



# ELEC *tronic*

An Election Law Enforcement Commission Newsletter

ISSUE 127 • JANUARY 2020

## Comments from the Chairman

**Eric H. Jaso**

**“Politics has become so expensive that it takes a lot of money even to be defeated.” – Will Rogers**

During the 2019 general election the Commission published several analytical press releases summarizing financial activity by legislative candidates, the “big six” committees, county committees and independent groups.

As reported on 20-day post-election reports, candidates for the Legislature raised \$23.4 million and spent \$19 million. Democrat candidates raised \$17.7 million and spent \$14.3 million. Their Republican counterparts raised \$5.6 million and spent \$4.8 million.

Independent groups also influenced the legislative election. Though their involvement was considerably less than in recent years, they nevertheless spent \$5.8 million in support or opposition to legislative candidates.

Legislative District One, which included a special state Senate election in addition to the election for two Assembly seats, took home the first prize for spending. Candidates spent almost \$3 million contending for the state Senate and Assembly seats.

The “big six” committees -- the two state party committees and four legislative leadership committees -- were active in the November election as well. Altogether they raised \$3.7 million and spent \$3.5 million. Once again, financial activity by the “big six” continued to trend downward. Compared with ten years ago, fundraising decreased by 41 percent while spending declined by 31 percent.

County party financial activity remained flat compared with 2015, the last year only the Assembly was up for election. The 42 county party committees raised \$4.8 million in 2019, the same amount as in 2015. Spending by county committees did spike a bit to over \$5 million compared with \$4.2 million in 2015.

Perhaps the most surprising news of the recent campaign was the record spending that occurred in Jersey City involving a ballot question and a school board election.

The ballot question, which concerned Airbnb’s challenge to a measure imposing strict regulations on short-term rentals, drew spending of \$5.5 million. Groups spent almost \$600,000 on the school board race.

Based on inflation-adjusted dollars, spending on the Jersey City election was the third highest in state history. It ranks only behind the 2016 referendum on locating casinos in North Jersey and a ballot vote in 1976 allowing casinos in Atlantic City.

The spending in the school board race indicates that campaign finance activity is increasing even in lower-level elections.

## “Furthering the Interest of an Informed Citizenry”

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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

## Alaska Case No Threat to New Jersey's Contribution Limits

Reprinted from [insidernj.com](http://insidernj.com)

A recent ruling by the U.S. Supreme Court highlights the wisdom behind New Jersey's campaign finance law and its system of contribution limits. In *David Thompson v. Heather Hebdon*, the U.S. Supreme Court, in a recent opinion involving contribution limits, vacated and remanded back to the Ninth Circuit Court of Appeals a ruling by the lower court that upheld contribution limits in Alaska.

Alaska's campaign finance law limits an individual to a \$500 per year donation to a candidate or "election-oriented group other than a political party." The annual contribution limit is the same as it was in 1996, 23 years ago.

By suggesting that Alaska's limits are too low, the Supreme Court directed the Ninth Circuit to reconsider its ruling in light of its (Supreme Court's) First Amendment precedent as established in *Randall v. Sorrell*.

In *Randall v. Sorrell*, 2006, the Supreme Court found Vermont's contribution limits to be unconstitutional. Vermont had limited contributions made by individuals to \$400 for governor, \$300 for state Senate and \$200 for state representative. The limits were imposed on a per election basis, not an annual basis as per Alaska.

Justice Breyer, in *Randall*, observed "contribution limits that are too low . . . harm the electoral process by preventing challengers from mounting effective campaigns against incumbent officeholders; thereby reducing democratic accountability."

The Ninth Circuit ruled that Alaska's law survived First Amendment scrutiny. In reaching this conclusion it stated that the individual contribution limit "focuses narrowly on the state's interest, leaves the contributor free to affiliate with a candidate, and allows the candidate to amass sufficient resources to wage an effective campaign."

By virtue of its ruling, the Ninth Circuit failed to apply the First Amendment precedent set forth by the Supreme Court in *Randall v. Sorrell*.

In response to the arguments made by the Ninth Circuit, the Supreme Court reiterated points made in its *Randall* decision.

First, the Court said that Alaska's individual-to-candidate \$500 limit was substantially lower than the limit of \$1,075 previously held in *Nixon v. Shrink Missouri Government PAC* (2000). According to the Court if the Missouri limit was adjusted for inflation it would now be more than \$1,600.

Second, the Court asserted that Alaska's limit was "substantially lower than . . . comparable limits in other states," and that most limits in other states were imposed on a per election rather than annual basis, making other state's limits much higher.

Third, Alaska's contribution limits are not adjusted for inflation. The Court had maintained in *Randall* that Vermont's limits were already too low, its failure to account for inflation will "almost inevitably become too low over time."

The opinion by the Supreme Court set off alarm bells for some in the reformist community who feared the decision foretold the Court's intent to end contribution limits altogether.

Perhaps, however, the ruling suggests the opposite. There appears to be no suggestion in the Court's per curiam opinion that it intends to undue

precedent vis-à-vis contribution limits but rather that it desires to have precedent upheld pursuant to its 2006 ruling in *Randall v. Sorrell*; and by extension *Buckley v. Valeo* (1976).

In *Buckley*, the Supreme Court opined "We find that, under the rigorous standards of review established by our prior decision, the weighty interests served by restricting the size of financial contributions to political candidates, are sufficient to justify the limited effect upon the First Amendment freedoms caused by the \$1000 (federal) contribution ceiling."

Regardless, the Supreme Court's decision in *Thompson* augurs well for New Jersey's campaign finance law and its contribution limit schedule.

By establishing limits on contributions in its 1993 reforms, the Legislature, in its wisdom, not only established non-gubernatorial limits that are high enough (now \$2600) to withstand constitutional challenge but created a unique formula for adjusting gubernatorial limits and thresholds for inflation every four years.

The formula, which accounts for both advertising and consumer price inflation, was originated and subsequently proposed by the New Jersey Election Law Enforcement Commission (ELEC). The campaign index has served to ensure that the gubernatorial candidates that participate in the Gubernatorial Public Financing Program have enough money to run effective campaigns.

While the Commission has advocated raising non-gubernatorial contribution limits to adjust for inflation, the Legislature has yet to take up the proposal despite the limits remaining stagnant for several election cycles. Nevertheless, the existing non-gubernatorial contribution limits are sufficient to satisfy guidelines suggested by the U.S. Supreme Court in its recent ruling involving Alaska's contribution limit plan.

**“OPEN PUBLIC MEETINGS ACT,”**N.J.S.A. 10:4-6 et seq.**COMMISSION MEETING SCHEDULE FOR  
CALENDAR YEAR 2020**

The New Jersey Election Law Enforcement Commission has announced its meeting schedule for 2020. Unless otherwise indicated in the future, meetings will be held at the Commission’s offices at 25 South Stockton Street, 5<sup>th</sup> Floor, in Trenton. It is anticipated that meetings will begin at 11:00 a.m., unless otherwise indicated.

**2020 COMMISSION MEETING SCHEDULE**

January	21, 11:00 a.m.
February	18, 11:00 a.m.
March	17, 11:00 a.m.
April	21, 11:00 a.m.
May	19, 11:00 a.m.
June	16, 11:00 a.m.
July	21, 11:00 a.m.
August	18, 11:00 a.m. (if necessary)
September	15, 11:00 a.m.
October	20, 11:00 a.m.
November	17, 11:00 a.m.
December	15, 11:00 a.m.

## 2020 Reporting Dates

	INCLUSION DATES	REPORT DUE DATE
<b>FIRE COMMISSIONER – FEBRUARY 15, 2020</b>		
29-day Preelection Reporting Date	Inception of campaign* – 1/14/2020	1/17/2020
11-day Preelection Reporting Date	1/15/2020 – 2/1/2020	2/4/2020
20-day Postelection Reporting Date	2/2/2020 – 3/3/2020	3/6/2020
48-Hour Notice Reports Start on 2/2/2020 through 2/15/2020		
<b>APRIL SCHOOL BOARD – APRIL 21, 2020</b>		
29-day Preelection Reporting Date	Inception of campaign* – 3/20/2020	3/23/2020
11-day Preelection Reporting Date	3/21/2020 – 4/7/2020	4/13/2020
20-day Postelection Reporting Date	4/8/2020 – 5/8/2020	5/11/2020
48-Hour Notice Reports Start on 4/8/2020 through 4/21/2020		
<b>MAY MUNICIPAL – MAY 12, 2020</b>		
29-day Preelection Reporting Date	Inception of campaign* – 4/10/2020	4/13/2020
11-day Preelection Reporting Date	4/11/2020 – 2/28/2020	5/1/2020
20-day Postelection Reporting Date	4/29/2020 – 5/29/2020	6/1/2020
48-Hour Notice Reporting Starts on 4/29/2020 through 5/12/2020		
<b>RUNOFF (JUNE) ** – JUNE 9, 2020</b>		
29-day Preelection Reporting Date	No Report Required for this Period	
11-day Preelection Reporting Date	4/29/2020 – 5/26/2020	5/29/2020
20-day Postelection Reporting Date	5/27/2020 – 6/26/2020	6/29/2020
48-Hour Notice Reporting Starts on 5/27/2020 through 6/9/2020		
<b>PRIMARY (90-DAY START DATE: MARCH 4, 2020) *** – JUNE 2, 2020</b>		
29-day Preelection Reporting Date	Inception of campaign* – 5/1/2020	5/4/2020
11-day Preelection Reporting Date	5/2/2020 – 5/19/2020	5/22/2020
20-day Postelection Reporting Date	5/20/2020 – 6/19/2020	6/22/2020
48-Hour Notice Reporting Starts on 5/20/2020 through 6/2/2020		
<b>GENERAL (90-DAY START DATE: AUGUST 5, 2020) – NOVEMBER 3, 2020</b>		
29-day Preelection Reporting Date	6/20/2020 – 10/2/2020	10/5/2020
11-day Preelection Reporting Date	10/3/2020 – 10/20/2020	10/23/2020
20-day Postelection Reporting Date	10/21/2020 – 11/20/2020	11/23/2020
48-Hour Notice Reporting Starts on 10/21/2020 through 11/3/2020		
<b>RUNOFF (DECEMBER)** – DECEMBER 8, 2020</b>		
29-day Preelection Reporting Date	No Report Required for this Period	
11-day Preelection Reporting Date	10/21/2020 – 11/24/2020	11/27/2020
20-day Postelection Reporting Date	11/25/2020 – 12/25/2020	12/28/2020
48-Hour Notice Reporting Starts on 11/25/2020 through 12/8/2020		

**PACs, PCFRs & CAMPAIGN QUARTERLY FILERS**

1 <sup>st</sup> Quarter	1/1/2020 – 3/31/2020	4/15/2020
2 <sup>nd</sup> Quarter	4/1/2020 – 6/30/2020	7/15/2020
3 <sup>rd</sup> Quarter	7/1/2020 – 9/30/2020	10/15/2020
4 <sup>th</sup> Quarter	10/1/2020 – 12/31/2020	1/15/2021

**GOVERNMENTAL AFFAIRS AGENTS (Q-4)**

1 <sup>st</sup> Quarter	1/1/2020 – 3/31/2020	4/13/2020
2 <sup>nd</sup> Quarter	4/1/2020 – 6/30/2020	7/10/2020
3 <sup>rd</sup> Quarter	7/1/2020 – 9/30/2020	10/13/2020
4 <sup>th</sup> Quarter	10/1/2020 – 12/31/2020	1/11/2021

\*Inception Date of Campaign (first time filers) or January 1, 2020 (Quarterly filers)

\*\*A candidate committee or joint candidates committee that is filing in a 2020 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 on April 19, 2020 for the Primary Election Candidates and June 12, 2020 for the Independent General Election Candidates.

Note: A fourth quarter 2019 filing is needed for the Primary 2020 candidates if they started their campaign prior to December 4, 2019.

A second quarter is needed by Independent/Non-Partisan General Election candidates if they started their campaign prior to May 5, 2020.

**HOW TO CONTACT ELEC**

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