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Newsletter

ELECtronic

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

Comments from the Chairman Eric H. Jaso

"Hey, whaddaya say we both be independent together, huh?"

-- Hermey the Misfit Elf

With the election season already upon us, it is important to discuss the law and rules governing how multiple candidates can form and run a joint candidates' committee.

First, the statute limits which candidates can form a joint committee.

Candidates for Senate and Assembly running in a legislative district may form a joint candidates' committee, as may candidates for county executive and county commissioner. Also, candidates for mayor and municipal governing body may establish such a committee.

Second, contribution limits continue to apply to each candidate respectively. For example, an individual may give \$2,600 per election to a candidate for office. Therefore, in a three-member joint committee, that individual would be permitted to give \$7,800 (3 x \$2,600) to the committee.

If members of a joint candidates' committee also form individual candidate committees, an aggregate limit of \$2,600 per candidate applies.

So, if Candidate Jones received \$1,300 from an individual for his candidate committee, he can only receive \$1,300 from that same contributor for the joint candidates' committee. Contributions to the other two candidates in the three person joint candidate committee are also limited to a \$1,300 each pursuant to the equal attribution rule.

In establishing a joint candidates' committee, two or more candidates seeking the same elective public office must file with the Commission a certificate of organization and designation of campaign treasurer and depository (Form D-2). This filing must take place no later than 10 days after creating the joint committee.

Moreover, the designation of depository form must contain the following information:

1. the full name of the joint candidates' committee;

2. the name, mailing address and telephone numbers of the persons appointed chair and treasurer; and

3. the name, mailing address and telephone number of the depository bank, the account name and number, and the names, mailing addresses and telephone numbers of persons authorized to sign checks and make transactions.

For contributors making donations to the joint candidates' committee, the contribution must be made out only to the designated name of the committee.

Joint candidates' committees file at the same time as candidate committees do. The filing requirements with the Commission are 29 and 11- days prior to an election (primary, general, May municipal, etc.) and 20-days post-election.

When joint candidates' committees are formed and run-in compliance with these laws and regulations, the member candidates can increase their campaigns' efficiency, avoid duplication of efforts and expense, and better coordinate their campaigns.

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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

New Jersey Pay-to-Play Laws: No 'Field of Dreams'

Reprinted from insidernj.com 2019

In the 1989 movie "Field of Dreams," farmer Ray Kinsella (played by Kevin Costner) hears a mysterious voice as he walks through his Iowa cornfield: "If you build it, he will come."

At the same time, Ray envisions a baseball field built on part of his land. Though his wife Annie has doubts, and despite mounting financial problems, Ray plows ahead and builds the field.

Months later, legendary player Shoeless Joe Jackson appears to Ray. He later returns with former teammates who were banned from baseball as the result of the 1919 Black Sox Scandal.

They are thrilled to play baseball again.

Following several plot twists, the movie ends with Ray reconciling with his father and welcoming hundreds of visitors who descend upon the Iowa cornfield.

Now considered one of the greatest American cinematic fantasies ever and featuring one of the most famous lines in film history, the movie is adored by most fans and chosen by the Library of Congress for the National Film Registry in 2017.

Major League Baseball even plans to celebrate the movie next year by arranging for the New York Yankees and

Chicago White Sox to play a game in a newly built field in Dyersville, Iowa.

While "Field of Dreams" had a happy ending, the same cannot be said of well-intentioned reforms made to the New Jersey electoral "playing field" in the form of a Pay-to-Play law enacted in 2006.

Unlike the baseball film, pay-to-play restrictions have driven some major players away from the field and hamstringing the game of politics in the state.

Pay-to-Play reform helped spur consequences not intended by good faith reformers, most notably the dismantlement of the political party system in New Jersey and the simultaneous emergence of independent, outside groups.

In this 2006 "Field of Dreams" law, a business is banned from receiving a public contract of more than \$17,500 if it makes a contribution of more than \$300 during the 18-month period prior to the awarding of the contract and for the duration of the contract.

The limit on donations applies to candidates, officeholders, and political parties that are involved in the decision to grant a public contract.

Unfortunately, the state's Pay-to-Play law is fraught with loopholes, difficult to understand because of its complexity, and therefore hard to enforce.

Municipal and county governments, as well as other local entities such as school boards and authorities, have the option to be subject to state law or to be exempt from it.

There are two ways for local government entities to avoid being subject to state law.

First, local entities can enact their own Pay-to-Play ordinances, which can be weaker or stronger than state law. Adding to the complexity is the fact that local ordinances frequently change as new administrations assume office.

Second, local government entities can invoke the "fair and open" provision. This provision allows municipal and county governments to avoid state law by simply publicly advertising their bidding process.

In either case, the \$300 contribution limit does not necessarily apply. Over 176 municipalities and counties have adopted their own plans. Many others invoke the "fair and open" provision.

Unfortunately, this well-meaning reform has had multiple consequences.

As the result of an inadvertent \$300 contribution, the law may cause economic hardship to both the business and the community. This small donation will cause the business to forfeit its public contract and to discontinue work, this in the middle of performing the contract.

Moreover, this convoluted law has either discouraged participation in politics by business people fearful of violating the law or caused them to seek ways to legally circumvent it.

Perhaps most alarming is the impact the 2006 Pay-to-Play law has had on the overall electoral system in New Jersey.

First, it has made some contributions harder to track and led to less accountability. As more contractors donate to political action committees

(PACs) or independent groups instead of political parties, the perceived link between a donation and a public contract is more difficult or even impossible to trace.

Second, and most importantly, the Pay-to-Play law shares responsibility for weakening the political party system in New Jersey and ushering in the era of influence by less accountable independent groups.

The Pay-to-Play law is not solely responsible for the decline in accountable parties. Independent spending by special interest groups shot up after the 2002 McCain/Feingold federal law banning unlimited contributions to national parties. It increased even more after the 2010 Citizens United v. FEC ruling by the U.S. Supreme Court, which allowed unlimited independent spending by corporations and unions.

Funding decreases to political parties and the emergence of independent groups in New Jersey came soon after the 2006 pay-to-play law took effect.

In the last two gubernatorial elections, 2013 and 2017, and the last congressional election, independent groups spent \$168 million compared to barely half that much by political parties.

Because of the ramifications wrought by Pay-to-Play, the law, while not needing to be undone, it does need to be changed.

For several years, the Election Law Enforcement Commission has recommended changes that would make the law more understandable and enforceable while at the same time help to restore the party system and balance the out-sized influence of independent groups.

The proposal calls for one state law to apply at all levels of government, an end to the “fair and open” provision, and a requirement that would enhance disclosure by requiring any business that receives a contract of \$17,500 or more to disclose their contribution.

Moreover, the proposal calls for PACs to be included under Pay-to-Play and parties to be excluded, for the contribution limit to be increased to \$1,000, and for contractor contributions to independent groups to be disclosed.

This commonsense reform would strengthen the Pay-to-Play law by making it more understandable and enforceable, promote New Jersey’s economy, help strengthen political parties, and heighten disclosure. Hopefully the Legislature will take these commonsense reforms under consideration.

And get more players back on New Jersey’s electoral ballfield.

Training Seminars

*All webinars will run for approximately 2 hours.

CPC WEBINARS	
R-3 eFile ONLY Program Training	CPC/PPC Compliance Seminar AND eFile Training
July 07, 2022 10:00 AM	July 21, 2022 10:00 AM
September 27, 2022 10:00 AM	August 09, 2022 10:00 AM
	September 21, 2022 10:00 AM
	October 13, 2022 10:00 AM
CPC Seminar (In-Person) at ELEC Office Contact ELEC for Registration and Date Information	
CANDIDATE WEBINARS	
R-1 eFile ONLY Program Training	Campaign Compliance Seminar AND eFile Training
September 29, 2022 10:00 AM	July 12, 2022 10:00 AM
	August 02, 2022 10:00 AM
	September 08, 2022 10:00 AM
	September 15, 2022 10:00 AM
	October 05, 2022 10:00 AM
	October 12, 2022 10:00 AM
Candidate Seminars (In-Person) at ELEC Office Contact ELEC for Registration and Date Information	

For up-to-date information on training, please visit ELEC’s website at www.elec.nj.gov.

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.