

Commissioners:

Ronald DeFilippis, Chairman
 Walter F. Timpone, Vice Chairman
 Amos C. Saunders, Commissioner
 Edwin R. Matthews, Legal Counsel

ELEC-Tronic

AN ELECTION LAW ENFORCEMENT COMMISSION NEWSLETTER

"Furthering the Interests of an Informed Citizenry"

Election Law Enforcement Commission, P.O. Box 185, Trenton, NJ 08625
www.elec.state.nj.us (609) 292-8700 - Toll Free Within NJ 1-888-313-ELEC (3532)

Directors:

Jeffrey M. Brindle
 Joseph W. Donohue
 Carol L. Hoekje
 Amy F. Davis
 Carol Neiman
 Linda White
 Todd J. Wojcik
 Shreve Marshall
 Christopher Mistichelli

Comments from the Chairman Ronald DeFilippis

What do you do when you've volunteered to be treasurer for a political party committee and you know little or nothing about New Jersey's campaign finance laws?

The first thing: don't panic. The New Jersey Election Law Enforcement Commission (ELEC) has several ways to ease you into the job and make for a smooth transition.

If you have access to a computer, which most do, take the initial step of accessing the Commission's website at www.elec.state.nj.us.

When doing this, you will be given several options. Click onto the Candidates & Committees tab.

Additional tabs will appear. They include Forms & Instructions, Contribution Limits, Reporting Dates, Seminar Training, Treasurer Training, Electronic Filing, and Summary of the Law.

INSIDE THIS ISSUE

1. Comments from the Chairman
2. Executive Director's Thoughts
6. Elias J. Amaya "Profile"
7. Training Seminars
7. Lobbying Reporting Dates
7. Reporting Dates

If it were me, I would first click onto Reporting Dates. In this way, you will get a sense of when reports must be filed, which in the case of a political party committee is quarterly; January 15, April 15, July 15, and October 15.

Next, become familiar with the law by downloading the "Summary of the Law" and reading through it. This exercise will lay the groundwork for the next step, which is to review the manual applicable to political party committees.

The manual provides a summary of requirements, which will reinforce that which you read in the Summary of the Law, a contribution limits chart, and registration and reporting forms.

If you are having difficulty in understanding any part of the law or its requirements (the law is complex), now is the time to contact the Commission.

By calling 609-292-8700 or toll free at 888-313-ELEC (3532) a live receptionist will answer your call and direct you to the appropriate compliance officer.

The Commission's trained compliance officers will walk you through the manual and answer any questions that you may have.

By speaking with a compliance officer areas of complexity can be clarified and future problems avoided.

Following your conversation with a compliance officer, he or she may suggest that you attend one of ELEC's political party committee information seminars. These seminars are generally held at the Commission's offices in Trenton, but at request may be held in various locations throughout the State.

Upcoming training seminars are scheduled for 10:00 am on Monday, September 16, 2013 and Wednesday, December 11, 2013 in Trenton.

Another option is for treasurers to undergo online training with a test to follow. This training is mandatory for treasurers of state political party committees but optional for those serving county and municipal party committees.

Upon passing the test, a treasurer training identification number and certificate will be issued.

In certain instances, the outgoing treasurer of your political party committee may have left you a mess to clean up. While this doesn't happen often it does occur.

Again, there is no reason to panic. If this happens, our compliance officers will meet with you personally and work with you to straighten out whatever issues you may have inherited.

As the new treasurer you are not responsible or liable for any violations or mistakes that were incurred during the term of the previous treasurer.

But in any case, it is worth your while to correct previous problems to make sure your committee is functioning properly.

The operative word is "ask." If you have questions our staff is available to help. We encourage participation in the political process and we want to make that participation as pain free as possible.

Executive Director's Thoughts Jeff Brindle

This is a reprint of testimony I gave before a Committee of the Pennsylvania House of Representatives in 1994.

It is about New Jersey's Gubernatorial Public Financing Program.

What was stated continues to apply to today's program. Moreover, certain concerns expressed over independent expenditures and disclosures remain today.

TESTIMONY ON HOUSE BILL 2873

HOUSE STATE GOVERNMENT COMMITTEE PENNSYLVANIA HOUSE OF REPRESENTATIVES

July 27, 1994

By: Jeffrey M. Brindle, Deputy Director

New Jersey Election Law Enforcement Commission

In New Jersey, we have just completed the fifth go-round of the gubernatorial public financing program.

The program went into effect during the 1977 general election for governor and has been an important part of every primary and general election for governor since that time.

Goals of the Program

When our public financing program was designed, it was done so with two goals in mind: 1. to eliminate undue influence from the process; and 2. to permit candidates of limited means to run for the state's highest office.

Those goals have not changed. Moreover, we believe they have been accomplished. The program has kept the appearance and reality of improper influence out of the gubernatorial electoral process and has permitted many qualified candidates, who might otherwise have not been able to seek the governorship, to mount strong campaigns.

A Gubernatorial Program only

Public financing in the state reaches only as far as campaigns for governor. Though the New Jersey Election Law Enforcement Commission has proposed the financing of legislative elections, the enactment of that proposal has not been realized.

There are reasons why support for public financing has extended only to gubernatorial elections.

First, the Office of the Governor is the only statewide office in New Jersey. There are no elections for treasurer, comptroller, attorney general etc. These officials are appointed by the governor, who, in the Garden State, is invested with very significant powers of office. The Office of the Governor in New Jersey is perhaps the most powerful of its kind in the nation. For this reason public support for the financing of gubernatorial contests has been consistently strong. Citizens desire that an electoral process that concludes with an individual being elected to this unusually powerful position be beyond reproach. To that end, public financing has made a great contribution.

The second reason public financing covers only gubernatorial races is that there is concern that it would be too costly to expand public financing to legislative elections, especially during this time of budgetary restraint. To maintain the viability of a public financing program, enough money must be available to allow candidates to mount effective campaigns. Also, enough funding must be available to create a situation wherein significant public dollars are matched against private ones. To establish a solid program for legislative candidates at this time is not economically feasible.

Finally, political and philosophical concerns have contributed to the lack of enthusiasm for a legislative funding program. Very simply, some officials are philosophically opposed to funding campaigns with taxpayer dollars. Others feel that it is in their best interest to maintain the status quo.

Future of Gubernatorial Funding in New Jersey is Bright

Needless to say, the expansion of public funding beyond the governor's race does not seem probable at this time. On the other hand, the future of public financing for gubernatorial elections remains bright.

The experience of public financing at the gubernatorial level has been a very positive one. Beyond the reasons stated above, it is my opinion that the gubernatorial program has retained the support of New Jerseyans and been successful because of the intelligent way in which it was initially framed, and subsequently modified.

First and foremost, the drafters of the program stipulated that participants meet a qualification threshold before being deemed eligible to receive matching funds. In other words, a test of "candidate viability" was included in the law. If a candidate was unable to raise \$40,000 in private money in 1977 then the statute viewed this candidacy as nonviable. The effect of this provision has been to assure the public that its money is being spent wisely.

Secondly, the drafters included a 2/1 matching ratio of public-to-private dollars. In other words, for every dollar raised privately, two public dollars are distributed to qualifying candidates. This measure guaranteed that candidates would receive enough public money to make it worth their while. It also guaranteed that the overall ratio of public dollars to private dollars was substantial enough to contribute to the state's goal of eliminating undue influence from the process.

Thirdly, those who developed the program included caps that limited the amount of public money that could be dispersed to each qualifying candidate. This provision insured that public spending on this program would not escalate to the point at which the state budget could no longer underwrite its costs. It had the effect also of requiring candidates to continue to demonstrate widespread support through ongoing collection of private contributions.

Fourthly, the drafters imposed contribution limits on gubernatorial candidates, whether or not those candidates participated in the public financing program. This provision not only was the heart-and-soul of the effort to fulfill the programmatic objective of eliminating any undue influence from the process, but also served as an inducement for candidates to participate in the financing program.

Fifth, the framers of the program imposed expenditure limitations, which, for the most part, have been high enough to permit qualifying candidates to run effective campaigns for office. In addition, for many people with concerns about the

high cost of campaigning, the expenditure limits have eased their concerns with respect to gubernatorial races.

Finally, the drafters of the original program included a tax check-off provision which has served as a weather vane in terms of public support for the program.

Future of Program in Doubt in 1989

I might add, at this point, that at one time in its history, some people, myself included, believed that the future of the public financing program was in jeopardy.

Why? Because prior to the 1989 gubernatorial elections, the program was still operating with thresholds and limits that were applicable to the 1981 election, and in some instances to the 1977 election. These limits were in desperate need of adjustment upward. The costs of running for governor by now had greatly outpaced the contribution limitations, expenditure limitations, public funds caps and qualifying thresholds contained in the law. In a word, if these artificially low thresholds and limits would have remained in place through the 1989 elections, the concern was that there would be both a drop in participating candidates and an increase in independent expenditures.

Program Amended

Not only did the Legislature pay attention to the long-held recommendations of the Election Law Enforcement Commission, but it went even further.

While maintaining the basic elements of the gubernatorial program, the Legislature effectively remade it into perhaps the most generous of its kind in the nation. Contribution limits were doubled, the qualification threshold was tripled, the public funds caps for both primary and general elections were more than doubled, resulting in a program that distributed proportionately more public dollars than private dollars, and expenditure limits were doubled.

In the end, this legislative action ensured that in 1989, at least, candidates would continue to participate, and the program would continue to be a realistic one.

Inflation Index

Beyond these measures, the Legislature took another important step, one of lasting consequence. To guarantee that the public financing program would keep pace with campaign costs, the Legislature adopted a Commission recommendation to index the Program's thresholds and limits to a campaign cost inflation index. Thus, every four years the program is adjusted for inflation, eliminating the possibility that its thresholds and limits ever become outmoded and unrealistic.

The Debate Law

One other change occurred. The law now requires any candidate receiving public funds to participate in two debates, both in the primary and then in the general election. This provision is unusual, but it has resulted in a full-scale airing of candidate views and has been extremely healthy for the process.

I might add that the United States Supreme Court, in its 1976 Buckley v. Valeo decision, wrote that the Federal Election Campaign Act is: "... a congressional effort, not to abridge, restrict, or censor speech, but rather to use public money to facilitate and enlarge public discussion and participation in the electoral process, goals vital to a self-governing people. Thus, [it] furthers, not abridges, pertinent First Amendment Rights."

Certainly, this debate provision has contributed to the improvement of public financing in New Jersey, furthering the discussion of vital issues.

Elements of a Successful Program

In my remarks so far, I have attempted to briefly summarize our experience with public funding in New Jersey, which, again, has been very successful and positive.

Let me conclude by drawing upon that experience in making some observations about what I think constitute the ingredients of a successful program.

First, and foremost, it is paramount that the concept enjoy significant support among the electorate. Without this support, a program that is viable and adequately funded cannot be sustained. As mentioned above, New Jerseyans have supported gubernatorial funding to a significant degree.

Second, a solid funding source must be established to make enough money available to candidates so as to encourage participation in the program and to enable these candidates to run effective campaigns. Whether public dollars are distributed for the purpose of providing start-up costs to candidates, or distributed to provide the bulk of their funds, the amounts should be substantial enough to make the program attractive to candidates able to qualify.

Third, accountability, how funds are administered, and how they are spent, must be built into the program. To this end an adequate appropriation should be made to the administering agency to enable it to hire auditing staff, install and develop computer hardware and software, purchase supplies, and contract for postelection independent audits. If the public is confident that the money is spent properly, support for the program will continue.

Fourth, a test of "candidate viability" should be included in the statute. While independent candidates, for instance, are generally not enamored with this test, in my view it is essential to a serious public financing program. I truly wonder how long the taxpayers would support a program that distributed their money to candidates who in the end received under a half of a percent of the vote. New Jersey's "qualifying threshold" opens the program to all that can meet that threshold test of viability.

Fifth, contribution limits are a fundamental part of any public funding program. These limits are essential to the goal of eliminating the appearance and/or the reality of undue influence and to increasing the public's trust in the governmental process. Keep in mind that these limits should be high enough, however, so that the process of raising money is not so burdensome as to necessitate the candidate spending all of his or her time on fundraising. On the other hand, they should not be so high as to not be credible.

Sixth, in my view a public financing program should not contain expenditure limits. Contribution limits are the key to keeping improper influence out of the process, not expenditure limits. If a candidate can demonstrate wide-support through the collection of large quantities of small contributions, it is much better to keep those dollars under the control and

management of the campaign rather than have them diverted to independent expenditures, issue campaigns related to candidates' positions, and soft money. Restricting spending means restricting free speech and may result in less disclosure. It may also result in a greater tendency for candidates to depend solely on negative advertising, because this type of advertising has proven to be more cost-effective than positive types of advertising campaigns. In my opinion the public is better served by increased public dialogue, not less.

I might add that my Commission, though for most of its history urged the elimination of expenditure limits, currently supports them. But the members acknowledge that these limits should be high enough to permit effective campaigns.

Seventh, private funds should be matched by public funds and a public funds cap should be in place. These provisions demonstrate to the public that candidates continue to be viable and further deserve to receive public funds. They also guarantee that the cost of the program will not increase to the point at which it can no longer be supported.

Finally, under public funding, there should be a limit on the use of personal funds by the candidates, an inflation adjuster, and a provision requiring participating candidates to debate. Moreover, public funding should cover both primary and general elections and be subject to use guidelines.

Conclusion

In conclusion, I appreciate the opportunity to share with you New Jersey's experience and to offer some personal views as to how a public financing program should be structured—at least in its broad outline. We have had a successful experience in New Jersey and it is indeed a pleasure to discuss it, and public financing in general, with this committee. If you have any questions or comments I certainly will be happy to respond.

Elias J. Amaya "Profile" [Information Technology Specialist](#)

By Joe Donohue, Deputy Director

As a boy in Nicaragua during the 1980s, Elias Amaya recalls taking the bus to school and seeing camouflaged tanks hiding from American spy planes.

While the Contra War remains a vivid memory and the reason his family left the Central American nation, another impression also stuck with him- the corruption of the dictatorships in the region.

"We think there's corruption here. There's so much corruption out there," said Amaya, an Information Technology Specialist at the New Jersey Election Law Enforcement Commission (ELEC).

Amaya is part of a temporary staff hired for two-year periods to implement the state's Gubernatorial Public Financing program, which was formed in 1977 to help avoid even the appearance of corruption in New Jersey's gubernatorial elections. He performed the same job during the 2009 governor's race.

Amaya's main role is to help campaign computer staff and others install and operate the Gubernatorial Electronic Filing System (GEFS), a program that enables gubernatorial candidates to electronically file reports on their fundraising activities.

"It's not just how to use it. It is knowing compliance," Amaya said.

Candidates who qualify for public funds are subject to a rigorous review by ELEC staff, he said. Campaigns must thoroughly document all their contributions and expenses.

"Compliance is everything. If you aren't in compliance, you aren't going to get matched, and that's what these campaigns are trying to do," said Amaya.

Campaigns are under tremendous pressure and a technical snag can put staff on edge. Part of Amaya's job is to help them work through their issues.

"I think of myself as a problem solver. After you solve the problem, then you are a super-hero," he said. One of the main things he preaches is for candidates to make multiple backups of their campaign data, and to be careful to protect them.

After leaving Nicaragua in the mid-1980s, Amaya and his family first lived in Miami, Fla. One reason his father Mario left his native land was because as the war dragged on, more young men were being drafted into the military. "Dad had been in the Army and he didn't want that for myself or my brother," he said.

The family relocated to central New Jersey in 1989.

After graduating from Trenton High School, Amaya attended Mercer County Community College and obtained an associates degree in architecture. He attended Temple University between 2001 and 2005 and earned a bachelors of science degree in information science.

Amaya worked at a small international firm in Lakewood, and then worked on the IT staff of Cabrini College near Philadelphia before coming to ELEC in 2008.

He is engaged to his fiancé, Nicole, and has a four-month old son, Noah.

Not surprisingly given his interest in computers, he enjoys online, multi-player computer games. His current favorite- Modern Warfare 3, which he plays with a cousin who lives in North Carolina.

Another pastime is reading. He currently is ploughing through the lengthy Game of Thrones fantasy series, and enjoys adventure novels of Dan Brown.

Baseball is the most popular sport in Nicaragua, and Amaya has become an avid Phillies fan. He likes football but is primarily a Pittsburgh Steelers fan.

Training Seminars

The seminars listed below will be held at the Offices of the Commission, located at 28 West State St., Trenton, NJ. Please visit ELEC's website at <http://www.elec.state.nj.us> for more information on training seminar registration.

	TRAINING DATES	TIME
BUSINESS ENTITY PAY-TO-PLAY TRAINING	September 23 rd , 2013	10:00 a.m.
	November 18 th , 2013	10:00 a.m.
TREASURER TRAINING FOR CANDIDATES AND JOINT CANDIDATES COMMITTEES	September 10, 2013	10:00 a.m.
	September 25, 2013	10:00 a.m.
	September 30, 2013	10:00 a.m.
TREASURER TRAINING FOR POLITICAL PARTY COMMITTEES AND PACS	September 16, 2013	10:00 a.m.
	December 11, 2013	10:00 a.m.
R-1 ELECTRONIC FILING SOFTWARE (REFS) TRAINING	September 11, 2013	10:00 a.m.
	September 19, 2013	10:00 a.m.
	October 2, 2013	10:00 a.m.

Lobbying Reporting Dates

	INCLUSION DATES	ELEC DUE DATE
LOBBYING QUARTERLY FILING		
3 rd Quarter	7/1/13 – 9/30/13	10/10/13
4 th Quarter	10/1/13 – 12/31/13	1/10/14

Reporting Dates

	INCLUSION DATES	REPORT DUE DATE
General Election*** - 11/5/2013		
29-day pre-election	6/22/13 - 10/4/13	10/7/2013
11-day pre-election	10/5/13 - 10/22/13	10/25/2013
20-day post-election	10/23/13 - 11/22/13	11/25/2013
48 Hour Notice Reports Start on 10/23/13 through 11/5/13		
90 Day Start Date: 8/7/13		
Runoff Election** - 12/3/2013		
29-day pre-election	No Report Required for this Period	
11-day pre-election	10/23/13 - 11/19/13	11/22/2013
20-day post-election	11/20/13 - 12/20/13	12/23/2013
48 Hour Notice Reports Start on 11/20/13 through 12/3/13		
PACs, PCFRs & Campaign Quarterly Filers		
3 rd Quarter	7/1/13 - 9/30/13	10/15/2013
4 th Quarter	10/1/13 - 12/31/13	1/15/2014

** A candidate committee or joint candidates committee that is filing in a 2013 Runoff election is not required to file a 20-day post-election report for the corresponding prior election (May Municipal or General).

*** Form PFD-1 is due on April 11, 2013 for Primary Election Candidates and June 14, 2013 for Independent General Election Candidates.