

a public solicitation, testimonial affair, or other activity relating to contributions or expenditures in any way regulated by the provisions of the Act who fails to comply with those regulatory provisions, and any other person who in any way violates any of the provisions of the Act shall, in addition to any other penalty provided by law, be liable to a penalty of not more than [\$9,800] **\$11,600** for the first offense and not more than [\$19,500] **\$24,000** for the second and each subsequent offense.

(b) Any corporation or labor organization of any kind, which provides to any of its officers, directors, attorneys, agents, or other employees any additional increment of salary, bonus, or monetary remuneration of any kind, which, in whole or in part, is intended by that corporation or labor organization to be used for the express purpose of paying or making a contribution, either directly or indirectly, of money or other thing of value to any candidate, candidate committee, joint candidates committee, political party committee, legislative leadership committee, political committee or continuing political committee shall, in addition to any other penalty provided by law, be liable to a penalty of not more than [\$9,800] **\$11,600** for the first offense and not more than [\$19,500] **\$24,000** for the second and each subsequent offense.

(c) A candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, legislative leadership committee, or person that makes, incurs, or authorizes an expenditure for the purpose of financing a communication aiding or promoting the nomination, election, or defeat of any candidate or aiding the passage or defeat of any public question, which is an expenditure that the candidate, committee, individual, or group is required to report pursuant to the Act, and that fails, neglects, or omits to include required political identification information in the manner prescribed by the Act or this chapter shall be liable to a penalty of not more than [\$9,800] **\$11,600** for the first offense and not more than [\$19,500] **\$24,000** for the second and each subsequent offense.

(d) **An independent expenditure committee that fails, neglects, or omits to include required political identification information in the manner prescribed pursuant to the Act or this chapter on an independent expenditure or electioneering communication shall be liable to a penalty of not more than \$11,600 for the first offense and not more than \$24,000 for the second and each subsequent offense.**

19:25-17.3A Penalties for failure to file

(a)-(f) (No change.)

(g) In determining the amount of a penalty to be imposed for failure to file any report not described [in] at (b) through (f) above, including, but not limited to, a **Single Candidate Committee—Certificate of Organization and Designation of Campaign Treasurer and Depository (Form D-1)**, a **Joint Candidates Committee—Certificate of Organization and Designation of Campaign Treasurer and Depository (Form D-2)**, a **Political Committee—Registration Statement and Designation of Campaign Treasurer and Depository (Form PC)**, a **Political Party Committee—Designation of Organizational Treasurer and Depository (Form D-3)**, a **Continuing Political Committee—Registration Statement and Designation of Organizational Depository (Form D-4)**, [and] a **Legislative Leadership Committee—Registration Statement and Designation of Organizational Depository (Form D-5)**, and an **Independent Expenditure Committee—Registration Statement and Designation of Campaign Treasurer and Depository (Form D-6)**, the Commission shall impose a penalty that is not less than one quarter (25 percent) of the maximum penalty provided at N.J.A.C. 19:25-17.3.

(h) (No change.)

(a)

**ELECTION LAW ENFORCEMENT COMMISSION
Regulations of the Election Law Enforcement
Commission Campaign Cost Index Adjustments
Public Financing
General and Primary Elections for the Office of
Governor and Lieutenant Governor**

Proposed Amendments: N.J.A.C. 19:25-15.3, 15.6, 15.10, 15.11, 15.12, 15.14, 15.16, 15.17, 15.21, 15.22, 15.30, 15.32, 15.35, 15.45, 15.49, 16.3, 16.6, 16.8, 16.9, 16.10, 16.11, 16.14, 16.18, 16.21, 16.22, 16.31, 16.33, and 16.38

Authorized By: Election Law Enforcement Commission, Amanda S. Haines, Executive Director.

Authority: N.J.S.A. 19:44A-6.b and 19:44A-38.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2024-098.

The sitting New Jersey Election Law Enforcement Commission will conduct a **public hearing** concerning this notice of proposal on Tuesday, October 15, 2024, at 11:00 A.M. at:

Election Law Enforcement Commission
25 South Stockton St., 5th floor
Trenton, New Jersey 08608

Persons wishing to testify are requested to reserve time to speak by contacting Administrative Assistant Elbia L. Zeppetelli at (609) 292-8700 no later than Friday, October 11, 2024.

Submit written comments by October 18, 2024, to:

Benjamin Kachuriner, Assistant Legal Counsel
Election Law Enforcement Commission
PO Box 185
Trenton, New Jersey 08625-0185
Email: ELLEC.rulemaking@elec.nj.gov

The agency proposal follows:

Summary

The New Jersey Election Law Enforcement Commission (Commission) proposes to amend its rules to implement campaign cost index adjustments for gubernatorial campaigns.

Cost Index Adjustment

Statutory changes to the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq. (Campaign Act), enacted in 1989 require that the Commission “establish an index reflecting the changes occurring in the general level of prices of particular goods and services ... directly affecting the overall costs of election campaigning in this State.” See N.J.S.A. 19:44A-7.1.b. The Commission must apply that index to adjust on a quadrennial basis the following statutory components of the gubernatorial public financing program for the offices of Governor and of Lieutenant Governor: the gubernatorial contribution limit; the threshold for candidate qualification to receive public matching funds; the threshold amount of contributions for which no public matching funds are awarded; the gubernatorial expenditure limits; and the maximum public funds that may be given to a qualified gubernatorial primary or general election candidate. See N.J.S.A. 19:44A-7.1.c.

As the Commission has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Calculation of the Inflationary Adjustment

Applying the methodology first described in the Commission’s June 1988 “Gubernatorial Cost Analysis Report,” and employed in 1992, 1996, 2000, 2004, 2008, 2012, 2016, and 2020 for the gubernatorial public financing program, and in 1996, 2000, 2004, 2008, 2012, 2016, and 2020 for non-gubernatorial candidates and committees, the Commission has determined that costs relevant to campaigning in New Jersey have risen

in the period following the 2021 gubernatorial general election and has applied an index of 1.182 percent to the various limits and thresholds required to be adjusted.

N.J.S.A. 19:44A-7.1.b requires that the index be weighted according to the impact in the preceding general election for the offices of Governor and of Lieutenant Governor of the various categories of campaign expenditures. Therefore, determination of the index for 2025 required analysis of the campaign expenditures of the 2021 gubernatorial general election campaigns. Using expenditure information reported by the 2021 gubernatorial general election campaigns, the Commission concluded that 78.89 percent of the 2021 general election expenditures were associated with communication of the candidates' message to voters. The remaining 21.11 percent of the 2021 general election expenditures were spent administering the campaigns, that is, on candidate travel, food and beverage, fundraising, election night activities, compliance, telephone, personnel, and other administrative costs.

As it did in its 1992, 1996, 2000, 2004, 2008, 2012, 2016, and 2020 calculations of campaign cost changes, the Commission relied on established indices to evaluate the change in costs during the period between the 2021 and 2025 elections in two expenditure categories: mass communication costs and other campaign costs/administration.

Mass Communication Costs

As in the 2020 cost adjustment, the Commission obtained data from Magna Global of New York City. The percentage increase is derived from the cost-per-thousand indices. These indices measure the change in the cost of advertising targeted to reach 1,000 individuals in the New York and Philadelphia media markets. The index was projected to increase by 17.43 percent between base years 2021 through 2024. See Mass Media Percentage Increase, Table 4 (July 2024).

Other Campaign Costs/Administration

The change in "all other campaign costs" was calculated using United States Bureau of Labor Statistics (BLS) Consumer Price Index (CPI) data relevant to New Jersey. The Commission used CPI data from the base year 2021 through April 2024. Statistics from the BLS for the purposes of this analysis involve data compiled for two geographic regions: New York/New Jersey (NY/NJ) and Pennsylvania/New Jersey (PA/NJ). The 2021 through 2024 inflationary number is 19.47 percent for NY/NJ and 23.90 percent for PA/NJ. See Consumer Price Index for All Urban Consumers Monthly Index Number for December, Table 5 (July 2024), citing the BLS, Monthly Index Numbers - All Urban Consumers, through April 2024.

In order to determine the percentage increase in the CPI to be used in calculating the Campaign Cost Index for 2025, the percentage change in the two regional numbers was weighted at a ratio of two-to-one to reflect

2025 Gubernatorial Cost Index Adjustments

Limit/Threshold	2021 Amount	Cost Index Multiplier	Unrounded	2025 Rounded Amount
Contribution Limit	\$4,900	1.182	\$5,792	\$5,800
Qualification Threshold	\$490,000	1.182	\$579,180	\$580,000
Amount Not Matched	\$156,000	1.182	\$184,392	\$185,000
Primary Election Public Fund Cap	\$4,600,000	1.182	\$5,437,200	\$5,500,000
Primary Election Expenditure Limit	\$7,300,000	1.182	\$8,628,600	\$8,700,000
General Election Public Fund Cap	\$10,500,000	1.182	\$12,411,00	\$12,500,000
General Election Expenditure Limit	\$15,600,000	1.182	\$18,439,200	\$18,500,000

Proposed Amendments

Subchapter 15. Public Financing: General Elections for the Offices of Governor and of Lieutenant Governor

The Commission proposes to amend the following definitions at N.J.A.C. 19:25-15.3, Definitions, for this subchapter: "contribution eligible for match" is proposed for amendment to increase the limit on contributions from \$4,900 to \$5,800; and "qualified candidates" is proposed for amendment to increase the qualification threshold for receiving public matching funds from \$490,000 to \$580,000.

the larger population of the NY/NJ region compared to the PA/NJ region. Therefore, the 19.47 percent (NY/NJ) was doubled, to 38.93 percent. The weighted NY/NJ 38.93 percent was added to the unweighted PA/NJ's 23.90 percent, totaling 62.83 percent. Finally, the 62.83 percent number was divided by three to yield a weighted CPI of 20.94 percent.

Calculation of the 2025 Campaign Cost Index

As indicated below, the 17.43 percent increase in communication costs was multiplied by the proportion of 2021 campaign expenditures for mass communications, or 78.89 percent, resulting in a communication component of 13.75 percent. The 20.94 percent increase in other campaign costs/administration was multiplied by the proportion of 2021 campaign expenditures on such items or 21.11 percent, which resulted in a component of 4.42 percent. The 13.75 percent increase in communication costs was then combined with the 4.42 percent increase in other costs to yield a total New Jersey Campaign Cost Index (NJCCI) of 18.17 percent.

Campaign Cost Index (NJCCI) Calculation

EXPENSE CATEGORY	PERCENT OF 2021 GENERAL ELECTION SPENDING	FOUR-YEAR CHANGE IN COSTS	COMPONENT OF CAMPAIGN INDEX*
Mass communication costs	78.89	17.43%	13.75%
Other campaign costs	21.11	20.94%	4.42%
Campaign cost increase			18.17%

*Percent of 2021 general election spending multiplied by four-year change in costs.

Based upon the above calculations, the Commission has determined that the cost index multiplier for the limits and thresholds applicable to publicly financed gubernatorial campaigns is 1.182. The next step in the cost adjustment process is to multiply each specific limit or threshold by the 1.182 index. The resulting amounts are rounded as statutorily mandated pursuant to N.J.S.A. 19:44A-7.1.b.

Based upon this analysis, the Commission proposes to amend its rules as follows:

The Commission proposes to amend N.J.A.C. 19:25-15.6(a) and (b), pertaining to contribution limits; applicability, to increase the limit on contributions from \$4,900 to \$5,800.

The Commission proposes to amend N.J.A.C. 19:25-15.10(a) and (b), pertaining to non-participating candidates, to increase the limit on contributions from \$4,900 to \$5,800.

The Commission proposes to amend N.J.A.C. 19:25-15.11(a)4, 5, and 6, pertaining to limitations on participating candidates, to increase the general election expenditure limit for candidates receiving public matching funds from \$15.6 million to \$18.5 million and to increase the limit on contributions from \$4,900 to \$5,800.

The Commission proposes to amend N.J.A.C. 19:25-15.12(a), (b), and (d), pertaining to who may or may not contribute, to increase the limit on contributions from \$4,900 to \$5,800.

The Commission proposes to amend N.J.A.C. 19:25-15.14(c) and (d), pertaining to contributions eligible for match, to increase the limit on contributions from \$4,900 to \$5,800.

The Commission proposes to amend N.J.A.C. 19:25-15.16(a) and (b), pertaining to limitation on contributions eligible for match, to increase the limit on contributions from \$4,900 to \$5,800.

The Commission proposes to amend N.J.A.C. 19:25-15.17(a), pertaining to matching of funds, to increase the qualification threshold for receiving public matching funds from \$490,000 to \$580,000.

The Commission proposes to amend N.J.A.C. 19:25-15.21(a), pertaining to receipt of public funds, to increase the amount for which gubernatorial candidates may not receive public matching funds in the general election from \$156,000 to \$185,000 of the initial \$490,000 deposited, which is increased to \$580,000.

The Commission proposes to amend N.J.A.C. 19:25-15.22(b), pertaining to receipt of public funds; limitation, to increase the maximum amount of public matching funds that may be received by a gubernatorial general election candidate from \$10.5 to \$12.5 million.

The Commission proposes to amend N.J.A.C. 19:25-15.30, Borrowing of funds; repayment, to increase the contribution limit from \$4,900 to \$5,800.

The Commission proposes to amend N.J.A.C. 19:25-15.32(b), pertaining to the establishment of State committee account; contribution limit, to increase the limit on contributions from \$4,900 to \$5,800.

The Commission proposes to amend N.J.A.C. 19:25-15.35(a), pertaining to notice by State committee to contributor, to increase the limit on contributions from \$4,900 to \$5,800.

The Commission proposes to amend N.J.A.C. 19:25-15.45(a), pertaining to postelection contribution; postelection payment of expenses, to increase the limit on contributions from \$4,900 to \$5,800.

The Commission proposes to amend N.J.A.C. 19:25-15.49 to increase the qualification threshold for receiving public matching funds from \$490,000 to \$580,000.

Subchapter 16. Public Financing of Primary Election for Governor

The Commission proposes to amend the following definitions at N.J.A.C. 19:25-16.3, Definitions for this subchapter: “contribution eligible for match” is proposed for amendment to increase the limit on contributions from \$4,900 to \$5,800; and “qualified candidate” is proposed for amendment to increase the qualification threshold for receiving public matching funds from \$490,000 to \$580,000.

The Commission proposes to amend N.J.A.C. 19:25-16.6(a), pertaining to contribution limits; applicability, to increase the limit on contributions from \$4,900 to \$5,800.

The Commission proposes to amend N.J.A.C. 19:25-16.8(a) and (b), pertaining to non-participating candidates, to increase the limit on contributions from \$4,900 to \$5,800.

The Commission proposes to amend N.J.A.C. 19:25-16.9(a)3 and 4, pertaining to limitations on participating candidates, to increase the primary election expenditure limit for candidates receiving public matching funds from \$7.3 million to \$8.7 million and to increase the limit on contributions from \$4,900 to \$5,800.

The Commission proposes to amend N.J.A.C. 19:25-16.10(a), (b), and (d), pertaining to who may or may not contribute, to increase the limit on contributions from \$4,900 to \$5,800.

The Commission proposes to amend N.J.A.C. 19:25-16.11(c) and (d), pertaining to contributions eligible for match, to increase the limit on contributions from \$4,900 to \$5,800.

The Commission proposes to amend N.J.A.C. 19:25-16.14(a) and (b), pertaining to limitation on contributions eligible for match, to increase the limit on contributions from \$4,900 to \$5,800.

The Commission proposes to amend N.J.A.C. 19:25-16.18(a), pertaining to matching of funds, to increase the limit on contributions from \$4,900 to \$5,800 and the qualification threshold for receiving public matching funds from \$490,000 to \$580,000.

The Commission proposes to amend N.J.A.C. 19:25-16.21(a), pertaining to receipt of public funds, to increase the amount for which

gubernatorial candidates may not receive public matching funds in the primary election from \$156,000 to \$185,000 of the initial \$490,000 deposited, which is increased to \$580,000.

The Commission proposes to amend N.J.A.C. 19:25-16.22(b), pertaining to receipt of public funds; limitation, to increase the maximum amount of public matching funds that may be received by a gubernatorial primary election candidate to \$5.5 million.

The Commission proposes to amend N.J.A.C. 19:25-16.31, Borrowing of funds; repayment, to increase the limit on contributions from \$4,900 to \$5,800.

The Commission proposes to amend N.J.A.C. 19:25-16.33(a), pertaining to postelection contributions; postelection payment of expenses, to increase the limit on contributions from \$4,900 to \$5,800.

The Commission proposes to amend N.J.A.C. 19:25-16.38(a), pertaining to statement of candidates electing to participate in debates, to increase the qualification threshold for receiving public matching funds from \$490,000 to \$580,000.

Social Impact

The Commission’s proposed amendments will primarily affect publicly financed gubernatorial primary and general election candidates and their treasurers who must comply with the statutory limits and thresholds contained within the gubernatorial public financing provisions of the Campaign Act. The amendments will implement the public policy of New Jersey’s gubernatorial public financing program that aims to provide that such financing be adequate in amount so that candidates for election to the offices of Governor and of Lieutenant Governor may conduct their campaigns free from improper influence and so that persons of limited financial means may seek election to the State’s highest office. See N.J.S.A. 19:44A-27.

To ensure that candidates elect to participate in the gubernatorial public financing program and to ensure that the two-fold purpose of the program is met, the Commission has been statutorily mandated to adjust various limits and thresholds for inflation. The adjustments in this rulemaking for the 2025 primary and general elections make the New Jersey law responsive to changes in the economy during the past four years. As the proposed amendments adjust the key elements of the program to keep pace with changes in the economy, the Commission believes that the gubernatorial public financing program will remain a viable option for candidates and, therefore, will have a positive social impact on candidates and the public.

Economic Impact

The Commission believes that the proposed campaign cost adjustment amendments, by reflecting inflationary changes over the past four years, will have the desirable economic impact of permitting gubernatorial candidates to raise and spend the amount of funds necessary to reach New Jersey voters with their campaign messages.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendments concern New Jersey gubernatorial primary and general election candidates and their qualification for and receipt of gubernatorial public matching funds. The proposed amendments are not subject to any Federal requirements or standards.

Jobs Impact

The proposed amendments are not expected to have any measurable impact upon the number of persons employed by gubernatorial candidates and their campaigns or on vendors supplying services or materials to those campaigns. To the extent that the gubernatorial contribution limit has been raised to account for inflation in the costs of campaigns, gubernatorial candidates will have the ability to pay wages that keep pace with the economy.

Agriculture Industry Impact

The proposed amendments are not expected to have any impact on the agriculture industry in the State of New Jersey.

Regulatory Flexibility Statement

The Commission’s proposed amendments do not impose any recordkeeping, reporting, or compliance requirements on small businesses, as that term is defined pursuant to the Regulatory Flexibility

Act, N.J.S.A. 52:14B-16 et seq. While it is conceivable that small businesses may be employed to provide goods or services to gubernatorial candidates, the reporting, recordkeeping, and compliance requirements generated by the amendments are solely on the gubernatorial candidates and their treasurers.

While there are no compliance or other requirements imposed upon small businesses, a small business that has made a contribution to a gubernatorial candidate in the form of goods or services may be called upon to provide the gubernatorial campaign with a valuation of those goods or services for the purpose of compliance with the contribution limit and other reporting requirements.

Housing Affordability Impact Analysis

The proposed amendments will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the amendments would evoke a change in the average costs associated with housing because the proposed amendments concern public matching funds for gubernatorial candidates.

Smart Growth Development Impact Analysis

The proposed amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the proposed amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey because the proposed amendments concern public matching funds for gubernatorial candidates.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commission has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposals follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 15. PUBLIC FINANCING; GENERAL ELECTIONS FOR THE OFFICES OF GOVERNOR AND OF LIEUTENANT GOVERNOR

19:25-15.3 Definitions [for this subchapter]

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

...
 "Contribution eligible for match" means contributions from one contributor to be matched from public funds on a two-for-one basis. No contribution, which must be, or is intended by the contributor or the recipient to be, refunded or repaid at any time, no loan obtained pursuant to N.J.S.A. 19:44A-44, no funds received from the housekeeping account of a State political party committee or county political party committee authorized pursuant to N.J.S.A. 19:44A-10.2, no amount of the candidate's own funds in the aggregate in excess of [\$4,900] **\$5,800**, no in-kind contribution, and no other moneys received by the candidates for Governor and for Lieutenant Governor, their campaign treasurer, or deputy campaign treasurer, except those contributions described at N.J.S.A. 19:44A-29(a) shall be deemed contributions eligible for match.

...
 "Qualified candidates" mean candidates for election to the offices of Governor and of Lieutenant Governor who have deposited and expended [\$490,000] **\$580,000** pursuant to N.J.S.A. 19:44A-32; and who, not later than September 1 preceding a general election in which the offices of Governor and of Lieutenant Governor are to be filled, apply to the Commission to receive public funds for gubernatorial campaign expenses; and who certify and file required reports regarding any issue advocacy organization involvement; and the candidate for election to office of Governor certifies their agreement to participate in two interactive general election debates and the candidate for election to the office of Lieutenant Governor certifies their agreement to participate in one interactive general election debate.

...

19:25-15.6 Contribution limits; applicability

(a) No candidate for the office of Governor, whether or not intending to participate in public funding, no candidate for the office of Lieutenant Governor, and no campaign treasurer or deputy campaign treasurer of such candidates shall knowingly accept from any person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee, any contribution in aid of the candidacy of or on behalf of such candidates, jointly, in the aggregate in excess of [\$4,900] **\$5,800** in any general election.

(b) No State committee, and no campaign treasurer or deputy campaign treasurer of such State committee, shall knowingly accept from any person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee, any contribution in aid of the candidacies of, or on behalf of any candidates for the offices of Governor and of Lieutenant Governor, jointly, in the aggregate in excess of [\$4,900] **\$5,800** in any general election, whether or not such candidates intend to participate in public funding.

(c) (No change.)

19:25-15.10 Non-participating candidates

(a) Non-participating candidates for the offices of Governor and of Lieutenant Governor are jointly subject to the [\$4,900] **\$5,800** limitation on contributions from a person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee, pursuant to N.J.S.A. 19:44A-29.

(b) Non-participating candidates for the offices of Governor and of Lieutenant Governor are jointly subject to the [\$4,900] **\$5,800** limit on guarantors of bank loans, except if the guarantor is the non-participating candidate.

(c)-(d) (No change.)

19:25-15.11 Limitations on participating candidates

(a) Each candidate for the office of Governor and for the office of Lieutenant Governor intending to participate in public funding, in addition to any other requirement imposed by the Act or this subchapter, is subject to the following limitations:

1.-3. (No change.)

4. The amount that any qualified candidates may spend in aid of their joint candidacies for the offices of Governor and of Lieutenant Governor shall not exceed [\$15.6] **\$18.5** million, which amount shall include payments made solely for the purpose of determining whether to become a candidate. Such amount shall not include expenditures listed at N.J.A.C. 19:25-15.26.

5. Contributions by any candidate for the office of Governor in excess of [\$4,900] **\$5,800** from the candidate's own funds in aid of the candidate's campaign shall not be deposited in a matching fund account and shall not be calculated in determining if such candidate is a qualified candidate eligible for public matching funds.

6. Contributions by any candidate for the office of Lieutenant Governor in excess of [\$4,900] **\$5,800** from the candidate's own funds in aid of the candidate's campaign shall not be deposited in a matching fund account and shall not be calculated in determining eligibility for public matching funds.

19:25-15.12 Who may or may not contribute

(a) No person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee, other than a candidate contributing the candidate's own funds to the candidate's own campaign, shall make any contribution to any candidate, the candidate's campaign treasurer or deputy campaign treasurer, or to any other person or committee, in aid of the candidacy of or on behalf of a candidate, whether or not participating in public funding, for election to the offices of Governor and of Lieutenant Governor in a general election, in the aggregate in excess of [\$4,900] **\$5,800**. Any such contribution in excess of [\$4,900] **\$5,800** must be returned to the contributor pursuant to the requirements at N.J.A.C. 19:25-11.8, and evidence of repayment shall be submitted to the Commission.

(b) A joint candidates committee established by candidates who have not established any candidate committees in an election may make a

contribution to candidates for election to the offices of Governor and of Lieutenant Governor in an amount not to exceed the sum of the number of candidates participating in the joint candidates committee multiplied by [\$4,900] **\$5,800**. If a candidate has established both a candidate committee and a joint candidates committee in an election, the total amount that may be contributed by that candidate's joint candidates committee and candidate committee to candidates for election to the offices of Governor and of Lieutenant Governor may not exceed [\$4,900] **\$5,800** per candidate participating in the joint candidates committee.

(c) (No change.)

(d) A corporation, association, or labor organization or any subsidiary, affiliate, branch, division, department, or local unit of any such corporation, association, or labor organization shall not make any contribution to, or on behalf of, a candidate, which, when added to any other contribution by any related or affiliated corporation, association, or labor organization, exceeds [\$4,900] **\$5,800** in the aggregate. Whether such corporation, association, or labor organization is related or affiliated shall depend on the circumstances existing at the time of such contribution, including, but not by way of limitation, the degree of control or common ownership with related or affiliated corporations, associations, or labor organizations, the source and control of funds used for such contributions and the degree to which the decisions whether to contribute, to what candidate, and in what amount are independent decisions.

(e)-(g) (No change.)

19:25-15.14 Contributions eligible for match

(a)-(b) (No change.)

(c) Only contributions in cash or by check, money order, or negotiable instrument, shall be contributions eligible for match. Loans shall not be eligible for match. In-kind contributions shall not be eligible for match, but will count toward the individual contribution limit of [\$4,900] **\$5,800** and the overall expenditure limit [contained] at N.J.S.A. 19:44A-7, except for expenses not subject to expenditure limits pursuant to N.J.A.C. 19:25-15.26. The total of all contributions eligible for match from any person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee shall not exceed [\$4,900] **\$5,800** in the aggregate.

(d) A maximum of [\$4,900] **\$5,800** in the aggregate of a candidate for the office of Governor's own funds may be deposited in the matching fund account, and a maximum of [\$4,900] **\$5,800** in the aggregate of a candidate for the office of Lieutenant Governor's own funds may be deposited in the matching fund account.

(e)-(f) (No change.)

19:25-15.16 Limitation on contributions eligible for match

(a) Any contributions in the form of the purchase price paid for an item with significant intrinsic and enduring value (such as a watch) shall be eligible for match only to the extent the purchase price exceeds the fair market value of the item or benefit conferred on the contributor, and only the excess will be included in calculating the [\$4,900] **\$5,800** contribution limit.

(b) A contribution in the form of the purchase price paid for admission to a testimonial affair, as defined at N.J.A.C. 19:25-1.7, shall be a contribution eligible for match and for purposes of the [\$4,900] **\$5,800** limitation.

(c) (No change.)

19:25-15.17 Matching of funds

(a) Candidates for the offices of Governor and Lieutenant Governor seeking to qualify for receipt of public matching funds shall, no later than September 1 preceding a general election in which the offices of Governor and Lieutenant Governor are to be filled, file with the Commission:

1. (No change.)

2. Form P-1 establishing the candidates' deposited contributions eligible for match of at least [\$490,000] **\$580,000** and that at least [\$490,000] **\$580,000** of the contributions have been expended or are committed to be expended.

i.-iii. (No change.)

3. (No change.)

(b) (No change.)

19:25-15.21 Receipt of public funds

(a) The campaign treasurer, or deputy campaign treasurer, of any qualified candidates for election to the offices of Governor and of Lieutenant Governor in a general election shall promptly receive, on behalf of such qualified candidates, public moneys in an amount equal to twice the amount of each contribution eligible for match and deposited in such qualified candidates' matching fund account, described at N.J.S.A. 19:44A-32, except that no payment shall be made to any candidates from such fund for general election campaign purposes for the first [\$156,000 of the \$490,000] **\$185,000 of the \$580,000** deposited in such candidates' matching fund account.

(b) (No change.)

19:25-15.22 Receipt of public funds; limitation

(a) (No change.)

(b) The maximum amount that any qualified candidates may jointly receive from public funds shall not exceed [\$10.5] **\$12.5** million.

19:25-15.30 Borrowing of funds; repayment

Any candidates for the offices of Governor and of Lieutenant Governor, the candidates' campaign treasurer, or deputy campaign treasurer, may borrow funds from any national or State bank, provided that no person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee other than the candidate or the State committee may in any way endorse or guarantee such loan in the aggregate in excess of the [\$4,900] **\$5,800** contribution limit. In the case of a participating candidate guaranteeing a loan to his or her own campaign, the amount so borrowed shall not at any one time in the aggregate exceed \$50,000 for the campaign, and must be repaid in full by such candidate or the campaign treasurer or deputy campaign treasurer from monies accepted or allocated pursuant to N.J.S.A. 19:44A-29 not later than 20 days prior to the general election. This limit does not apply to a candidate that does not participate in the public financing program. Repayment shall be evidenced on a report filed no later than the 11-Day Preelection reporting date with attached documentation. In the event of the failure of the borrower to repay timely the full amount of the loan or to certify properly such repayment to the Commission, all payment of public funds to such candidate shall promptly cease and the Commission shall take action as directed by the Act to prohibit the expenditure by the candidate of monies received from the fund and any other monies received by the candidate in aid of the candidate's campaign in such general election.

19:25-15.32 Establishment of State committee account; contribution limit

(a) (No change.)

(b) Upon, or after, establishment of a State committee account, such State committee may deposit contributions received by it in the account. Only a contribution of up to [\$4,900] **\$5,800** may be deposited, and only if such deposit does not result in the contributor exceeding a contribution of [\$4,900] **\$5,800** in the aggregate to such candidate.

(c)-(d) (No change.)

19:25-15.35 Notice by State committee to contributor

(a) The campaign treasurer, or deputy campaign treasurer, of any State committee depositing any contribution in a State committee account of such State committee must give written notice of such deposit to the contributor within 48 hours of such deposit, and such notice shall contain the following information:

1. (No change.)

2. The allocated contribution counts toward the [\$4,900] **\$5,800** the contributor may contribute to candidates for the offices of Governor and of Lieutenant Governor, jointly;

3.-5. (No change.)

19:25-15.45 Postelection contribution; postelection payment of expenses

(a) Any person, candidate committee, joint candidates committee, political committee, continuing political committee, or legislative leadership committee otherwise eligible to make political contributions to a candidate or a State committee may make a contribution in aid of the candidacies of candidates for the offices of Governor and of Lieutenant

Governor, jointly, after the date of such general election, provided such person or committee does not exceed [\$4,900] **\$5,800** in the aggregate for such general election.

(b)-(c) (No change.)

19:25-15.49 Statement of candidates electing to participate in debates

(a) Candidates for the offices of Governor and Lieutenant Governor that do not qualify for receipt of public funds may elect to participate in the series of interactive gubernatorial general election debates by filing the following no later than September 1 preceding the general election in which the offices of Governor and Lieutenant Governor are to be filled:

1. (No change.)

2. Form P-1 establishing the candidates' deposited contributions of at least [\$490,000] **\$580,000** and that at least [\$490,000] **\$580,000** of the contributions have been expended or are committed to be expended.

i.-iii. (No change.)

SUBCHAPTER 16. PUBLIC FINANCING OF PRIMARY ELECTION FOR GOVERNOR

19:25-16.3 Definitions [for this subchapter]

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

...
 "Contribution eligible for match" means contributions from one contributor to be matched from public funds on a two-for-one basis. No contribution, which must be, or is intended by the contributor or the recipient to be, refunded or repaid at any time, no loan obtained pursuant to N.J.S.A. 19:44A-44, no funds received from the housekeeping account of a State political party committee or county political party committee authorized pursuant to N.J.S.A. 19:44A-10.2, no amount of the candidate's own funds in the aggregate in excess of [\$4,900] **\$5,800**, no in-kind contribution, and no other monies received by the candidate, the candidate's campaign treasurer, or deputy campaign treasurer, except those contributions described at N.J.S.A. 19:44A-29.a, shall be deemed contributions eligible for match.

...
 "Qualified candidate" means any candidate for nomination for election to the office of Governor who has deposited and expended [\$490,000] **\$580,000** pursuant to N.J.S.A. 19:44A-32; and who, not later than the last day for filing petitions to nominate candidates to be voted upon in a primary election for a general election in which the office of Governor is to be filled, applies to the Commission to receive public funds for gubernatorial campaign expenses; and who certifies and files required reports regarding any issue advocacy organization involvement; and who certifies their agreement to participate in two interactive gubernatorial primary election debates.

19:25-16.6 Contribution limits; applicability

(a) Each candidate, whether or not intending to participate in public funding, and each campaign treasurer, or deputy campaign treasurer, of such candidate shall not knowingly accept from any person, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee any contribution in aid of the candidacy of, or in behalf of, such candidate in the aggregate in excess of [\$4,900] **\$5,800** in any primary election.

(b) (No change.)

19:25-16.8 Non-participating candidates

(a) A non-participating candidate is subject to the [\$4,900] **\$5,800** limitation on contributions from a person, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee pursuant to N.J.S.A. 19:44A-29.

(b) A non-participating candidate is subject to the [\$4,900] **\$5,800** limit on guarantors of bank loans, except if the guarantor is the non-participating candidate himself or herself.

(c)-(d) (No change.)

19:25-16.9 Limitations on participating candidates

(a) Each candidate intending to participate in public funding, in addition to any other requirement imposed by the Act or this subchapter, is subject to the following limitations:

1.-2. (No change.)

3. The amount that any qualified candidate may spend in aid of his or her candidacy shall not exceed [\$7.3] **\$8.7** million, which amount shall include payments made solely for the purpose of determining whether to become a candidate. Such amount shall not include expenditures listed at N.J.A.C. 19:25-16.27.

4. Contributions by any candidate in excess of [\$4,900] **\$5,800** from his or her own funds in aid of his or her candidacy shall not be deposited in a matching fund account and shall not be calculated in determining if such candidate is a qualified candidate eligible for public matching funds.

19:25-16.10 Who may or may not contribute

(a) No person, other than a candidate contributing the candidate's own funds to the candidate's campaign, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee shall make any contribution to any candidate, the candidate's campaign treasurer, or deputy campaign treasurer, or to any other person or committee, in aid of the candidacy of, or on behalf of, a candidate, whether or not participating in public funding, for nomination for election to the office of Governor in a primary election, in the aggregate in excess of [\$4,900] **\$5,800**. Any such contribution in excess of [\$4,900] **\$5,800** must be returned to the contributor pursuant to the requirements [of] at N.J.A.C. 19:25-11.8, and evidence of the repayment shall be submitted to the Commission.

(b) A joint candidates committee established by candidates who has not established any candidate committees in an election may make a contribution to a candidate for nomination for election to the office of Governor in an amount not to exceed the sum of the number of candidates participating in the joint candidates committee multiplied by [\$4,900] **\$5,800**. If a candidate has established both a candidate committee and a joint candidates committee in an election, the total amount that may be contributed by that candidate's joint candidates committee and candidate committee to a candidate for nomination for election to the office of Governor may not exceed [\$4,900] **\$5,800** per candidate participating in the joint candidates committee.

(c) (No change.)

(d) A corporation, association, or labor organization or any subsidiary, affiliate, branch, division, department, or local unit of any such corporation, association, or labor organization shall not make any contribution to, or on behalf of, a candidate that, when added to any other contribution by any related or affiliated corporation, association, or labor organization, exceeds [\$4,900] **\$5,800** in the aggregate. Whether such corporation, association, or labor organization is related or affiliated shall depend on the circumstances existing at the time of such contribution, including, but not by way of limitation, the degree of control or common ownership with related or affiliated corporations, associations, or labor organizations, the source and control of funds used for such contribution, and the degree to which the decisions whether to contribute, to what candidate, and in what amount are independent decisions.

(e)-(g) (No change.)

19:25-16.11 Contributions eligible for match

(a)-(b) (No change.)

(c) Only contributions in cash or by check, money order, or negotiable instruments shall be contributions eligible for match. Loans shall not be eligible for match. In-kind contributions shall not be eligible for match, but will count toward the individual contribution limit of [\$4,900] **\$5,800** and the overall expenditure limit [contained] at N.J.S.A. 19:44A-7, except for expenses not subject to expenditure limits pursuant to N.J.A.C. 19:25-16.27. The total of all contributions eligible for match from any person, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee shall not exceed [\$4,900] **\$5,800** in the aggregate.

(d) A maximum of [\$4,900] **\$5,800** in the aggregate of a candidate's own funds may be deposited in the matching fund account.

(e)-(f) (No change.)

19:25-16.14 Limitation on contributions eligible for match

(a) Any contribution in the form of the purchase price paid for an item with significant intrinsic and enduring value (such as a watch) shall be eligible for match only to the extent the purchase price exceeds the fair market value of the item or benefit conferred on the contributor, and only the excess will be included in calculating the [\$4,900] **\$5,800** contribution limit.

(b) A contribution in the form of the purchase price paid for admission to a dinner or testimonial affair as defined at N.J.A.C. 19:25-1.7 shall be a contribution eligible for match and for purposes of the [\$4,900] **\$5,800** limitation.

(c) (No change.)

19:25-16.18 Matching of funds

(a) A candidate for the office of Governor seeking to qualify for receipt of public matching funds shall, no later than the last day for filing a petition to nominate candidates for the primary election for Governor, file with the Commission:

1. (No change.)

2. Form P-1 establishing the candidate deposited contributions eligible for match of at least [\$490,000] **\$580,000** and that at least [\$490,000] **\$580,000** of the contributions have been expended or are committed to be expended.

i.-iii. (No change.)

3. (No change.)

(b) (No change.)

19:25-16.21 Receipt of public funds

(a) The campaign treasurer, or deputy campaign treasurer, of any qualified candidate for election to the office of Governor in a primary election shall promptly receive on behalf of such qualified candidate from the funds for primary election campaign expenses monies in an amount equal to twice the amount of each contribution eligible for match and deposited in such qualified candidate's matching fund account, described at N.J.S.A. 19:44A-32, except that no payment shall be made to any candidate from such fund for primary election campaign purposes for the first [\$156,000 of the \$490,000] **\$185,000 of the \$580,000** deposited in such qualified candidate's matching fund account.

(b) (No change.)

19:25-16.22 Receipt of public funds; limitation

(a) (No change.)

(b) The maximum amount, which any qualified candidate may receive from public funds shall not exceed [\$4.6] **\$5.5** million.

19:25-16.31 Borrowing of funds; repayment

Any candidate, campaign treasurer, or deputy campaign treasurer of the candidate may borrow funds from any national or State bank, provided

that no person, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, other than the candidate, may in any way endorse or guarantee such loan in the aggregate in excess of the [\$4,900] **\$5,800** contribution limit. In the case of a participating candidate guaranteeing a loan to his or her own campaign, the amount so borrowed shall not at any one time in the aggregate exceed \$50,000 and must be repaid in full by such candidate or the campaign treasurer, or deputy campaign treasurer, from monies accepted or allocated pursuant to N.J.S.A. 19:44A-29 not later than 20 days prior to the primary election. This limit does not apply to a candidate that does not participate in the public financing program. Repayment shall be evidenced on a report filed no later than the 11-Day Preelection reporting date with attached documentation. In the event of the failure of the borrower to repay timely the full amount of the loan or to certify properly such repayment to the Commission, all payment of public funds to such candidate shall promptly cease and the Commission shall take action as directed by the Act to prohibit the expenditure by the candidate of monies received from the fund and any other monies received by the candidate in aid of the candidate's campaign in such primary election.

19:25-16.33 Postelection contributions; postelection payment of expenses

(a) Any person, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, otherwise eligible to make political contributions to a candidate may make a contribution in aid of the candidacy of such candidate after the date of such primary provided such person or political committee does not exceed [\$4,900] **\$5,800** in the aggregate for such primary.

(b)-(e) (No change.)

19:25-16.38 Statement of candidates electing to participate in debates

(a) A candidate for the office of Governor that does not qualify for receipt of public funds may elect to participate in the series of interactive gubernatorial primary election debates by filing the following no later than the last day for filing a petition to nominate candidates for the primary election for Governor:

1. (No change.)

2. Form P-1 establishing the candidate deposited contributions of at least [\$490,000] **\$580,000** and that at least [\$490,000] **\$580,000** of the contributions have been expended or are committed to be expended.

i.-iii. (No change.)