



Newsletter

ELECtronic

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

Comments from the Chairman

Eric H. Jaso

"Elections belong to the people. It's their decision. If they decide to turn their back on the fire and burn their behinds, then they will just have to sit on their blisters." – Abraham Lincoln

Since 1961, New Jersey has seen a steady decline in voter turnout for statewide elections. Continuing the trend, turnout for the State's recent gubernatorial, Senate and Assembly elections was decidedly underwhelming.

On Election Day 1961, 73 percent of New Jersey's eligible voters cast ballots. Last November, only 40 percent voted, even with the convenience of early voting and mail-in ballots which was absent in previous decades.

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

cite concerns about inconvenient times for voting, a weakening political party system, and competition for the voter's interest.

Adding to this list is the fact that New Jersey's elections for statewide office are held in "off years" (i.e., not the same year as Federal elections), and in other years (including 2022) we hold nonpartisan municipal elections in May, and partisan elections for local offices in June (the primary) and November (the general election).

Nonetheless, as Chairman of ELEC, I urge all eligible New Jersey residents to register (if they have not yet done so) and vote in these important elections, the results of which perhaps impact residents' everyday lives more directly than the more "popular" statewide and Federal elections.

While the pandemic continues to bring uncertainty to society, including elections, it is important for all eligible residents to register to vote and to exercise their franchise, whether by mail or voting in person, either early or on Election Day.

The New Jersey Legislature has charged ELEC with the important responsibility to provide the public with detailed and current information about the financing (including both donations and expenditures) of political campaigns, political parties, legislative leadership committees, and special-interest PACs.

The information we provide 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, our website, press releases, analytical reports, and other promotional efforts, such as this newsletter, the Commission is making every effort to let the public know what information is available to them.

But just as in voting, it is ultimately up to New Jerseyans to take advantage of ELEC's services and get informed about the candidates.

ELEC's perennial goals are that voters will turn out each year in larger numbers and that all those voting will be well-informed about the issues and the candidates.

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COMMISSIONERS

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Executive Director's Thoughts

Jeff Brindle

Public Funding Program for Gubernatorial Campaigns Continues to Prove its Worth

Reprinted from insidernj.com

This year's gubernatorial election was a testament to the importance and durability of New Jersey's Gubernatorial Public Financing Program.

As the general election unfolded, independent, so-called "Dark Money" groups, were spending upwards of \$40 million in support or opposition of the two major party candidates, Democratic Governor Phil Murphy and Republican challenger Jack Ciattarelli.

Not only were the Republican and Democratic Governor's Association's spending heavily in this contest but so were fourteen other groups hitting the election bag hard on behalf of their candidate.

These groups had every constitutional right to participate in the gubernatorial campaign. However, unless they specifically called for supporting or opposing one or the other candidate, they had no obligation under the law to disclose their contributors or their expenditures.

So, for all intents and purposes, a single group could ostensibly spend a billion dollars in an attempt to influence the outcome of the election. And voters wouldn't be the wiser.

While this was not the case in this election, the possibility is not far-fetched as wealthy individuals have been the sole financial backers of groups participating in elections elsewhere in the country.

This all points to the continuing importance of the state's Gubernatorial Public Financing Program. While some might argue the opposite, the fact that the program provides matching funds to qualified candidates at least allows the candidates themselves to be heard rather than having their voices completely drowned out by these groups that supposedly speak on their behalf.

Through funding provided by the Gubernatorial Public Financing Program, combined with money the candidates raised themselves, both the Governor and his challenger Jack Ciattarelli were able to communicate their own messages to the voters. Their messages were heard despite the overwhelming spending undertaken by independent groups.

The Gubernatorial Public Financing Program was first introduced to the public in the general election of 1977 when incumbent Governor Brendan Byrne faced Republican, and former Senate President, Ray Bateman.

The program, which was enacted in 1973 in the wake of Watergate, was expanded to include the primary election in 1981.

The twin goals of the program, consistently upheld since its inception, are to allow candidates of limited financial means to run for governor and to eliminate undue influence from the electoral process.

This year's election bore out the first objective while throughout the eleven gubernatorial election cycles held since

1977, the second objective continued to be met as elections for governor have been free of corruption and undue influence.

Candidates qualifying for public financing are matched two public dollars for every one dollar they raise privately. To receive public funds, candidates must raise a qualifying threshold amount in private dollars and agree to participate in two interactive debates. In the general election, lieutenant governor candidates are required to participate in one debate.

The qualifying threshold is adjusted every four years by a special campaign inflation index. So too are other thresholds and limits adjusted for inflation as well.

This year's qualifying threshold was \$490,000 for the primary and \$490,000 for the general election. A total of four candidates qualified for matching funds in those elections, two in the primary and two in the general election.

Personally, and this is not a recommendation of the Commission, it seems to me the qualifying threshold has gotten too high, perhaps undercutting the goal of permitting qualified individuals of limited means to run for governor.

A qualifying threshold is indeed necessary as it does ensure that those who qualify for the program are credible candidates in that they are able to raise ample funds. In addition, a qualifying threshold does ensure that taxpayers' money is being managed responsibly. But a threshold that is too high and will be adjusted higher in 2025 may in the long run undermine the program.

**Public Funds as a Percent of Total Spending
by 2021 Gubernatorial Candidates**

Candidate	Party	Primary Spending	General Spending	Total Spending Both Elections	Public Funds	% Public
Murphy, Phil	D	\$7,752,229	\$16,393,069	\$24,145,298	\$14,600,000	60%
Ciattarelli, Jack	R	\$7,054,692	\$15,828,691	\$22,883,383	\$15,100,000	66%

The program contains contribution limits, a public funds cap (\$10.5 million in 2021 general election), and an expenditure limit. These limits are adjusted for inflation every four years, an adjustment that keeps the program relevant, and may well serve to uphold its continuing constitutionality.

During the 2021 gubernatorial campaign, Ciattarelli received \$15.1 million in public funds, the maximum available for the two elections (\$4.6 million primary and \$10.5 million general). Murphy received \$500,000 less- \$14.6 million- because he didn't seek the full match during the primary. The total for the two candidates- \$29.7 million.

As of October 29, 2021, Murphy had spent \$24.1 million on both elections while Ciattarelli spent \$22.9 million. Public funds paid for 60 percent of Murphy's spending and 66 percent of Ciattarelli's.

With the help of the Gubernatorial Public Financing Program the election for governor was both competitive and free of corruption.

Since its inception in 1977, 80 candidates have benefitted from this nationally recognized matching fund program. Since that first election more than four decades ago, a total of \$166 million in public funds have been distributed to participating candidates.

While the program has consistently assured the public that their gubernatorial elections are fair and free of undue influence it has done so in public dollars that amount to just under \$6 per vote, or the cost of deli sandwich.

The program has enabled three Republicans and four Democrats to win the office of Governor, and, in some cases, helped them win reelection.

Thirty-nine Republican candidates have received \$92 million, 38 Democrats have obtained \$72 million and three independents have been awarded \$2 million through the program.

With millions of dollars spent in modern day campaigns, many by independent groups, a program that assures that the candidates themselves will be heard over the cacophony of discordant voices in campaigns, and for a few dollars per voter, is well worth celebrating and promoting.

Big Six Fund-raising Hits Decade High Yet Overall Financial Clout Lags

The so-called “Big Six” fund-raising committees raised \$16.9 million during the 2021 gubernatorial election year, the highest amount since 2011 when the inflation-adjusted total was \$18.6 million, according to the year-end reports filed with the New Jersey Election Law Enforcement Commission (ELEC).

Jeff Brindle, ELEC’s Executive Director, said while the total is encouraging, it masks a decade-long trend that suggests the two state parties and four legislative leadership committees still are having more difficulty raising campaign funds than in the past.

“This is a classic good news, bad news situation,” Brindle said. “It is great to see the Big Six raise nearly \$17 million last year. But its average annual fund-raising from 2011 through 2021 was just \$9.1 million,” he said. “That is just 56 percent of the \$16.3 million average for the previous decade.”

Table 1
Annual Fund-Raising by
Big Six Committees

YEAR	RAISED	YEAR	RAISED
2000	\$11,182,825	2011	\$15,035,468*
2001	\$41,736,031	2012	\$ 7,063,133
2002	\$14,796,069	2013	\$13,885,028
2003	\$30,091,484	2014	\$ 4,872,907
2004	\$10,641,399	2015	\$ 8,027,793
2005	\$19,277,696	2016	\$ 4,518,172
2006	\$ 7,211,937	2017	\$12,243,328
2007	\$19,177,655	2018	\$ 6,194,632
2008	\$ 6,653,676	2019	\$ 7,155,435
2009	\$12,368,082	2020	\$ 4,260,928
2010	\$ 6,180,605	2021	\$16,892,473
Average-2000-2010	\$16,301,587	Average-2011-2021	\$ 9,104,482

*\$18,635,801 in 2021 dollars

Brindle said the fund-raising gap between the two decades is even starker if the earlier numbers were adjusted for inflation. “The buying power of money raised in the last decade was greater than it was during the more recent decade,” he said.

While state contribution limits for gubernatorial candidates are automatically adjusted for inflation every four years, those for other candidates, parties and traditional political action committees have remain unchanged since 2005. During that time, inflation has risen nearly 43 percent, Brindle said.

“ELEC, along bipartisan lines, has long recommended an increase in contribution limits for non-gubernatorial fund-raising committees. Hopefully the legislature will move a bill that will increase contribution limits to account for 17 years of inflation, which unfortunately is presently on the rise,” he said.

Brindle said the commission hopes that this change, along with others such as requiring independent spending committees to fully disclose their campaign finance activity, will help strengthen party organizations in the Garden State.

“As political parties have weakened, independent spending by special interests has come to dominate New Jersey elections. If parties can raise more funds, they may be able to slow or reverse this trend,” he said.

“Parties are more accountable and transparent than these so-called “outside” groups. Plus, they represent a broad coalition of people, help get voters to the polls, help organize government, and, in this social media age of information overload, they can guide individual voters who look to the party label for understanding where candidates stand on the issues,” Brindle said.

Table 2
Campaign Finance Activity by “Big Six”
Committees for 2021 Versus 2017

REPUBLICANS	RAISED	SPENT	CASH-ON-HAND	NET WORTH*
New Jersey Republican State Committee	\$ 2,011,453	\$ 2,115,721	\$ 54,416	\$ 54,416
Senate Republican Majority	\$ 812,259	\$ 645,825	\$ 9,075	\$ 9,075
Assembly Republican Victory	\$ 696,964	\$ 819,258	\$ 58,262	\$ 58,262
Total – Republicans – 2021	\$ 3,520,676	\$ 3,580,804	\$ 121,753	\$121,753
2017 Totals	\$ 3,720,257	\$ 4,538,781	\$ 254,190	\$254,190
Versus 2017 (Percent)	-6%	-27%	-109%	-109%
DEMOCRATS				
New Jersey Democratic State Committee	\$ 9,906,153	\$ 9,604,526	\$ 489,254	\$475,285
Senate Democratic Majority	\$ 1,115,332	\$ 1,309,712	\$ 247,562	\$227,562
Democratic Assembly Campaign Committee	\$ 2,350,312	\$ 2,551,554	\$ 158,525	\$128,086
Total – Democrats – 2021	\$13,371,797	\$13,465,792	\$ 895,341	\$830,933
2017 Totals	\$ 8,523,071	\$ 8,809,350	\$ 484,264	\$375,762
Versus 2017 (Percent)	36%	35%	46%	55%
BOTH PARTIES				
Total Both Parties– 2021	\$16,892,473	\$17,046,596	\$1,017,094	\$952,686
Versus 2017 (Dollars)	\$12,243,328	\$13,348,131	\$ 738,454	\$629,952
Versus 2017 (Percent)	28%	22%	27%	34%

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

Compared to the previous gubernatorial election year in 2017, Republican committees raised and spent less funds in 2021 and had less cash-on-hand. Democratic totals were up in all categories.

“While Democrats have been doing better raising funds lately, their “Big Three” committees raised \$31.8 million in their best year in 2001. That compares to \$13.4 million last year,” Brindle said.

“In today’s dollars, the 2001 total had the purchasing power of \$50 million- nearly four times more than their 2021 total,” he added. “Lifting contribution limits could help both parties become more competitive.”

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. ELEC also can be accessed on Facebook (www.facebook.com/NJElectionLaw) and Twitter (www.twitter.com/elecnj).

Training Seminars

PAY-TO-PLAY WEBINAR

January 25, 2022 at 2:00 PM	
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CPC WEBINARS

R-3 eFile ONLY Program Training	CPC/PPC Compliance Seminar AND eFile Training
January 20, 2022 at 10:00 AM	January 12, 2022 at 10:00 AM
February 17, 2022 at 10:00 AM	February 10, 2022 at 10:00 AM
March 22, 2022 at 10:00 AM	April 7, 2022 at 10:00 AM
March 31, 2022 at 10:00 AM	April 12, 2022 at 10:00 AM
April 20, 2022 at 10:00 AM	

CANDIDATE WEBINARS

R-1 eFile ONLY Program Training	Campaign Compliance Seminar AND eFile Training
January 25, 2022 at 10:00 AM	January 13, 2022 at 10:00 AM
February 3, 2022 at 10:00 AM	February 1, 2022 at 10:00 AM
March 1, 2022 at 10:00 AM	February 8, 2022 at 10:00 AM
March 3, 2022 at 10:00 AM	March 3, 2022 at 10:00 AM
May 5, 2022 at 10:00 AM	March 17, 2022 at 10:00 AM
June 7, 2022 at 10:00 AM	April 5, 2022 at 10:00 AM
	April 26, 2022 at 10:00 AM

*All webinars will run for approximately 2 hours.

2022 Reporting Dates

	INCLUSION DATES	REPORT DUE DATE
FIRE COMMISSIONER – FEBRUARY 19, 2022		
29–day Preelection Reporting Date	Inception of campaign* – 1/18/2022	1/21/2022
11–day Preelection Reporting Date	1/19/2022 – 2/5/2022	2/8/2022
20–day Postelection Reporting Date	2/6/2022 – 3/8/2022	3/11/2022
48–Hour Notice Reporting Starts on 2/6/2022 through 2/19/2022		
SCHOOLBOARD – APRIL 19, 2022		
29–day Preelection Reporting Date	Inception of campaign* – 3/18/2022	3/21/2022
11–day Preelection Reporting Date	3/19/2022 – 4/5/2022	4/8/2022
20–Day Postelection Reporting Date	4/6/2022 – 5/6/2022	5/9/2022
48–Hour Notice Reporting Starts on 4/6/2022 through 4/19/2022		
MAY MUNICIPAL – (90-DAY START DATE: FEBRUARY 9, 2022) – MAY 10, 2022		
29–day Preelection Reporting Date	Inception of campaign* – 4/8/2022	4/11/2022
11–day Preelection Reporting Date	4/9/2022 – 4/26/2022	4/29/2022
20–Day Postelection Reporting Date	4/27/2022 – 5/28/2022	5/31/2022
48–Hour Notice Reporting Starts on 4/27/2022 through 5/10/2022		
RUNOFF (JUNE)** – JUNE 14, 2022		
29–day Preelection Reporting Date	No Report Required for this Period	
11–day Preelection Reporting Date	4/27/2022 – 5/31/2022	6/3/2022
20–Day Postelection Reporting Date	6/1/2022 – 7/1/2022	7/5/2022
48–Hour Notice Reporting Starts on 6/1/2022 through 6/14/2022		
PRIMARY (90 DAY START DATE: MARCH 9, 2022)*** – JUNE 7, 2022		
29–day Preelection Reporting Date	Inception of campaign* – 5/6/2022	5/9/2022
11–day Preelection Reporting Date	5/7/2022 – 5/24/2022	5/27/2022
20–Day Postelection Reporting Date	5/25/2022 – 6/24/2022	6/27/2022
48–Hour Notice Reporting Starts on 5/25/2022 – 6/7/2022		
GENERAL (90 DAY START DATE: AUGUST 10, 2022)*** – NOVEMBER 8, 2022		
29–day Preelection Reporting Date	6/25/2022 – 10/7/2022	10/11/2022
11–day Preelection Reporting Date	10/8/2022 – 10/25/2022	10/28/2022
20–day Postelection Reporting Date	10/26/2022 – 11/25/2022	11/28/2022
48–Hour Notice Reporting Starts on 10/26/2022 through 11/8/2022		
RUN–OFF (DECEMBER)** – DECEMBER 6, 2022		
29–day Preelection Reporting Date	No Report Required for this Period	
11–day Preelection Reporting Date	10/26/2022 – 11/22/2022	11/25/2022
20–day Postelection Reporting Date	11/23/2022 – 12/23/2022	12/27/2022
48 Hour Notice Reporting Starts on 11/23/2022 through 12/6/2022		

PACS, PCFRS & CAMPAIGN QUARTERLY FILERS

1 st Quarter	1/1/2022 – 3/31/2022	4/18/2022
2 nd Quarter	4/1/2022 – 6/30/2022	7/15/2022
3 rd Quarter	7/1/2022 – 9/30/2022	10/17/2022
4 th Quarter	10/1/2022 – 12/31/2022	1/17/2023

GOVERNMENTAL AFFAIRS AGENTS (Q-4)

1 st Quarter	1/1/2022 – 3/31/2022	4/11/2022
2 nd Quarter	4/1/2022 – 6/30/2022	7/11/2022
3 rd Quarter	7/1/2022 – 9/30/2022	10/11/2022
4 th Quarter	10/1/2022 – 12/31/2022	1/10/2023

*Inception Date of Campaign (first time filers) or January 1, 2022 (Quarterly filers).

**A candidate committee or joint candidates committee that is filing in a 2022 Runoff election is not required to file a 20-day postelection report for the corresponding prior election (May Municipal or General).

*** Form PFD-1 is due April 14, 2022 for the Primary Election candidates and June 20, 2022 for the Independent General Election candidates.

Note: A fourth quarter 2021 filing is needed for the Primary 2022 candidates if they started their campaign prior to December 9, 2021.

A second quarter 2022 filing is needed by Independent/ Non-partisan General Election candidates if they started their campaign prior to May 11, 2022.

HOW TO CONTACT ELEC

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