



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

**"Nobody will ever deprive the American people of the right to vote except the American people themselves—and the only way they could do that is by not voting at all."
– Franklin D. Roosevelt**

As New Jersey voters prepare to go to the polls on November 8, we remind candidates, treasurers, and campaign workers that they have a continuing legal obligation to report contributions and expenditures to ELEC during the days running up to the election.

This requirement is vital to our campaign finance law, because ELEC issues a final, comprehensive report of state campaign finance activity 11 days before the election.

If contributions and expenditures are not reported within 48 hours, the public cannot know who is making contributions or how much is being spent for nearly two weeks prior to the election – a crucial time when many voters focus on the candidates, and make up (or change) their minds.

Due to the 48-hour reporting requirement and ELEC's issuing its final report 11 days before the election, the reporting period in effect stops 13 days before Election Day. The information in that report includes all financial transactions between the preceding report (issued 29 days before the election) and the final report. Thus, absent the 48-hour requirement, much information would go unseen by the public just prior to the election.

Here is how it works: For any contribution in excess of \$1,900 (including aggregate contributions from a contributor amounting to more than \$1,900) received on or after the 13th day preceding the election, up to and including Election Day, the campaign treasurer of a candidate committee or joint candidates committee is required to file a report (C-1 or 48-HR) within 48 hours of receipt.

The C-1 Report must contain the following information:

1. name of recipient candidate or joint candidate committee;
2. the date the contribution was received;
3. the amount of the contribution;

4. the name and mailing address of the contributor; and,
5. the occupation and employer information of an individual contributor.

Reporting requirements for expenditures made between 13 days prior and Election Day are basically the same: Any expenditure of more than \$1,900 made during this period is required to be reported by the campaign treasurer of the committee or joint committee on Form E-1 or 48-HR. Aggregate expenditures amounting to more than \$1,900 during this period are included in the report as well.

The following information must be filed:

1. name of candidates or joint candidates committee;
2. the name of the person, firm, or organization benefitting from the expenditure; and,
3. the amount and purpose of the expenditure.

Of course, none of ELEC's important work to ensure public transparency in campaign finance matters unless we all

VOTE ON ELECTION DAY

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COMMISSIONERS

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

Executive Director's Thoughts

Jeff Brindle

Former Governor Jim Florio – A Public Servant Right to the End

Reprinted from insidernj.com

Sadly, former Governor Jim Florio, one of New Jersey's most prominent and influential public servants, died September 25 at the age of 85.

He tried three times to become governor, first losing the primary of 1977 to Governor Brendan Byrne.

In the closest gubernatorial election in modern New Jersey history, Florio then lost to Governor Thomas H. Kean by a mere 1,750 votes in the election of 1981.

He finally won the governorship in 1989 by a decisive margin over Congressman Jim Courter.

Florio was the 49th governor of New Jersey, serving from 1990-1994. After serving in the U.S. Navy and graduating from Trenton State College (now College of New Jersey), Florio, an attorney, went on to serve in the Assembly (1970-75) and in Congress (1975-1990).

Before serving as governor, as an Assemblyman, and the people of the First Congressional district, his experience as a boxer in his younger years seems to have greatly shaped his character.

How else to explain the fortitude and grit displayed by Florio in rebounding from what must have been a devastating

defeat in 1981 to run and win the governorship in 1989.

Florio's story is an American story. From humble beginnings growing up in the hard-scrabble Flatbush section of Brooklyn, N.Y., through his days as a boxer, his college education at Trenton State College, and his legal training at Rutgers/Camden Law School, his life and career is a testament to the American spirit.

Political consultant Barry Brendel probably does not remember a conversation we had prior to the 1981 election. By a chance meeting we found ourselves chatting at the Wooden Nickle (now Arthurs Steak House), a restaurant in North Brunswick, N.J.

He learned about my very minor role helping Ken Merin, manager of the Kean campaign. I found out about his background as Democratic political consultant.

Despite our political differences, and because of them, we had plenty to talk about, most specifically the gubernatorial campaign.

At one point, the conversation turned to the issue of the personal styles of the candidates, predicting how each would fair in the upcoming debate and ultimately the election.

My comments were along the following lines: that Kean, despite his patrician-like demeanor, ironically had a natural ability to connect with ordinary voters while Florio, despite his blue-collar background, had an academic, technocratic style.

With passing years, I have reassessed my thoughts on Florio's style of speaking, not so much about the political repercussions of it but what it said of

the personality and character of the man.

It seems as if Governor Florio had to work exceedingly hard to accomplish what he did; ultimately to rise to the highest office in the State. His manner of speaking reflected his determination to better himself and his place in society, to move vertically up the social ladder, acquiring for himself a strong vocabulary and understanding of important governmental concepts.

A true regret is in not having the opportunity to interview him for the Commission's "History of the Commission Project." We were in the process of arranging an interview but unfortunately were unable to do so prior to his unexpected death.

If the interview would have taken place there are a number of questions that would have been asked. Among them would have been the following:

- 1) Where did you get the intestinal fortitude to remain in politics following the 1981 defeat and the drive to run and win in 1989?
- 2) Do you regret proposing tax increases to fill a budget gap in your first year in office (as a man of principle his answer would be "no regrets")?
- 3) What was the impetus for your 1992 lobby reform proposals?
- 4) How important was it to sign the bill incorporating the 1993 Rosenthal reforms imposing contribution limits, requiring PAC registration and creating leadership PACs?
- 5) How significant was the Rosenthal proposal to strengthen a then weak party system?

- 6) Why was it important to support the end to cash for street money to be replaced by checks? and,
- 7) How important was the gubernatorial public financing program to your efforts to become governor?

There would have been other questions posed but the above would have been the most significant.

The 1981 gubernatorial election, its closeness, holds significant personal resonance for me and will always stand out as special.

In many ways the 1989 election, in other ways, is special as well because it tells a tale of a man who would not give up the quest to be the best public servant God allowed him to be.

Among Florio's accomplishments as governor were closing a \$2 billion dollar budget gap, reforming auto insurance, enacting a statewide ban on semi-automatic weapons, and reform of New Jersey's state school funding program.

As a member of Congress, Florio was known for his concern for the environment, most notably in sponsoring a federal law to clean up polluted sites.

However, in spite of all these achievements, it is my suspicion that if he were able to tell us, he would say that his crowning achievement was in marrying his wife Lucinda, who herself served as a wonderful First Lady of the State, a steady partner to him, all the while bringing her years of experience as a public-school teacher to her important role in his Administration.

ELEC Legal Counsel Edwin R. Matthews Receives Top Legal Award



Edwin R. Matthews
Legal Counsel

Edwin R. Matthews of South Orange, who has served as legal counsel to the New Jersey Election Law Enforcement Commission (ELEC) for nearly a decade, recently was honored by the Trial Attorneys of New Jersey.

Matthews received the group's Daniel Golden Lifetime Achievement Award at a reception October 13, 2022.

The award is presented "to recognize an individual who has particularly enhanced the reputation of attorneys and the practice of law through their dedication and exemplary service," according to a press release by Bourne Noll & Kenyon of Summit, a law firm where Matthews is a partner.

Prior recipients include former Governor Robert Meyner, former Congressman Peter Rodino and five New Jersey Supreme Court members.

Matthews was chosen as ELEC's legal counsel in November 2012 and has been annually reappointed since that year.

ELEC Chairman Eric H. Jaso congratulated Matthews and praised his contributions to the Commission.

"Ed's institutional knowledge of legal issues facing ELEC, coupled with the wisdom and judgment developed over his decades of experience in public service and private practice, have been invaluable to me as Chairman and to ELEC's important role in ensuring accountability and transparency in New Jersey's political campaigns and public lobbying," he said.

"Ed always proudly wears his Marine Corps lapel pin, and his service to the Nation in Vietnam as a Marine Captain is deeply inspiring," Jaso added.

"Ed Matthews has provided outstanding guidance to ELEC's Commissioners and has been a great partner to staff," said Executive Director Jeff Brindle. "It has been my personal pleasure to work with someone who always performs with dedication and congeniality. I know the legal staff, led by Demery Roberts, feels the same."

Along with his work for ELEC, Matthews specializes in the areas of civil litigation, municipal law, appellate practice, personal injury, products liability, and tax appeals.

Matthews is past president of Trial Attorneys of New Jersey and has served on its Board of Trustees for 35 years.

He previously has been recognized as a New Jersey Super Lawyer in the editions for 2009 through 2022. The New Jersey Commission on Professionalism presented him with its Professionalism Award in 2010.

He attained J.D. degree from Seton Hall University School of Law.

“Big Six Spending Remains Subdued During Federal Election Year

The so-called “Big Six” fund-raising committees through September 30 have raised \$3.1 million and spend \$2.5 million for fall elections, according to quarterly reports filed with the New Jersey Election Law Enforcement Commission (ELEC).

The two state parties and four legislative leadership committees also reported a combined \$1.6 million in cash reserves.

Contests for New Jersey’s 12 congressional seats are the chief focus of the November 8 elections except for local elections and two special state legislative elections to fill vacancies.

Table 1
**Campaign Finance Activity by “Big Six”
Committees Through September 30**

PERIOD	RAISED	SPENT	CASH-ON-HAND	NET WORTH*
2022	\$3,081,272	\$2,480,441	\$1,620,865	\$1,576,458
Average for Eight State Election Years	\$6,663,054	\$5,513,740	\$3,179,654	\$2,942,002
2022 Versus Average	46%	45%	51%	54%
Average for Eight Federal Election Years	\$3,230,949	\$2,770,077	\$1,384,479	\$1,170,845
2022 Versus Average	95%	90%	117%	135%

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

Jeff Brindle, ELEC’s Executive Director, said state fund-raising activity by the “Big Six” typically dips during federal election years.

“In years when federal elections are the main attraction, “Big Six” fundraising and spending are half as much as in years when state elections have top billing,” Brindle said.

“Congressional races are the big show this fall, and the two state parties are concentrating their resources on those elections. That includes shifting some funds from state to federal accounts,” Brindle said. “Meanwhile, the four legislative leadership committees are gradually gearing up for next year’s legislative elections.”

The two state parties so far this year have transferred a combined \$773,232 from their state accounts to their federal fund-raising accounts- \$550,232 for Democrats and \$223,000 for Republicans.

According to reports filed with the Federal Election Commission, the Democratic federal account has raised \$3.9 million and spent \$2.2 million. Republicans through their federal accounts have raised \$1.6 million for federal elections and spent \$767,169 so far.

The two parties combined have raised \$5.5 million and spent \$2.9 million from their federal election accounts. Republicans reported more cash-on-hand- \$476,743 versus \$236,482. Reports for both parties show their main expense has been buying direct mail for congressional candidates that goes to voter residences.

Table 2
**Federal Campaign Finance Activity
of Two New Jersey State Parties**

COMMITTEE	RAISED	SPENT	CASH-ON-HAND
Democratic State Committee	\$3,882,577	\$2,160,908	\$236,482
Republican State Committee	\$1,630,341	\$ 767,169	\$476,743
Totals	\$5,512,918	\$2,928,077	\$713,225

Source: Federal Election Commission reports downloaded 10/17/22

Based on the two-year congressional fund-raising cycle, federal reports reflect activity between January 1, 2021 and August 31, 2022.

Reports involving state accounts are filed with ELEC and reflect activity for the first three quarters of 2022.

Democrats have raised and spent more than Republicans so far this year and have flusher cash reserves. Compared to similar totals in 2018, Democratic fund-raising and spending are down, and their cash reserves are up. Republicans have raised more and have more cash than four years ago while spending slightly less.

Table 3
Fundraising by "Big Six" Committees
January 1 Through September 30, 2022

REPUBLICANS	RAISED	SPENT	CASH	NET WORTH
New Jersey Republican State Committee	\$ 308,246	\$ 256,872	\$ 105,790	\$ 105,790
Senate Republican Majority	\$ 311,616	\$ 198,996	\$ 121,695	\$ 121,695
Assembly Republican Victory	\$ 270,938	\$ 112,209	\$ 216,991	\$ 216,991
Sub-Total- Republicans	\$ 890,800	\$ 568,077	\$ 444,476	\$ 444,476
Versus 2018- (Dollars)	\$ 217,631	\$ (3,780)	\$ 82,870	\$ 82,870
Versus 2018 (Percent)	32%	-1%	23%	23%
DEMOCRATS				
New Jersey Democratic State Committee	\$1,024,405	\$1,379,931	\$ 133,728	\$ 119,760
Senate Democratic Majority	\$ 643,283	\$ 176,606	\$ 717,181	\$ 717,181
Democratic Assembly Campaign Committee	\$ 522,783	\$ 355,828	\$ 325,480	\$ 295,042
Sub-Total- Democrats	\$2,190,472	\$1,912,364	\$1,176,390	\$1,131,983
Versus 2018- (Dollars)	\$(983,155)	\$ (809,213)	\$ 239,062	\$ 279,159
Versus 2018 (Percent)	-31%	-30%	26%	33%
Total- Both Parties				
	\$3,081,272	\$2,480,441	\$1,620,865	\$1,576,458
Versus 2018- (Dollars)	\$(765,524)	\$ (812,993)	\$ 321,932	\$ 362,028
Versus 2018 (Percent)	-20%	-25%	25%	30%

Brindle said while alternating election years are one reason "Big Six" coffers are down, there is a long-term downward fund-raising decline over the past two decades.

That is one reason why state legislators together with Governor Phil Murphy need to act on pending legislation that would reinvigorate party fund-raising while increasing transparency for so-called "dark money" groups that raise and spend their election funds independently of parties and candidates, often with little or no public oversight.

"Unlike parties and candidates, these independent groups operated by special interests are not subject to contribution limits and have far surpassed spending by party committees during the past decade," Brindle said. "Unless steps are taken to make it easier for party committees to raise funds, the role of parties in state elections could continue to shrink."

Brindle said both parties would benefit from enactment of the pending "Elections Transparency Act" (S-2866/A4372). After being voted out unanimously and with bipartisan support by two state Senate Committees and an Assembly committee, the bill stalled before the Legislature recessed June 29.

The bill incorporates several ELEC recommendations, including increasing contribution limits on party committees including the Big Six, letting them accept more funds from public contractors, and requiring more disclosure by independent groups and public contractors.

"I remain optimistic that the Legislature will enact these reforms in coming weeks," he 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.nj.gov.

ELEC also can be accessed on Facebook (www.facebook.com/NJElectionLaw) and Twitter (www.twitter.com/elecny).

2022 Reporting Dates

	INCLUSION DATES	REPORT DUE DATE
FIRE COMMISSIONER – FEBRUARY 19, 2022		
29–day Preelection Reporting Date	Inception of campaign* – 1/18/2022	1/21/2022
11–day Preelection Reporting Date	1/19/2022 – 2/5/2022	2/8/2022
20–day Postelection Reporting Date	2/6/2022 – 3/8/2022	3/11/2022
48–Hour Notice Reporting Starts on 2/6/2022 through 2/19/2022		
SCHOOLBOARD – APRIL 19, 2022		
29–day Preelection Reporting Date	Inception of campaign* – 3/18/2022	3/21/2022
11–day Preelection Reporting Date	3/19/2022 – 4/5/2022	4/8/2022
20–Day Postelection Reporting Date	4/6/2022 – 5/6/2022	5/9/2022
48–Hour Notice Reporting Starts on 4/6/2022 through 4/19/2022		
MAY MUNICIPAL – (90-DAY START DATE: FEBRUARY 9, 2022) – MAY 10, 2022		
29–day Preelection Reporting Date	Inception of campaign* – 4/8/2022	4/11/2022
11–day Preelection Reporting Date	4/9/2022 – 4/26/2022	4/29/2022
20–Day Postelection Reporting Date	4/27/2022 – 5/28/2022	5/31/2022
48–Hour Notice Reporting Starts on 4/27/2022 through 5/10/2022		
RUNOFF (JUNE)** – JUNE 14, 2022		
29–day Preelection Reporting Date	No Report Required for this Period	
11–day Preelection Reporting Date	4/27/2022 – 5/31/2022	6/3/2022
20–Day Postelection Reporting Date	6/1/2022 – 7/1/2022	7/5/2022
48–Hour Notice Reporting Starts on 6/1/2022 through 6/14/2022		
PRIMARY (90 DAY START DATE: MARCH 9, 2022)*** – JUNE 7, 2022		
29–day Preelection Reporting Date	Inception of campaign* – 5/6/2022	5/9/2022
11–day Preelection Reporting Date	5/7/2022 – 5/24/2022	5/27/2022
20–Day Postelection Reporting Date	5/25/2022 – 6/24/2022	6/27/2022
48–Hour Notice Reporting Starts on 5/25/2022 – 6/7/2022		
GENERAL (90 DAY START DATE: AUGUST 10, 2022)*** – NOVEMBER 8, 2022		
29–day Preelection Reporting Date	6/25/2022 – 10/7/2022	10/11/2022
11–day Preelection Reporting Date	10/8/2022 – 10/25/2022	10/28/2022
20–day Postelection Reporting Date	10/26/2022 – 11/25/2022	11/28/2022
48–Hour Notice Reporting Starts on 10/26/2022 through 11/8/2022		
RUN–OFF (DECEMBER)** – DECEMBER 6, 2022		
29–day Preelection Reporting Date	No Report Required for this Period	
11–day Preelection Reporting Date	10/26/2022 – 11/22/2022	11/25/2022
20–day Postelection Reporting Date	11/23/2022 – 12/23/2022	12/27/2022
48 Hour Notice Reporting Starts on 11/23/2022 through 12/6/2022		

PACS, PCFRS & CAMPAIGN QUARTERLY FILERS

1 st Quarter	1/1/2022 – 3/31/2022	4/18/2022
2 nd Quarter	4/1/2022 – 6/30/2022	7/15/2022
3 rd Quarter	7/1/2022 – 9/30/2022	10/17/2022
4 th Quarter	10/1/2022 – 12/31/2022	1/17/2023

GOVERNMENTAL AFFAIRS AGENTS (Q-4)

1 st Quarter	1/1/2022 – 3/31/2022	4/11/2022
2 nd Quarter	4/1/2022 – 6/30/2022	7/11/2022
3 rd Quarter	7/1/2022 – 9/30/2022	10/11/2022
4 th Quarter	10/1/2022 – 12/31/2022	1/10/2023

* Inception Date of Campaign (first time filers) or January 1, 2022 (Quarterly filers).

** A candidate committee or joint candidates committee that is filing in a 2022 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 14, 2022 for the Primary Election candidates and June 20, 2022 for Independent General Election candidates.

Note: A fourth quarter 2021 filing is needed for the Primary 2022 candidates if they started their campaign prior to December 9, 2021.

A second quarter 2022 filing is needed by Independent/ Non-partisan General Election candidates if they started their campaign prior to May 11, 2022.

HOW TO CONTACT ELEC

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