



Newsletter

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

Comments from the Chairman

Eric H. Jaso

American youth attributes much more importance to arriving at driver's-license age than at voting age. – Marshall McLuhan

Though not widely known, children are allowed to make political contributions under New Jersey's campaign finance laws. If a child is under the age of 14 any contribution by the child is to be attributed to the child's legal guardian. However, if the minor is 14 years or older and has not reached his/her majority age, contributions are subject to the following guidelines.

1. The individual must be 14 years or older;
2. The contribution must be made from funds derived from the minor's earned income; and

3. Sworn statements made by the minor and by the minor's parent or legal guardian must be submitted with the contribution attesting that the decision to contribute is solely that of the minor and that the funds used to make the contribution derive solely from the minor's earned income.

ELEC promulgated these regulations to ensure that contributions attributed to minors are not used by their parents or others to circumvent contribution limits. By requiring that donations come from the minor's earned income and that contributions be accompanied by a sworn affidavit, the Commission has made compliance with the law as airtight as possible. On the other hand, by permitting contributions from minors, the Commission's regulations do not run afoul of the First Amendment.

When a contribution is received from a minor, the committee and organizational treasurer have the responsibility to identify the donor by following the guidelines as set forth by the

Commission in N.J.A.C. 19:25-10.15 and the campaign finance compliance manual.

While these regulations are known to many organizational treasurers, campaign participants should keep up-to-date on the rules by consulting ELEC's compliance manual, especially in relatively obscure areas of campaign finance such as child contributions. In addition, organizational treasurers and campaign operatives should take a moment to view ELEC's interactive training video on our website at www.elec.state.nj.us.

With the end of many COVID restrictions, organizational treasurers, campaign staff, as well as candidates for office, may want to take advantage of ELEC's in-person training, which is due to resume soon as restrictions in State offices are lifted. As in the past, the Commission plans to resume in-person training for candidates and treasurers as well as for political party treasurers, lobbying, and pay-to-play.

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Executive Director's Thoughts

Jeff Brindle

Recent Supreme Court Case Limiting Disclosure by Charitable Donors Should Have Little Impact on Campaign Finance Law

Reprinted from insidernj.com

In **Americans for Prosperity Foundation (AFP) v. Bonta**, the U.S. Supreme Court ruled 6-3 on July 1, 2021 that a California law requiring charitable organizations to disclose major donors to the state's Attorney General is unconstitutional.

Three dissenting Supreme Court judges, scholars and others warn that the ruling threatens the very foundation of campaign finance law. They suggest that the First Amendment holding makes it difficult for most campaign finance requirements to survive, particularly those involving disclosure.

With due respect, I disagree the **Bonta** ruling jeopardizes election-related campaign finance disclosure requirements.

Opponents of such rules may try to use the **Bonta** case to strike down campaign finance laws. That often happens after the Supreme Court issues a new ruling.

Indeed, David Keating, president of the Institute for Free Speech, which had filed its own lawsuit against California's non-profit disclosure law, said the ruling could mean his group will launch

more challenges against "unreasonable" campaign finance rules.

"It definitely makes it easier for us to persuade courts that certain disclosure laws are unconstitutional," he told The Hill on July 5, 2021.

However, he added: "With that said, laws that require disclosure of large campaign contributions to politicians, political parties, PACs...I don't think they are in any danger from this ruling."

Under the California law, charitable organizations, when renewing annual registrations, were required to file copies of IRS Form 990. It contains schedule B, a filing that discloses the names and addresses of donors.

California argued that the law was necessary in terms of its oversight of charities and fraud investigations, stating that "the state's upfront collection of schedule B is substantially related to important oversight and law enforcement interests."

New Jersey was among 16 states and the District of Columbia that had filed an amicus brief defending the constitutionality of California's charitable rule.

AFP and Thomas More Law Center, another non-profit group that filed a similar suit, maintained that compelled disclosure violated its First Amendment rights and rights of donors. They argued that their donors would be less inclined to contribute for fear of reprisal.

A District Court judge in California initially ruled in favor of AFP. He issued a preliminary injunction prohibiting the Attorney General from collecting

schedule B, which disclosed charitable donors.

A three-judge panel of the U.S. Court of Appeals, 9th Circuit then disagreed with the District Court and said it was legal for the Attorney General to obtain schedule B as long as the information was not disclosed publicly.

After the case was remanded, the district judge reheard the case without a jury.

Even after taking a second look, however, he still was convinced the state failed to prove its requirement was substantially tied to its government interest and permanently prohibited the Attorney General from collecting schedule B.

He held that disclosure of schedule B is not narrowly tailored to the state's interest in investigating charitable misconduct and represents an unwarranted burden on associational rights of donors. Further, the court maintained that California is unable to ensure confidentiality.

The Ninth Circuit, in a split decision, again ruled that California's disclosure requirement was constitutional because it was "substantially related to an important state interest in policing charitable fraud." This balancing of interests is required under the "exacting scrutiny" test for infringements of First Amendment rights.

A majority of the appeals court judges said the District Court erred by imposing a "narrow tailoring" requirement. That restriction has normally applied only when a law imposes heavier burdens on free speech.

Laws infringing on First Amendment rights that are subject to this more demanding “strict scrutiny” test must be narrowly tailored to further a compelling government interest.

As noted above, the U.S. Supreme Court reversed the Ninth Circuit, stating that the California requirement burdens First Amendment rights and is not narrowly tailored to an important government interest.

A dissenting opinion authored by Justice Sonia Sotomayor said it is the first time the Supreme Court has held that the exacting scrutiny test, just like the strict scrutiny test, must always require that government-mandated disclosure be narrowly tailored to government interest. She also expressed strong concern that the high court required no proof that the disclosures led to harassment of charitable donors. She contended these changes in court doctrine instantly set the bar higher for election-related disclosure laws and may put them in legal jeopardy.

“Today’s analysis marks reporting and disclosure requirements with a bull’s-eye,” she wrote. “...it adopts a new rule that every reporting or disclosure requirement be narrowly tailored.”

In **Buckley v. Valeo (1976)**, the Supreme set the precedent for future campaign finance decisions by using the exacting scrutiny standard. It requires “a substantial relation between the disclosure requirement and a sufficiently important government interest” to uphold disclosure laws.

“Recognizing that “compelled disclosure, in itself, can seriously infringe on privacy of association and belief guaranteed by the First Amendment,” the Court nevertheless

ruled that the Act’s reporting and disclosure provisions were justified by governmental interest in (1) helping voters to evaluate candidates by informing them about the sources and uses of campaign funds, (2) deterring corruption and the appearance of it by making public the names of major contributors, and (3) providing information necessary to detect violations of the law.” Federal Election Commission analysis of **Buckley**: <https://www.fec.gov/legal-resources/court-cases/buckley-v-valeo/>

More recent Supreme Court rulings, particularly **Citizens United V. FEC (2010)**, have strongly upheld election-related disclosure laws.

“Disclosure is the less-restrictive alternative to more comprehensive speech regulations. Such requirements have been upheld in **Buckley** and **McConnell**...Disclaimer and disclosure requirements may burden the ability to speak, but they “impose no ceiling on campaign-related activities,” **Buckley**, ...and “do not prevent anyone from speaking,” **McConnell**. The Court has subjected these requirements to “exacting scrutiny,” which requires a “substantial relation” between the disclosure requirement and a “sufficiently important” government interest.”

Just last year on August 28, 2020, a District Court judge in Rhode Island in **Gaspee Project & Illinois Opportunity Project v. Mederos** upheld a state law that requires those who engage in election-related spending, including nonprofit groups, to disclose their donors. One requirement includes listing the top five donors to the group on their electioneering ads.

“The Act’s disclosure and disclaimer requirements are justified by the

sufficiently important state interest of an informed electorate and any burdens on political speech that they may cause are substantially related to that state interest” states the ruling, which has been appealed.

What set the California case apart, at least to the majority in **Bonta**, was that “California’s regulation lacks any tailoring to the State’s investigative goals and the State’s interest in administrative convenience is weak.” Thus, the Court deemed that California’s law does not meet the standard of a “sufficiently important” government interest.

Disclosure limits in the context of elections usually have been viewed as having a substantial relation to an important government interest under the exacting scrutiny test. California’s law, which required donors to disclose charitable organizations to be disclosed to the state Attorney General, did not meet that standard.

While the Supreme Court generally has applied exacting scrutiny to campaign finance disclosure laws, it invoked strict scrutiny in the 1995 **McIntyre v Ohio Elections Commission**. That ruling struck down as unconstitutional an Ohio law that required an elderly taxpayer to identify herself on pamphlets she distributed in opposition to a ballot question raising school taxes.

Since that case, most disclosure laws have set a dollar threshold- currently \$300 in New Jersey- below which political donors do not have to identify themselves.

The **Bonta** ruling, with its focus on charitable organizations, no more opens the door to eliminating campaign finance law in general than previous decisions.

The influence of legal precedent, so embedded in our common law tradition, will play an important role in any future Supreme Court rulings involving campaign finance law.

Buckley, Citizens United and related rulings not only indicate strong support for disclosure in terms of election-related activity, but the doctrine of precedent will hold sway over the current Supreme Court headed by Chief Justice Roberts.

AFP itself stated in its **Bonta** brief;

“the rationale for disclosure in campaign finance cases is wholly inapplicable here...Recognizing the unique interests at play in the electoral context, this court explained in **Buckley** that public disclosure of campaign-related donors is generally the least restrictive means of curbing the evils of campaign ignorance and corruption.”

On the day of the **Bonta** ruling, Tara Malloy, senior director of appellate litigation and strategy for Campaign Legal Center, said she doubts it poses a major threat to campaign finance laws.

Campaign Legal Center has been one of the main legal defenders of such laws.

“We do not believe it is going to go much beyond the facts of this very case. Campaign finance laws are supported by very different governmental interests than the California law and are justified by the desire to ensure that our electorate is well informed when it goes to the polls. So there’s really no reason to believe that the Americans for Prosperity ruling will have a broad or lasting impact on electoral transparency measures because such measures are so different from the California law that was struck down today,” said Malloy.

From a practical, political point of view, the court is unlikely, during this divisive time in our history, to undo disclosure laws when it was reluctant to do so even in **Citizens United**.

Particularly considering talk of federal legislation that would increase the number of justices on the Supreme Court from nine to thirteen.

While the Robert’s Court has issued several earlier rulings that have led to major changes in campaign finance laws, rolling back election-related disclosure laws would be a radical step.

In my opinion, the **Bonta** decision will be limited to prohibiting the broad disclosure to state officials of the names and addresses of charitable donors and will not reach into campaign finance law, which in the context of elections has been found to be a sufficiently important governmental interest.

ELEC Selects Sponsors for 2021 Gubernatorial General Election Debates

The New Jersey Election Law Enforcement Commission has selected partnerships led by NJ Performing Arts Center and Public Media NJ Inc. (NJ PBS) to each host a gubernatorial general election debate this fall.

The Commission also picked NJ Globe and partners to sponsor the lieutenant gubernatorial debate.

The gubernatorial debates will feature Democratic Governor Phil Murphy, who is running for reelection, and Republican nominee Jack Ciattarelli.

Both candidates are participants in a long-standing state program that provides public matching funds to candidates who limit their spending and agree to participate in two debates.

Lieutenant Governor Sheila Oliver is running for reelection along with Murphy. Ciattarelli has not yet named a running mate.

Debates must be held between September 21 and October 22. Final dates and times will be disclosed after debate sponsors confer with the candidates.

The first gubernatorial debate is slated for 7 p.m. September 28 at NJ Performing Arts Center in Newark. Its partners include WABC-TV, WPVI-TV, 6-ABC Philadelphia, Twitter, Univision, WBGO-FM, NJ Advance Media (www.nj.com), and Rutgers Eagleton Institute of Politics and Rutgers School of Public Affairs and Administration at Rutgers University.

The second gubernatorial debate will be held at Rowan University in Glassboro and sponsored by Public Media NJ, Inc. (NJ PBS), NJ Spotlight News, Rowan Institute for Public Policy and Citizenship at Rowan University, New York Public Radio, WNYC & The Gothamist.

The lieutenant governor’s debate will be hosted at Rider University in Lawrenceville by New Jersey Globe, News 12 New Jersey, Rebovich Institute of Politics at Rider University, and Project Ready.

The three winners were chosen from five applicants.

Alleged \$60 million-plus “Dark Money” Bribery Scheme in Ohio Serves as a Warning for New Jersey and Other States

By Joe Donohue

New Jersey voters concerned about the issue of undisclosed “dark money” spending in elections should look westward to Ohio.

On July 21, 2020, former Ohio House Speaker Larry Householder and four other persons were arrested and charged with racketeering for taking \$60 million in bribes to push through a bill that provided a \$1.3 billion subsidy to keep two nuclear plants running.

“Make no mistake. These allegations were bribery pure and simple. This was quid pro quo. This was pay to play.” said U.S. Attorney David DeVillers, who held a press conference detailing the allegations. He later stated: “Dark money is a breeding ground for corruption.”

DeVillers called the elaborate plot the “largest bribery, money-laundering scheme ever perpetrated against the people of the state of Ohio.”

It could be the biggest dark money scandal nationally since the one surrounding the Watergate break-in in 1972. Investigations stemming from the break-in exposed secret campaign contributions that would be worth nearly \$71 million in today’s dollars.

The Ohio case is reverberating even in New Jersey.

Assembly Resolution No. 198 opposing a rate increase by Jersey Central Power and Light Company states in part: “FirstEnergy, the parent company of JCP&L, is being investigated by the United States Securities and Exchange Commission for potential ties to a \$60 million bribery scheme.”

According to the 80-page criminal complaint in the Ohio case, Generation Now, a 501c4 social welfare group, received more than \$60 million from FirstEnergy and a subsidiary from March 2017 to March 2020 in exchange for help from Householder and others to pass the nuclear bailout bill.

Minutes of the December meeting of New Jersey’s Board of Public Utilities said “it will examine the internal and external investigations of First Energy, and its impact on JCP&L, and its New Jersey customers and examine whether NJ is sufficiently insulated from any risks associated with activities of its affiliates and parent company.”

The Ohio complaint contended that Generation Now was under the control of Householder and spent funds on behalf of Householder and 20 other legislative candidates in the 2018 general election. Most won and those that did voted for Householder as speaker. On April 12, 2019, a few months after Householder became speaker, the nuclear subsidy bill was introduced. It was signed into law July 23, 2019.

The criminal complaint also alleged that Householder and others conspired to defeat a ballot initiative that would have repealed the nuclear subsidies.

In addition, the complaint alleged that Householder received more than

\$400,000 in personal benefits resulting from payments to Generation Now.

Householder has pleaded not guilty though he was relieved of the speakership 90-0 On July 30, 2020 and was expelled from the House 75-21 on June 16, 2021.

Other fallout so far from the federal investigation:

- Federal prosecutors announced July 22, 2021 that Ohio utility FirstEnergy Corp., which pushed for the nuclear subsidies, agreed to pay \$230 million in fines and “admits it conspired with public officials and other individuals and entities to pay millions of dollars to public officials in exchange for specific official action for FirstEnergy Corp’s benefit.” In October 2020, it fired its chief executive officer in the wake of the bribery charges. FirstEnergy and a subsidiary called FirstEnergy Solutions (now Energy Harbor Corp. and owned by investors) provided most of the money to Generation Now even though it was not named in the original complaint.
- Secretary of State Frank LaRose on August 27, 2020 referred a 162-count campaign finance complaint against Householder and allies to the Ohio Elections Commission.
- Two individuals named in the FBI complaint, Householder’s long-time aide who ran Generation Now, and a lobbyist, pleaded guilty to racketeering charges on October 30, 2020.
- Generation Now on February 6, 2021 pleaded guilty to one count of racketeering and surrendered \$1.5 million to authorities.
- Lobbyist Neil Clark, who was also charged in the case, pleaded not

guilty but was found dead of apparent suicide on March 15, 2021.

- Ohio Governor Mike DeWine signed legislation March 31, 2021 repealing the nuclear subsidies.
- Multiple bills that would expand public disclosure by independent groups in Ohio have been introduced though none has been enacted.

While New Jersey also enacted a law providing ratepayer subsidies to keep its three nuclear plants operating and it led to substantial lobbying, the process was disclosed through quarterly and annual reports filed with ELEC.

Public Service Electric and Gas Co. (PSE&G), Exelon, FirstEnergy and supporters hired lobbyists to push for the subsidies while opponents lobbied against them.

Quarterly reports filed with ELEC enabled the public to see what groups were lobbying pro and con on the subsidy bill. Annual reports filed with ELEC showed that spending spiked during the period when the subsidy bill was pending.

For instance, PSE&G, the state's largest utility, spent nearly \$2.7 million on communications during 2017 and 2018 when it was seeking the subsidies, according to its annual reports. By contrast, it spent just \$73,518 on communications the previous two years.

While New Jersey's lobbying disclosure laws are strong, its disclosure laws for independent spending in elections are weak.

Imagine if a bill was introduced in New Jersey banning all new oil pipelines.

Under current laws, the company could form an ambiguously-named 501c4 social welfare group, plow it with millions of dollars, and run issue-oriented advertising to try to elect legislators most likely to vote against the pipeline ban. All without disclosing a dime to voters.

This is the biggest threat posed by dark money- it can secretly influence both elections and public policy.

Since New Jersey's disclosure law is so outdated, it requires only that independent groups disclose their expenditures and then only if they explicitly urge voters to elect or defeat candidates. Issue-oriented advertisements either pro or con that happen to mention candidates during the run-up to an election- also called electioneering ads- currently are exempt from disclosure in the Garden State.

The federal government and 23 other states require full disclosure for electioneering ads and other independent spending. For more than a decade, ELEC has been urging similar disclosure for New Jersey.

The Legislature in 2019 did enact a new disclosure law by a near-unanimous, bipartisan vote. Governor Phil Murphy, who had some concerns about its constitutionality that later proved justified, reluctantly signed it.

The law was immediately challenged by three 501c4 non-profit social welfare groups that did not want to disclose their contributor names. A federal judge imposed a permanent injunction on the bill because he believed it would be declared unconstitutional.

The major defect was a section compelling disclosure of contributions

to independent groups even if they were engaged solely in lobbying. Disclosure of contributions related to election-related independent spending has been upheld by the US Supreme Court and other federal courts.

As independent spending has soared in New Jersey elections during the past decade, most groups have voluntarily disclosed their contributions and spending. However, without a new law, there is no guarantee this trend will continue. Almost overnight, New Jersey's elections could be engulfed by dark money.

Some disclosure opponents consider dark money pejorative because they think it implies most undisclosed donations are illegal. However, at least one state (Alaska) officially uses the term "dark money" in its a statutory definition for undisclosed political contributions.

From a voter's standpoint, secret political donations matter even if they aren't illegal.

Commenting on the Ohio case in May, Sheila Krumholz, executive director of the Center for Responsive Politics in Washington DC, said even if concealed campaign money isn't criminal, it can deprive voters of critical information about who is pulling the strings of candidates, what those donors want and what the donors may get in return.

"The bottom line is this leaves Ohioans in the dark about how money is used to influence the laws that their representatives pass and that will govern their lives. And that's why it's called dark money. It leaves us in the dark."

County Parties Have \$3.1 Million Socked Away Heading Into General Elections

Despite lackluster fund-raising so far this year, county political parties are heading toward the fall general elections with their fourth largest combined mid-year war chest dating back to 2001, according to reports filed with the New Jersey Election Law Enforcement Commission (ELEC).

With 40 of 42 counties reporting, the combined cash-on-hand for county parties is \$3.06 million. Taking inflation into account, cash reserves at the six-month point were higher only in 2003 (\$3.9 million), 2019 (\$3.4 million) and 2017 (\$3.069 million). The smallest total occurred in 2012 (\$1.2 million).

Table 1
Mid-year Cash-On-Hand Totals for County Parties Since 2001 Adjusting for Inflation

YEAR	VALUE THEN	IN 2021 DOLLARS
Top Five		
2003	\$2,638,558	\$3,896,118
2019	\$3,251,147	\$3,455,112
2017	\$2,768,884	\$3,069,087
2021	\$3,057,443	\$3,057,443
2018	\$2,793,340	\$3,022,374
Bottom Five		
2015	\$1,706,465	\$1,956,145
2013	\$1,627,287	\$1,897,893
2011	\$1,444,408	\$1,744,650
2014	\$1,492,059	\$1,712,399
2012	\$1,036,375	\$1,226,421

“Cash-on-hand is an important barometer of a political committee’s financial strength,” said Jeff Brindle, ELEC’s Executive Director. “While overall county party fund-raising has been lagging largely due to the pandemic, the collective war chest of more than \$3 million is certainly respectable at this point in the election year.”

Democratic county party committees have raised nearly twice as much as Republican county party committees, spent more than twice as much and they are sitting on four times more cash than GOP committees.

Table 2
Snapshot of Mid-year Campaign Finance Activities for County Parties

PARTY	RAISED	SPENT	CASH-ON-HAND	NET WORTH
Democratic	\$1,560,160	\$1,708,410	\$2,483,366	\$2,351,423
Republican	\$ 869,248	\$ 730,284	\$ 574,077	\$1,055,214
Combined	\$2,429,408	\$2,438,694	\$3,057,443	\$3,406,637

While cash reserves are holding up, overall fundraising during the first six months of 2021 was the second lowest since 2001 when all years are based on current dollars.

County parties have raised \$2.4 million through June 30. Only the 2020 total (\$2.052 million) was smaller in a year when many fund-raising events were cancelled or postponed due to the COVID-19 health crisis.

Table 3
Mid-year Fund-raising Totals for County Parties Since 2001 Adjusted for Inflation

YEAR	VALUE THEN	IN 2021 DOLLARS
Top Five		
2003	\$7,932,857	\$11,713,726
2004	\$6,339,337	\$ 9,117,906
2002	\$6,181,702	\$ 9,335,985
2001	\$5,728,804	\$ 8,793,747
2007	\$5,049,224	\$ 6,616,382
Bottom Five		
2014	\$2,379,387	\$ 2,730,763
2010	\$2,070,581	\$ 2,579,927
2012	\$2,115,739	\$ 2,503,714
2021	\$2,429,408	\$ 2,429,408
2020	\$1,955,019	\$ 2,052,350

Despite this trend, Brindle said there are signs that fund-raising is perking up. Gubernatorial candidates and their allies are starting to send checks, some sizeable, to county committees.

Since May, Governor Phil Murphy, who is running for reelection, has sent \$65,927 to county party committees through his gubernatorial campaign committee. Another favorable sign for Democratic county parties is the \$37,000 check (the maximum a county party can receive in a year) sent by the Democratic Governors Association (DGA) to Bergen County Democrats on May 7.

DGA contributed \$703,000 to county party committees when Murphy first ran in 2017. Murphy is DGA finance chairman.

On the Republican side, the campaign committee of GOP candidate Jack Ciattarelli so far has sent a \$1,000 check to Morris County Republicans.

In addition, retired drug firm executive Bob Hugin, who Ciattarelli picked as state Republican chairman in June, already this year has written \$37,000 checks each to Union and Atlantic County Republicans. Since 2018, he has given another \$132,500 to county parties. Hugin spent \$37 million of his personal funds running unsuccessfully for US Senate in 2018.

With the likely influx of funds from national groups and candidate supporters, Brindle said county coffers are likely to see a significant infusion of funds between now and the November 2 election.

“Whenever you have the governor’s seat and all 120 legislative seats up for grabs, it raises the stakes. Especially since only New Jersey and Virginia have gubernatorial races this year,” Brindle said.

“Counties play a key role in helping with get-out-the-vote and other activities during a major state election year. In addition to tapping their reserves, they are likely to receive additional funds,” he said.

Eight Democratic county party committees- Bergen, Burlington, Camden, Gloucester, Mercer, Passaic, Salem and Union - reported a cash reserve above \$100,000. Hudson County Democrats have a negative net worth when debts they owe are subtracted from their cash-on-hand.

Table 4
Campaign Finance Activity of
Democratic County Party Committees
January 1 through June 30, 2021

COUNTY	RAISED	SPENT	CASH-ON-HAND	NET WORTH*
Atlantic	\$ 39,867	\$ 29,480	\$ 15,228	\$ 12,328
Bergen	\$ 351,320	\$ 272,577	\$ 307,056	\$ 307,056
Burlington	\$ 36,409	\$ 26,545	\$ 196,433	\$ 190,058
Camden	\$ 216,404	\$ 236,128	\$ 140,989	\$ 140,989
Cape May	\$ 4,662	\$ 3,876	\$ 6,730	\$ 6,730
Cumberland	\$ 10,450	\$ 9,379	\$ 2,066	\$ 2,066
Essex	\$ 161,235	\$ 260,062	\$ 28,072	\$ 28,072
Gloucester	\$ 16,500	\$ 126,431	\$ 467,016	\$ 467,016
Hudson	\$ 1,405	\$ 38,826	\$ 14,405	\$ (124,369)
Hunterdon	\$ 16,783	\$ 8,299	\$ 36,447	\$ 36,447
Mercer	\$ 26,038	\$ 17,435	\$ 267,043	\$ 267,043
Middlesex	\$ 252,360	\$ 386,944	\$ 8,096	\$ 8,096
Monmouth	\$ 49,934	\$ 46,072	\$ 3,945	\$ 3,945
Morris	\$ 36,324	\$ 31,113	\$ 13,348	\$ 13,287
Ocean	\$ 34,842	\$ 15,174	\$ 33,361	\$ 49,528
Passaic	\$ 120,734	\$ 48,612	\$ 452,847	\$ 452,847
Salem	\$0	\$ 1,808	\$ 113,730	\$ 113,730
Somerset	\$ 27,446	\$ 23,599	\$ 91,137	\$ 91,137
Sussex	\$ 5,317	\$ 4,677	\$ 13,927	\$ 13,927
Union	\$ 152,131	\$ 121,371	\$ 271,490	\$ 271,490
Warren**	NA	NA	NA	NA
Democrats-Total	\$1,560,160	\$1,708,410	\$2,483,366	\$2,351,423

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

NA= Not Available **Does not expect to spend more than \$7,200 this year.

No Republican county party reported a cash reserve larger than \$100,000.

Table 5
Campaign Finance Activity of
Republican County Party Committees
January 1 through June 30, 2021

COUNTY	RAISED	SPENT	CASH-ON-HAND	NET WORTH*
Atlantic	\$ 47,587	\$ 7,784	\$ 47,113	\$ 47,113
Bergen	\$ 51,398	\$ 49,680	\$ 26,061	\$ 16,061
Burlington	\$ 28,495	\$ 33,898	\$ 8,584	\$ 507,322
Camden	\$ 17,981	\$ 16,698	\$ 12,589	\$ 12,589
Cape May	\$ 93,815	\$ 46,555	\$ 91,026	\$ 91,026
Cumberland	\$ 12,060	\$ 5,469	\$ 9,813	\$ 9,813
Essex	\$ 5,000	\$ 14,922	\$ 16,411	\$ 16,411
Gloucester	\$ 14,980	\$ 30,789	\$ 36,010	\$ 36,010
Hudson**	NA	NA	NA	NA
Hunterdon	\$ 63,053	\$ 55,082	\$ 20,633	\$ 20,633
Mercer	\$ 4,863	\$ 2,448	\$ 2,839	\$ 2,839
Middlesex	\$ 4,000	\$ 2,456	\$ 14,117	\$ 14,117
Monmouth	\$100,047	\$131,652	\$ 22,206	\$ 22,206
Morris	\$ 98,663	\$ 93,801	\$ 24,417	\$ 16,817
Ocean	\$ 35,535	\$ 82,109	\$ 9,096	\$ 9,096
Passaic	\$124,100	\$ 82,756	\$ 74,432	\$ 74,432
Salem	NA	NA	NA	NA
Somerset	NA	NA	NA	NA
Sussex	\$ 40,744	\$ 20,233	\$ 40,198	\$ 40,198
Union	\$ 71,624	\$ 20,095	\$ 89,075	\$ 89,075
Warren	\$ 55,304	\$ 33,857	\$ 29,457	\$ 29,457
Republicans-Total	\$869,248	\$730,284	\$574,077	\$1,055,214

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

NA=Not available. ** Does not expect to spend more than \$7,200 this year.

The numbers in this analysis are based on reports filed by noon July 26, 2021. They have yet to be verified by ELEC staff, and should be considered preliminary.

Individual reports can be reviewed on ELEC's website (www.elec.state.nj.us).

Big Six Coffers Continue to Recover From Pandemic Year Lull

Combined fund-raising by the two state parties and four legislative leadership committees totaled \$4.8 million for the first six months of 2021, a 260 percent increase from the same period last year and the most since 2007, according to reports filed with the New Jersey Election Law Enforcement Commission (ELEC).

“What a difference a year makes. While the COVID-19 crisis is not over, there is more optimism now than last year and that is evident in the fund-raising totals so far,” said Jeff Brindle, ELEC’s Executive Director.

Mid-year spending also hit a 14-year high mark at \$3.5 million while a cash-on-hand total of \$2.7 million is the most since 2013.

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	
2019	\$2,283,313	\$1,729,263	\$2,075,620	\$1,988,194	A¹
2020	\$1,342,492	\$1,090,629	\$ 911,929	\$ 807,204	
2021	\$4,836,037	\$3,529,208	\$2,678,213	\$2,613,806	G/S/A

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

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

“Another factor this year is that New Jersey is one of only two states- the other is Virginia- with a governor’s race,” he said.

Both parties already are benefiting from large checks from national committees.

The Democratic Governors Association already has sent \$25,000 checks each to the Democratic State Committee and Democratic Assembly Campaign Committee. It helps that Governor Phil Murphy, who is running for reelection against Republican Jack Ciattarelli, is finance chairman of the national group.

On the Republican side, the Republican State Leadership committee has sent a \$25,000 check to the Senate Republican Majority and \$12,500 to the Republican State Committee.

“With the governor’s seat and all 120 legislative seats at stake, past years suggest this is just the beginning of what is likely to be sizeable spending by national groups on New Jersey’s looming elections,” said Brindle.

¹ There was also a special legislative election for the first legislative district Senate seat.

Democrats have controlled the governor's seat since January 2018 and both legislative houses since January 2002. Their majority status has translated into a fund-raising advantage.

So far this year, Democratic committees have raised more than four times as much as their Republican counterparts, spent almost four times more and have nearly four times more cash in reserve.

TABLE 2
FUNDRAISING BY "BIG SIX" COMMITTEES
JANUARY 1 THROUGH JUNE 30, 2021

REPUBLICANS	RAISED	SPENT	CASH-ON-HAND	NET WORTH*
New Jersey Republican State Committee	\$ 216,352	\$ 281,054	\$ 94,150	\$ 94,150
Senate Republican Majority	\$ 400,394	\$ 323,695	\$ 119,340	\$ 119,340
Assembly Republican Victory	\$ 288,219	\$ 125,637	\$ 343,138	\$ 343,138
SubTotal-Republicans	\$ 904,965	\$ 730,386	\$ 556,627	\$ 556,627
DEMOCRATS				
New Jersey Democratic State Committee	\$2,543,175	\$1,535,351	\$1,195,451	\$1,181,483
Senate Democratic Majority	\$ 501,800	\$ 454,477	\$ 489,265	\$ 469,265
Democratic Assembly Campaign Committee	\$ 886,097	\$ 808,994	\$ 436,870	\$ 406,432
SubTotal-Democrats	\$3,931,072	\$2,798,822	\$2,121,586	\$2,057,179
Total-Both Parties	\$4,836,037	\$3,529,208	\$2,678,213	\$2,613,806

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

Compared to 2020, both parties have seen across-the-board improvement in their campaign finance totals during the first six months of 2021.

For instance, Democratic fund-raising is up 308 percent while Republican collections are up 111 percent with a combined average of 260 percent versus 2020.

TABLE 3
CAMPAIGN FINANCE ACTIVITIES FOR "BIX SIX"
COMMITTEES THROUGH SECOND QUARTER
2021 VERSUS 2020

REPUBLICANS	RAISED	SPENT	CASH-ON-HAND	NET WORTH*
2020	\$ 428,466	\$ 343,791	\$ 289,802	\$ 278,162
2021	\$ 904,965	\$ 730,386	\$ 556,627	\$ 556,627
Difference-Dollars	\$ 476,499	\$ 386,595	\$ 266,825	\$ 278,465
Difference-%	111%	112%	92%	100%
DEMOCRATS				
2020	\$ 963,240	\$ 785,285	\$ 516,495	\$ 391,541
2021	\$3,931,072	\$2,798,822	\$2,121,586	\$2,057,179
Difference-Dollars	\$2,967,832	\$2,013,537	\$1,605,091	\$1,665,638
Difference-%	308%	256%	311%	425%
BOTH PARTIES				
2020	\$1,342,492	\$1,090,629	\$ 911,929	\$ 807,204
2021	\$4,836,037	\$3,529,208	\$2,678,213	\$2,613,806
Difference-Dollars	\$3,493,545	\$2,438,579	\$1,766,284	\$1,806,602
Difference-%	260%	224%	194%	224%

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

Despite the short-term rebound, Brindle said the legislature must take more steps to strengthen parties long-term.

These changes include raising general contribution limits that have been frozen since 2005, ending tight restrictions on contributions by public contractors while imposing them on receipts by political action committees (PACs), and requiring independent expenditure committees to conform to the state public disclosure rules as candidates, parties and traditional PACs.

“It is good seeing both parties enjoying a bump from last year, when the pandemic initially wreaked havoc with fund-raising. However, party committees, which are more accountable and transparent than independent committees, need legislative reforms to regain their influence in state elections,” Brindle said.

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/elecny).

Training Seminars

CPC WEBINARS	
R-3 eFile ONLY Program Training	CPC/PPC Compliance Seminar AND eFile Training
August 05, 2021 10:00 AM	September 01, 2021 10:00 AM
August 19, 2021 10:00 AM	October 13, 2021 10:00 AM
September 16, 2021 10:00 AM	
October 21, 2021 10:00 AM	
November 17, 2021 10:00 AM	
CANDIDATE WEBINARS	
R-1 eFile ONLY Program Training	Campaign Compliance Seminar AND eFile Training
August 03, 2021 10:00 AM	September 08, 2021 10:00 AM
August 18, 2021 10:00 AM	September 22, 2021 10:00 AM
September 14, 2021 10:00 AM	September 28, 2021 10:00 AM
October 05, 2021 10:00 AM	September 30, 2021 10:00 AM
October 20, 2021 10:00 AM	
November 09, 2021 10:00 AM	

*All webinars will run for approximately 2 hours.

2021 Reporting Dates

	INCLUSION DATES	REPORT DUE DATE
FIRE COMMISSIONER – APRIL 20, 2021 – See Executive Order No. 211		
29–day Preelection Reporting Date	Inception of campaign* – 3/19/2021	3/22/2021
11–day Preelection Reporting Date	3/20/2021 – 4/6/2021	4/9/2021
20–day Postelection Reporting Date	4/7/2021 – 5/7/2021	5/10/2021
48–Hour Notice Reports Start on 4/7/2021 through 4/20/2021		
SCHOOLBOARD – APRIL 20, 2021		
29–day Preelection Reporting Date	Inception of campaign* – 3/19/2021	3/22/2021
11–day Preelection Reporting Date	3/20/2021 – 4/6/2021	4/9/2021
20–Day Postelection Reporting Date	4/7/2021 – 5/7/2021	5/10/2021
48–Hour Notice Reports State on 4/7/2021 through 4/20/2021		
MAY MUNICIPAL – MAY 11, 2021		
29–day Preelection Reporting Date	Inception of campaign* – 4/9/2021	4/12/2021
11–day Preelection Reporting Date	4/10/2021 – 4/27/2021	4/30/2021
20–Day Postelection Reporting Date	4/28/2021 – 5/28/2021	6/1/2021
48–Hour Notice Reports State on 4/28/2021 through 5/11/2021		
RUNOFF (JUNE)** – JUNE 15, 2021		
29–day Preelection Reporting Date	No Report Required for this Period	
11–day Preelection Reporting Date	4/28/2021 – 6/1/2021	6/4/2021
20–Day Postelection Reporting Date	6/2/2021 – 7/2/2021	7/6/2021
48–Hour Notice Reports Start on 6/2/2021 through 6/15/2021		
PRIMARY (90 DAY START DATE – MARCH 10, 2021)*** – JUNE 8, 2021		
29–day Preelection Reporting Date	Inception of campaign – 5/7/2021	5/10/2021
11–day Preelection Reporting Date	5/8/2021 – 5/25/2021	5/28/2021
20–Day Postelection Reporting Date	5/26/2021 – 6/25/2021	6/28/2021
48–Hour Notice Reporting Starts on 5/26/2021 – 6/8/2021		
GENERAL (90 DAY START DATE – AUGUST 4, 2021) – NOVEMBER 2, 2021		
29–day Preelection Reporting Date	6/26/2021 – 10/1/2021	10/4/2021
11–day Preelection Reporting Date	10/2/2021 – 10/19/2021	10/22/2021
20–day Postelection Reporting Date	10/20/2021 – 11/19/2021	11/22/2021
48–Hour Notice Reporting Starts on 10/20/2021 – 11/2/2021		
RUN–OFF (DECEMBER)** – December 7, 2021		
29–day Preelection Reporting Date	No Report Required for this Period	
11–day Preelection Reporting Date	10/20/2021 – 11/23/2021	11/26/2021
20–day Postelection Reporting Date	11/24/2021 – 12/24/2021	12/27/2021
48 Hour Notice Reporting Starts on 11/24/2021 through 12/7/2021		

PACS, PCFRS & CAMPAIGN QUARTERLY FILERS

1 st Quarter	1/1/2021 – 3/31/2021	4/15/2021
2 nd Quarter	4/1/2021 – 6/30/2021	7/15/2021
3 rd Quarter	7/1/2021 – 9/30/2021	10/15/2021
4 th Quarter	10/1/2021 – 12/31/2021	1/18/2022

GOVERNMENTAL AFFAIRS AGENTS (Q-4)

1 st Quarter	1/1/2021 – 3/31/2021	4/12/2021
2 nd Quarter	4/1/2021 – 6/30/2021	7/12/2021
3 rd Quarter	7/1/2021 – 9/30/2021	10/12/2021
4 th Quarter	10/1/2021 – 12/31/2021	1/10/2022

*Inception Date of Campaign (first time filers) or January 1, 2021 (Quarterly filers).

**A candidate committee or joint candidates committee that is filing in a 2021 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 April 15, 2021 for the Primary Election Candidates and June 21, 2021 for the Independent General Election Candidates.

Note: A fourth quarter 2020 filing is needed for the Primary 2021 candidates if they started their campaign prior to December 10, 2020.

A second quarter is needed by Independent/ Non-partisan General election candidates if they started their campaign prior to May 4, 2021.

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