

Compliance Manual for Professional Campaign Fundraisers

Definitions
Summary of Requirements
Registration and Reporting Forms



New Jersey Election Law Enforcement Commission
www.elec.state.nj.us
2012



Introduction

How To Use This Manual

The guidance provided in this Manual is applicable to Professional Campaign Fundraisers and the candidates and committees who use their services.

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: <u>N.J.S.A.</u> 19:44A-1 et seq.)
“Regulations”	The regulations promulgated under the “Act” (Citation: N.J.A.C 19:25-21.1 et seq.)

Help With Using This Manual

Any person who wishes to receive clarification concerning any item in this Manual should contact the Commission at (609) 292-8700, or toll free in New Jersey at 1 (888) 313-ELEC (3532). The Commission’s mailing address is: NJ Election Law Enforcement Commission, P.O. Box 185, Trenton, NJ 08625-0185.

Filing Information

Filing a report means depositing the report at the Commission’s office. To be filed on time, the report must be physically received at the Commission’s office by 5:00 P.M. on the filing due date. Postmarks are not relevant to the consideration of the date a report is filed. When using the United States Postal Service (regular mail) to deliver reports, the following address must be used:

New Jersey Election Law Enforcement Commission

P.O. Box 185, Trenton

New Jersey 08625-0185

When using a commercial delivery service such as FedEx, UPS, or any other delivery service, please use the following address:

New Jersey Election Law Enforcement Commission

28 West State Street, 13th Floor

Trenton, New Jersey 08608

Normally, commercial delivery services provide a shipping or mailing receipt with a tracking or reference number. Keep the receipt as part of your records.

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 you obtain a copy of the regulations by contacting the Commission or by accessing them on the Commission’s website www.elec.state.nj.us.

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I. Definitions

Professional Campaign Fundraiser (PCFR) is a person who is employed, retained, or engaged for monetary compensation of at least \$5,000 per year in the aggregate to perform any service directly related to the solicitation of contributions for a candidate or committee.

Person means an individual, partnership, committee, association, corporation, or any other organization or group of persons.

Candidate means a Gubernatorial, Senate, or Assembly candidate.*

Committee means a political committee, continuing political committee, political party committee, or legislative leadership committee.*

** This definition applies only to Professional Campaign Fundraisers and subchapter 21 of the regulations.*

II. Registration

What Triggers Registration?

Registration is required when a Fundraiser is compensated at least \$5,000 per year in the aggregate to perform any service directly related to the solicitation of contributions for a candidate or committee, and one of the two thresholds below is met:

1. A Fundraiser must plan or organize, or be involved in the planning or organizing of, or attend, at least three events within a 3-month period at which contributions are raised by the Fundraiser for a candidate or committee by whom he or she has been employed, retained, or engaged; or,
2. A Fundraiser must raise money or any other thing of value of at least the contribution limit of an individual to a candidate (please review the contribution limits chart) prior to a primary election or prior to a general election.

What is needed to register?

A person meeting the definition of a Professional Campaign Fundraiser and satisfying one of registration thresholds must complete and file the Professional Campaign Fundraiser Registration Statement, **Form FRR**, within five days.

In addition, the Fundraiser must submit a fee of \$1,000. The \$1,000 fee is renewable each year. After registration is completed, the Professional Campaign Fundraiser will receive a certificate.

What information is required to register?

The Form FRR requires the PCFR to disclose:

- The name, business mailing address, and regular occupation or business of the Fundraiser;
- The resident mailing address of a State resident designated as the fund raiser's agent for the service of process (this is only required if the business address is not located in New Jersey);

- A brief description of the general nature of the services to be offered; some examples may include event planning, organizing and maintaining a donor database and donor correspondence;
- The dates and locations of each fund raising event the person planned or organized, or was involved in the planning or organizing of, or attended that qualify him/her as a Professional Campaign Fundraiser;
- The amount of money the person raised at each event;
- The name of each individual employed by the professional campaign fund raiser who receives monetary compensation of at least \$5,000 per year from the fund raiser to perform for any candidate or committee, or both, any service directly related to the solicitation of contributions for that candidate or committee, or both.*

Note: These individuals are **not "Professional" Campaign Fundraisers because they do not meet the definition of a "Professional Campaign Fundraiser." The reach of the law is for those persons who are truly fundraising **professionals** (emphasis added). "Professional" is defined in Black's Law Dictionary (Eighth Edition, 2004) as a "person who belongs to a learned profession or whose occupation requires a high level of training or proficiency." The inclusion of the word "Professional" in the title "Professional Campaign Fundraiser" indicates that the title applies only to those persons who have experience in fundraising or who are hired because they hold themselves out as having expertise in fundraising techniques or tactics. Therefore, the definition of "Professional Campaign Fundraiser" should not be applied so broadly that each employee of a campaign or committee who is paid \$5,000 per year and undertakes some tasks related to fundraising would be required to register as a "Professional Campaign Fundraiser." To read the definition to include "any service" related to fundraising, such as stuffing solicitation envelopes or collecting tickets at the door of a fundraising event, would inappropriately include too many campaign or committee staff members in the ambit of the "Professional Campaign Fundraiser."*

III. Reporting

After registration, a Fundraiser is required to file a Professional Campaign Fundraiser Quarterly Report of his/her activities and expenditures on **Form FRQ**. The Form FRQ is filed on the 15th of April, July, October, and January of each year. If the 15th of any of these months falls on a holiday or weekend, the next business day becomes the filing due date.

What is reported on the FRQ?

The Form FRQ requires the PCFR to disclose:

1. The name of each candidate or committee for which fund raising services were provided;
2. The specific services provided to each named candidate or committee;
3. The gross and net amounts raised for each named candidate or committee;

4. The amount of compensation received by the professional campaign fund raiser from each candidate or committee;
5. An itemized list of expenditures made in connection with providing fundraising services.

The fundraiser must fill out his/her business contact information and certify the correctness of the report.

Note: A quarterly report is still required even if no activity was performed in the quarter. There is a checkbox on the form to indicate no activity.

A professional campaign fund raiser must continue to file quarterly reports regardless of the number of events that person plans, organizes or attends, or the amount of contributions that person receives, as long as the person remains employed, retained, or engaged as a professional fund raiser, and until such time as the professional campaign fund raiser terminates.

IV. Termination

How does a Fundraiser terminate?

A Fundraiser who terminates **all** fundraising activities in the State of New Jersey must file the Professional Campaign Fundraiser Notice of Termination, **Form FRT**. The Form FRT must be filed within 30 days of the termination of fundraising services.

Does anything need to be included with the Form FRT?

Please note that if you terminated and the effective date of termination fell within the quarter, Form FRQ is required for that quarter

V. Renewal

What is the renewal process?

Each year, registered Professional Campaign Fundraisers are required to pay an annual registration fee. The annual registration fee for the calendar year is \$1,000 and is due no later than **January 31st**. The requirement to register and pay the \$1,000 fee applies to each individual who meets the definition and reporting thresholds of a Professional Campaign Fundraiser.

VI. Frequently Asked Questions

What are the requirements for employees of Professional Fundraisers?

Employees who do not meet the registration criteria do not have to register, but the names of these employees must be disclosed on the Professional Campaign Fundraiser Registration Statement (Form FRR). If, however, an employee who is compensated at least \$5,000 per year in the aggregate to perform any service directly related to the solicitation of contributions for a candidate and/or committee and subsequently meets one of the thresholds, that employee must register, pay the \$1,000 registration fee, and file reports; simply having the name of the employee listed on the registration of the Fundraiser/employer does not satisfy the registration process.

Can a corporation performing fundraising tasks register once and pay a single \$1,000 fee to cover the registration of all of the professional campaign fundraisers employed by the corporation?

No. The requirement to register and pay the \$1,000 fee applies to each individual who meets the definition and reporting thresholds of a Professional Campaign Fundraiser.

Is the \$5000 compensation amount individual or collective?

Collective - The fee is assessed per person, if a Fundraiser is collectively compensated over \$5000 by two (or more) firms, then he/she would be required to register and pay the fee only once.

Can a firm pay the fee for all of the individual employees?

Yes. One check can be written for all of the registered Fundraisers.

If a person is paid for more services than just Fundraising, how should they separate their time?

Report the pro-rata percent of time related to fundraising.

Can a firm file a single report for multiple Fundraisers?

No. Fundraisers currently must file their own certified reports, even if the same information is included on each report.

Is compensation reported when it is billed or paid?

Compensation is reported in the quarter that the Fundraiser receives payment.

Does a Fundraiser report the total amount raised from an event or the total amount that he/she raised?

The total amount raised by the Fundraiser. For example, if a committee organizes an annual event and the Fundraiser is only involved in soliciting at the event, then the Fundraiser would only report the amount he/she raised.

If a PCFR, employed by a Legislative Leadership Committee (LLC) or Political Party Committee (PPC), were to provide services for individual candidates without charge, would the candidate need to report the services as an in-kind contribution from the LLC or PPC?

Yes.

VII Record Keeping

All records, along with an exact copy of each report as that report has been filed with the Commission, must be maintained for a period of four years after the date of the election to which they are relevant, or a period of four years after the transaction to which the records relate occurred, whichever is longer.

VIII Enforcement

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.

IX Forms and Instructions



Professional Campaign Fundraiser REGISTRATION STATEMENT

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

P.O. Box 185, Trenton, NJ 08625-0185
(609) 292-8700 or Toll Free Within NJ 1-888-313-ELEC (3532)
Website: <http://www.elec.state.nj.us/>

FORM FRR
FOR STATE USE ONLY

PLEASE PRINT OR TYPE

1. Professional Campaign Fundraiser

Name of Professional Campaign Fundraiser

Business Name

Business Address (Number & Street) (check if different than previously reported)

Business Address (City, State & Zip Code)

Day Telephone (with Area Code)*

Evening Telephone (with Area Code)*

Regular Occupation or Business

Registration #

2. Type of Report

Initial Registration Amendment (please specify) _____

3. Service of Legal Process - Name and Resident Address of a New Jersey Resident Who Has Been Designated as the Professional Campaign Fundraiser's Agent for the Service of Legal Process

Name

Address (Number & Street)

Address (City, State & Zip Code)

4. General Nature of the Services

Briefly Describe the Services You Will Provide as a Professional Campaign Fundraiser

5. Fundraising Events

Date of Event

Location of Event

Address (Number & Street)

Address (City, State & Zip Code)

Amount(s) Raised at Event
\$

Describe Event

Attach Additional Sheets if Required

5. Fundraising Events (cont.)

Date of Event	Location of Event
---------------	-------------------

Address (Number & Street)

Address (City, State & Zip Code)

Amount(s) Raised at Event \$	Describe Event
---------------------------------	----------------

Date of Event	Location of Event
---------------	-------------------

Address (Number & Street)

Address (City, State & Zip Code)

Amount(s) Raised at Event \$	Describe Event
---------------------------------	----------------

6. Employees of the Fundraiser - Please List the Name of Each Individual Employed By the Professional Campaign Fundraiser Who Receives Monetary Compensation of At Least \$5,000 Per Year to Perform Any Service Directly Related to the Solicitation of Contributions for a Candidate or Committee.

Name of Individual

Address (Number & Street)

Address (City, State & Zip Code)

Day Telephone (with Area Code)*	Evening Telephone (with Area Code)*
---------------------------------	-------------------------------------

Name of Individual

Address (Number & Street)

Address (City, State & Zip Code)

Day Telephone (with Area Code)*	Evening Telephone (with Area Code)*
---------------------------------	-------------------------------------

Name of Individual

Address (Number & Street)

Address (City, State & Zip Code)

Day Telephone (with Area Code)*	Evening Telephone (with Area Code)*
---------------------------------	-------------------------------------

Attach Additional Sheets if Required**Professional Campaign Fundraiser Certification**

I certify that the statements on this document are true and correct. I am aware that if any of the statements on this document are willfully false, I may be subject to punishment.

Signature of Professional Campaign Fundraiser

Date

Print Full Name of Professional Campaign Fundraiser

Professional Campaign Fundraiser Registration Statement
(Form FRR)
Instructions

Page One

1. Professional Campaign Fundraiser

Name of Professional Campaign Fundraiser

Enter the name of the individual who is registering as a Professional Campaign Fundraiser.

Business Name and Address

Enter the business name and mailing address of the Professional Campaign Fundraiser.

Telephone Number

Enter the day and evening business telephone numbers of the Professional Campaign Fundraiser. Leave these fields blank if the telephone numbers are unlisted.

Regular Occupation or Business

Enter the occupation of the Professional Campaign Fundraiser. For example, entries such as “consultant” or “fundraiser” are acceptable. Descriptions such as “self-employed,” “owner,” or “sole proprietor” do not identify occupation and are insufficient.

Registration #

Enter the registration number which has been assigned to the Professional Campaign Fundraiser by ELEC. Note: if this is an initial registration, leave this field blank; a registration number will be assigned to the Fundraiser when the registration process has been completed.

2. Type of Report

Place a check (✓) in the box “Initial Registration” if registering as a Professional Campaign Fundraiser. If this report amends a previously filed Form FRR, specify the reason for the amendment such as “change of address” or “change of business name.”

3. Service of Legal Process

Enter the name and resident mailing address of a resident of the State of New Jersey designated as the Fundraiser's agent for the service of process. Only complete this section if the Professional Campaign Fundraiser or his/her business is not located within New Jersey.

4. General Nature of Services

Describe the general nature of the services that will be provided by the Professional Campaign Fundraiser.

5. Fundraising Events

Provide all the information related to the campaign fundraising event(s) that the Professional Campaign Fundraiser attended, planned, or organized, or were involved with, that qualify him/her as a Professional Campaign Fundraiser.

Enter the date of the event in the field labeled "Date of Event." If the same event is occurring over multiple dates, either list the individual dates or enter "multiple dates between ____." If a specific date has not yet been scheduled for an event, enter either "TBD," for to be determined, or the month in which the event is intended to be held.

The location of an event (for example "ABC Regency Hotel" or "home of John Jones") must be entered in the field labeled "Location of Event." Enter the address of this location.

Enter the gross amount of money raised at each event in the field labeled "Amount(s) Raised at Event."

In the field labeled "Describe Event," provide a brief description of the event. Some examples of acceptable entries are "dinner," "coffee with the candidate," "Anytown's picnic," or "phone solicitations."

Note: This section continues on page two of Form FRR and additional sheets may be attached if necessary.

Page Two

6. Employees of the Fundraiser

List the name of each individual employed by the Professional Campaign Fundraiser who receives monetary compensation of at least \$5,000 per year in the aggregate to perform any service directly related to the solicitation of contributions for a candidate or committee. These individuals are **not** "Professional" Campaign Fundraisers because they do not meet the definition of a "Professional Campaign Fundraiser." Enter "none" if the

Fundraiser is an individual and does not have employees, or if none of the employees of the Fundraiser are compensated at least \$5,000 per year to perform any service directly related to the solicitation of contributions for a candidate or committee.

Certification

The Professional Campaign Fundraiser must certify Form FRR by signing and dating where indicated and by printing his/her full name.

Filing Instructions

Mail the completed Form FRR, with a check in the amount of \$1,000 payable to the “State of New Jersey, Election Law Enforcement Commission” to one of the addresses listed below. Do not send the check under separate cover; the check must accompany Form FRR.

Regular, U.S. Mail:

ELEC
P.O. Box 185
Trenton, New Jersey 08625-0185.

Commercial Carrier (FedEx, DHL, UPS, etc.):

ELEC
28 West State Street – 13th Floor
Trenton, NJ 08608

For questions concerning the registration process, contact the Compliance Staff of the Commission, toll free within NJ at: 1 (888) 313-ELEC, or at (609) 292-8700.



Professional Campaign Fundraiser QUARTERLY REPORT

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

P.O. Box 185, Trenton, NJ 08625-0185
(609) 292-8700 or Toll Free Within NJ 1-888-313-ELEC (3532)
Website: <http://www.elec.state.nj.us/>

FORM FRQ

Registration # _____

Report Quarter

- Apr. 15, _____
 Jul. 15, _____
 Oct. 15, _____
 Jan. 15, _____

PLEASE PRINT OR TYPE

Name of Professional Campaign Fundraiser _____

Check If No Activity This Quarter

Business Name _____

FOR STATE USE ONLY

Business Address (Number & Street) (check if different than previously reported)

Business Address (City, State & Zip Code) _____

Day Telephone (with Area Code)* _____

Evening Telephone (with Area Code)* _____

Check if Amendment

Amendment (please specify) _____

Professional Campaign Fundraiser's Certification

I certify that the statements on this document are true and correct. I am aware that if any of the statements on this document are willfully false, I may be subject to punishment.

Signature of Professional Campaign Fundraiser

Date

Print Full Name of Professional Campaign Fundraiser

Recipient of Professional Campaign Fundraiser's Services

Please use a separate page for each candidate or committee

Name of Recipient Candidate or Committee

Amount(s) Raised This Period (Gross) \$	Amount(s) Raised This Period (Net) \$	Compensation Received By Fundraiser For This Period \$
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Specific Services Provided

Itemized Expenditures

PAYMENT DATE	PAYEE NAME AND ADDRESS	PURPOSE OF EXPENDITURE	AMOUNT
			\$

"Total" reflects all expenditures made on behalf of the candidate or committee named above. Total \$ _____

Professional Campaign Fundraiser Quarterly Report
(Form FRQ)
Instructions

Page One

Name of Professional Campaign Fundraiser

Enter the name of the individual who is registered as a Professional Campaign Fundraiser.

Business Name and Address

Enter the business name and mailing address of the Professional Campaign Fundraiser.

Telephone Number

Enter the day and evening business telephone numbers of the Professional Campaign Fundraiser. Leave these fields blank if the telephone numbers are unlisted.

Registration #

Enter the registration number assigned to the Professional Campaign Fundraiser by ELEC.

Report Quarter

Check only one box to indicate the quarterly period. The April 15 period starts on January 1 and ends on March 31; the July 15 period starts on April 1 and ends on June 30; the October 15 period starts on July 1 and ends on September 30; and, the January 15 period begins on October 1 and ends on December 31. Please enter the relevant calendar year. Note that the 4th quarter (January) report will indicate the subsequent calendar year.

No Activity

If the Professional Campaign Fundraiser engaged in no activity during the quarter, this box must be checked. Note: If you are reporting no activity on this particular report, you must still indicate the quarter in which you are reporting no activity. After the Fundraiser completes this page and certifies the report by signing and dating where indicated, page two need not be completed.

Amendment

Place a check (✓) if this report amends a previously filed Form FRQ. Specify the reason for the amendment such as “change of amount raised.”

Professional Campaign Fundraiser’s Certification

The Professional Campaign Fundraiser must certify Form FRQ by signing and dating where indicated and by printing his/her full name.

Page Two

Use a separate page two for each candidate or committee receiving services.

Name of Recipient Candidate or Committee

Enter the name of the candidate or committee that received services during the quarter. *The questions that follow pertain to the candidate or committee named in this field. Use a separate page two for each candidate or committee receiving services.*

Amount(s) Raised This Period (Gross)

Enter the total amount of money raised through fundraising events.

Amount(s) Raised This Period (Net)

To find the net amount raised subtract the amount of expenses incurred from the gross amount raised. Expenses include the salary or compensation paid to the Professional Campaign Fundraiser.

Compensation Received by the Professional Campaign Fundraiser for this Period

Enter the amount of compensation paid this period to the Professional Campaign Fundraiser.

Specific Services Provided

Briefly describe the nature of the services provided by the Professional Campaign Fundraiser. Examples of descriptions include, “planning, organizing and/or attended a dinner to solicit campaign contributions,” or “direct mail solicitation.”

Itemized Expenditures

Itemize all expenditures made in connection with the fundraising services for the candidate/committee by providing the payment date, name and address of the payee, the purpose of the expenditure, and the amount of the expenditure.

Total

The “Total” reflects all expenditures made on behalf of the candidate or committee.

Filing Instructions

Form FRQ must be physically received by ELEC on or before the filing due date. Postmarks are not used to determine the date of filing.

Mail the completed Form FRQ to one of the addresses listed below:

Regular, U.S. Mail:

ELEC
P.O. Box 185
Trenton, NJ 08625-0185

Commercial Carrier (FedEx, DHL, UPS):

ELEC
28 West State Street – 13th Floor
Trenton, NJ 08608

For questions concerning the completion of Form FRQ, contact the Compliance Staff of the Commission, toll free within NJ at: 1 (888) 313-ELEC, or at (609) 292-8700.



**Professional Campaign Fundraiser
NOTICE OF TERMINATION**

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION
P.O. Box 185, Trenton, NJ 08625-0185
(609) 292-8700 or Toll Free Within NJ 1-888-313-ELEC (3532)
Website: <http://www.elec.state.nj.us/>

FORM FRT
FOR STATE USE ONLY

PLEASE PRINT OR TYPE

Name of Professional Campaign Fundraiser	Registration #
--	----------------

Business Name

Business Address (Number & Street) <input type="checkbox"/> (check if different than previously reported)

Business Address (City, State & Zip Code)

Day Telephone (with Area Code)*	Evening Telephone (with Area Code)*
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Professional Campaign Fundraiser Notice of Termination

Notice is hereby given that my services as a Professional Campaign Fundraiser in the State of New Jersey are terminated and I am no longer employed, retained, or engaged to perform any service directly related to the solicitation of contributions for a candidate or committee pursuant to N.J.S.A. 19:44A-19.2.

Signature of Professional Campaign Fundraiser

Date

Print Full Name of Professional Campaign Fundraiser

Effective Date of Termination



Professional Campaign Fundraiser Notice of Termination **(Form FRT)** **Instructions**

Name of Professional Campaign Fundraiser

Enter the name of the individual who is registered as a Professional Campaign Fundraiser.

Registration #

Enter the registration number which has been assigned to the Professional Campaign Fundraiser by ELEC.

Business Name and Address

Enter the business name and mailing address of the Professional Campaign Fundraiser.

Telephone Number

Enter the day and evening business telephone numbers of the Professional Campaign Fundraiser. Leave these fields blank if the telephone numbers are unlisted.

Professional Campaign Fundraiser Notice of Termination

Any Professional Campaign Fundraiser who registers with the Commission pursuant to N.J.S.A. 19:44A-19.2 1(b) must re-register annually *regardless* of the number events that person plans, organizes or attends, or the amount of contributions that person receives as long as the person remains employed, retained or engaged as a Professional Campaign Fundraiser.

A Professional Campaign Fundraiser may terminate his/her registration only if the Fundraiser is no longer employed, retained, or engaged to perform any service directly related to the solicitation of contributions for a candidate or committee.

To terminate the Professional Campaign Fundraiser status, the Fundraiser must complete Form FRT, certify by signing and dating where indicated, and by printing his/her full name.

Filing Instructions

Mail the completed Form FRT to one of the addresses listed below.

Regular, U.S. Mail:

ELEC
P.O. Box 185
Trenton, NJ 08625-0185

Commercial Carrier (FedEx, DHL, UPS):

ELEC
28 West State Street – 13th Floor
Trenton, NJ 08608

For questions concerning the completion of Form FRT, contact the Compliance Staff of the Commission, toll free within NJ at: 1 (888) 313-ELEC, or at (609) 292-8700.