

ASSEMBLY, No. 4431

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MAY 20, 2024

Sponsored by:

Assemblyman GREGORY P. MCGUCKIN

District 10 (Monmouth and Ocean)

Assemblyman JOHN DIMAIO

District 23 (Hunterdon, Somerset and Warren)

Assemblyman PAUL KANITRA

District 10 (Monmouth and Ocean)

Co-Sponsored by:

Assemblywoman Dunn, Assemblymen Azzariti Jr., Peterson, Rumpf and Myhre

SYNOPSIS

Requires enhanced reporting by independent expenditure committees; extends statute of limitations for campaign finance violations; exempts reports filed with Election Law Enforcement Commission from certain document redaction requirements.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/24/2024)

A4431 MCGUCKIN, DIMAIO

2

1 AN ACT concerning the reporting and disclosure requirements for
2 campaign contributions and expenditures and the statute of
3 limitations for campaign law violations and amending P.L.1973,
4 c.83, P.L.2023, c.30, and P.L.2021, c.371.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8

9 1. Section 8 of P.L.1973, c.83 (C.19:44A-8) is amended to read
10 as follows:

11 8. a. (1) Each political committee shall make a full cumulative
12 report, upon a form prescribed by the Election Law Enforcement
13 Commission, of all contributions in excess of \$200 in the form of
14 moneys, loans, paid personal services, or other things of value made
15 to it and all expenditures made, incurred, or authorized by it in
16 furtherance of the nomination, election, or defeat of any candidate,
17 or in aid of the passage or defeat of any public question, or to
18 provide political information on any candidate or public question,
19 during the period ending 48 hours preceding the date of the report
20 and beginning on the date on which the first of those contributions
21 was received or the first of those expenditures was made, whichever
22 occurred first. The cumulative report, except as hereinafter
23 provided, shall contain the name and mailing address of each person
24 or group from whom moneys, loans, paid personal services or other
25 things of value in excess of \$200 have been contributed since 48
26 hours preceding the date on which the previous such report was
27 made and the amount contributed by each person or group, and
28 where the contributor is an individual, the report shall indicate the
29 occupation of the individual and the name and mailing address of
30 the individual's employer. In the case of any loan reported pursuant
31 to this subsection, the report shall contain the name and mailing
32 address of each person who has cosigned such loan since 48 hours
33 preceding the date on which the previous such report was made, and
34 where an individual has cosigned such loans, the report shall
35 indicate the occupation of the individual and the name and mailing
36 address of the individual's employer. The cumulative report shall
37 also contain the name and address of each person, firm or
38 organization to whom expenditures have been paid since 48 hours
39 preceding the date on which the previous such report was made and
40 the amount and purpose of each such expenditure. The cumulative
41 report shall be filed with the Election Law Enforcement
42 Commission on the dates designated in section 16 hereof.

43 The campaign treasurer of the political committee reporting shall
44 certify to the correctness of each report.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 Each campaign treasurer of a political committee shall file
2 written notice with the commission of a contribution in excess of
3 \$200 received during the period between the 13th day prior to the
4 election and the date of the election, and of an expenditure of
5 money or other thing of value in excess of \$200 made, incurred or
6 authorized by the political committee to support or defeat a
7 candidate in an election, or to aid the passage or defeat of any
8 public question, during the period between the 13th day prior to the
9 election and the date of the election. The notice of a contribution
10 shall be filed in writing or by electronic transmission within 72
11 hours of the receipt of the contribution when the contribution is
12 received between the 13th day and the eighth day prior to the
13 election, or within 24 hours of the receipt of the contribution when
14 the contribution is received between the seventh day prior to the
15 election and the date of the election. The notice shall set forth the
16 amount and date of the contribution, the name and mailing address
17 of the contributor, and where the contributor is an individual, the
18 individual's occupation and the name and mailing address of the
19 individual's employer. The notice of an expenditure shall be filed
20 in writing or by electronic transmission within 72 hours of the
21 making, incurring or authorization of the expenditure when the
22 expenditure is made, incurred, or authorized between the 13th day
23 and the eighth day prior to the election, or within 24 hours when the
24 expenditure is made, incurred, or authorized between the seventh
25 day prior to the election and the date of the election. The notice
26 shall set forth the name and mailing address of the person, firm or
27 organization to whom or which the expenditure was paid and the
28 amount and purpose of the expenditure.

29 (2) When a political committee or an individual seeking party
30 office makes or authorizes an expenditure on behalf of a candidate,
31 it shall provide immediate written notification to the candidate of
32 the expenditure.

33 b. (1) A group of two or more persons acting jointly, or any
34 corporation, partnership, or any other incorporated or
35 unincorporated association including a political club, political
36 action committee, civic association or other organization, which in
37 any calendar year contributes or expects to contribute at least
38 \$2,500.00 to the aid or promotion of the candidacy of an individual,
39 or of the candidacies of individuals, for elective public office or the
40 passage or defeat of a public question or public questions and which
41 expects to make contributions toward such aid or promotion, or
42 toward such passage or defeat, during a subsequent election shall
43 certify that fact to the commission, and the commission, upon
44 receiving that certification and on the basis of any information as it
45 may require of the group, corporation, partnership, association or
46 other organization, shall determine whether the group, corporation,
47 partnership, association or other organization is a continuing
48 political committee for the purposes of this act. If the commission

1 determines that the group, corporation, partnership, association or
2 other organization is a continuing political committee, it shall so
3 notify that continuing political committee.

4 No person serving as the chairman of a political party committee
5 or a legislative leadership committee shall be eligible to be
6 appointed or to serve as the chairman of a continuing political
7 committee.

8 (2) A continuing political committee shall file with the Election
9 Law Enforcement Commission, not later than April 15, July 15,
10 October 15 and January 15 of each calendar year, a cumulative
11 quarterly report of all moneys, loans, paid personal services or other
12 things of value in excess of \$200 contributed to it during the period
13 ending on the 15th day preceding that date and commencing on
14 January 1 of that calendar year or, in the case of the cumulative
15 quarterly report to be filed not later than January 15, of the previous
16 calendar year, and all expenditures made, incurred, or authorized by
17 it during the period, whether or not such expenditures were made,
18 incurred or authorized in furtherance of the election or defeat of any
19 candidate, or in aid of the passage or defeat of any public question
20 or to provide information on any candidate or public question.

21 The cumulative quarterly report shall contain the name and
22 mailing address of each person or group from whom moneys, loans,
23 paid personal services or other things of value in excess of \$200
24 have been contributed and the amount contributed by each person or
25 group, and where an individual has made such contributions, the
26 report shall indicate the occupation of the individual and the name
27 and mailing address of the individual's employer. In the case of any
28 loan reported pursuant to this subsection, the report shall contain
29 the name and address of each person who cosigns such loan, and
30 where an individual has cosigned such loans, the report shall
31 indicate the occupation of the individual and the name and mailing
32 address of the individual's employer. The report shall also contain
33 the name and address of each person, firm or organization to whom
34 expenditures have been paid and the amount and purpose of each
35 such expenditure. The treasurer of the continuing political
36 committee reporting shall certify to the correctness of each
37 cumulative quarterly report.

38 Each continuing political committee shall provide immediate
39 written notification to each candidate of all expenditures made or
40 authorized on behalf of the candidate.

41 If any continuing political committee submitting cumulative
42 quarterly reports as provided under this subsection receives a
43 contribution from a single source of more than \$200 after the final
44 day of a quarterly reporting period and on or before a primary,
45 general, municipal, school or special election which occurs after
46 that final day but prior to the final day of the next reporting period
47 it shall, in writing or by electronic transmission, report that
48 contribution to the commission within 72 hours of the receipt

1 thereof if that contribution is received between the 15th day prior to
2 that election and the day of the election, except that a contribution
3 received between the seventh day prior to the election and the date
4 of the election shall be reported within 24 hours of the receipt
5 thereof, including in that report the amount and date of the
6 contribution; the name and mailing address of the contributor; and
7 where the contributor is an individual, the individual's occupation
8 and the name and mailing address of the individual's employer. If
9 any continuing political committee makes or authorizes an
10 expenditure of money or other thing of value in excess of \$200, or
11 incurs any obligation therefor, to support or defeat a candidate in an
12 election, or to aid the passage or defeat of any public question,
13 between the 15th day prior to the day of the primary election and
14 the day of the primary election, or between the 15th day prior to the
15 day of the general election and the day of the general election, it
16 shall, in writing or by electronic transmission, report that
17 expenditure to the commission within 72 hours of the making,
18 authorizing or incurring thereof, except that an expenditure made,
19 authorized, or incurred between the seventh day prior to the election
20 and the date of the election shall be reported within 24 hours of the
21 making, authorizing, or incurring thereof.

22 A continuing political committee which ceases making
23 contributions toward the aiding or promoting of the candidacy of an
24 individual, or of the candidacies of individuals, for elective public
25 office in this State or the passage or defeat of a public question or
26 public questions in this State shall certify that fact in writing to the
27 commission, and that certification shall be accompanied by a final
28 accounting of any fund relating to such aiding or promoting
29 including the final disposition of any balance in such fund at the
30 time of dissolution. Until that certification has been filed, the
31 committee shall continue to file the quarterly reports as provided
32 under this subsection.

33 c. Each political party committee and each legislative
34 leadership committee shall file with the Election Law Enforcement
35 Commission, not later than April 15, July 15, October 15 and
36 January 15 of each calendar year, a cumulative quarterly report of
37 all moneys, loans, paid personal services or other things of value in
38 excess of \$200 contributed to it during the period ending on the
39 15th day preceding that date and commencing on January 1 of that
40 calendar year or, in the case of the cumulative quarterly report to be
41 filed not later than January 15, of the previous calendar year, and all
42 expenditures made, incurred, or authorized by it during the period,
43 whether or not such expenditures were made, incurred or authorized
44 in furtherance of the election or defeat of any candidate, or in aid of
45 the passage or defeat of any public question or to provide
46 information on any candidate or public question.

47 The cumulative quarterly report shall contain the name and
48 mailing address of each person or group from whom moneys, loans,

1 paid personal services or other things of value in excess of \$200
2 have been contributed and the amount contributed by each person or
3 group, and where an individual has made such contributions, the
4 report shall indicate the occupation of the individual and the name
5 and mailing address of the individual's employer. In the case of any
6 loan reported pursuant to this subsection, the report shall contain
7 the name and address of each person who cosigns such loan, and
8 where an individual has cosigned such loans, the report shall
9 indicate the occupation of the individual and the name and mailing
10 address of the individual's employer. The report shall also contain
11 the name and address of each person, firm or organization to whom
12 expenditures have been paid and the amount and purpose of each
13 such expenditure. The treasurer of the political party committee or
14 legislative leadership committee reporting shall certify to the
15 correctness of each cumulative quarterly report.

16 d. (1) Each independent expenditure committee making an
17 electioneering communication pertaining to a primary election shall
18 file with the Election Law Enforcement Commission a cumulative
19 report on the 11th day preceding the primary election, and after the
20 primary election file a report on the 20th day following the election,
21 upon a form prescribed by the Election Law Enforcement
22 Commission, of all contributions received in excess of \$7,500 in the
23 form of moneys, loans, paid personal services, or other things of
24 value made to it for the purpose of furthering the independent
25 expenditure, and of all independent expenditures made, incurred, or
26 authorized by it beginning on the first day of the preceding calendar
27 year and ending on the reporting date. Each independent
28 expenditure committee making an electioneering communication
29 pertaining to a municipal, runoff, school board, special, or general
30 election shall file with the Election Law Enforcement Commission
31 a cumulative report on the 29th day preceding the election, a report
32 on the 11th day preceding the election, and after the election file a
33 report on the 20th day following the election, upon a form
34 prescribed by the Election Law Enforcement Commission, of all
35 contributions received in excess of \$7,500 in the form of moneys,
36 loans, paid personal services, or other things of value made to it for
37 the purpose of furthering the independent expenditure, and of all
38 independent expenditures made, incurred, or authorized by it
39 beginning on the first day of the preceding calendar year and ending
40 on the reporting date. The report, except as hereinafter provided,
41 shall contain the name and mailing address of each person or group
42 from whom moneys, loans, paid personal services or other things of
43 value have been contributed since 48 hours preceding the date on
44 which such previous report was made and the amount contributed
45 by each person or group in excess of \$7,500, and when the
46 contributor is an individual, the report shall indicate the occupation
47 of the individual and the name and mailing address of the
48 individual's employer. In the case of any loan reported pursuant to

1 this subsection, the report shall contain the name and mailing
2 address of each person who has cosigned such loan since 48 hours
3 preceding the date on which the previous such report was made, and
4 when an individual has cosigned such loans, the report shall
5 indicate the occupation of the individual and the name and mailing
6 address of the individual's employer. The report shall also contain
7 the name and address of each person, firm, or organization to whom
8 expenditures have been paid since 48 hours preceding the date on
9 which the previous such report was made and the amount and
10 purpose of each such expenditure.

11 (2) When an independent expenditure committee receives a
12 contribution from a single source of more than \$7,500 after the final
13 day of a cumulative reporting period and on or before a primary,
14 municipal, runoff, school board, special, or general election which
15 occurs after that final day but prior to the final day of the next
16 reporting period it shall, in writing or by electronic transmission,
17 report that contribution to the commission within 72 hours of the
18 receipt thereof if that contribution is received between the 15th day
19 prior to that election and the day of the election, except that a
20 contribution received between the seventh day prior to the election
21 and the date of the election shall be reported within 24 hours of the
22 receipt thereof, including in that report the amount and date of the
23 contribution; the name and mailing address of the contributor; and,
24 where the contributor is an individual, the individual's occupation
25 and the name and mailing address of the individual's employer.
26 When an independent expenditure committee makes or authorizes
27 an independent expenditure of more than \$200, or incurs any
28 obligation therefor, between the 15th day prior to the day of a
29 primary, municipal, runoff, school board, special, or general
30 election and the day of that election, it shall, in writing or by
31 electronic transmission, report that independent expenditure to the
32 commission within 72 hours of the making, authorizing, or
33 incurring thereof, except that an independent expenditure made,
34 authorized, or incurred between the seventh day prior to the election
35 and the date of the election shall be reported within 24 hours of the
36 making, authorizing, or incurring thereof.

37 (3) Each independent expenditure committee required to file the
38 reports specified under paragraphs (1) and (2) of this subsection
39 shall also file with the Election Law Enforcement Commission,
40 following each election but not later than April 15, July 15, October
41 15 and January 15 of each calendar year, a cumulative quarterly
42 report of all moneys, loans, paid personal services or other things of
43 value in excess of \$7,500 contributed to it during the period ending
44 on the 15th day preceding that date and commencing on January 1
45 of that calendar year or, in the case of the cumulative quarterly
46 report to be filed not later than January 15, of the previous calendar
47 year, and all expenditures made, incurred, or authorized by it during
48 the period. The cumulative quarterly report shall contain the name

1 and mailing address of each person or group from whom moneys,
2 loans, paid personal services or other things of value in excess of
3 \$7,500 have been contributed and the amount contributed by each
4 person or group, and where an individual has made such
5 contributions, the report shall indicate the occupation of the
6 individual and the name and mailing address of the individual's
7 employer. In the case of any loan reported pursuant to this
8 subsection, the report shall contain the name and address of each
9 person who cosigns such loan, and where an individual has
10 cosigned such loans, the report shall indicate the occupation of the
11 individual and the name and mailing address of the individual's
12 employer. The report shall also contain the name and address of
13 each person, firm or organization to whom expenditures have been
14 paid and the amount and purpose of each such expenditure. The
15 treasurer of the independent expenditure committee reporting shall
16 certify to the correctness of each cumulative quarterly report. Each
17 independent expenditure committee shall continue to file the post-
18 election quarterly reports required under this paragraph until the
19 closure of the committee's campaign depository account.

20 (4) The treasurer of the reporting independent expenditure
21 committee shall certify the correctness of each report and shall
22 maintain all records of contributions and expenditures for a period
23 of not less than four years.

24 The \$7,500 contribution amount shall remain as stated in this
25 subsection without further adjustment by the commission pursuant
26 to section 22 of P.L.1993, c.65 (C.19:44A-7.2).

27 e. When a political party committee or legislative leadership
28 committee receives a contribution from a single source of more than
29 \$200 after the final day of a quarterly reporting period and on or
30 before a primary, general, municipal, school, or special election
31 which occurs after that final day but prior to the final day of the
32 next reporting period it shall, in writing or by electronic
33 transmission, report that contribution to the commission within 72
34 hours of the receipt thereof if that contribution is received between
35 the 15th day prior to that election and the day of the election, except
36 that a contribution received between the seventh day prior to the
37 election and the date of the election shall be reported within 24
38 hours of the receipt thereof, including in that report the amount and
39 date of the contribution; the name and mailing address of the
40 contributor; and where the contributor is an individual, the
41 individual's occupation and the name and mailing address of the
42 individual's employer. When a political party committee or
43 legislative leadership committee makes or authorizes an expenditure
44 of money or other thing of value in excess of \$800, or incurs any
45 obligation therefor, to support or defeat a candidate in an election,
46 or to aid the passage or defeat of any public question, between the
47 15th day prior to the day of the primary election and the day of the
48 primary election, or between the 15th day prior to the day of the

1 general election and the day of the general election, it shall, in
2 writing or by electronic transmission, report that expenditure to the
3 commission within 72 hours of the making, authorizing or incurring
4 thereof, except that an expenditure made, authorized, or incurred
5 between the seventh day prior to the election and the date of the
6 election shall be reported within 24 hours of the making,
7 authorizing, or incurring thereof.

8 f. In any report filed pursuant to the provisions of this section
9 the organization or committee reporting may exclude from the
10 report the name of and other information relating to any contributor
11 whose contributions during the period covered by the report did not
12 exceed \$200, provided, however, that (1) such exclusion is unlawful
13 if any person responsible for the preparation or filing of the report
14 knew that it was made with respect to any person whose
15 contributions relating to the same election or issue and made to the
16 reporting organization or committee aggregate, in combination with
17 the contribution in respect of which such exclusion is made, more
18 than \$200 and (2) any person who knowingly prepares, assists in
19 preparing, files or acquiesces in the filing of any report from which
20 the identification of a contributor has been excluded contrary to the
21 provisions of this section is subject to the provisions of section 21
22 of P.L.1973, c.83 (C.19:44A-21), but (3) nothing in this proviso
23 shall be construed as requiring any committee or organization
24 reporting pursuant to this act to report the amounts, dates or other
25 circumstantial data regarding contributions made to any other
26 organization or political committee, political party committee or
27 campaign organization of a candidate.

28 g. Any report filed pursuant to the provisions of this section
29 shall include an itemized accounting of all receipts and
30 expenditures relative to any testimonial affairs held since the date
31 of the most recent report filed, which accounting shall include the
32 name and mailing address of each contributor in excess of \$200 to
33 such testimonial affair and the amount contributed by each; in the
34 case of an individual contributor, the occupation of the individual
35 and the name and mailing address of the individual's employer; the
36 expenses incurred; and the disposition of the proceeds of such
37 testimonial affair.

38 The \$200 limit established in this subsection shall remain as
39 stated in this subsection without further adjustment by the
40 commission in the manner prescribed by section 22 of P.L.1993,
41 c.65 (C.19:44A-7.2).

42 (cf: P.L.2023, c.30, s.4)

43

44 2. Section 35 of P.L.2023, c.30 (C.19:44A-6a) is amended to
45 read as follows:

46 35. Any enforcement action brought by the Election Law
47 Enforcement Commission for any violations of P.L.1973, c.83
48 (C.19:44A-1 et seq.) shall be subject to a statute of limitations of

1 **【two】** four years following the **【occurrence of】** date of the election
2 for which the alleged violation occurred. The statute of limitations
3 provided in this section shall apply **【retroactively】** to any alleged
4 violations occurring **【prior to】** following the effective date of this
5 act, **【P.L.2023, c.30 (C.19:44A-20.10a et al.)】** P.L. , c. (pending
6 before the Legislature as this bill).
7 (cf: P.L.2023, c.30, s.35)

8
9 3. Section 3 of P.L.2021, c.371 (C.47:1B-3) is amended to read
10 as follows:

11 3. a. The following exceptions shall apply to the requirement
12 to redact, and the prohibition against the disclosure of, a home
13 address pursuant to section 2 of P.L.2021, c.371 (C.47:1B-2) in
14 accordance with section 2 of P.L.2015, c.226 (C.47:1-17), section 1
15 of P.L.1995, c.23 (C.47:1A-1.1), or section 6 of P.L.2001, c.404
16 (C.47:1A-5):

17 (1) Copies of voter registration files maintained in the Statewide
18 voter registration system pursuant to section 2 of P.L.2005, c.145
19 (C.19:31-32) and maintained by the commissioner of registration in
20 each county pursuant to R.S.19:31-3 shall be provided as redacted
21 pursuant to section 2 of P.L.2021, c.371 (C.47:1B-2), except that
22 copies of the files as unredacted pursuant thereto shall be provided
23 to the following individuals, upon the individual's signing of an
24 affidavit attesting to the individual's qualifying status pursuant
25 hereto:

26 (a) the chairperson of the county or municipal committee of a
27 political party, as appropriate under R.S.19:7-1, or a designee
28 thereof, for distribution to any person authorized to serve as a
29 challenger pursuant to R.S.19:7-1 or section 2 of P.L.2021, c.40
30 (C.19:15A-2), subject to the limitations in section 1 of P.L.1960,
31 c.82 (C.19:7-6.1); and the unredacted copies may only be used for
32 the purpose specified in R.S.19:7-5;

33 (b) a candidate, or a designee thereof, for distribution to a
34 challenger appointed thereby pursuant to section 2 of P.L.2021, c.40
35 (C.19:15A-2) for the person's use in accordance with R.S.19:7-5;

36 (c) a candidate acting as a challenger pursuant to R.S.19:7-2 or
37 the other person appointed thereunder, for use in accordance with
38 R.S.19:7-5;

39 (d) any vendor, contractor, or organization carrying out a
40 function of a county or of the State concerning the administration or
41 conduct of elections; and

42 (e) upon order of a judge of the Superior Court after a finding
43 that the unredacted copy is necessary to determine the merits of a
44 petition filed in accordance with R.S.19:29-3, a person filing such
45 petition or the respondent or both.

46 This paragraph shall apply to registry lists as described in section
47 2 of P.L.1947, c.347 (C.19:31-18.1).

1 (2) Other than as provided in subparagraphs (d) and (e) of
2 paragraph (4) of this subsection, a document affecting the title to
3 real property, as defined by N.J.S.46:26A-2, recorded and indexed
4 by a county recording officer, or as otherwise held or maintained by
5 the Division of Taxation, a county board of taxation, a county tax
6 administrator, or a county or municipal tax assessor, that contains
7 an address subject to redaction or nondisclosure consistent with this
8 act, P.L.2021, c.371 (C.47:1B-1 et al.):

9 may instead or in addition include the redaction and
10 nondisclosure of the names or other information of approved
11 covered persons, as specified by the Director of the Division of
12 Taxation, which redaction and nondisclosure may include masking
13 of such names or other information, and

14 shall be provided as unredacted to the following persons when
15 requested in such person's ordinary course of business:

16 (a) a title insurance company, a title insurance agent, or an
17 approved attorney, as defined in section 1 of P.L.1975, c.106
18 (C.17:46B-1);

19 (b) a mortgage guarantee insurance company, as described in
20 section 4 of P.L.1968, c.248 (C.17:46A-4);

21 (c) a mortgage loan originator, as defined in section 3 of
22 P.L.2009, c.53 (C.17:11C-53);

23 (d) a registered title search business entity, as defined in section
24 4 of P.L.2021, c.371 (C.17:46B-1.1);

25 (e) a real estate broker, a real estate salesperson, a real estate
26 broker-salesperson, a real estate salesperson licensed with a real
27 estate referral company, or a real estate referral company, as such
28 terms are defined in R.S.45:15-3; and

29 (f) an individual or business that has made or received an offer
30 for the purchase of real estate and real property, or any portion
31 thereof, to or from a covered person whose address is subject to
32 redaction or nondisclosure pursuant to section 2 of P.L.2021, c.371
33 (C.47:1B-2).

34 This act shall not be construed to prohibit a county recording
35 officer from returning a document as unredacted to any person who
36 submitted the document for recordation.

37 (3) A home address as unredacted may be provided by a public
38 agency to the majority representative of such agency's employees.

39 (4) The following shall not be subject to redaction or
40 nondisclosure pursuant to section 2 of P.L.2021, c.371 (C.47:1B-2):

41 (a) records and documents, including Uniform Commercial
42 Code filings and financing statements, maintained by the Division
43 of Revenue and Enterprise Services in the Department of the
44 Treasury;

45 (b) petitions naming candidates for office pursuant to R.S.19:13-
46 1 and R.S.19:13-4;

47 (c) petitions signed in accordance with R.S.19:13-6;

- 1 (d) records evidencing any lien, judgement, or other
2 encumbrance upon real or other property;
- 3 (e) assessment lists subject to inspection pursuant to R.S.54:4-
4 38 when inspected in person;
- 5 (f) the index of all recorded documents maintained by a county
6 recording officer as under N.J.S.46:26A-8 when inspected in
7 person; **[and]**
- 8 (g) property that is presumed abandoned under the "Uniform
9 Unclaimed Property Act," P.L.1989, c.58 (C.46:30B-1 et seq.); and
- 10 (h) any reports concerning campaign contributions and
11 expenditures required to be filed with the Election Law
12 Enforcement Commission by any individual, candidate, campaign,
13 committee, or other entity pursuant to "The New Jersey Campaign
14 Contributions and Expenditures Reporting Act," P.L.1973, c.83
15 (C.19:44A-1 et seq.).
- 16 (5) A public agency may share unredacted information with any
17 vendor, contractor, or organization to carry out the purposes for
18 which the public agency entered into an agreement with the vendor,
19 contractor, or organization. The vendor, contractor, or organization
20 shall not use such information in any manner other than as
21 necessary to carry out the purposes of the agreement.
- 22 (6) For a record or other document containing a home address
23 required to be redacted pursuant to section 2 of P.L.2021, c.371
24 (C.47:1B-2) that, because of the characteristics or properties of the
25 record or document, is only available to be viewed in person, a
26 custodian or other government official shall make every reasonable
27 effort to hide such address when allowing an individual without
28 authority to view such address as unredacted to view the record or
29 document.
- 30 b. Nothing in this act shall be construed to require redaction or
31 nondisclosure of any information in any document, record,
32 information, or database shared with or otherwise provided to any
33 other government entity.
- 34 c. Information otherwise subject to redaction or nondisclosure
35 pursuant to section 2 of P.L.2021, c.371 (C.47:1B-2) may be
36 provided as unredacted upon order of a judge of the Superior Court
37 or of any other court of competent jurisdiction.
- 38 d. This section shall not be construed to require a record to be
39 made available that is not otherwise required to be made available
40 under any other law or regulation.
- 41 e. The Director of the Division of Taxation may issue any
42 guidance, guidelines, or rules and regulations necessary to
43 effectuate the purposes of this section. The rules and regulations
44 shall be effective immediately upon filing with the Office of
45 Administrative Law for a period not to exceed 18 months, and shall,
46 thereafter, be amended, adopted, or readopted in accordance with

1 the provisions of the "Administrative Procedure Act,"
2 P.L.1968,c.410 (C.52:14B-1 et seq.).
3 (cf: P.L.2021, c.371, s.3)

4

5 4. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill requires enhanced reporting by independent expenditure
11 committees, extends the statute of limitations for campaign finance
12 violations, and exempts reports of contributions and expenditures
13 required to be filed with the Election Law Enforcement
14 Commission (ELEC) from certain redaction and nondisclosure
15 requirements. This bill would enact the three recommendations
16 made by ELEC in its 2023 annual report.

17

18 *Enhanced Reporting by Independent Expenditure Committees*

19

20 This bill requires independent expenditure committees, the so-
21 called "dark money" groups, to promptly report campaign
22 contributions and expenditures in the days before an election. This
23 bill also requires such committees to file post-election quarterly
24 reports until the closure of their campaign depository accounts.

25

26 Under current law, independent expenditure committees are
27 required to file with the Election Law Enforcement Commission
28 (ELEC) a cumulative report on the 11th day preceding the primary
29 election, and on the 20th day following the primary election, of all
30 contributions received in excess of \$7,500 in the form of moneys,
31 loans, paid personal services, or other things of value made to it for
32 the purpose of furthering the independent expenditure. They are
33 also required to report all independent expenditures made, incurred,
34 or authorized by it. In addition, each independent expenditure
35 committee making an electioneering communication pertaining to a
36 municipal, runoff, school board, special, or general election is
37 required to file with ELEC a cumulative report on the 29th day
38 preceding the election, a report on the 11th day preceding the
39 election, and on the 20th day following the election, of all
40 contributions received in excess of \$7,500 in the form of moneys,
41 loans, paid personal services, or other things of value made to it for
42 the purpose of furthering the independent expenditure, and of all
43 independent expenditures made, incurred, or authorized by it. The
44 reporting period begins on the first day of the preceding calendar
45 year and ends on the reporting date. However, under current law,
46 independent expenditure committees are not required to report
47 contributions received and expenditures made in the period between
48 the filing of the 11th-day pre-election report and the day of the
election, thereby creating a transparency loophole.

1 Under this bill, when an independent expenditure committee
2 receives a contribution from a single source of more than \$7,500
3 after the final day of a cumulative reporting period and on or before
4 a primary, municipal, runoff, school board, special, or general
5 election which occurs after that final day but prior to the final day
6 of the next reporting period it will be required, in writing or by
7 electronic transmission, to report that contribution to ELEC within
8 72 hours of receiving it, if that contribution is received between the
9 15th day prior to that election and the day of the election. However,
10 a contribution received between the seventh day prior to that
11 election and the day of the election would be required to be reported
12 within 24 hours of receiving it. The bill requires the committee to
13 report the amount and date of the contribution; the name and
14 mailing address of the contributor; and where the contributor is an
15 individual, the individual's occupation and the name and mailing
16 address of the individual's employer.

17 In addition, when an independent expenditure committee makes
18 or authorizes any independent expenditure of more than \$200, or
19 incurs any obligation therefor, between the 15th day prior to the day
20 of a primary, municipal, runoff, school board, special, or general
21 election and the day of that election, it will be required to report, in
22 writing or by electronic transmission, that independent expenditure
23 to the commission within 72 hours of making, authorizing, or
24 incurring it. However, an independent expenditure made,
25 authorized, or incurred between the seventh day prior to the election
26 and the day of the election would be required to be reported within
27 24 hours of making, authorizing, or incurring it.

28 Under current law, independent expenditure committees do not
29 have to file post-election quarterly reports. This bill would require
30 each independent expenditure committee required to file reports to
31 also file with the Election Law Enforcement Commission, following
32 each election but not later than April 15, July 15, October 15 and
33 January 15 of each calendar year, a cumulative quarterly report of
34 all moneys, loans, paid personal services or other things of value in
35 excess of \$7,500 contributed to it during the period ending on the
36 15th day preceding that date and commencing on January 1 of that
37 calendar year or, in the case of the cumulative quarterly report to be
38 filed not later than January 15, of the previous calendar year, and all
39 expenditures made, incurred, or authorized by it during the period.
40 The cumulative quarterly report would contain the name and
41 mailing address of each person or group from whom moneys, loans,
42 paid personal services or other things of value in excess of \$7,500
43 have been contributed and the amount contributed by each person or
44 group, and where an individual has made such contributions, the
45 report would indicate the occupation of the individual and the name
46 and mailing address of the individual's employer. In the case of
47 any loan reported, the report would contain the name and address of
48 each person who cosigns such loan, and where an individual has

1 cosigned such loans, the report would indicate the occupation of the
2 individual and the name and mailing address of the individual's
3 employer. The report would also contain the name and address of
4 each person, firm or organization to whom expenditures have been
5 paid and the amount and purpose of each such expenditure. The
6 treasurer of the independent expenditure committee reporting would
7 certify to the correctness of each cumulative quarterly report. Each
8 independent expenditure committee would continue to file the post-
9 election quarterly reports until the closure of the committee's
10 campaign depository account.

11

12 *Statute of Limitations for Violations*

13

14 This bill extends the statute of limitations for campaign finance
15 violations. Under current law, any enforcement action brought by
16 ELEC for any violations of campaign finance laws is subject to a
17 statute of limitations of two years following the occurrence of the
18 alleged violation. Under this bill, the statute of limitations would be
19 four years following the date of the election for which the alleged
20 violation occurred. The new four-year statute of limitations will
21 apply to any violations that take place after the enactment of this
22 bill.

23

24 *Exemption from Redaction and Nondisclosure*

25

26 This bill exempts reports filed with ELEC from certain document
27 redaction and nondisclosure requirements. Under current law,
28 certain public officials and employees, such as judges and law
29 enforcement officers, are entitled to have their personal information
30 redacted or subject to nondisclosure when such information is
31 present on a public record. However, there are certain exceptions
32 when an individual's personal information may still be disclosed,
33 even if they are otherwise entitled to redaction or nondisclosure.

34 This bill would add reports required to be filed with ELEC
35 regarding election-related financing to the list of current exceptions.
36 This exception would apply to all reports filed by any individual,
37 candidate, campaign, committee, or other entity under "The New
38 Jersey Campaign Contributions and Expenditures Reporting Act."