

November 2021

ELEC

# RECALL PACKET

*To be used with the Compliance Manual for Candidates*



**New Jersey Election Law  
Enforcement Commission**



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## Recall and Recall Defense Committees

### Who Should Use This Packet?

This informational packet addresses reporting by a recall committee (a committee formed by persons sponsoring the recall of an elected official) and recall defense committees (a committee formed by the elected official who is the subject of a recall effort).

As a general principle, the recall and recall defense committees, as well as any nominee to succeed an elected official, are treated as, and are subject to, the same organizational, reporting, contribution limits, political communication identification and other requirements as are provided for a candidate committee. **Therefore, this packet must be used in conjunction with the “Compliance Manual for Candidates.”** There are some important exceptions to this general principle, which are discussed on the following pages.

While this packet provides an overview of the requirements for complying with the campaign finance and reporting aspects of the law concerning recall elections, please consult the “Uniform Recall Election Law” at N.J.S.A. 19:27A-1 et seq., and the regulations promulgated thereunder at N.J.A.C. 19:25-14.1 et seq., for complete details.

### Does the New Jersey Election Law Enforcement Commission Regulate Recall Elections?

No. The New Jersey Election Law Enforcement Commission is charged with administering campaign reporting, committee registration, contribution limits, and other requirements for recall elections. The Commission is not responsible for the administration of the recall process such as circulating petitions or balloting recall elections. Those responsibilities are assigned exclusively to the officials authorized by law to receive nominating petitions for New Jersey elective office.

### Are There Contribution Limits for Recall and Recall Defense Committees?

Yes. Contribution limits for recall and recall defense committees are the limits that are applicable to a candidate committee. Consult the Contribution Limits Chart found in the “Compliance Manual for Candidates.”

### *Recall Committees*

A “recall committee” is a committee formed by persons sponsoring the recall of an elected official, which represents the sponsors and signers of a recall petition in matters relating to the recall effort.

A recall committee cannot solicit or accept contributions in connection with a recall effort until either of the following events occurs:

- a. The recall committee serves written notice of the recall effort on the official who is the subject of the recall and the notice is made by personal service or certified mail with a copy filed with the recall election official; or,
- b. A copy of a notice of intention approved by the recall election official is served on the official who is the subject of the recall, as provided by law. (See N.J.S.A. 19:27A-7b.)

If a recall committee notifies the official who is the subject of the recall of its intention to initiate a recall effort by the method described in paragraph (a) above, it must file a notice of intention within 30 days of the date the notice is served on the official or cease the solicitation, acceptance, and expenditure of funds.

If a solicitation for signatures to a recall petition is presented to prospective petition signers by a paid print advertisement or paid mailing, or if a recall petition is presented to a prospective signer by a paid circulator, the solicitation or petition must prominently disclose (in a statement printed in at least 10-point type), the following:

- a. The full name and resident address of the person paying for the printed or personal solicitation; and,
- b. The fact that the circulator is paid.

A recall committee is required to appoint a treasurer and open a depository account for the purpose of receiving contributions and making expenditures no later than the date on which the recall committee first receives any contribution or makes or incurs any expenditure in connection with a recall effort. No later than 10 days after establishing a recall committee, the recall committee must file the “Recall or Recall Defense Committee Certificate of Organization and Designation of Campaign Treasurer and Depository” (Form RC-1), and the “Recall Committee Registration Statement” (Form RC-2).

### *Recall Defense Committee*

A “recall defense committee” is a committee formed by the elected official who is the subject of the recall effort. A recall defense committee cannot be formed and cannot begin to solicit or accept contributions in connection with the recall effort until the elected official receives notice of the recall from the recall committee.

After receiving notice of the recall effort, the elected official must establish a recall defense committee prior to accepting contributions and making expenditures. The recall defense committee is a committee that is separate from the candidate and/or joint candidates committee the elected official may be, or was, maintaining. If the elected official is maintaining a candidate and/or joint candidates committee, an unlimited amount of funds may be transferred from the candidate and/or joint candidates committee to the recall defense committee. The recall defense committee is considered to be a committee in addition to (not in place of) the candidate and/or joint candidates committee an elected official may already be maintaining. Accordingly, an elected official’s recall defense committee can accept contributions up to the limits imposed by the Act from contributors who gave to the candidate or joint candidates committee unrelated to the recall effort and maintained by the elected official. If funds are transferred to a recall defense committee, a new election will begin with respect to the elected official's candidate and/or joint candidates committee.

A recall defense committee must open a depository account no later than the date on which a recall defense committee first receives a contribution, or transfer of funds, or makes or incurs an expenditure. The “Recall or Recall Defense Committee Certificate of Organization and Designation of Campaign Treasurer and Depository” (Form RC-1) must be filed no later than 10 days after establishing the recall defense committee.

### *Naming a Recall or Recall Defense Committee*

The name of a recall or recall defense committee must contain the name of the elected official sought to be recalled.

### *Use or Disposition of Campaign Funds by Recall and Recall Defense Committees*

Contributions received by a **recall committee** may only be used for the payment of campaign expenses directly related to the recall or to the passage of the question of recall, the payment of the overhead and administrative expenses related to the operation of the recall committee, or the pro-rata repayment of contributors.

Contributions received by a **recall defense committee** are to be used only for the following: the payment of campaign expenses directly related to opposing the recall effort or opposing the passage of the recall question, the payment of the overhead and administrative expenses related to the operation of the recall defense committee, and the pro-rata repayment of contributors.

*Initial Election Fund Reporting by a Recall or Recall Defense Committee*

A recall committee or recall defense committee must file its initial election fund report on a date that depends on when the financial activity commences. Using the date of the establishment of the recall or recall defense committee depository, the committee must file either a quarterly report or a 29-day pre-election report as its initial election fund report.

After the establishment of a recall or recall defense committee, these committees are subject to the same organizational, reporting, contribution limits, political communication identification, and other requirements as are provided for a candidate committee. The reports that are required to be filed by recall and recall defense committees are contained in this packet. Please follow the guide (“Filing Campaign Reports”) on the following pages to determine the specific forms that need to be filed by your committee.

## Filing Campaign Reports

In general, the forms that a candidate must file depend upon: 1) whether the candidate will be filing for the Recall Committee or for the Recall Defense Committee and, 2) the amount of money that will be spent in the \*election.

All reports, notices, or other forms required for filing with the Commission must be filed electronically.

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Spending \$5,800 or Less	See Page 7
Spending More Than \$5,800	See Page 8

Filing as a Recall Defense Committee	
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Spending More Than \$5,800	See Page 10

\*An election begins with the receipt of the first contribution or the making of the first expenditure for an election. The election “ends” on the 17th day following the election.

## Recall Committee

### **Reporting by a Recall Committee That Plans to Spend Nothing in an Election (File Form A-4)**

If a recall committee receives no contributions, makes no expenditures, and, therefore, does not establish a recall depository, the recall committee must file the Form A-4 no later than 29 days before the date of the election. The Form A-4 is filed once per election.

### **Reporting by A Recall Committee That Plans to Spend \$5,800 or Less in an Election (File Forms RC-1, RC-2, A-4; May Need to File Forms C-1, E-1, and DX)**

#### *Form RC-1 and Form RC-2*

The “Recall or Recall Defense Committee Certificate of Organization and Designation of Campaign Treasurer and Depository” (Form RC-1) must be filed no later than 10 days after a recall or recall defense committee is established. The “Recall Committee Registration Statement” (Form RC-2) must be filed no later than 10 days after a recall committee is established.

#### *Form A-4*

The “Recall Committee Sworn Statement” must be filed 29 days before the Recall Election.

#### *Form C-1*

Form C-1 is filed when a committee receives a currency contribution, **regardless of the amount**. Also, the Form C-1 is filed for contributions (monetary, in-kind, or loan) in excess of \$300 in the aggregate from one source in an election. This report is filed 29 days and 11 days before the election and 20 days after the election.

The Form C-1 is also filed when a committee receives a contribution in excess of \$1,900 in the aggregate from one source starting with the 13<sup>th</sup> day before the election up to and including the day of the election. This is called a “48-hour contribution notice” because the contribution must be reported within 48 hours of receiving the contribution.

#### *Form E-1*

Form E-1 is filed when a committee makes, incurs, or authorizes an expenditure to support or defeat a candidate or public question in excess of \$1,900, starting with the 13<sup>th</sup> day before the election up to and including the day of the election. This is called a “48-hour expenditure notice” because it must be reported within 48 hours of making the expenditure.

#### *Form DX*

If the committee appoints a deputy treasurer, or opens up an additional campaign depository, the Form DX must be filed.



## Recall Committee

### Reporting by A Recall Committee That Plans to Spend More Than \$5,800 in an Election (File Forms RC-1, RC-2, and R-1; May Need to File Forms C-1, E-1, and DX)

#### *Form RC-1 and Form RC-2*

The “Recall or Recall Defense Committee Certificate of Organization and Designation of Campaign Treasurer and Depository” (Form RC-1) must be filed no later than 10 days after a recall or recall defense committee is established. The “Recall Committee Registration Statement” (Form RC-2) must be filed no later than 10 days after a recall committee is established.

#### *Form R-1*

Form R-1 contains schedules to report contributions received and expenditures made during an election. Each contribution in excess of \$300 (monetary, in-kind or loan) in the aggregate from one source must be reported in detail. Also, every currency contribution must be reported in detail **regardless of amount**. All expenditures must be reported. **A Recall Committee that establishes multiple campaign depositories must file a Form DX for every additional depository and must report financial activity relevant to all campaign depositories on a single Form R-1.**

#### *Form C-1*

Form C-1 is filed when a committee receives a contribution in excess of \$1,900 in the aggregate from one source starting with the 13<sup>th</sup> day before the election up to and including the day of the election. This is called a “48-hour contribution notice” because the contribution must be reported within 48 hours of receiving the contribution.

#### *Form E-1*

Form E-1 is filed when a committee makes, incurs, or authorizes an expenditure to support or defeat a candidate or public question in excess of \$1,900, starting with the 13<sup>th</sup> day before the election up to and including the day of the election. This is called a “48-hour expenditure notice” because it must be reported within 48 hours of making the expenditure.

#### *Form DX*

If the committee appoints a deputy treasurer, or opens up an additional campaign depository, the Form DX must be filed.

## Recall Defense Committee

### Reporting by a Recall Defense Committee That Plans to Spend Nothing in an Election (File Form A-1)

If a recall defense committee receives no contributions, makes no expenditures, and, therefore, does not establish a recall defense depository, the recall defense committee must file the Form A-1 no later than 29 days before the date of the election. The Form A-1 is filed once per election.

### Reporting by A Recall Defense Committee That Plans to Spend \$5,800 or Less in an Election (File Forms RC-1 and A-1; May Need to File Forms C-1, E-1, and DX)

#### *Form RC-1*

The “Recall Defense Committee Certificate of Organization and Designation of Campaign Treasurer and Depository” (Form RC-1) must be filed no later than 10 days after a recall defense committee is established.

#### *Form A-1*

The “Candidate Sworn Statement” must be filed 29 days before the Recall Election.

#### *Form C-1*

Form C-1 is filed when a committee receives a currency contribution, **regardless of the amount**. Also, the Form C-1 is filed for contributions (monetary, in-kind, or loan) in excess of \$300 in the aggregate from one source in an election. This report is filed 29 days and 11 days before the election and 20 days after the election.

Form C-1 is also filed when a committee receives a contribution in excess of \$1,900 in the aggregate from one source starting with the 13<sup>th</sup> day before the election up to and including the day of the election. This is called a “48-hour contribution notice” because the contribution must be reported within 48 hours of receiving the contribution.

#### *Form E-1*

Form E-1 is filed when a committee makes, incurs, or authorizes an expenditure to support or defeat a candidate or public question, in excess of \$1,900, starting with the 13<sup>th</sup> day before the election up to and including the day of the election. This is called a “48-hour expenditure notice” because it must be reported within 48 hours of making the expenditure.

#### *Form DX*

If the committee appoints a deputy treasurer, or opens up an additional campaign depository, the Form DX must be filed.

## Recall Defense Committee

### Reporting by A Recall Defense Committee That Plans to Spend More Than \$5,800 in an Election (File Forms RC-1 and R-1; May Need to File Forms C-1, E-1, and DX)

#### *Form RC-1*

The “Recall Defense Committee Certificate of Organization and Designation of Campaign Treasurer and Depository” (Form RC-1) must be filed no later than 10 days after a recall defense committee is established.

#### *Form R-1*

Form R-1 contains schedules to report contributions received and expenditures made during an election. Each contribution in excess of \$300 (monetary, in-kind or loan) in the aggregate from one source must be reported in detail. Also, every currency contribution must be reported in detail **regardless of amount**. All expenditures must be reported. **A Recall Defense committee that establishes multiple campaign depositories must file a Form DX for every additional depository and must report financial activity relevant to all campaign depositories on a single Form R-1.**

#### *Form C-1*

Form C-1 is filed when a committee receives a contribution in excess of \$1,900 in the aggregate from one source starting with the 13<sup>th</sup> day before the election up to and including the day of the election. This is called a “48-hour contribution notice” because the contribution must be reported within 48 hours of receiving the contribution.

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Form E-1 is filed when a committee makes, incurs, or authorizes an expenditure to support or defeat a candidate or public question, in excess of \$1,900, starting with the 13<sup>th</sup> day before the election up to and including the day of the election. This is called a “48-hour expenditure notice” because it must be reported within 48 hours of making the expenditure.

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