



ELEC *tronic*

An Election Law Enforcement Commission Newsletter

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Comments from the Chairman

Eric H. Jaso

I was deeply honored when Governor Christie recently appointed me Chairman of the Election Law Enforcement Commission upon the resignation of Ronald DeFilippis, who had served as Chairman since 2010. Although I have only served with Ron since my appointment in March, I can speak for my fellow Commissioners (all of us newly-appointed this year) in voicing my admiration for his distinguished leadership, command of the issues, and genuine personal devotion to the Commission. Ron saw ELEC as a vital institution of our State, and properly recognized the constant contributions of its staff, a team of true professionals defending the integrity of New Jersey’s state and local elections. Ron leavened our meetings with his experience, wisdom and humor (proudly and frequently reminding us other Commissioners, lawyers all, that he’s an accountant). I take the gavel from Ron with gratitude for his service

to our State and a pledge to follow his fine example.

At this juncture in ELEC’s forty-four year history, I believe it fitting to review the Commission’s original principles and purposes. The New Jersey Legislature created ELEC in 1973, amidst campaign-related scandals both on a State and national level. In New Jersey, United States Attorney Herb Stern pioneered the aggressive federal investigation and prosecution of scores of state and local officials. In Washington, D.C., the federal government was scarred by Watergate and other scandals. From those and similar crises emerged a bipartisan consensus that political corruption thrived in the absence of transparency and accountability.

The Legislature explained the purpose of ELEC: “The State has a compelling interest in preventing the actuality or appearance of corruption and in protecting public confidence in democratic institutions[.] . . . Accessible public disclosure of money and other things of value given to a candidate for public office by an individual, another

candidate or a political committee has proven to be the most effective means of fostering public awareness of and reducing public skepticism about the current system of financing elections for public office.”

ELEC’s primary charge, in short, is to establish and enforce campaign-finance laws and regulations whose purpose is to ensure that money and other things of value contributed to state and local political candidates are timely and fully disclosed, so that voters, the media, and other interested parties can evaluate and judge candidates as well as their financial supporters.

It is therefore no coincidence that the operative word in ELEC is “enforcement.” ELEC enjoys broad investigative powers, and it can refer criminal acts that its investigators uncover to state or federal authorities for prosecution. ELEC also has the authority to impose fines, including robust financial penalties for the most egregious violations. ELEC will continue to use all the tools granted by the Legislature to further its vital principles and purposes.

“Furthering the Interest of an Informed Citizenry”

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- Eric H. Jaso, Chairman
- Stephen M. Holden, Commissioner
- Marguerite T. Simon, Commissioner
- Edwin R. Matthews, Legal Counsel

Executive Director's Thoughts

Jeff Brindle

Redistricting Case Could Trigger Surge in Campaign Spending

Reprinted from InsiderNJ.com

The U.S. Supreme Court will take up a case in the fall that could change the way legislative districts are redrawn and potentially increase the amount of money spent on politics by making legislative elections more competitive.

In *Gill v. Whitford*, the High Court will hear a challenge to partisan gerrymandering. Gerrymandering is an effort to redraw voting district lines to benefit one party over the other. The long-time practice is named after Massachusetts Governor Eldridge Gerry (pictured), who, in 1812, served while the Legislature created a salamander-shaped district.

A ruling by the District Court for the Western District of Wisconsin held that the statewide legislative district map configured in 2011 by the Republican-controlled Legislature violated the equal protection clause and First Amendment rights.

In other words, the District Court maintained that the partisan gerrymandered map was unconstitutional.

Alleged partisan gerrymandering by Maryland Democrats is also being challenged in federal district court, though that case may be put on hold pending the outcome of the Supreme Court case.

In Wisconsin, the District Court ordered the Legislature to put a new

map in place by November, in time for the 2018 election.

The State of Wisconsin, in turn, appealed the decision to the U.S. Supreme Court, and requested a stay of the lower Court's Order, which was granted January 19, 2017, with the Court setting argument for October 3, 2017.

If the U.S. Supreme Court finds gerrymandering for partisan reasons to be unconstitutional, it would be charting new territory.

For most of its history, the Court has been reluctant to enter into areas it deems a "political question," with redistricting being one such question.

In fact, it wasn't until 1960, some 172 years after the Constitution was ratified, that the Warren Court first took up a question of racial malapportionment.

Related to gerrymandering, malapportionment involves drawing district lines based on unequal representation for the purpose of benefiting one party over the other.

In *Gomillion v. Lightfoot* (1960), a plan by the City of Tuskegee, Alabama that would have excluded African-American voters from the city limits was rejected by the U.S. Supreme Court.

Finally, in *Baker v. Carr* (1962), the High Court considered a case that would have ramifications for every voter throughout the nation. For the first time, the Court ruled that "reapportionment," or redistricting based on population, was no longer off limits as a political question.

It wasn't until a year later, though, in *Gray v. Sanders* (1963), that Justice

William O. Douglas pronounced the principal of "one person, one vote."

This decision set the stage for legislative districts to be drawn based on the doctrine of equal representation.

Since then the U.S. Supreme Court has been less reticent about ruling in cases involving redistricting.

While the Court has ruled in cases involving variations in population numbers between voting districts, the thrust recently has involved cases of racial gerrymandering.

In *Shaw v. Reno* (1993), the Court disallowed gerrymandering based on race unless the government could demonstrate that it has a compelling reason to create minority—majority congressional districts.

If demonstrated that establishing Black or Hispanic districts would increase minority representation in Congress, they would be permitted. For example, the U.S. Supreme Court in *Hunt v. Cromartie* (2001) upheld racial gerrymandering in North Carolina's twelfth congressional district.

Though as often happens in human affairs, a good idea is carried too far, thereby abused. This explains why federal courts are now dealing with a handful of cases, from North Carolina to Texas, that involve over-populating certain districts with minorities in order to create an increase in districts favorable to the party in power.

While the courts, including the U.S. Supreme Court, have not hesitated to rule on cases involving racial gerrymandering, they have been more reluctant to engage challenges to partisan gerrymandering.

This is why Gill v. Whitford is viewed as potentially precedent-setting.

It is the first case since Vieth v. Jubelirer (2004) that the U.S. Supreme Court will adjudicate the issue of partisan gerrymandering. In the 2004 case, the Court could not agree on a test to determine when partisan gerrymandering becomes unconstitutional.

In Gill v. Whitford, Justice Anthony Kennedy will again likely be the deciding vote. While the judges in the 2004 case ultimately could not settle on a standard for deciding when partisan gerrymandering is unconstitutional, Justice Kennedy was the deciding vote in the majority that agreed the matter was within the court's jurisdiction.

If the U.S. Supreme Court does conclude that Wisconsin's legislative district map is unconstitutional, it will have ramifications not only in terms of how redistricting is done but in terms of campaign finance.

Minimizing partisan gerrymandering would make legislative elections more competitive, thereby increasing participation and interest in the outcome of those contests. This interest and increased competitiveness would add another dimension to the field of campaign finance.

Not only will candidates and political parties be driven to raise and spend mounting dollars, but special interests will be squeezed even more with pressure to give to both sides in this more competitive atmosphere.

Further, independent groups will continue to grow, increasing their already formidable clout. And with more competitive elections, creative

ways of raising and spending campaign related dollars are sure to emerge.

In deciding Gill v. Whitford, the U.S. Supreme Court could make the redistricting process the domain of the judiciary rather than state legislatures. This could impact overall on the electoral system, including, but not limited to, campaign finance.

Because of the significance of this issue, the October 3, 2017 hearing is worth everyone's attention.

Information for Treasurers of a Political Party Committee

By Stephanie Olivo

What do you do when you've volunteered to be treasurer for a political party committee and you know little or nothing about New Jersey's campaign finance laws?

The first thing: don't panic. The New Jersey Election Law Enforcement Commission (ELEC) has several ways to ease you into the job and make for a smooth transition.

If you have access to a computer, which most do, take the initial step of accessing the Commission's website at www.elec.state.nj.us.

When doing this, you will be given several options. Slide the mouse over the candidates and committees tab.

Additional tabs will appear. They include Forms and Instructions, Electronic Filing, Contribution Limits, Reporting Dates, Treasurer Training, Seminar Training, Statutory Authority

& Regulations, and Interactive Campaign Seminar.

If it were me, I would first click onto Reporting Dates. In this way, you will get a sense of when reports must be filed, which in the case of a political party committee is quarterly; January 15, April 15, July 15, and October 15.

Next, become familiar with the law by downloading the "Statutory Authority & Regulations" and reading through it. This exercise will lay the groundwork for the next step, which is to review the manual applicable to political party committees.

The manual provides a summary of requirements, which will reinforce that which you read in the Statutory Authority & Regulations, a contribution limits chart, and registration and reporting forms.

If you are having difficulty in understanding any part of the law or its requirements (the law is complex), now is the time to contact the Commission.

By calling 609-292-8700 or toll free at 888-313-ELEC (3532) a live receptionist will answer your call and direct you to the appropriate compliance officer.

The Commission's trained compliance officers will walk you through the manual and answer any questions that you may have.

By speaking with a compliance officer areas of complexity can be clarified and future problems avoided.

Following your conversation with a compliance officer, he or she may suggest that you attend one of ELEC's political party committee information seminars. These seminars are generally held at the Commission's offices in Trenton, but at request may be held in various locations throughout the State.

Upcoming training seminars are scheduled for 10:00 am on Tuesday, September 26, 2017 and Tuesday, December 12, 2017 in Trenton.

Another option is for treasurers to undergo online training with a test to follow. This training is mandatory for treasurers of state political party committees but optional for those serving county and municipal party committees.

Upon passing the test, a treasurer training identification number and certificate will be issued.

In certain instances, the outgoing treasurer of your political party committee may have left you a mess to clean up. While this doesn't happen often it does occur.

Again, there is no reason to panic. If this happens, our compliance officers will meet with you personally and work with you to straighten out whatever issues you may have inherited.

As the new treasurer, you are not responsible or liable for any violations or mistakes that were incurred during the term of the previous treasurer.

But in any case, it is worth your while to correct previous problems to make

sure your committee is functioning properly.

The operative word is "ask." If you have questions our staff is available to help. We encourage participation in the political process and we want to make that participation as pain free as possible.

Sponsors of Lieutenant Governor Debate Announce Details

A general election debate between the two candidates for Lieutenant Governor will be held at 8 pm Monday, October 16, 2017, the New Jersey Election Law Enforcement Commission (ELEC) announced today.

The event will be held at the 200-seat Presentation Hall in the School of Communication and Media building on the campus of Montclair State University in Montclair.

It will feature Assemblywoman Sheila Oliver (D-34) of East Orange, the former Assembly Speaker, and Carlos Rendo, the Republican mayor of Woodcliff Lake, Bergen County.

Oliver was chosen by Democratic gubernatorial nominee Phil Murphy, while Rendo was picked by Kimberly Guadagno, the current Republican Lieutenant Governor and her party's gubernatorial nominee.

Montclair State University is sponsoring the debate along with NJTV, WNET and C-SPAN. The group was among general election debate sponsors chosen by ELEC, a bi-partisan Commission, on July 18, 2017.

The first gubernatorial debate will be held at 7 pm Tuesday, October 10, 2017 at the New Jersey Performing Arts Center in Newark. The second gubernatorial debate will be held at 7 pm Wednesday, October 18, 2017 at William Paterson University in Wayne. State law requires the Lieutenant Governor debate to be held sometime between the two gubernatorial debates.

"The Commission appreciates the interest and effort of all the sponsors in organizing these debates, which are an integral part of New Jersey's gubernatorial elections," said Jeff Brindle, ELEC's Executive Director.

"The debates are an important opportunity for New Jersey voters to hear the candidates discuss and defend their policy proposals. At the same time, they are a great chance for candidates to convince voters that they have the right agendas," he said.

"These debates are one of the many benefits of the state's gubernatorial public financing program, which requires candidates taking public funds to participate in at least two gubernatorial debates," said Brindle. Both Murphy and Guadagno are participating in the public financing program.

How the Gubernatorial Match Process Works

By Joseph Donohue

One aspect of the New Jersey Gubernatorial Finance Program that prompts questions is how much participating candidates must raise in private contributions to qualify for public matching funds.

Under the program, qualifying candidates can receive two public dollars for each private dollar they collect.

Before they can receive public funds, a candidate first must raise at least \$430,000.

General election candidates then can get up to \$9,300,000 in public money. That means they must raise half this amount- \$4,650,000 - from private donors.

However, by law the first \$138,000 raised privately is not eligible for match. So candidates also must raise this amount.

So the total they must obtain on their own to receive full public funding is \$4,650,000 plus \$138,000, or \$4,788,000.

Calculation of Amount to “Max Out”

2017 General Election Limits/Thresholds	Amount
Public Funds (PF) Maximum	\$9,300,000
Private Funds Needed to Reach PF Maximum at 2:1	\$4,650,000 (\$9,300,000 divided by 2)
Private Funds Not Matched	\$138,000
Total Private Funds needed to reach PF Maximum	\$4,650,000+\$138,000=\$4,788,000

Second Legislative District is Top Battleground since 2003

By Joseph Donohue

The legislative district that is home to Atlantic City’s casinos, Lucy the Elephant and the birthplace of the first American to invent a modern submarine has a new distinction- since 2003, it has attracted the most political spending of any district.

An analysis has found that the second legislative district, which includes most of Atlantic County, has drawn more than \$25 million during the past quarter century.

Top Five Legislative Districts Ranked by Legislative Spending Since 2003

District	2015	2003-2015
2	\$5,193,557	\$25,178,397
1	\$3,607,734	\$20,059,763
38	\$2,237,460	\$18,773,934
14	\$1,098,451	\$18,697,475
3	\$ 626,788	\$15,425,394

The amount is \$5 million more than the \$20 million spent in the neighboring 1st legislative district, which ranks second for the period.

Since 2003, the second district ranked 1st in spending out of 40 legislative districts in three of the seven legislative elections during that span. In five elections, it was one of the top five most expensive campaigns.

The second district is among a handful of so-called “swing” or “battleground” districts that tend to be the most competitive each election based on voter registration patterns.

Some of the state’s closest races recently have occurred in the district. For instance, Assemblyman Vincent Mazzeo, a Democrat, captured his seat with just a 51-vote advantage in 2013. It was the tightest legislative margin that year. Neither party has controlled all three seats since 2005.

Incidentally, the first American to design and build a submarine was Simon Lake. He was born in Pleasantville in 1866 and launched his first boat, the Argonaut Junior, in 1894.

General 2017 Public Funds Disbursed

CANDIDATE NAME	DATE RECEIVED	CONTRIBUTIONS SUBMITTED
Phil Murphy	July 19, 2017	\$ 1,174,939
Phil Murphy	July 28, 2017	\$ 667,132
Kim Guadagno	July 28, 2017	\$ 708,144
Kim Guadagno	August 10, 2017	\$ 90,734
Phil Murphy	August 10, 2017	\$ 725,456
Phil Murphy	August 24, 2017	\$ 718,836
Kim Guadagno	August 24, 2017	\$ 89,800
TOTAL:		\$ 4,175,041

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.

TREASURER TRAINING FOR CANDIDATES AND COMMITTEES	
Wednesday, September 13 th	10:00 a.m.
Tuesday, October 3 rd	10:00 a.m.
TREASURER TRAINING FOR POLITICAL COMMITTEES AND PACS	
Tuesday, September 26 th	10:00 a.m.
Tuesday, December 12 th	10:00 a.m.
R-1 ELECTRONIC FILING SOFTWARE (REFS) TRAINING	
Tuesday, September 19 th	10:00 a.m.
Wednesday, October 4 th	10:00 a.m.

Lobbying Reporting Dates

INCLUSION DATES		ELEC DUE DATE
Lobbying Quarterly Filing		
1st Quarter	1/1/17 – 3/31/17	4/10/17
2nd Quarter	4/1/17 – 6/30/17	7/10/17
3rd Quarter	7/1/17 – 9/30/17	10/10/17
4th Quarter	10/1/17 – 12/31/17	1/10/18

Reporting Dates

ELECTION	48-HOUR START DATE	INCLUSION DATES	REPORT DUE DATE
FIRE COMMISSIONER -2/18/2017			
	2/5/2017- through 2/18/2017		
29-day Preelection Reporting Date		Inception of campaign* - 1/17/17	1/20/2017
11-day Preelection Reporting Date		1/18/17 - 2/4/17	2/7/2017
20-day Postelection Reporting Date		2/5/17 - 3/7/17	3/10/2017
APRIL SCHOOL BOARD- 4/25/2017			
	4/12/2017 through 4/25/2017		
29-day Preelection Reporting Date		Inception of campaign* - 3/24/17	3/27/2017
11-day Preelection Reporting Date		3/25/17 - 4/11/17	4/17/2017
20-day Postelection Reporting Date		4/12/17 - 5/12/17	5/15/2017
MAY MUNICIPAL – 5/9/2017			
	4/26/2017 through 5/9/2017		
29-day Preelection Reporting Date		Inception of campaign* - 4/7/17	4/10/2017
11-day Preelection Reporting Date		4/8/17 - 4/25/17	4/28/2017
20-day Postelection Reporting Date		4/26/17 - 5/26/17	5/30/2017
RUNOFF (JUNE)**- 6/13/2017			
	5/31/2017 through 6/13/2017		
29-day Preelection Reporting Date		No Report Required for this Period	
11-day Preelection Reporting Date		4/26/17 - 5/30/17	6/2/2017
20-day Postelection Reporting Date		5/31/17 - 6/30/17	7/3/2017
PRIMARY (90 DAY START DATE: 3/8/2017)***			
	5/24/2017 through 6/6/2017		
29-day Preelection Reporting Date		Inception of campaign* - 5/5/17	5/8/2017
11-day Preelection Reporting Date		5/6/17 - 5/23/17	5/26/2017
20-day Postelection Reporting Date		5/24/17 - 6/23/17	6/26/2017
GENERAL (90 DAY START DATE: 8/9/2017)***			
	10/25/2017 through 11/7/2017		
29-day Preelection Reporting Date		6/24/17 - 10/6/17	10/10/2017
11-day Preelection Reporting Date		10/7/17 - 10/24/17	10/27/2017
20-day Postelection Reporting Date		10/25/17 - 11/24/17	11/27/2017
RUNOFF (DECEMBER)**- 12/5/2017			
	11/22/2017 through 12/5/2017		
29-day Preelection Reporting Date		No Report Required for this Period	
11-day Preelection Reporting Date		10/25/17 - 11/21/17	11/24/2017
20-day Postelection Reporting Date		11/22/17 - 12/22/17	12/26/2017
PACs, PCFRs & CAMPAIGN QUARTERLY FILERS			
1st Quarter		1/1/17 - 3/31/17	4/17/2017
2nd Quarter		4/1/17 - 6/30/17	7/17/2017
3rd Quarter		7/1/17 - 9/30/17	10/16/2017
4th Quarter		10/1/17 - 12/31/17	1/16/2018

* Inception Date of Campaign (first time filers) or from January 1, 2017 (Quarterly filers).

** A candidate committee or joint candidates' committee that is filing in a 2017 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 13, 2017 for Primary Election Candidates and June 16, 2017 for Independent General Election Candidates.

Note: A fourth quarter 2016 filing is needed for Primary 2017 candidates if they started their campaign prior to December 8, 2016. A second quarter 2017 filing is needed by Independent/Non-Partisan General Election candidates if they started their campaign prior to May 10, 2017.

HOW TO CONTACT ELEC

www.elec.state.nj.us

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