at 10:00 a.m.

Additionally, ELEC will be conducting an electronic filing seminar on September 23rd at 10:00 a.m. for candidates who wish to file their campaign reports electronically.

For questions or for information concerning how to reserve a seat at a training seminar, contact the Compliance staff at (609) 292-8700, or, toll free at 1-(888) 313-ELEC (3532), or access ELEC's website at www.elec.state.nj.us

Dates to Remember

• Election Day - November 3, 2009 •

GENERAL ELECTION			
Who Files	What Report	When	Period Covered
Candidates, Political Committees, and Independent Expenditures	29-day pre	October 5 th	June 20 th through October 2 nd
	11-day pre	October 23 rd	October 3 rd through October 20 th
	20-day post	November 23 rd	October 21 st through November 20 th
QUARTERLY			
Who Files	What Report	When	Period Covered
Political Parties, Legislative Leadership, Committees, PACs/CPCs, and Future and Past Candidates	Third Quarter	October 15 th	July 1 st through September 30 th
	Fourth Quarter	January 15 th	October 1 st through December 31 st
48-HOUR NOTICES			
Who Files	What Report	When	
Candidates, Political Committees, and Independent Expenditures	Contributions and/or Expenditures exceeding \$1,200	October 21 st through November 3 rd	
48-HOUR NOTICES			
Who Files	What Report	When	
Political Parties, Legislative Leadership Committees, and PACs/CPCs	Contributions and/or Expenditures exceeding \$1,200	From October 1 st through November 3 rd	
LOBBYIST QUARTERLY			
Who Files	What Report	When	Period Covered
Governmental Affairs Agents (lobbyists)	Third Quarter	October 13 th	July 1 st through September 30 th
	Fourth Quarter	January 11 th	October 1 st through December 31 st