



NEWS RELEASE

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FOR RELEASE:
January 22, 1996

PRESS RELEASE

The New Jersey Election Law Enforcement Commission (ELEC) has unanimously adopted a resolution that calls on the Legislature to pass a supplemental appropriation for the purposes of administering and enforcing the political advertising identification statute recently enacted into law, William Eldridge, Chairman of the Commission, announced today.

According to Eldridge, the bipartisan Commission formally adopted the resolution because in passing the law, which requires entities making expenditures on political advertising and filing with the Commission to identify themselves in or on the communication, the Legislature did not appropriate additional funds for the purpose of allowing the Commission to enforce the new statute effectively.

The Legislature passed what is commonly referred to as the labeling law in response to a U.S. Supreme Court decision (McIntyre v. Ohio Elections Commission), which, by virtue of an opinion issued by New Jersey's Attorney General, effectively invalidated the State's existing political advertising identification statute.

The law deemed unconstitutional by the Attorney General had required anyone, regardless of the amount spent on political advertising, to identify themselves as the source of any political advertising they are responsible for producing and disseminating. The McIntyre decision forced the Legislature to carve out exceptions to the identification statute.

"The Commission very much supports the Legislature's speedy action with regard to the problem created by the McIntyre decision," said Eldridge. "However, in order to implement and enforce the new law, the Commission needs adequate funding beyond recent support that the Legislature has given ELEC."

Eldridge added that under the previous identification law responsibility for enforcement was vested in the Attorney General and County Prosecutors. He said that the new law makes violations subject to civil penalties and transfers jurisdiction to the Commission.

"The Commission has always attempted to enforce vigorously the laws under its jurisdiction," said Eldridge. "The Commission's goal is to administer effectively this law as well. Obviously, ELEC needs additional funding to accomplish fully this goal."

Eldridge praised the Legislature for passing this legislation not only because the identification of the source of political advertising is an integral part of disclosure, which is in the public interest, but also because this law will help to deter deliberately false political advertising.

"I have been consistently calling for curbs on deliberately false political advertising because I believe it to be harmful to the electoral process in our State," said Eldridge. "Certainly without this labeling law there would have been an open invitation to those who would undertake unfair campaigning because they would have been able to do so anonymously without concern for violating the law or disclosing their identity."

The other members of the New Jersey Election Law Enforcement Commission are: Vice Chairman Owen V. McNany, III; Commissioner David Linett; and Commissioner Ralph V. Martin.

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State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

RESOLUTION

WHEREAS, the Legislature of the State of New Jersey has recently enacted into law P.L. 1995, C. 391, which requires that all campaign literature and campaign advertisements which are disseminated by any person or group required to file disclosure reports with the New Jersey Election Law Enforcement Commission, be labeled to indicate the source of payment for the production and dissemination of such literature and advertising; and

WHEREAS, said law not only will provide for the identification of the source of political advertising but may also serve to deter deliberately false political advertising; and

WHEREAS, P.L. 1995, C. 391 further allocates to the New Jersey Election Law Enforcement Commission the responsibility of administering and enforcing the provisions thereof; and

WHEREAS, the Commissioners of the New Jersey Election Law Enforcement Commission, while wholly supportive of the salutary purposes of

this labeling legislation for campaign literature and advertisements, are nevertheless concerned with the absence in the legislation of additional budgetary appropriations to provide for staff and other resources which will be needed in order to effectively administer and enforce P.L. 1995, C. 391; and

WHEREAS, the current monetary and staff resources available to the Commission are not adequate for this purpose; and

WHEREAS, the Commissioners are further concerned that the current statutory limitations on civil penalties which may be imposed by the Commission for violation of this and other laws within the enforcement jurisdiction of the New Jersey Election Law Enforcement Commission are not adequate to effectively deter violation of such laws,

NOW, THEREFORE, BE IT

RESOLVED, that the New Jersey Election Law Enforcement Commission applauds the enactment of P.L. 1995, C. 391 and supports the purposes thereof, including the goal of fair and effective public disclosure of the sources of campaign literature and advertisements; and

FURTHER RESOLVED, that the New Jersey Election Law Enforcement Commission hereby formally requests that Legislature of the State of New Jersey provide a supplemental appropriation adequate to ensure that the Commission will have available to it the resources needed to implement and effectively enforce the provisions of P.L. 1995, C. 391; and

FURTHER RESOLVED, that the New Jersey Election Law Enforcement Commission hereby formally requests that the Legislature give favorable consideration to increasing the existing statutory limitations upon civil penalties which may be assessed by the Commission for violations of P.L. 1995, C. 391 and other campaign reporting and disclosure laws so that such penalties will operate as an effective deterrent to violation of such laws.

Adopted by the Commissioners of the
New Jersey Election Law Enforcement
Commission in public session,
January 16, 1996.


WILLIAM H. ELDRIDGE, CHAIRMAN

DATED: January 22, 1996

c/ The Honorable Donald T. DiFrancesco, Senate President
The Honorable John A. Lynch, Senate Minority Leader
The Honorable Jack Collins, Assembly Speaker
The Honorable Joseph V. Doria, Jr., Assembly Minority Leader