



# NEWS RELEASE

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## POLITICAL COMMUNICATIONS

As candidates gear up for looming elections, they must remember that certain communications, including communications distributed by their elected offices instead of their campaigns, may have to be disclosed on ELEC reports.

An important but sometimes misconstrued part of New Jersey campaign finance law is the so-called “90-day rule,” which sets a date after which certain communications are deemed political and subject to reporting.

### Communications Subject to Disclosure

Communications that contain an explicit appeal for the election or defeat of a candidate and are circulated to an audience substantially comprised of people eligible to vote for the candidate are subject to reporting regardless of timing. These communications contain words or phrases that directly relate to elections, such as “elect”, “vote for”, “vote against”, “reject”, “support”, or “defeat”.

Communications that do not contain such explicit wording will be subject to reporting under the following conditions:

1. The communication is made by or on behalf of a candidate within 90-days of an election except in the case of gubernatorial candidates in the primary election, who face a starting date of January 1;
2. The communication is disseminated to an audience “substantially comprised” of individuals eligible to vote for the candidate;
3. The communication refers to the governmental objectives or achievements of the candidate; and,
4. The communication is made with the cooperation or consent of the candidate.

In most instances, this rule has applied to communications produced by a governmental body, i.e., a municipal, county, or state government agency or office.

For instance, a mayor one month before the election might send out a newsletter touting the mayor's accomplishments and listing future goals along with a picture. Even if the newsletter does not directly urge voters to support the mayor, or implore them to oppose an opponent, the newsletter would be considered a political communication. The cost of producing and disseminating the communication must be reported by the candidate.

The Commission's role is the appropriate disclosure of the political communication. It has no jurisdiction over whether the town in this scenario may use public funds for these purposes.

**Exceptions to the 90-Day Rule**

There is no requirement to report the following communications that are considered exceptions to the 90-day rule:

1. A communication by an incumbent officeholder seeking re-election if the communication is in writing to a constituent and in direct response to a prior communication from the constituent;
2. A communication that is broadcast or circulated for the limited purpose of requiring constituents to make applications or take other actions before the date of the election, or providing information involving a public emergency; and,
3. A communication by a candidate running unopposed in the primary election.

Reporting begins on different dates depending on the office sought and/or the election.

<b>Office/Election</b>	<b>Date of Election</b>	<b>Starting Date for Political Communication Reporting</b>
Governor (Primary)	June 10, 2025	January 1, 2025
April School Board	April 15, 2025	January 15, 2025
May Municipal	May 13, 2025	February 12, 2025
Legislature or other non-gubernatorial offices decided in the primary election	June 10, 2025	March 12, 2025

To determine whether a communication must be reported, consult Commission regulations at N.J.A.C. 19:25-10.10 and 10.11 at <https://www.elec.nj.gov/legalresources.htm>.

Commission compliance staff members are available to assist with questions related to the 90-day rule along with other issues. They can be reached at (609) 292-8700.

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