



# ELEC-TRONIC

An Election Law Enforcement Commission Newsletter

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**"Furthering the Interest of an Informed Citizenry"**

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## In This Issue

- Comments from the Chairman
- Disclosure of Certain Contributions by Business Entities
- Executive Director's Thoughts
- Sufficient Public Interest for Public Hearings
- Lobbying Mandatory Electronic Filing
- "Big Six" 4<sup>th</sup> Quarter 2015
- Training Seminars and Lobbying Reporting Dates
- Reporting Dates

## Website:

[www.elec.state.nj.us](http://www.elec.state.nj.us)

## Comments from the Chairman Ronald DeFilippis

Since 1961 there has been a precipitous decline in voter turnout in New Jersey's elections.

To say the least, turnout for the State's recent Assembly election was less than desirable.

Election Day 1961 witnessed 73 percent of New Jersey's eligible voters casting ballots. Compare that percentage to the 21 percent of eligible voters who voted in this year's legislative contest.

To be sure, there have been a couple of years in that period of time when voters turned out in respectable numbers. In the 1993 election, featuring Governor James J. Florio against Christine Todd Whitman, 65 percent of eligible voters cast ballots, for instance.

However, that's the last time turnout reached that high. Nothing like that or the 74 percent turnout in 1969, when William T. Cahill ran against Robert B. Meyner, has been seen since.

Scholars continually offer explanations for low voter turnout levels. These explanations include cynicism among the electorate, negative attack advertisements, too many elections, and a commuter-based society. They also involve concerns about inconvenient times for voting, a weakening political party system, and competition for the voter's interest.

It's not my intent, however, to provide explanations for low voter turnout but rather to point to the issue and represent the New Jersey Election Law Enforcement Commission (ELEC) in urging people to vote in upcoming May municipal, primary, and general elections.

As you know, ELEC has been given the responsibility of supplying important information to the public regarding the financing of political campaigns of candidates, political parties, legislative leadership committees, and special interest PACs.

The information provided is an invaluable resource for voters, and the Commission makes every effort to bring it to the public in a way that promotes an informed electorate.

Through outreach efforts, the Commission's website, press releases, analytical reports, and other promotional efforts, such as ELEC-Tronic newsletter, the Commission is making every effort to let the public know what is available to them.

But just as in voting, it is up to the citizens to take advantage of ELEC's services and become informed about their elected officials and candidates.

It is hoped that not only will voters turn out this year in large numbers but that all those voting be informed about the issues and the candidates. Moreover, New Jersey offers voters the opportunity to vote by mail. It remains to be seen whether voter turnout increases in this presidential year.

### **Disclosure of Certain Contributions by Business Entities (N.J.S.A. 19:44A-20.26, 20.27):**

The pay-to-play disclosure law requires that prior to entering a contract with a governmental entity of more than \$17,500 that is not publicly advertised, a for-profit business entity must disclose to that governmental entity certain contributions made during the past year.

Further, a for-profit business entity that has received \$50,000 or more through government contracts in a calendar year must file the Business Entity Annual Statement (Form BE) electronically with the Commission to report contract information and reportable contributions it has made. The due date for the first annual disclosure report for calendar year 2006 was September 28, 2007. For each subsequent calendar year the due date is March 30th. To access the Form BE, please go to the [Form and Instructions](#) page.

## **Executive Director's Thoughts Jeff Brindle**

### **Two Paths to Redistricting?**

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

In the Legislature, a bill is moving that would propose a constitutional amendment that would change the way the state's legislative districts are configured.

Rather than basing redistricting on ten-year, census-driven population changes, the amendment would base redistricting on polling data measuring the average vote statewide over nine legislative election cycles.

Democratic proponents of the amendment maintain that it would ensure that ten legislative districts would be competitive, in turn contributing to higher voter turnout. But Republican opponents counter that it could undermine democracy by indefinitely locking in the current Democratic majorities in both legislative houses.

The proposed amendment is being introduced at a time when the U.S. Supreme Court is considering a case that well might affect state legislative redistricting, but in a different way.

The divergent paths of these two actions may clash at some future time, depending on the outcome of the ballot question and the decision of the high court.

In a column published by PolitickerNJ in June, I wrote about the U.S. Supreme court case named [Evenwell vs. Abbott](#).

That case challenges the way state senate districts were drawn in Texas using 2010 census information. Texas officials followed tradition by relying on total population.

But Sue Evenwell and Edwin Pfenninger call this method unfair, stating that redistricting based on total population waters down their vote.

They say that redistricting should be based on "vote eligible population" (VEP) rather than on total population.

Plaintiffs argue that the votes of individuals in districts with large numbers of ineligible voters (mainly, non-citizens and children) count more than those of voters in districts with more eligible voters.

The previous column concluded that if the court found for Evenwell, New Jersey's urban districts would have to add eligible voters whereas suburban and rural districts would have to give up eligible voters.

In other words, urban districts may pick up more independent and even Republican voters while suburban and rural districts may pick up additional Democratic voters.

A decision for Evenwell potentially would make the state's legislative elections more competitive. Advocates of the NJ constitutional amendment make the same argument.

But the likelihood of the high court ruling in Evenwell's favor seems low given wording of the Fourteenth Amendment to the U.S. Constitution. Section II states that "Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed."

The above section refers specifically to the redistricting of congressional districts, and not directly to how state legislative districts are to be apportioned.

However, chances are the U.S. Supreme Court will continue to apply the total population method articulated in the 14<sup>th</sup> Amendment to state legislative redistricting and reject the Evenwell challenge.

In the off chance that the Court finds for Evenwell using some creative legal logic and NJ voters approve the proposed constitutional amendment, redistricting will be an interesting puzzle for the Legislature to sort out.

In any event, redistricting suddenly has become topical. It will be increasingly on the voters' minds in the coming year.

If the outcome is more competitive legislative elections, it may drive up voter interest, turnout and campaign spending.

## Sufficient Public Interest for Public Hearings for Commission Rulemaking

At its meeting of January 19, 2016, the Commission adopted N.J.A.C. 19:25-2.6 to require a public hearing on a rulemaking notice of proposal if at least 20 individuals submit written requests to hold a public hearing, to present data, arguments, or views that raise a substantial issue as to the impact of the notice of proposal on the regulated community or the general public that has not been anticipated by the Commission. The adoption will become effective upon publication in the New Jersey Register on or about February 16, 2016. For the full language of the proposal notice, please visit: [http://www.elec.state.nj.us/pdf/FILES/regulations/OAL\\_prop\\_10192015.pdf](http://www.elec.state.nj.us/pdf/FILES/regulations/OAL_prop_10192015.pdf).

## Lobbying Mandatory Electronic Filing

At its meeting of January 19, 2016, the Commission adopted amendments to N.J.A.C. 19:25-20.4, 20.5, 20.7 through 20.9C, 20.16, 20.19, and 20.20, to require Governmental Affairs Agents and represented entities to file lobbying forms and reports electronically. The adoption will become effective upon publication in the New Jersey Register on or about February 16, 2016. For the full language of the proposal notice, please visit: [http://www.elec.state.nj.us/pdf/FILES/regulations/OAL\\_prop\\_10192015.pdf](http://www.elec.state.nj.us/pdf/FILES/regulations/OAL_prop_10192015.pdf).

## “Big Six” 4<sup>th</sup> Quarter 2015

Combined spending by the so-called Big Six committees more than doubled from 2014 to 2015 but still fell well short of similar totals reported during four previous state election years dating back to 2007, according to an analysis by the New Jersey Election Law Enforcement Commission (ELEC).

The two state parties and four legislative leadership committees in 2015 raised a total of \$8 million, spent \$8.7 million and ended the year with just under \$1 million in the bank. While spending was up compared to 2014, when there was no state election, combined Big Six spending was down 41 percent compared to 2013, the previous election year. Spending in 2015 also was below totals in the three earlier election years- 2011, 2009 and 2007.

contribution limits on other contributors that have not been inflation adjusted for more than a decade.

A key cause of the spending decline by the top six party fundraising committees is that special interest groups since 2007 generally have been spending more of their money outside the party system. Independent special interest groups have outspent the Big Six in three of the past five election cycles. Before 2007, the same groups channeled most of their campaign funds through the Big Six and candidate committees.

“This is a case of the tail increasingly wagging the dog. It used to be that state elections mostly were financed by party and candidate committees with direct support from special interest groups. Since 2002, federal laws and court cases have created incentives for special interest groups to spend more of their funds directly on elections,” Brindle said.

**TABLE 1  
CAMPAIGN FINANCE ACTIVITY BY “BIG SIX”  
JANUARY 1 THROUGH DECEMBER 31**

<b>BOTH PARTIES</b>	<b>RAISED</b>	<b>SPENT**</b>	<b>CASH-ON-HAND</b>	<b>NET WORTH*</b>	<b>STATE ELECTIONS?</b>
2007	\$19,177,655	\$23,367,064	\$ 377,324	\$ (521,409)	YES
2008	\$ 6,653,676	\$ 5,186,294	\$1,844,704	\$1,669,848	NO
2009	\$12,368,082	\$12,919,862	\$1,297,457	\$1,107,532	YES
2010	\$ 6,180,605	\$ 5,918,029	\$1,540,032	\$1,305,667	NO
2011	\$15,035,468	\$15,547,359	\$1,028,142	\$ 705,787	YES
2012	\$ 7,063,133	\$ 6,391,757	\$1,684,525	\$1,516,187	NO
2013	\$13,885,028	\$14,727,957	\$ 841,599	\$ 755,419	YES
2014	\$ 4,872,907	\$ 4,048,955	\$1,662,052	\$1,008,612	NO
2015	\$ 8,027,793	\$ 8,661,126	\$ 979,220	\$ 262,353	YES

\*Net worth is cash-on-hand adjusted for debts owed to or by the committee.

\*\*Spending totals may exceed fundraising because reserves were used to offset the extra spending.

Party committee spending was down last year partly because only the state Assembly was up for reelection. In all other election years since 1999, either gubernatorial candidates, Senate candidates or both shared the ballot with Assembly candidates.

But Jeff Brindle, ELEC’s Executive Director, said there does seem to be a long-term decline. “It is clear that traditional party fundraising groups continue to be hampered by several factors,” he said.

He renewed his recommendation that the Legislature take steps to bolster political parties in the face of growing independent spending by special interest groups, stiff limits on contractor contributions and

Brindle said he believes parties are more accountable and transparent than many independent spenders. He has made recommendations to the Legislature to try to reverse this trend before parties become irrelevant.

He has suggested requiring independent groups to follow the same disclosure rules as parties and candidates, simplifying the state’s pay-to-play restrictions on contractors while extending the rules to PACs, allowing contractors to give more to parties and candidates, and applying inflation adjustments to contribution limits that apply to other donors.

**TABLE 2  
SPENDING BY “BIG SIX” COMMITTEES VERSUS  
INDEPENDENT SPECIAL INTEREST GROUPS**

<b>BOTH PARTIES</b>	<b>BIG SIX SPENDING</b>	<b>INDEPENDENT SPENDING</b>	<b>WHO WAS ON BALLOT?</b>
2007	\$23,367,064	\$ 165,000	Senate, Assembly
2009	\$12,919,862	\$14,096,167	Gubernatorial, Assembly
2011	\$15,547,359	\$ 1,835,500	Senate, Assembly
2013	\$14,727,957	\$38,945,432	Gubernatorial, Senate, Assembly
2015	\$ 8,661,126	\$11,633,653	Assembly

Looking at 2015 campaign finance activity, Democratic committees as a group raised and spent more funds than Republicans, and reported a higher net worth (net worth is cash-on-hand adjusted for debts owed to or by a committee). Republicans reported more cash-on-hand at year's end.

Compared to 2011 year-end numbers, both parties raised and spent less money than four years ago, and Republicans also reported lower cash-on-hand and net worth totals. Democrats reported higher cash-on-hand and net worth numbers compared to 2011.

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.state.nj.us](http://www.elec.state.nj.us). ELEC also can be accessed on Facebook ([www.facebook.com/NJElectionLaw](http://www.facebook.com/NJElectionLaw)) and Twitter ([www.twitter.com/elecny](http://www.twitter.com/elecny)).

**TABLE 3  
FUNDRAISING BY “BIG SIX” COMMITTEES  
JANUARY 1 THROUGH DECEMBER 31, 2015 VERSUS 2011**

<b>REPUBLICANS</b>	<b>RAISED</b>	<b>SPENT**</b>	<b>CASH-ON-HAND</b>	<b>NET WORTH*</b>
New Jersey Republican State Committee	\$ 1,993,125	\$ 2,355,010	\$ 182,843	\$ (354,755)
Senate Republican Majority	\$ 326,024	\$ 177,331	\$ 366,782	\$ 366,782
Assembly Republican Victory	\$ 1,007,534	\$ 1,139,014	\$ 91,350	\$ 91,350
<b>Sub Total-Republicans- 2015</b>	<b>\$ 3,326,683</b>	<b>\$ 3,671,355</b>	<b>\$ 640,975</b>	<b>\$ 103,377</b>
Versus 2011 (Dollars)	\$(4,840,377)	\$(4,756,787)	\$ (173,620)	\$ (477,698)
Versus 2011 (Percent)	-59%	-56%	-21%	-82%
<b>DEMOCRATS</b>				
New Jersey Democratic State Committee	\$ 2,711,102	\$ 2,832,663	\$ 54,090	\$ (74,740)
Senate Democratic Majority	\$ 313,930	\$ 207,488	\$ 240,481	\$ 220,481
Democratic Assembly Campaign Committee	\$ 1,676,078	\$ 1,949,620	\$ 43,674	\$ 13,235
<b>Sub Total-Democrats-2015</b>	<b>\$ 4,701,110</b>	<b>\$ 4,989,771</b>	<b>\$ 338,245</b>	<b>\$ 158,976</b>
Versus 2011 (Dollars)	\$(2,167,298)	\$(2,129,446)	\$ 124,698	\$ 34,264
Versus 2011 (Percent)	-32%	-30%	58%	27%
<b>Total-Both Parties- 2011</b>	<b>\$15,035,468</b>	<b>\$15,547,359</b>	<b>\$ 1,028,142</b>	<b>\$ 705,787</b>
<b>Total-Both Parties- 2015</b>	<b>\$ 8,027,793</b>	<b>\$ 8,661,126</b>	<b>\$ 979,220</b>	<b>\$ 262,353</b>
Versus 2011 (Dollars)	\$ (7,007,675)	\$(6,886,233)	\$ (48,922)	\$ (443,434)
Versus 2011 (Percent)	-47%	-44%	-5%	-63%

\*Net worth is cash-on-hand adjusted for debts owed to or by the committee.

\*\*Some spending totals exceed fundraising because reserves were used to offset the extra spending.

## Training Seminars

The seminars listed below will be held at the Offices of the Commission, located at 28 West State St., Trenton, NJ. Since space is limited, you must reserve a seat in order to attend. Please visit ELEC's website at

<http://www.elec.state.nj.us> for more information on training seminar registration.

<b>BUSINESS ENTITY PAY-TO-PLAY TRAINING</b>	
February 12, 2016	10:00 a.m.
March 18, 2016	10:00 a.m.
March 28, 2016	10:00 a.m.
March 28, 2016	2:00 p.m.
<b>TREASURER TRAINING FOR CANDIDATES AND COMMITTEES</b>	
Tuesday, March 29, 2016	10:00 a.m.
Wednesday, April 6, 2016	10:00 a.m.
Tuesday, April 26, 2016	10:00 a.m.
Wednesday, September 14, 2016	10:00 a.m.
Tuesday, September 27, 2016	10:00 a.m.
<b>TREASURER TRAINING FOR POLITICAL COMMITTEES AND PACS</b>	
Wednesday, March 30, 2016	10:00 a.m.
Wednesday, June 22, 2016	10:00 a.m.
Thursday, September 22, 2016	10:00 a.m.
Wednesday, December 14, 2016	10:00 a.m.
<b>R-1 ELECTRONIC FILING SOFTWARE (REFS) TRAINING</b>	
Tuesday, March 22, 2016	10:00 a.m.
Thursday, April 7, 2016	10:00 a.m.
Thursday, April 21, 2016	10:00 a.m.
Wednesday, July 27, 2016	10:00 a.m.
Thursday, September 15, 2016	10:00 a.m.
Thursday, September 29, 2016	10:00 a.m.

## Lobbying Reporting Dates

	<b>INCLUSION DATES</b>	<b>ELEC DUE DATE</b>
<b>Lobbying Quarterly Filing</b>		
1 <sup>st</sup> Quarter	1/1/2016 to 3/31/2016	4/11/2016
2 <sup>nd</sup> Quarter	4/1/2016 to 6/30/2016	7/11/2016
3 <sup>rd</sup> Quarter	7/1/2016 to 9/30/2016	10/11/2016
4 <sup>th</sup> Quarter	10/1/2016 to 12/31/2016	1/10/2017
Lobbying Annual Report*	1/1/2015 - 12/31/2015	2/16/2016

\*A certified benefit notice shall be transmitted to all benefit recipients itemized on Schedule G-1 no later than February 1st of the year in which the report is due to be filed (the year following the year in which the benefit was received).

## Reporting Dates

Inclusion Dates		Report Due Date
<b>Fire Commissioner - 2/20/2016</b>		
29-day Preelection Reporting Date	Inception of campaign* - 1/19/16	1/22/2016
11-day Preelection Reporting Date	1/20/16 - 2/6/16	2/9/2016
20-day Postelection Reporting Date	2/7/16 - 3/8/16	3/11/2016
48 Hour Notice Reports Start on 2/7/2016 through 2/20/2016		
<b>April School Board - 4/19/2016</b>		
29-day Preelection Reporting Date	Inception of campaign* - 3/18/16	3/21/2016
11-day Preelection Reporting Date	3/19/16 - 4/5/16	4/8/2016
20-day Postelection Reporting Date	4/6/16 - 5/6/16	5/9/2016
48 Hour Notice Reports Start on 4/6/2016 through 4/19/2016		
<b>May Municipal - 5/10/2016</b>		
29-day Preelection Reporting Date	Inception of campaign* - 4/8/16	4/11/2016
11-day Preelection Reporting Date	4/9/16 - 4/26/16	4/29/2016
20-day Postelection Reporting Date	4/27/16 - 5/27/16	5/31/2016
48 Hour Notice Reports Start on 4/27/2016 through 5/10/2016		
<b>Runoff (June)** - 6/14/2016</b>		
29-day Preelection Reporting Date	No Report Required for this Period	
11-day Preelection Reporting Date	4/27/16 - 5/31/16	6/3/2016
20-day Postelection Reporting Date	6/1/16 - 7/1/16	7/5/2016
48 Hour Notice Reports Start on 6/1/2016 through 6/14/2016		
<b>Primary (90 day start date: 3/9/2016)*** - 6/7/2016</b>		
29-day Preelection Reporting Date	Inception of campaign* - 5/6/16	5/9/2016
11-day Preelection Reporting Date	5/7/16 - 5/24/16	5/27/2016
20-day Postelection Reporting Date	5/25/16 - 6/24/16	6/27/2016
48 Hour Notice Reports Start on 5/25/2016 through 6/7/2016		
<b>General (90 day start date: 8/10/2016)*** - 11/8/2016</b>		
29-day Preelection Reporting Date	6/25/16 - 10/7/16	10/11/2016
11-day Preelection Reporting Date	10/8/16 - 10/25/16	10/28/2016
20-day Postelection Reporting Date	10/26/16 - 11/25/16	11/28/2016
48 Hour Notice Reports Start on 10/26/2016 through 11/08/2016		
<b>Runoff (December)** - 12/6/2016</b>		
29-day Preelection Reporting Date	No Report Required for this Period	
11-day Preelection Reporting Date	10/26/16 - 11/22/16	11/25/2016
20-day Postelection Reporting Date	11/23/16 - 12/23/16	12/27/2016
48 Hour Notice Reports Start on 11/23/2016 through 12/6/2016		
<b>PACs, PCFRs &amp; Campaign Quarterly Filers</b>		
1st Quarter	1/1/16 - 3/31/16	4/15/2016
2nd Quarter	4/1/16 - 6/30/16	7/15/2016
3rd Quarter	7/1/16 - 9/30/16	10/17/2016
4th Quarter	10/1/16 - 12/31/16	1/17/2017

\* Inception Date of Campaign (first time filers) or from January 1, 2016 (Quarterly filers).

\*\* A candidate committee or joint candidates committee that is filing in a 2016 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 14, 2016 for Primary Election Candidates and June 17, 2016 for Independent General Election Candidates.

**Note:** A fourth quarter 2015 filing is needed for Primary 2016 candidates if they started their campaign prior to 12/9/15.

A second quarter 2016 filing is needed by Independent/Non-Partisan General Election candidates if they started their campaign prior to 5/11/2016.