

OTHER AGENCIES

ELECTION LAW ENFORCEMENT COMMISSION

Public Financing: General Elections for the Offices of Governor and of Lieutenant Governor; and Primary Elections for the Office of Governor

Proposed Amendments: N.J.A.C. 19:25-1.7, 3.3, 5.3, 8.1, 10.10, 11.1, 11.2, 11.14, 15.1, 15.3, 15.4, 15.6, 15.9 through 15.15, 15.17, 15.17A, 15.18, 15.20, 15.21, 15.22, 15.24, 15.26, 15.27, 15.28A, 15.28B, 15.29A, 15.30, 15.31, 15.32, 15.33, 15.35, 15.39, 15.40, 15.44 through 15.52, 15.53, 15.54, 15.58, 15.59, 15.66, 16.3, 16.7, 16.10, 16.13, 16.18, 16.18A, 16.21, 16.25, 16.30, 16.31, 16.36, 16.39, 16.43, 19.1, 19.2, and 19.7

Proposed New Rules: N.J.A.C. 19:25-15.4A and 15.5

Authorized By: Election Law Enforcement Commission, Jeffrey M. Brindle, Executive Director.

Authority: New Jersey Constitution, Article V, Section I, paragraph 4, P.L. 2009, c. 66, N.J.S.A. 19:44A-6, 19:44A-6.1, 19:44A-38, and 19:44B-7.

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

Proposal Number: PRN 2012-077.

The sitting New Jersey Election Law Enforcement Commission will conduct a **public hearing** concerning this proposal on Tuesday, July 17, 2012 at 11:00 A.M. at:

Election Law Enforcement Commission
Edward J. Farrell Memorial Conference Room
28 West State Street, 12th floor
Trenton, New Jersey

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, July 13, 2012.

Submit written comments by Friday, July 20, 2012 to:

Michelle R. Levy, Associate Legal Director
Election Law Enforcement Commission
PO Box 185
Trenton, New Jersey 08625-0185

The agency proposal follows:

Summary

The New Jersey Election Law Enforcement Commission (Commission) proposes two new rules and amendments to its rules concerning the public financing of gubernatorial primary and general elections, personal financial disclosure rules, and other rules affected by the creation of a Lieutenant Governor in New Jersey. The Commission's rules regarding public financing codify the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq. (Act). The proposed amendments and new rules that follow are based upon statutory changes, which became effective in 2009, comments received by the Commission during public hearings conducted in 2009, the experience of Commission staff in administering the gubernatorial public financing program in past elections, and past advisory opinions issued concerning public financing. The rules for public financing in the general election appear in

Subchapter 15, Public Financing; General Elections for the Offices of Governor and Lieutenant Governor, and the rules for public financing in the primary election appear in Subchapter 16, Public Financing of Primary Election for the Office of Governor.

1. Inclusion of the Office of Lieutenant Governor

The office of Lieutenant Governor was established by voter approval of a constitutional amendment in the 2005 general election. Article V, Section I of the New Jersey Constitution was thereafter amended to include the office of Lieutenant Governor. On June 26, 2009, enabling legislation at P.L. 2009, c. 66 was enacted to establish electoral and campaign finance requirements for the office of Lieutenant Governor.

The 2009 gubernatorial election was the first time voters in New Jersey elected a Lieutenant Governor. Enabling legislation creating the office of Lieutenant Governor was enacted immediately prior to the 2009 gubernatorial election, which left insufficient time for the Commission to amend its rules prior to that race. At that time, the Commission administered the statutory changes by providing educational outreach, instruction, personalized guidance to candidates and their staff, and updated information on its website for the public. In advance of the 2013 gubernatorial race, the Commission hereby proposes to amend its rules where applicable in Subchapters 1, 3, 5, 8, 10, 11, throughout Subchapter 15, concerning public financing in general elections, Subchapter 16, and in Subchapter 19, regarding personal financial disclosure statements, to include candidates for the office of Lieutenant Governor, and to codify administrative practices employed during the 2009 election.

The Commission proposes to amend N.J.A.C. 19:25-15.3 and 16.3, Definitions, by adding a definition for the term “gubernatorial candidate.” In the context of a primary election (Subchapter 16), the Commission proposes that the term “gubernatorial candidate” shall refer to

a candidate for the office of Governor. In the context of a general election (Subchapter 15), the Commission proposes that “gubernatorial candidate” shall refer to a candidate for the office of Governor and/or a candidate for the office of Lieutenant Governor.

P.L. 2009, c. 66, added new subsection 6, which clearly states that the Act’s contribution and expenditure limits for election to the offices of Governor and Lieutenant Governor are to be considered and treated as contributions to and expenditures of one candidate, and that they can establish only one candidate committee, jointly, see N.J.S.A. 19:44A-29.1. The Commission believes that maintaining limits and thresholds in gubernatorial elections is a crucial element of gubernatorial campaign finance law. Therefore, the Commission proposes new N.J.A.C. 19:25-15.5, Gubernatorial candidate committee to make explicit that in a general election, a candidate committee for the candidates for the offices of Governor and of Lieutenant Governor have the same limits and thresholds as a single candidate committee.

The Commission proposes to amend the definition of “joint candidates committee” at N.J.A.C. 19:25-1.7, to specify that a joint candidates committee does not mean candidates for the offices of Governor and of Lieutenant Governor running on the same ticket, even though they form a candidate committee jointly.

The Commission proposes to amend N.J.A.C. 19:25-3.3, Required electronic filing, adding new subsection (f) to require candidates for the offices of Governor and Lieutenant Governor who jointly raise or spend, or expect to jointly raise or spend, in excess of \$100,000 in a general election to file election fund reports using electronic filing software supplied by the Commission. The Commission proposes a consistent parallel reference in N.J.A.C. 19:25-8.1(f). The Commission is also proposing a deletion from N.J.A.C. 19:25-3.3(e) to delete “in an election

occurring after that date” as the date referenced was deleted effective April 19, 2010. See 41 N.J.R. 4682(a); 42 N.J.R. 811(a).

N.J.A.C. 19:25-5.3, Required treasurer training, lists candidates whose campaign treasurers are required to undergo treasurer training with the Commission. The Commission proposes to replace “the office of Governor” with “gubernatorial candidate(s)” to expand the list to include candidates for Lieutenant Governor in a general election. Similarly, the Commission proposes to amend N.J.A.C. 19:25-11.1, Candidates subject to contribution limits, 11.2, Contribution limit chart, and 11.14, Solicitation and making of contributions on State property prohibited, to include references to candidates for the office of Lieutenant Governor.

The Commission proposes to amend N.J.A.C. 19:25-10.10, Political communication contributions, to specify the period of time that a communication shall be deemed to be political for a candidate for Lieutenant Governor, which shall begin on the day following certification of such candidate pursuant to N.J.A.C. 19:25-15.4A.

The Commission proposes to remove the phrase “for nomination” from N.J.A.C. 19:25-15.1, which refers to a general election campaign, as only primary elections result in nominations.

N.J.A.C. 19:25-15.4, Appointment of treasurers and depositories, states that it is the obligation of the candidate for the office of Governor in a general election to designate to the Commission the name and address of his or her candidate committee on or before the first Monday following the date of the primary election for nomination for the office of Governor (see subsection (a)) and requires the candidate for the office of Governor to appoint a campaign treasurer and designate a depository bank account no later than the 10th day after receipt of any contribution or after incurring or making any expenditure (whichever comes first) (see

subsection (b)). As the candidate for the office of Governor may not have chosen a running-mate by these dates, the Commission proposes adding new subsection (c) to require the candidate for the office of Governor to amend the designation to add the name of the candidate for the office of Lieutenant Governor, and to make any necessary changes in committee name, upon the selection and certification to the Secretary of State of a candidate for election to the office of Lieutenant Governor.

The Commission proposes to add new N.J.A.C. 19:25-15.4A, Selection and certification of a candidate for election to the office of Lieutenant Governor in the general election, to codify the procedures set out in P.L. 2009, c. 66, for selection and certification of a candidate for election to the office of Lieutenant Governor in a general election.

The Commission proposes amendments throughout Subchapter 15 to include references to candidates for the office of Lieutenant Governor, see (as proposed for amendment, as applicable) N.J.A.C. 19:25-15.1, Scope of subchapter, 15.3, Definitions, 15.6, Contribution limits; applicability, 15.9, Candidates deemed non-participating; effect, 15.10, Non-participating candidates, 15.12, Who may or may not contribute, 15.13, Corporate or labor organization communications, 15.15, Contributions eligible for match; checks and instruments; partnership contributions prohibited; contributions by electronic transfer of funds, 15.17, Matching of funds, 15.17A, Reporting of issue advocacy organization information, 15.18, Dates of submission, 15.20, Special accounts for public funds, 15.21, Receipt of public funds, 15.22, Receipt of public funds; limitations, 15.26, Expenses not subject to expenditure limits, 15.27, Expenditure reporting; travel expenses, 15.28A, Prohibition on independent expenditures by State political party committees and legislative leadership committees, 15.28B, Limit on county and municipal political party committee expenditures, 15.29A, Coordinated expenditures by non-gubernatorial

candidates, political party committees, and legislative leadership committees, 15.30, Borrowing of funds; repayment, 15.31, Computation of value of goods and services, 15.32, Establishment of State committee account contribution chart, 15.33, State committee expenditures; ineligible for match; expenditure limit, 15.35, Notice by State committee to contributor, 15.39, County and municipal committee expenditures; reports, 15.40, County and municipal committee reports, 15.44, Prepared statements on behalf of candidates; reimbursement of ballot statement costs, 15.45, Postelection contributions; postelection payment of expenses, 15.46, Funds or materials remaining from general election campaign, 15.47, Repayment of public or other funds, 15.47A, Disposal of assets, 15.47B, Application for termination of reporting with net liabilities by publicly financed candidates, 15.47C, Final report certification with net liabilities for publicly financed candidates, 15.48, Candidates' statements of qualification before participation in public financing, 15.49, Statements of candidates electing to participate in debates, 15.50, Application to sponsor debates for the offices of Governor and of Lieutenant Governor, 15.51, Selection of debate sponsor(s), 15.52, Dates, times, and location of debates, 15.53, Rules for conduct of debates, 15.58, Final decision of non-participation, 15.59, Inaugural event contribution limit; reporting, and 15.66, Postelection proceedings for return of funds.

The Commission proposes amendments to N.J.A.C. 19:25-15.11, Limitations on participating, to make clear, as does P.L. 2009, c. 66, that a publicly-funded candidate for the office of Governor and his or her running mate for the office of Lieutenant Governor may each contribute up to \$25,000 of personal funds to their (joint) campaign committee, see N.J.S.A. 19:44A-29(g). Other proposed amendments to this section concerning the \$50,000 loan maximum and the campaign expenditure limit are in accordance with prior provisions.

Additionally, the Commission proposes to amend N.J.A.C. 19:25-15.14, Contributions eligible for match, to clarify that both a candidate for Governor and a candidate for Lieutenant Governor may each deposit \$3,400 in the aggregate of each candidate's own funds into a matching fund account, to be eligible for gubernatorial public financing in a general election.

P.L. 2009, c. 66, added new subsection 29, which extends the requirement to file a Personal Financial Disclosure Statement to a candidate for Lieutenant Governor within 30 days after he or she is selected by the candidate for Governor in a general election. The Commission proposes to amend N.J.A.C. 19:25-19.1, 19.2, and 19.7 to include the office of Lieutenant Governor, and further proposes new N.J.A.C. 19:25-19.7(d), which contains the Personal Financial Disclosure Statement requirements for a candidate for the office of Lieutenant Governor. The Commission also proposes to address a filing requirement by a vacancy in the office of Lieutenant Governor, consistent with provisions at N.J.A.C. 19:25-19.7(d), which addresses a vacancy in the office of Governor.

2. Selection and Certification of a Candidate for Election to the Office of Lieutenant Governor in a General Election

In creating the office of the Lieutenant Governor, the New Jersey Constitution and enabling legislation established procedures for the selection of a candidate for that office, see New Jersey Constitution, Article V, Section I, paragraph 4, and P.L. 2009, c. 66. The Commission proposes to codify these laws in new N.J.A.C. 19:25-15.4A, Selection and certification of a candidate for election to the office of Lieutenant Governor in the general election, which requires that the candidate for election to the office of Lieutenant Governor of each political party is to be selected by the candidate of that party who was nominated to the office of Governor in the

primary election. This selection must be certified in writing to the New Jersey Secretary of State within 30 days after the nomination.

3. Gubernatorial Debates

Sections 45 and 46 of the Act require each publicly-financed candidate for the office of Governor in a general election to participate in two interactive debates as a condition of receipt of public matching funds. Amendments to the Act in 2009 require each publicly-financed candidate for the office of Lieutenant Governor in a general election to participate in one interactive debate, see P.L. 2009, c. 66. The Commission proposes to amend the following sections in Subchapter 15, to incorporate the requirement of a publicly-financed candidate for the office of Lieutenant Governor to participate in one debate, and codify debate sponsor requirements: N.J.A.C. 19:25-15.3, Definitions for this subchapter, to amend the definitions of “debate sponsor” and “interactive general election debate”; N.J.A.C. 19:25-15.17, Matching of funds, 15.48, Candidates’ statements of qualification before participation in public financing, 15.49, Statements of candidates electing to participate in debates, 15.50 Application to sponsor debates for the offices of Governor and of Lieutenant Governor, 15.51 Selection of debate sponsor(s) for the office of Governor and the office of Lieutenant Governor, 15.52, Dates, times, and location of debates, and 15.53, Rules for conduct of debates.

P.L. 2009, c. 66 § 10c removed the requirement that a potential debate sponsor must have previously sponsored one or more televised debates for Statewide office in New Jersey since 1976, and therefore, the Commission proposes to delete references to this condition for debate sponsor applicants in N.J.A.C. 19:25-15.50, Application to sponsor debates, and 16.39, Application to sponsor debates. The Commission proposes to remove the phrase “without regard to whether that association or any of its members shall previously have sponsored any debate

among candidates for Statewide office” from N.J.A.C. 19:25-15.50 and 16.39, in accordance with statutory directive, see P.L. 2009, c. 66, which results in increased flexibility in the Commission’s criteria for choosing a debate sponsor.

New N.J.A.C. 19:25-15.52(e) establishes procedures for postponement of the debate for the office of Lieutenant Governor upon an emergency condition, to parallel the rules for postponement of a debate for the office of Governor.

The Commission proposes to amend the heading, by adding the phrase “a required,” at N.J.A.C. 19:25-15.54 and 16.43, such that the headings would be “complaint alleging failure to participate in a required debate.” The Commission further proposes to add the word “required” to subsection (b) of both N.J.A.C. 19:25-15.54 and 16.43 to highlight that a complaint may only be brought against a candidate who is required to participate in a debate, in accordance with N.J.S.A. 19:44A-47.

4. Internet Advertisements, Website Communications, and Email Communications

Since enactment in 1974 of the public financing provisions of the Act, the Commission, through its advisory opinions and rules, has acknowledged advances in technology. Section 35 of the Act specifically enumerates the permissible uses of public matching funds, which include the purchase of advertising space in newspapers and periodicals. This section was enacted before the advent of the internet. The Commission proposes to amend N.J.A.C. 19:25-15.24 and 16.25, to codify Advisory Opinion 09-2001, in order to include internet advertisements in the list of permissible use of matching funds by publicly funded gubernatorial candidates.

The Commission further proposes to amend N.J.A.C. 19:25-15.24 and 16.25 to permit uses of public matching funds for website communications that are not used for fund raising purposes,

email communications that are not used for fund raising purposes, and the purchase of lists of email addresses to allow a publicly funded campaign to conduct email communications with voters, see Advisory Opinion 01-2005. The Commission believes that the costs of production and placing electronic communications on a candidate's internet website are purposes consistent with the voter communication uses of public matching funds because they are the equivalent of costs to print and mail campaign literature. The Commission's intent is that matching funds can only be used for a candidate's website only to the extent that the website relates directly to communication of a candidate's message to voters, and not for fundraising activity. This result is consistent with the uses of matching funds specifically enumerated in the Act, see N.J.S.A. 19:44A-35.

5. Prepared Statement on Behalf of Gubernatorial Candidates

The Commission proposes to amend N.J.A.C. 19:25-15.44, Prepared statement on behalf of candidates; reimbursement of ballot statement costs, to remove reference to specific languages. While N.J.S.A. 19:14-21, Preparation; delivery of sample ballots and envelopes to municipal clerk or commissioner of registration, requires county clerks for an election district in which the primary language of 10 percent or more of the registered voters is Spanish, to print election ballots in both English and Spanish, the Commission contracts for professional translation services. Therefore, it is not necessary for candidates to provide Spanish-language ballot statements.

6. Identifying the Contributor Where the Maker of a Check Drawn on a Joint Checking Account is Different from the Individual who Signs the Accompanying Written Instrument.

The Commission proposes amendments to N.J.A.C. 19:25-15.15, Contributions eligible for match; checks and instruments; partnership contributions prohibited; contributions by electronic transfer of funds, at subsection (a), to clarify the identity of the contributor where the maker of a check drawn on a joint checking account is different from the individual who signs the accompanying written instrument. The Commission proposes that the signer of the accompanying written instrument is the contributor under the Act. The Commission proposes parallel amendments at N.J.A.C. 19:25-16.13(a).

7. **“Housekeeping” Changes**

- The Commission proposes to amend the definition of “gubernatorial inaugural fundraising event” at N.J.A.C. 19:25-15.3 to include the phrase “or any other person or persons, and at which the Governor-elect,” which was inadvertently omitted from prior changes to N.J.A.C. 19:25-15.3.
- The Commission proposes to amend N.J.A.C. 19:25-15.12(d), 15.14(b), 15.30, 16.7, and 16.31, to add punctuation, to conform to grammatical rules.
- The Commission proposes to omit capitalization of the word “office” in N.J.A.C. 19:25-15.17A and 15.27.
- The Commission proposes to amend recodified N.J.A.C. 19:25-15.11(a)3, to correct an error, in order to read “... must be repaid in full no later than 20 days...” rather than “...must be repaid in full not later than 20 days ...” Similarly, the Commission wishes to amend subsection (a) of N.J.A.C. 19:25-15.17, Matching of funds, and N.J.A.C. 19:25-16.18(a), to replace “not” with the word “no,” and to add commas, as appropriate.

- The Commission proposes to amend typographical errors in N.J.A.C. 19:25-16.30(a)1, 16.31, and 16.43.
- N.J.A.C. 19:25-15.17A(b) contains multiple instances of the awkward phrase “organization organized.” The Commission proposes to insert the words “that is” to amend the phrase to “organization that is organized.” The Commission proposes to make parallel changes to N.J.A.C. 19:25-16.18A.
- The Commission believes that the phrases “in behalf” and “on behalf” are equivalent, and thus proposes to use “on behalf” to be consistent throughout Commission rules, see N.J.A.C. 19:25-15.3, 15.6, 15.12, 15.13, 15.17, 15.21, 15.24, 15.28B, 15.32, 16.10, 16.18, 16.21, 16.25, and 16.36.

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

Social Impact

1. Inclusion of the Office of Lieutenant Governor

The Commission’s proposed amendments, which add reference to the office of Lieutenant Governor, incorporate the amendments to the New Jersey Constitution and subsequent legislation establishing the office of Lieutenant Governor in the State of New Jersey, and bring consistency to the rules.

The Commission’s proposed new N.J.A.C. 19:25-15.5, Gubernatorial candidate committee, establishes that candidates for the offices of Governor and Lieutenant Governor create only one campaign committee, jointly, with the same contribution and expenditure limit and public funds

cap as for a single candidate committee. This has the positive social impact of officially informing the Commission and the voting public of the identity of the running-mate, and of maintaining the status quo for contributions and limits, to be uniform with P.L. 2009, c. 66, subsection 6, which clearly states that candidates for offices of Governor and Lieutenant Governor, conjointly, are to have one campaign committee. Absent this proposed amendment to subsection (d), the addition of a candidate for Lieutenant Governor to a gubernatorial campaign committee might suggest that the contribution and expenditure limits in a gubernatorial campaign could be doubled.

The Commission's proposed amendment to N.J.A.C. 19:25-15.11, to specify that the candidate for the office of Governor and the candidate for the office of Lieutenant Governor may each contribute \$25,000 of personal funds to their joint campaign committee, allows a candidate for Lieutenant Governor to utilize his or her own money for his or her own campaign, which is consistent with Commission rules regarding use of personal funds. This amendment has the positive social impact of creating uniformity with recently passed legislation, see P.L. 2009, c. 66.

The proposed amendments to N.J.A.C. 19:25-15.14 also serve to clarify existing rules as they apply to the newly created candidacy for the office of Lieutenant Governor, allowing matching funds up to \$3,400 for the candidate for Governor and up to \$3,400 for the candidate for Lieutenant Governor, if the candidates are eligible for public financing, where each candidate donated personal funds to the candidates' publicly funded campaign. The beneficial impact of codifying the law reduces confusion, and makes clear that if the candidate for Governor donates money to the (joint) campaign committee in the general election, he or she can get credit for matching funds of up to \$3,400, and that the candidate for Lieutenant Governor can do the same.

The proposed amendments to N.J.A.C. 19:25-15.17, which deal with the matching fund application process, will serve the important purpose of providing notice to candidates for the office of Lieutenant Governor that they must, in addition to other requirements, disclose their involvement in issue advocacy organizations as a pre-condition for receipt of matching funds, which affords additional disclosure to the public of the candidates' involvement in issues of interest to voters.

The proposed amendment to add the candidates for Lieutenant Governor to N.J.A.C. 19:25-19.7, Time and place filing, requiring such candidates to file a Personal Financial Disclosure Statement, has the positive social impact of both alerting a candidate of personal interests that might be affected while he or she performs official duties and makes governmental decisions, and also informing the public about potential conflicts of interest.

These policies are consistent with the Commission's administration of the Act in the 2009 gubernatorial election, which included candidates for the office of Lieutenant Governor.

2. Selection and Certification of a Candidate for Election to the Office of Lieutenant Governor in a General Election

The Commission's proposed rules regarding selection and certification of a candidate for election to the office of Lieutenant Governor will have the positive social impact of reiterating the rules for selection and certification of such a candidate, pursuant to the New Jersey Constitution and enabling legislation.

3. Gubernatorial Debates

By codifying amendments to section 45 of the Act, which require each publicly-financed candidate for the office of Lieutenant Governor to participate in one debate during the general election, amendments to N.J.A.C. 19:25-15.3 and 15.17 have the salutary social impact of

increasing public exposure to candidates for the office of Lieutenant Governor. Including candidates for Lieutenant Governor democratizes the debates, extends the political dialogue, provides the public with necessary public policy information, and broadens voter choice among candidates. Inclusion of candidates for Lieutenant Governor in the gubernatorial debate process increases the ability of a candidate to broadcast his or her political message and maximizes public exposure to candidates.

4. Internet Advertisements, Website Communications, and Email Communications

The Commission anticipates that the amendment to the list of permissible uses of public funds in N.J.A.C. 19:25-15.24 and 16.25, to permit a gubernatorial publicly-financed candidate to use matching funds for internet advertisements, will have a positive social impact. The Commission believes that internet advertisements are the functional equivalent of, and serve the same purpose of voter communication as, advertisements in newspapers or in regularly published magazines and periodicals. The use of public matching funds to include this purpose is consistent with the intent of section 35 of the Act. The Commission further believes that allowing website communications, email communication, and the purchase of lists of email addresses will have a significant beneficial social impact because these rules increase outreach to New Jersey voters, and provide more opportunities for education about each candidate and his or her positions.

5. Prepared Statement on Behalf of Gubernatorial Candidates

The Commission believes that the amendments to N.J.A.C. 19:25-15.44, to eliminate the necessity of candidates to provide a Spanish translation of a ballot statement will have a beneficial social impact by having the same professional organization provide translation for all ballot statements in an election, which will ensure uniformity of translation for all candidates.

The Commission also anticipates that changing demographics in New Jersey may spur legal modifications regarding other languages, and these proposed amendments, by eliminating allusion to any particular language, will encompass any such future adjustments.

6. Identifying the Contributor Where the Maker of a Check Drawn on a Joint Checking Account is Different from the Individual Who Signs the Accompanying Written Instrument.

The Commission believes that the proposed amendments to N.J.A.C. 19:25-15.15 and 16.13(a) will provide clarity where the maker of a check drawn on a joint checking account is different from the individual who signs the accompanying written instrument. By deeming that the signer of the accompanying instrument is the “contributor” where a different individual is the maker of a check, the Commission’s amendments have the beneficial objective of providing a bright-line test.

7. “Housekeeping” Changes

The Commission believes that there will be a positive social impact in making grammatical edits and fixing typographical errors in N.J.A.C. 19:25-15.3, 15.4, 15.6, 15.11, 15.12, 15.13, 15.14, 15.17, 15.17A, 15.21, 15.24, 15.27, 15.28B, 15.30, 15.32, 15.47C, 16.7, 16.10, 16.18, 16.18A, 16.21, 16.25, 16.31, 16.36, and 16.43.

Economic Impact

Including the office of Lieutenant Governor to public financing rules will have no economic impact on gubernatorial candidates, as it codifies practices established by the Commission and Commission staff in the 2009 election, which were based upon amendments to

the New Jersey Constitution and legislation enacted in 2009. Removing the requirement of candidates to provide ballot statements in Spanish will have the beneficial economic impact of reducing duplication of services, as the Commission has contracted for professional translation services where necessary, even when candidates had provided a foreign language ballot statement.

The requirement that candidates for the offices of Governor and of Lieutenant Governor, who jointly raise or spend, or expect to jointly raise or spend, in excess of \$100,000 in a general election, file election fund reports and quarterly reports using electronic filing software supplied by the Commission will have a positive economic impact by reducing printing, copying, mailing, and clerical costs associated with filing hard copies of large reports. Electronic submissions will also increase efficiency as Commission staff will not need to scan paper reports in order to make them publicly available on the Commission's website. This proposed rule does not impose a new requirement, as proposed subsection parallels the existing rule regarding candidates for the office of Governor.

The removal of the requirement that a potential debate sponsor must have previously sponsored one or more televised debates may have an economic impact on television, radio, internet, or other broadcasting media, see N.J.A.C. 19:25-15.50 and 16.39.

Proposed new N.J.A.C. 19:25-15.52(e), establishing procedures for postponement of the debate for the office of Lieutenant Governor upon an emergency condition, may have an economic impact upon candidates for the office of Lieutenant Governor and/or the chosen debate sponsor

Federal Standards Statement

A Federal standards analysis is not required because the proposed new rules and amendments concern New Jersey filing entities. The new rules and amendments are not subject to any Federal requirements or standards.

Jobs Impact

The proposed new rules and amendments are not expected to result in the generation or loss of jobs.

Agriculture Industry Impact

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

Regulatory Flexibility Statement

The proposed amendments and new rules do not impose recordkeeping, reporting, or other compliance requirements on small businesses as that term is defined under 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 primary or general election candidates, the reporting, recordkeeping, and other requirements generated by the new rules and amendments are solely upon the gubernatorial candidates or other candidates, committees, or persons subject to the provisions of the Campaign Reporting Act.

Housing Affordability Impact Analysis

The proposed new rules and amendments will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the amendments and new rules to the gubernatorial public financing rules, the addition of candidates for the office of Lieutenant Governor to Commission rules, changes in debate sponsor selection, or changes in ballot statements requirements would evoke a change in the average costs associated with housing.

Smart Growth Development Impact Analysis

The proposed amendments and new rules will have an insignificant impact on smart growth development and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules concern public matching funds for gubernatorial candidates, the addition of candidates for the office of Lieutenant Governor to Commission rules, changes in debate sponsor selection, and changes in ballot statement requirements.

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

SUBCHAPTER 1. GENERAL PROVISIONS

19:25-1.7 Definitions

The following words and terms, when used in this chapter and in the interpretation of the Act, shall have the following meanings unless a different meaning clearly appears from the context.

...

“Joint candidates committee” means a committee established pursuant to N.J.S.A. 19:44A-9(a) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality, or school or fire district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purposes of this definition, the offices of member of the Senate and members of the General Assembly shall be deemed to be the same elective public offices in a legislative district; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality. **For the purposes of this definition, a candidate committee formed jointly by candidates for the offices of Governor and of Lieutenant Governor of the same party is not a “joint candidates committee.”**

...

SUBCHAPTER 3. ELECTRONIC FILING

19:25-3.3 Required electronic filing

(a) – (d) (No change.)

(e) A candidate for nomination for or for election to the office of Governor [in an election occurring after that date] who raises or spends, or expects to raise or spend, in excess of \$100,000 in a primary or general election, shall file election fund reports, as defined in N.J.A.C. 19:25-8.2(b), and quarterly reports, as defined in N.J.A.C. 19:25-8.3(b), using electronic filing software supplied to the candidate by the Commission pursuant to this subchapter.

(f) Candidates for nomination for or for election to the offices of Governor and of Lieutenant Governor, who jointly raise or spend, or expect to jointly raise or spend, in excess of \$100,000 in a general election, shall file election fund reports, as defined in N.J.A.C. 19:25-8.2(b), and quarterly reports, as defined in N.J.A.C. 19:25-8.3(b), using electronic filing software supplied to the candidate by the Commission pursuant to this subchapter.

SUBCHAPTER 5. APPOINTMENT OF CAMPAIGN OFFICERS AND DEPOSITORIES

19:25-5.3 Required treasurer training

(a) Each campaign treasurer of a candidate committee or a joint candidates committee for a candidate, or candidates, for the Senate, the General Assembly or [the office of Governor] **gubernatorial candidate(s)**, shall, on or before filing a designation of campaign treasurer and depository pursuant to N.J.A.C. 19:25-4, be a trained campaign treasurer who has completed a treasurer training program offered by the Commission or shall complete such training within 90 days of designation as a campaign treasurer. Any other campaign treasurer of a candidate committee, a joint candidates committee, or a political committee may be a trained treasurer.

(b) (No change.)

SUBCHAPTER 8. CANDIDATE, JOINT CANDIDATES, AND POLITICAL COMMITTEE REPORTING

19:25-8.1 Candidate or joint candidates committee election fund reports

(a) – (e) (No change.)

(f) A candidate for nomination for, or for election to, the office of Governor **and for election to the office of Lieutenant Governor**, the office of member of the Senate, or the office of member of the General Assembly shall, in the circumstances described in N.J.A.C. 19:25-3.3, be required to file election fund reports using electronic filing software supplied to the candidate by the Commission.

SUBCHAPTER 10. CONTRIBUTION REPORTING

19:25-10.10 Political communication contributions

(a) (No change.)

(b) A written statement, pamphlet, advertisement, or other printed or broadcast matter or statement, communication, or advertisement delivered or accessed by electronic means, including, but not limited to, the Internet, that does not contain an explicit appeal pursuant to (a) above for the nomination for election or for the election or defeat of a candidate shall be deemed to be a political communication if it meets the following conditions:

1. The communication is circulated or broadcast within 90 days of the date of any election in which the candidate on whose behalf the communication is made is seeking nomination for election or elected office; except that in the case of a candidate for nomination for the office of Governor in a primary election, the period of time that a communication shall be deemed political shall be on or after January 1st in a year in which a primary election for Governor is being conducted, [and] in the case of a candidate for election to the office of Governor in a general election, the period of time that a communication shall be deemed political shall begin on the day following the date of the gubernatorial primary election, **and in**

the case of a candidate for election to the office of Lieutenant Governor in a general election, the period of time that a communication shall be deemed political shall begin on the day following certification pursuant to N.J.A.C. 19:25-15.4A;

2. – 4. (No change.)

(c) – (d) (No change.)

SUBCHAPTER 11. CONTRIBUTION LIMITS

19:25-11.1 Candidates subject to contribution limits

(a) All candidates, candidate committees, and joint candidates committees, and all treasurers of such committees, shall observe the contribution limits set forth in this subchapter and shall not knowingly accept any contribution in excess of such contribution limits, except that candidates for nomination for election to the office of Governor shall be subject to the contribution limits set forth in N.J.A.C. 19:25-16, Public Financing of Primary Election for Governor, and candidates for election to the offices of Governor **and of Lieutenant Governor** shall be **jointly** subject to the contribution limits set forth in N.J.A.C. 19:25-15, Public Financing: General Elections for the [Office] **offices** of Governor **and of Lieutenant Governor**.

(b) (No change.)

19:25-11.2 Contribution limit chart

(a) The following chart sets forth the contribution limits applicable in an election, or in a calendar year, as the case may be, to persons or entities making contributions to candidates, candidate committees, political committees, continuing political committees, legislative

leadership committees, and State, county, or municipal political party committees, except that the chart does not apply to contributions made to [a] candidates for Governor **and Lieutenant Governor**:

ADJUSTED CONTRIBUTION LIMITS FOR NON-GUBERNATORIAL CANDIDATES AND
COMMITTEES

(No change.)

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

19:25-11.14 Solicitation and making of contributions on State property prohibited

(a) (No change.)

(b) No candidate for nomination for or for election to the offices of Governor **and of Lieutenant Governor**, or for nomination for or for election to the office of member of the Legislature, or any holder of that elective public office, or their agent or representative, while located on any property exclusively owned or leased by the State, or any agency of the State, shall, directly or indirectly, solicit any contribution to or on behalf of any candidate for nomination for or for election to the offices of Governor **and of Lieutenant Governor**, or for nomination for or for election to the office of member of the Senate or General Assembly, or any candidate for another elective public office held or sought by a candidate for or holder of the office of member of the Legislature, or the candidate committee or joint candidates committee of any such candidate.

(c) (No change.)

(d) No person, while located on any property exclusively owned or leased by the State, or any agency of the State, shall, directly or indirectly, make any contribution to or on behalf of

any candidate for nomination for or for election to the offices of Governor **and of Lieutenant Governor**, or for nomination for or for election to the office of member of the Senate or General Assembly, or any candidate for another elective public office held or sought by a candidate for or holder of the office of member of the Legislature, or the candidate committee or joint candidates committee of any such candidate.

(e) Any candidate for nomination for or for election to the offices of Governor **and of Lieutenant Governor**, or for nomination for or for election to the office of member of the Legislature or any holder of that elective public office, or their agent or representative, or any person, who is determined by the Commission to have violated this section shall be liable to a penalty of not less than \$5,000 for each violation, which penalty may be recovered by a summary proceeding pursuant to the "Penalty Enforcement Law of 1999" (P.L. 1999, [c.274] **c. 274**).

(f) (No change.)

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

19:25-15.1 Scope of subchapter

The provisions of this subchapter shall be applicable to the general election campaign [for nomination] for election to the office of Governor of New Jersey in November 1977 and every such gubernatorial campaign held thereafter, except that the provisions shall not apply to any general election campaign for the offices of Governor **and of Lieutenant Governor** for which the Legislature fails to make an appropriation for public funding.

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.

"Candidate" means an individual who has filed a nominating petition, or has filed a form D-1 with the Commission, or has solicited contributions or made or incurred expenditures on behalf of his or her candidacy, or has allowed others to solicit contributions or make or incur expenditures on behalf of his or her candidacy for election to the office of Governor of New Jersey, or who has received funds or other benefits or has made payments solely for the purpose of determining whether or not the individual should become a candidate for the office of Governor of New Jersey in any general election for which the Legislature makes an appropriation for public funding. **“Candidate” shall also mean an individual who is selected and certified pursuant to N.J.A.C. 19:25-15.4A who seeks election to the office of Lieutenant Governor.**

...

"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 amount of the candidate's own funds in the aggregate in excess of \$3,400, no in-kind contribution, and no other moneys received by the candidates **for Governor and for Lieutenant Governor**, [his or her] **their** campaign treasurer, or deputy campaign treasurer, except those contributions described in N.J.S.A. 19:44A-29(a) shall be deemed contributions eligible for match.

...

"Debate sponsor" means the organization or organizations to which the Commission has delegated the responsibility for conducting one or both of the **two** televised interactive general election debates **for candidates for the office of Governor or the one televised interactive general election debate for candidates for the office of Lieutenant Governor.**

...

"Gubernatorial candidate" means an individual seeking election to the office of Governor, an individual seeking election to the office of Lieutenant Governor, or both, for purposes of this subchapter, in a general election in which the office of Governor is to be filled.

"Gubernatorial inaugural fund-raising event" means any event or events held between the date of the general election for the offices of Governor **and of Lieutenant Governor** and 30 days after the date of the inauguration of the Governor **and Lieutenant Governor**, whether the event is sponsored by the inaugural committee, the [state] **State** committee representing the party of the Governor-elect [is a], **or any other person or persons, and at which the Governor-elect or Lieutenant Governor-elect are** prominent participants or for which solicitations of contributions include the name of the Governor-elect **or Lieutenant Governor-elect** in prominent display.

"Interactive general election debate" means the moderated reciprocal discussion of issues among the candidates for the office of Governor **or among the candidates for the office of Lieutenant Governor**, which involves responses by the candidates to questions posed by the representative or representatives of the sponsor organization.

...

"Public fund account" means the campaign bank account maintained by the Commission pursuant to N.J.A.C. 19:25-15.20 on behalf of [a] qualified candidates and for the deposit of public matching funds.

"Qualified candidates" mean[s]:

1. [Any candidate] **Candidates** for election to the offices of Governor **and of Lieutenant Governor** whose names **jointly** appear[s] on the general election ballot and who [has] **have** deposited and expended \$340,000 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 [is] **and of Lieutenant Governor are** to be filled, [notifies] **notify** the Election Law Enforcement Commission in writing that the candidates intend[s] that **an** application will **be** made on the [candidate's] **candidates'** behalf for monies for general election campaign expenses pursuant to N.J.S.A. 19:44A-33, and sign[s] a statement of agreement, in a form to be prescribed by the Commission, [to] **that the candidate for election to the office of Governor will** participate in two interactive [gubernatorial] general election debates **pursuant to sections 45 through 47 of the Act, and the candidate for election to the office of Lieutenant Governor will participate in one interactive general election debate pursuant to sections 45 through 47 of the Act;** or
2. [Any candidate] **Candidates** for election to the offices of Governor **and of Lieutenant Governor** whose names [does] **do** not appear on the general election ballot, but who [has] **have jointly** deposited and expended \$340,000 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 [is] **and of Lieutenant Governor are** to be filled, [notifies] **notify** the Election Law Enforcement Commission in writing that the candidates

intend[s] that **an** application will be made on the [candidate's] **candidates'** behalf for monies for general election campaign expenses pursuant to N.J.S.A. 19:44A-33, and sign[s] a statement of agreement, in a form to be prescribed by the Commission, [to] **that the candidate for election to the office of Governor will** participate in two interactive [gubernatorial] general election debates **pursuant to sections 45 through 47 of the Act, and the candidate for election to the office of Lieutenant Governor will participate in one interactive general election debate pursuant to sections 45 through 47 of the Act.**

...

"State committee account" means the campaign bank account created by a State committee of a political party pursuant to N.J.S.A. 19:44A-29(d) [in] **on** behalf of any candidate the committee intends to or does assist for election to the offices of Governor **and of Lieutenant Governor** in a general election, and in which only contributions eligible for match may be deposited and proceeds from any loan made by the State committee pursuant to N.J.S.A. 19:44A-44.

"Statement of agreement" means a written declaration by a candidate for election to the office of Governor **and a candidate for election to the office of Lieutenant Governor** who intend[s] that application will be made on [that candidate's] **their** behalf to receive monies for general election campaign expenses pursuant to N.J.S.A. 19:44A-33, that the candidates undertake[s] to abide by the terms of any rules established by any private organization sponsoring a gubernatorial general election debate. The statement of agreement shall include an acknowledgment of notice to the candidates who sign[s] it that failure on [that] **each** candidate's part to participate in [either of the gubernatorial general election] **a required** debate[s], may be

cause for termination of the payment of such monies on the [candidate's] **candidates'** behalf and for the imposition of liability for the return to the Commission of such monies as may previously have been so paid.

19:25-15.4 Appointment of treasurers and depositories

(a) (No change.)

(b) Each candidate for election to the office of Governor in a general election, whether or not intending to participate in public funding, shall appoint a campaign treasurer and designate a depository bank account and shall notify the Commission pursuant to N.J.A.C. 19:25-4.1A of such appointment and designation no later than the [tenth] **10th** day after receipt of any contribution or after incurring or making any expenditure, whichever comes first.

(c) Upon the selection and certification of a candidate for election to the office of Lieutenant Governor pursuant to N.J.A.C. 19:25-15.5, the candidate for election to the office of Governor in a general election shall amend the designation in (a), above to include the candidate for the office of Lieutenant Governor. The amended designation must also be certified by the candidate for Lieutenant Governor.

19:25-15.4A Selection and certification of a candidate for election to the office of Lieutenant Governor in the general election

(a) A candidate for election to the office of Lieutenant Governor shall be elected jointly with the candidate for election to the office of Governor of the same political party. The candidate of each political party for election to the office of Lieutenant Governor shall

be selected by the candidate of that party nominated for election to the office of Governor within 30 days following the certification of the candidate for election to the office of Governor. In the event the 30th day occurs on a Saturday or Sunday, the selection shall be made as of the next succeeding business day. A candidate for the office of Lieutenant Governor shall be selected by a candidate who is seeking election to the office of Governor through direct nomination by petition within 30 days following the certification of the candidate for the office of Governor.

(b) Each candidate for election to the office of Governor shall immediately upon selection of the candidate for election to the office of Lieutenant Governor, file with the Secretary of State a statement, in a form required by the Secretary, signed by the candidate and certifying the name and address of the person the gubernatorial candidate selects as the candidate for the office of Lieutenant Governor.

19:25-15.5 [(Reserved)] **Gubernatorial candidate committee**

There shall be one candidate committee established jointly for the candidate for Governor and candidate for Lieutenant Governor, and the limits and thresholds in this subchapter shall be applied as if each gubernatorial committee is a single candidate committee.

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 [in] **on** behalf of such candidates, **jointly**, in the aggregate in excess of \$3,400 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 [candidacy] **candidacies** of, or [in] **on** behalf of any candidates for the offices of Governor **and of Lieutenant Governor, jointly**, in the aggregate in excess of \$3,400 in any general election, whether or not such candidates intend[s] to participate in public funding.

(c) (No change.)

19:25-15.9 Candidates deemed non-participating; effect

Any candidates **for the offices of Governor and of Lieutenant Governor** who [does] **do** not, by September 1 preceding a general election in which the office of Governor is to be filled, **jointly** apply for public funding in a general election pursuant to N.J.A.C. 19:25-15.17, shall be deemed non-participating in public funding of that general election, and shall not receive public funds on [his or her] **their** behalf.

19:25-15.10 Non-participating candidates

(a) [A non-participating candidate is] **Non-participating candidates for the offices of Governor and of Lieutenant Governor are jointly** subject to the \$3,400 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) [A non-participating candidate is] **Non-participating candidates for the offices of Governor and of Lieutenant Governor are jointly** subject to the \$3,400 limit on guarantors of bank loans, except if the guarantor is the non-participating candidate himself or herself.

(c) [A non-participating candidate is] **Non-participating candidates for the offices of Governor and of Lieutenant Governor are** not subject to:

1. – 3 (No change.)

4. Any limits on the amount of bank loans to be guaranteed by [the] **each** candidate personally.

(d) [A non-participating candidate] **Non-participating candidates for the offices of Governor and of Lieutenant Governor** who elect[s] to participate in the series of interactive debates pursuant to the provisions of N.J.S.A. 19:44A-45 [is] **are** subject to the restrictions on qualifying expenditures set forth at N.J.A.C. 19:25-15.49.

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. No **publicly funded** candidate [receiving public funds] **for the office of Governor** may make expenditures from his or her own funds, including any contributions from his or her own funds, in aid of his or her candidacy in excess of \$25,000. Any loan guaranteed with such candidate's own funds

must be included in calculating the aggregate contribution of the candidate in aid of his or her candidacy until such time as the loan is no longer outstanding.

2. **No publicly funded candidate for the office of Lieutenant Governor may make expenditures from his or her own funds, including any contributions from his or her own funds, in aid of his or her candidacy in excess of \$25,000. Any loan guaranteed with such candidate's own funds must be included in calculating the aggregate contribution of the candidate in aid of his or her candidacy until such time as the loan is no longer outstanding.**

- [2.] 3. No candidates **for the offices of Governor and of Lieutenant Governor**, or [his or her] **their** campaign treasurer or deputy campaign treasurer, shall borrow an amount that at any one time exceeds \$50,000 in the aggregate **for their campaign**, and such loan must be repaid in full [not] **no** later than 20 days prior to the general election for which the loan was made from moneys accepted or allocated pursuant to N.J.S.A. 19:44A-29. Certification of such repayment shall be made by the borrower to the Commission in accordance with N.J.A.C. 19:25-15.30.

- [3.] 4. The amount which any qualified candidates may spend in aid of [his or her candidacy] **their joint candidacies for the offices of Governor and of Lieutenant Governor** shall not exceed \$10.9 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 in N.J.A.C. 19:25-15.26.

[4.] **5.** Contributions by any candidate **for the office of Governor** in excess of \$3,400 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.

6. Contributions by any candidate **for the office of Lieutenant Governor in excess of \$3,400 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 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 his or her own funds to his or her 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 [in] **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 \$3,400. Any such contribution in excess of \$3,400 must be returned to the contributor pursuant to the requirements of 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 [a] 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 \$3,400. If a candidate has established both a candidate committee and a joint candidates committee in an election, the total amount which may be contributed by that candidate's joint candidates committee and candidate committee to [a] candidates for election to the offices of Governor **and of Lieutenant Governor** may not exceed \$3,400 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 \$3,400 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.)

19:25-15.13 Corporate or labor organization communications

Communications on any subject by a corporation to its stockholders and their families, or by a labor organization to its members and their families, and nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a

labor organization aimed at its members and their families, shall not be construed to be in aid of the candidacy of, or [in] **on** behalf of, [a] candidates for election to the offices of **Governor and of Lieutenant Governor** in any general election.

19:25-15.14 Contributions eligible for match

(a) To be eligible for matching with public funds for a gubernatorial general election, a contribution must have been received by [a] candidates **for the offices of Governor and of Lieutenant Governor** at a time when [that] **those** candidates [was] **were** seeking or had sought election for the offices of **Governor and of Lieutenant Governor**, or must have been received by the candidate **for the office of Governor** for the purpose of determining whether or not to become a candidate for election to the office of Governor, except that a contribution received and deposited pursuant to N.J.A.C. 19:25-15.7, Separately maintained primary and general bank accounts, shall be eligible. Any funds received prior to the inception of such a candidacy shall not be eligible for match.

(b) 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 \$3,400 and the overall expenditure limit contained in 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 \$3,400 in the aggregate.

(c) A maximum of \$3,400 in the aggregate of a [candidate's] **candidate for the office of Governor's** own funds may be deposited in the matching fund account, **and a maximum of \$3,400 in the aggregate of a candidate for the office of Lieutenant Governor's** own funds may be deposited in the matching fund account.

(d) – (e) (No change.)

19:25-15.15 Contributions eligible for match; checks and instruments; partnership contributions prohibited; contributions by electronic transfer of funds

(a) In the case of a check drawn on a joint checking account, the contributor shall be deemed to be the owner whose signature appears on the check. The check will not be attributed equally or otherwise to other joint owners of the account, unless the check or other accompanying written instrument contains the signature of each contributing owner and information identifying the amount of contribution of each such owner. In the absence of specific instructions to the contrary, the contribution will be allocated equally among all owners whose signatures appear on the instrument. [Contributions from a joint checking account by one owner of the account may not be attributed to other owners of the account.] **Where the maker of a check drawn on a joint checking account is different from the individual who signs the accompanying written instrument, the Commission shall deem the individual who signs the written instrument to be the contributor of the funds.**

(b) – (f) (No change.)

19:25-15.17 Matching of funds

(a) [Any candidate] **Candidates for the offices of Governor and of Lieutenant Governor** seeking to qualify for receipt of public matching funds shall, [not] **no** later than September 1 preceding a general election in which the offices of Governor [is] **and of Lieutenant Governor are** to be filled, file with the Commission:

1. A statement of agreement in a form prescribed by the Commission **for the candidate for office of Governor** to participate in the series of two interactive gubernatorial general election debates **and for the candidate for office of Lieutenant Governor to participate in one interactive gubernatorial general election debate;**
2. (No change.)
3. A certification or report concerning the [candidate's] **candidates'** participation in an issue advocacy organization or organizations as set forth in N.J.A.C. 19:25-15.17A.

(b) The campaign treasurer or deputy campaign treasurer of the candidates shall open a matching fund account in a national or a State bank pursuant to N.J.S.A. 19:44A-32, which shall be designated Matching Fund Account of (names of candidates **for the office of Governor and of Lieutenant Governor**) and in which only contributions eligible for match may be deposited. The campaign treasurer or deputy campaign treasurer of such candidates shall deposit in such matching fund account, funds to be matched in aid of the [candidacy] **candidacies** of, or [in] **on** behalf of, such candidates. Such deposit shall be made within 10 days of receipt and shall include only moneys received in accordance with this subchapter and N.J.S.A. 19:44A-29 and [N.J.S.A. 19:44a] **19:44A**-11 and 12.

(c) [A candidate seeking] **Candidates for the offices of Governor and of Lieutenant Governor who jointly seek** to become eligible to receive matching funds shall certify to the Commission in a written statement signed by the candidate **for Governor** that he or she is a candidate for Governor in a general election **and by the candidate for Lieutenant Governor that he or she is a candidate for Lieutenant Governor** and that [he or she has] **they have jointly** received and deposited into [his or her] **their** matching fund account contributions eligible for match of at least \$340,000 from persons, candidate committees, joint candidates committees, political committees, continuing political committees, or legislative leadership committees each of whose contributions in the aggregate does not exceed \$3,400, and that at least \$340,000 of such contributions have been expended. "Expended" for this purpose shall mean disbursed or committed for expenditure in the campaign.

(d) (No change.)

(e) The statement shall include a certification by the candidate **for the office of Governor and the candidate for the office of Lieutenant Governor** and [his or her] **their** campaign treasurer that:

1. (No change.)
2. The receipt by the candidates from the fund for general election campaign expenses of an amount equal to twice the amount of lawful contributions deposited to be matched will not result in the candidate's exceeding the expenditure limitations of N.J.S.A. 19:44A-7.

(f) The certification shall include a scanned image of the face of each check or other written instrument as described in N.J.A.C. 19:25-15.14 for each contribution which the candidates submit[s] to receive matching funds. Where a check is endorsed by some person

other than the principal campaign committee, images of the face and back must be provided. The photocopies shall be segregated by deposit, sorted in the order in which the contributors are listed pursuant to (d) above and accompanied by scanned images of the relevant receipted deposit slips.

(g) - (i) (No change.)

(j) Each submission for public matching fund payments following the date on which [a] candidates [is] **for the offices of Governor and of Lieutenant Governor are jointly** determined to be [a] qualified candidates shall contain no less than \$12,500 of contributions eligible for match. Upon determination by the Commission that each submission contains no less than \$12,500 of contributions eligible for match, public matching funds will be awarded based upon the total amount of contributions determined to be eligible for match.

19:25-15.17A Reporting of issue advocacy organization information

(a) A candidate seeking to qualify for receipt of public matching funds who participated in an issue advocacy organization during the four years prior to the date upon which he or she became a candidate for election to the [Office] **office** of Governor **or office of Lieutenant Governor**, or who is at the time of the application for receipt of public matching funds participating in an issue advocacy organization, shall be ineligible to receive public matching funds unless the candidate files an Issue Advocacy Organization Report of Contributions and Expenditures (Form P-2). For the purposes of this section, a candidate shall be deemed to be participating in an issue advocacy organization if the candidate forms or formed, assists or assisted in the formation of, or was or is involved in any way in the management of an issue advocacy organization.

(b) For the purposes of this section, the term "issue advocacy organization" shall mean:

1. An issue advocacy organization **that is** organized under section 527 of the Federal Internal Revenue Code (26 U.S.C. § 527);
2. An organization **that is** organized under paragraph (4) of subsection c. of section 501 of the Federal Internal Revenue Code (26 U.S.C. § 501); or
3. An organization **that is** organized under any other current or future section of the Federal Internal Revenue Code which the Election Law Enforcement Commission determines is similar to any of the organizations described above.

(c) The report filed **by a candidate for Governor** pursuant to (a) above shall include the following:

1. – 5. (No change.)

(d) The report filed by a candidate for Lieutenant Governor pursuant to (a) above shall include the following:

- 1. The name(s) of the issue advocacy organization(s) in which the candidate was a participant during the four years prior to the date upon which he or she became a candidate for election to the office of Lieutenant Governor or in which the candidate is a participant;**
- 2. The section of the Federal Internal Revenue Code under which the issue advocacy organization is organized;**
- 3. A list from each issue advocacy organization, verified as correct by the candidate, which shall report all contributions received from the inception of the issue advocacy organization, and which shall include for each contribution, the date of receipt, the name of the contributor, the amount of the contribution, and if the contribution was a monetary contribution, an in-kind contribution, or loan;**
- 4. A list from each issue advocacy organization, verified as correct by the candidate, which shall report all expenditures made from the inception of the issue advocacy organization, and which shall include for each expenditure, the date of the payment, the payee name, and the payment amount; and**
- 5. A certification by the candidate of the correctness of the report.**

[(d)] (e) (No change in text.)

[(e)] (f) A candidate shall not be required to file the Issue Advocacy Organization Report of Contributions and Expenditures (Form P-2) if the candidate certifies and files the Candidate Certification-Issue Advocacy Organization Participation (Form P-2A) to the effect that:

1. The candidate was not, during the four years prior to the date upon which he or she became a candidate for election to the office of **Governor or Lieutenant Governor** a participant in any issue advocacy organization and is not at the time of the application for receipt of public matching funds participating in any issue advocacy organization; or
2. The candidate participated during the four years prior to the date upon which he or she became a candidate for election to the office of **Governor or Lieutenant Governor** in an issue advocacy organization or organizations, or is a participant in an issue advocacy organization or organizations at the time of the application for receipt of public matching funds, but the organization or organizations file reports of contributions and expenditures with the Commission or with the Federal Election Commission.

19:25-15.18 Dates of submission

(a) Statements and certifications may be submitted to the Commission by candidates on or before 12:00 noon of the first Tuesday following the date of the primary election in the year of a general election for the offices **of Governor and of Lieutenant Governor** of New Jersey, and

every other Tuesday thereafter through August 31, and every Tuesday thereafter up to and including the date of the general election being funded.

(b) – (d) (No change.)

19:25-15.20 Special account for public funds

(a) The Commission shall maintain for each **pair of** qualified candidates a separate segregated public fund account for deposit of public funds. All public funds received by the Commission from the General Treasury of the State shall be promptly deposited by the Commission into such separate segregated public fund account. No funds other than such public funds shall be deposited in such separate segregated public fund account, and all expenditures from such account shall be separately identified in reports filed with the Commission.

(b) The campaign treasurer of [a] candidates **for the offices of Governor and of Lieutenant Governor**, on whose behalf a public fund account has been established, shall file with the Commission on each date upon which a submission for public matching funds has been made pursuant to N.J.A.C. 19:25-15.17, Matching of funds, and N.J.A.C. 19:25- 15.18, Date of submission, and for as long as said public fund account is open and such submissions are being made, a report identifying each disbursement made out of the public fund account since the last such submission for public matching funds. The initial report shall identify all such disbursements. The identification of each disbursement from the public fund account shall include the check number, date of payment, amount of payment, full name of payee, full payee mailing address and a complete statement of purpose of the expenditure indicating which of the permitted purposes set forth in N.J.A.C. 19:25-15.24, Use of public funds, is applicable. Failure to file any such report, failure to provide the identification information required in such report, or

failure to expend public funds in compliance with N.J.A.C. 19:25-15.24 may result in immediate cessation of public fund deposits by the Commission.

(c) - (d) (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, [in] **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 [candidate's] **candidates'** matching fund account, described in 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 \$109,000 deposited in such [candidate's] **candidates'** matching fund account.

(b) No candidates for election to the offices of Governor **and of Lieutenant Governor** or [his or her] **their** campaign treasurer or deputy campaign treasurer shall receive any general election public matching funds if the Commission determines that an application for matching funds, submitted pursuant to N.J.A.C. 19:25-15.17, contains a contribution or contributions in excess of the general election contribution limit. The Commission shall permit the candidates or [his or her] **their** campaign treasurer or deputy campaign treasurer to submit proof that the excessive portion of a contribution or contributions has been refunded.

19:25-15.22 Receipt of public funds; limitation

(a) No public funds shall be deposited by the Commission in the public fund account of any qualified candidates on or before the date of the primary election for nomination for the office of Governor of New Jersey immediately preceding the general election for the same office.

(b) The maximum amount which any qualified candidates may **jointly** receive from public funds shall not exceed \$7.3 million.

19:25-15.24 Use of public funds

(a) Public funds received on behalf of [a] qualified candidates from the fund for general election campaign expenses shall be deposited by the Commission in the [candidate's] **candidates'** public fund account and the [candidate's] **candidates'** use of such funds shall be strictly limited to the following purposes:

1. – 2. (No change.)
3. Purchase of advertising space in newspapers, [and] regularly published magazines and periodicals, **and on the internet;**
- 4.-5. (No change.)
6. Payment of the cost of legal and accounting expenses incurred in complying with the public financing regulations of the Commission and with the public financing provisions of the Act; [and]
7. Payment of the cost of telephone deposits, and installation charges and monthly billings in excess of deposits. Within six months after the general election, a candidate shall return to the Commission the amount of any public funds used to pay such telephone deposits which are later returned[.];

8. Payment of the cost of website communications that are not used for fund-raising purposes;

9. Payment of the cost of email communications that are not used for fund-raising purposes; and

10. Payment for the purchase of lists of postal and email addresses.

(b) (No change.)

(c) Any expenditure made from [a candidate's] **the candidates'** public fund account which results in the purchase of time on radio and television stations pursuant to (a) above shall be documented by an invoice prepared by the radio or television station listing the media time used and the cost to the candidates. The invoice shall be obtained by the candidates, [his or her] **their** campaign treasurer, or deputy campaign treasurer no later than 10 days following the due date for the 20-day postelection report and shall be maintained pursuant to N.J.A.C. 19:25-15.42.

(d) Any expenditure made from [a candidate's] **the candidates'** public fund account shall be identified on election fund reports and submissions for public matching funds to include the check number, date of payment, full name of payee, full payee mailing address, amount of payment, a detailed description of the election-related purpose of the expenditure which includes the applicable permitted use of public funds contained in (a) above and the type of expenditure for each expenditure from a list of expenditure types to be provided by the Commission.

(e) A reimbursement made to a depository or matching fund account of [a candidate] **the candidates** from the public fund account of [that candidate] **the candidates** for an expenditure or expenditures permitted under (a) above shall:

1. – 3. (No change.)

(f) Contributions, other than public funds, received by or [in] **on** behalf of any candidate (including contributions eligible for match) shall not be subject to the limitations of (a) above, but may be expended for any lawful purpose in furtherance or aid of the candidacy of the candidate.

(g) (No change.)

19:25-15.26 Expenses not subject to expenditure limits

(a) The following expenditures by [a] qualified candidates shall not be subject to the expenditure limit described in N.J.A.C. 19:25-15.11(a)3:

1. (No change.)

2. Travel expenses of the candidates, as that term is defined in N.J.A.C. 19:25-15.27(a), or of any person other than the candidates if such traveling expenses are voluntarily paid by such person without any understanding or agreement with such candidates that they shall be, directly or indirectly, repaid to him or her by the candidates, shall not be deemed expenditures within the meaning of N.J.S.A. 19:44A-7.

3.- 4. (No change.)

19:25-15.27 Expenditure reporting; travel expenses

(a) – (b) (No change.)

(c) "The traveling expenses of the candidates" as used in N.J.A.C. 19:25-15.26, shall mean the reasonable and necessary expenses of transportation, food and lodging in connection with travel related to the [candidacy] **candidacies** of the candidates, and shall include expenses

of the candidates and of members of the political campaign staff and immediate family of the candidates traveling with the candidates in the same or accompanying vehicles. The phrase does not include travel expenses of members of the [candidate's] **candidates'** staff when they are traveling not in the company of the candidates, nor does it include expenses of members of the media or others who are not members of the staff, whether or not those media members are accompanying the candidates.

(d) All of the expenditures, including those excluded from the expenditure limitation contained in N.J.S.A. 19:44A-7, must be disclosed in the preelection and [post-election] **postelection** reports on behalf of the candidates.

1. Example 1: Candidate X, a candidate for the office of Governor in the general election who will receive public funding, travels to a city with five members of the candidate's staff in two automobiles for campaign purposes. The candidate's staff arranges for rooms at a hotel in that city. In the course of the stay, the candidate and staff hold numerous meetings and provide food and beverages for visitors in the course of the various meetings. Only the reasonable and necessary expenses of the use of automobiles and other means of transportation and the reasonable and necessary cost of meals and sleeping accommodations for the candidate and staff during the trip, are excludable for purposes of the expenditure limitation contained in N.J.S.A. 19:44A-7.

(e) If any individual, including a candidate, uses a government-owned or government-leased vehicle for transportation to aid or promote a campaign for election to the [Office] **offices** of Governor **and of Lieutenant Governor**, such use shall:

1. – 3. (No change.)

19:25-15.28A Prohibition on independent expenditures by State political party committees and legislative leadership committees

No State committee of a political party and no legislative leadership committee shall make an independent expenditure to support or defeat a candidate for Governor **or Lieutenant Governor** or in aid of the candidacy of a candidate for Governor **or Lieutenant Governor** in the general election.

19:25-15.28B Limit on county and municipal political party committee expenditures

The county committee of a political party in a county and the municipal committees of that political party in the same county may make an expenditure or expenditures, whether coordinated or independent expenditures, in the aggregate total amount of \$10,000 in aid of the candidacy of or [in] **on** behalf of any candidates for election to the offices of Governor **and of Lieutenant Governor** in a general election.

19:25-15.29A Coordinated expenditures by non-gubernatorial candidates, political party committees, and legislative leadership committees

(a) A reference to a gubernatorial candidate appearing in materials paid for by a non-gubernatorial candidate, as defined in (d) below, or by a political party committee, or legislative leadership committee, as defined in N.J.A.C. 19:25-1.7, of the same political party as the gubernatorial candidate, will be deemed insubstantial and not subject to allocation pursuant to N.J.A.C. 19:25-15.29 provided that:

1. The reference consists of the name or picture of the [gubernatorial] candidate **for the office of Governor and/or the candidate for the office of Lieutenant Governor** in equal or less than equal prominence to the prominence given the names or pictures of non-gubernatorial candidates;
2. The names or pictures of the gubernatorial **candidate(s)** and non-gubernatorial candidates appear on printed campaign materials used in connection with volunteer activities on behalf of the named or pictured non-gubernatorial candidates, such as materials consisting of buttons, pins, bumper stickers, handbills, brochures, posters, yard signs or palm cards; and
3. (No change.)

(b) A reference to a gubernatorial candidate appearing in campaign literature or material circulated to voters by direct mail and paid for by a non-gubernatorial candidate, as defined in (d) below, or by a political party committee, or legislative leadership committee, as defined in N.J.A.C. 19:25-1.7, of the same political party as the gubernatorial candidate, shall be deemed insubstantial and not subject to allocation pursuant to N.J.A.C. 19:25-15.29 provided that:

1. The reference consists of no more than a single use of the [gubernatorial candidate's] name **of the candidate for the office of Governor and/or the name of the candidate for the office of Lieutenant Governor** in the text, and a single use of the [gubernatorial candidate's] names **of the candidates for the offices of Governor and/or of Lieutenant Governor** within a slate or listing of the names of gubernatorial and non-gubernatorial candidates, and a single photograph or depiction of the [gubernatorial] candidate **for Governor and/or a single photograph or depiction of the candidate for Lieutenant**

Governor, provided that a photograph or depiction of each non-gubernatorial candidate larger or of equal size to the gubernatorial [candidate's] **candidates'** photograph or depiction [is] **are** included;

2. The size of the print used to reproduce the name of the gubernatorial candidates [is] **are** the same or smaller than the size of the print used for the names of the non-gubernatorial candidates; and
3. The predominant theme of the text promotes the candidacy or candidacies of the non-gubernatorial candidate or candidates and not that of the gubernatorial candidates.

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

(e) For the purposes of this section, the references to [a] gubernatorial candidates and pictures of [a] gubernatorial candidates, described in (a), (b), and (c) above, which are deemed insubstantial and not subject to allocation pursuant to N.J.A.C. 19:25-15.29, shall be strictly limited to references and pictures of a gubernatorial candidate of the same political party as the non-gubernatorial candidate or candidates or political party committee or legislative leadership committee responsible for circulating or causing the circulation of the communication.

19:25-15.30 Borrowing of funds; repayment

Any candidates **for the offices of Governor and of Lieutenant Governor**, the [candidate's] **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 \$3,400 contribution limit. Except for a non-participating candidate guaranteeing a loan to his or her campaign, the amount so borrowed shall not at any one time in the aggregate exceed \$50,000 **for their campaign**, and must be repaid in full by such candidate or his or her 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. Certification of such repayment shall be made by the borrower to the Commission not later than 15 days prior to the date of the general election. 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 him or her in aid of his or her candidacy in such general election.

19:25-15.31 Computation of value of goods and services

(a) (No change.)

(b) The costs of a political communication as defined in N.J.A.C. 19:25-10.10 which aids or promotes [a] candidates for **the offices of Governor and of Lieutenant Governor**, and is undertaken, made or circulated with the cooperation or consent of the candidates, shall be reported by the candidates in the same manner as the receipt of any goods and services, and shall be valued for the purposes of the contribution limit in N.J.A.C. 19:25-15.6 and the expenditure limit in N.J.A.C. 19:25-15.11(a)3 in the same manner as any other contributed goods or services.

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

(a) A State committee may establish a State committee account in a national or State bank, authorized to do business in the State of New Jersey, [in] **on** behalf of any candidates for election to the offices of Governor **and of Lieutenant Governor** in a general election.

(b) – (d) (No change.)

19:25-15.33 State committee expenditures; ineligible for match; expenditure limit

(a) Any expenditure by a State committee on behalf of [a] candidates for election to the offices of Governor **and of Lieutenant Governor** shall be made only from the State committee account as defined in this subchapter of such State committee.

(b) – (c) (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. The State committee has allocated part or all, as the case may be, of a contribution made by the contributor to [a] candidates for the offices of Governor **and of Lieutenant Governor**;
2. The allocated contribution counts toward the \$3,400 the contributor may contribute to [a] candidates for the offices of Governor **and of Lieutenant Governor, jointly**;

3.-4. (No change.)

5. The amount of the contribution deposited on behalf of the candidates.

19:25-15.39 County and municipal committee expenditures; reports

(a) The county committee of a political party in a county and the municipal committees of that political party in the same county may make an expenditure or expenditures in the aggregate of \$10,000 in aid of the candidacy of or [in] **on** behalf of [the] candidates for election to the offices of Governor **and of Lieutenant Governor** in a general election.

(b) [A candidate or his or her] **Candidates for election to the offices of Governor and of Lieutenant Governor, or their** campaign treasurer, or deputy campaign treasurer shall determine the exact amount that individual county committees or municipal committees may contribute in aid of the [candidacy] **candidacies** of or [in] **on** behalf of such candidates, and shall file a report of such determination with the Commission no later than the 11th day prior to the general election being funded.

(c) Any expenditures in aid of the [candidacy] **candidacies** of [a] candidates **for election to the offices of Governor and of Lieutenant Governor, jointly**, by the county committee of a political party and the municipal committees of that political party in the same county, shall be included in determining the total expenditures of such candidates subject to the expenditure limit contained in N.J.A.C. 19:25-15.11(a)3.

19:25-15.40 County and municipal committee reports

Any county or municipal committee making any expenditure on behalf of any candidates for the offices of Governor **and of Lieutenant Governor** in a general election shall file quarterly

reports pursuant to N.J.S.A. 19:44A-8 and shall provide written notice to the candidate pursuant to N.J.A.C. 19:25-12.3.

19:25-15.44 Prepared statement on behalf of candidates; reimbursement of ballot statement costs

(a) [Each candidate] **Candidates for the offices of Governor and of Lieutenant Governor** shall be entitled to have a **joint** statement [in English and in Spanish] submitted by the candidates to the Commission, printed and mailed by each county clerk with the sample ballot to each registered voter in the county, together with a short explanation from the Commission that such statements are provided pursuant to the Act and this subchapter to assist the voters in making a determination among the candidates for the offices of Governor **and of Lieutenant Governor**.

(b) [Each candidate] **Candidates for the offices of Governor and of Lieutenant Governor** who wish[es] such a **joint** statement mailed on [his or her] **their** behalf shall submit to the Commission, on forms to be provided by the Commission, [his or her] **a** proposed statement [in English and in Spanish] which shall not exceed 500 words in length. The statement shall be submitted to the Commission on or before the 80th day prior to the date on which the general election is to be held.

(c) On or before the 45th day prior to the date on which the general election is to be held, the Commission shall supply each county clerk with the text of the statement received from [each] candidates for election to the offices of Governor **and of Lieutenant Governor**.

(d) - (e) (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 [candidacy] **candidacies** of [a] 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 \$3,400 in the aggregate for such general election.

(b) Contributions received by [a] candidates **for the offices of Governor and of Lieutenant Governor**, or a State committee, or a campaign treasurer or deputy campaign treasurer of [a] candidates **for the offices of Governor and Lieutenant Governor**, or State committee pursuant to (a) above shall be expended in order to liquidate all obligations and to pay expenses incurred during the general election campaign.

(c) Every payment of expenditures for general election obligations made by [the] candidates **for the offices of Governor and of Lieutenant Governor**, or State committee, or campaign treasurer or deputy campaign treasurer of [a] candidates **for the offices of Governor and of Lieutenant Governor**, or State committee after the date of the general election (except as otherwise specifically provided by the Act or this subchapter, for example, compliance costs) shall be deemed to be expenditures for such general election within the meaning of N.J.S.A. 19:44A-7.

(d) Contributions received by [a] candidates **for the offices of Governor and of Lieutenant Governor**, or State committee, or campaign treasurer or deputy campaign treasurer of [a] candidates **for the offices of Governor and of Lieutenant Governor**, or State committee after the date of the general election for that election shall be eligible for matching of funds and

shall be matched provided they are submitted pursuant to N.J.A.C. 19:25-15.17 and [19:25-15.18 up to the first Monday following the fifth month after the general election.

19:25-15.46 Funds or materials remaining from general election campaign

Public moneys received by [a] qualified candidates may **be** retained by such qualified candidates for a period not exceeding six months after the general election for which such moneys were received in order to liquidate all obligations and to pay expenses for the purposes permitted by N.J.A.C. 19:25-15.24 which expenses were incurred during the general election campaign.

19:25-15.47 Repayment of public or other funds

(a) All public moneys received by [a] qualified candidates remaining after liquidation of all lawful obligations with respect to that election shall be repaid to the Commission (for return to the Treasurer of the State of New Jersey) not later than six months after the date of such general election. All moneys other than public moneys, remaining available to any qualified candidates after the liquidation of all obligations, shall also be repaid to the Commission (for return to the Treasurer of the State of New Jersey) not later than six months after the date of such general election; provided, however, that nothing herein contained shall require any candidate to pay to the State Treasurer, a total amount of moneys in excess of the total amount of public moneys received by such qualified candidates from the public fund.

(b) – (c) (No change.)

19:25-15.47A Disposal of assets

Any materials remaining from the general election campaign of [a] publicly financed candidates, including, but not limited to, campaign literature, buttons, office supplies, and any other equipment, may not be transferred or given to any other election campaign of such candidates or of any other candidate or entity, but must be purchased by a person or entity for cost or other reasonable value.

19:25-15.47B Application for termination of reporting with net liabilities by publicly financed candidates

(a) [A publicly] **Publicly** financed candidates who [has] **have** returned all public moneys to the Commission in compliance with the requirements of N.J.A.C. 19:25-15.47, but who [has] **have** continued to file postelection quarterly reports to report net liabilities, that is, outstanding obligations in excess of the total assets of the candidate committee, including its cash balance in all of its depository accounts, may apply to the Commission to file a final report to terminate the reporting of the [candidate] **candidates'** committee as set forth in (b) through (e) below.

(b) (No change.)

(c) Each candidate **for the office of Governor, candidate for the office of Lieutenant Governor,** and **their** treasurer filing an application for termination of reporting shall certify the following:

1. - 6. (No change.)

(d) For each outstanding obligation described in (c)1 above, the candidate **for the office of Governor, the candidate for the office of Lieutenant Governor,** and the treasurer shall **each** make a separate certification that no pledge or commitment has been made or received

by any candidate or treasurer, or other authorized person or representative of the campaign, or by the candidate committee, that the payment of such obligation will be forgiven or assumed by any party other than the candidate committee.

(e) (No change.)

19:25-15.47C Final report certification with net liabilities for publicly financed candidates

(a) Upon approval by the Commission pursuant to the provisions of N.J.A.C. 19:25-15.47B, [a] publicly financed candidates **for the offices of Governor and of Lieutenant Governor, and their treasurer** may file a final report and certification of termination of reporting upon a form prescribed by the Commission.

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

19:25-15.48 [Candidate] **Candidates'** statements of qualification before participation in public financing

(a) [A candidate] **Candidates for the offices of Governor and of Lieutenant Governor** who intend[s] to apply to the Commission for public matching funds on a date later than September 1 preceding a general election for the office of Governor must on or before September 1 preceding the general election for Governor file:

1. [A certified] **Certified** statements of qualification containing evidence that \$340,000 has been **jointly** deposited and expended pursuant to N.J.S.A. 19:44A-32 for gubernatorial general election campaign expenses. Evidence that \$340,000 has been deposited and expended shall be filed with the

Commission on September 1 preceding a general election for the office of Governor and in a form to be prescribed by the Commission.

2. – 3. (No change.)

4. For each contribution from an individual whose aggregate contributions to the candidates, **jointly**, in the general election exceed \$300.00 which is submitted in the report required pursuant to this section, the certified statement of qualification shall include the occupation of the individual and the name and mailing address of the individual's employer.

(b) – (c) (No change.)

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

(a) [A candidate] **Candidates for the offices of Governor and of Lieutenant Governor** who [has] **have** not by September 1 preceding a general election applied to the Commission for public matching funds may elect to participate in the series of interactive gubernatorial general election debates by:

1. Notifying the Commission in writing no later than September 1 preceding the general election for the office of Governor of **the candidate for the office of Governor** of his or her intent to participate in the [series of gubernatorial] **two general election debates for the office of Governor, and the candidate for the office of Lieutenant Governor of his or her intent to participate in one general election debate for the office of Lieutenant Governor**; and
2. Filing [a] statements of qualifications containing evidence that \$340,000 has been **jointly** deposited and expended pursuant to N.J.S.A. 19:44A-32 for

gubernatorial general election expenses. The statements of qualifications shall contain the same information, as [that] required at N.J.A.C. 19:25-15.48(a).

(b) The reports filed pursuant to (a) above to establish qualification for participation in gubernatorial general election debates shall not be available for public inspection; however, the Commission shall publish a listing which shall contain the information included in the statement of qualification, filed pursuant to (a)2 above, for each contribution, except that it shall not include the name, address or amount of contribution of any contributor whose contributions in the aggregate are \$300.00 or less unless the candidates authorize[s] such disclosure in writing.

(c) [A candidate] **Candidates for the office of Governor and of Lieutenant Governor** who [does] **do** not elect to accept public financing but who wish[es] to participate in the series of interactive candidates' debates pursuant to the provisions of (a) above:

1. May use personal funds to meet all or part of the threshold deposited amount for qualification. Any such candidates shall include required documentation of [his or her] **their** own funds pursuant to the requirements of (a) above; and

2. (No change.)

(d) (No change.)

19:25-15.50 Application to sponsor debates **for the offices of Governor and of Lieutenant Governor**

(a) To be eligible for selection by the Commission to sponsor one or both of the interactive [gubernatorial] general election debates **for the office of Governor, or the debate for the office of Lieutenant Governor**, an organization:

1. (No change.)

2. Must not have endorsed any candidate in the pending general election for the offices of Governor **and of Lieutenant Governor** and must agree not to make any such endorsement until the completion of any debate sponsored by the organization; and
- [3. Must have previously sponsored one or more televised debates among candidates for Statewide office in New Jersey since 1976.]

(b) Any association of two or more separately owned news publications or broadcasting outlets, including newspapers, radio stations or networks, and television stations or networks, having between or among them a substantial readership or audience in this State, and any association of print or broadcast news or press service correspondents having among them a substantial readership or audience in this State, shall be eligible to sponsor any such gubernatorial general election debate[, without regard to whether that association or any of its members shall previously have sponsored any debate among candidates for Statewide office].

(c) Written applications by organizations to sponsor one or both of the [gubernatorial] general election debates **for the office of Governor, or the debate for the office of Lieutenant Governor**, shall be submitted to the Commission on a form provided by the Commission not later than July 1 of any year in which a general election is held for the office of Governor. The written application shall set forth the following information:

1. – 10. (No change.)

(d) – (e) (No change.)

(a) Based upon the eligibility criteria in N.J.A.C. 19:25-15.50(a) above, the Commission shall select the organization or organizations to sponsor the [gubernatorial] general election debates within 30 calendar days of the July 1 deadline for receipt of sponsor applications and shall provide written notification to the organization or organizations so selected.

(b) (No change.)

(c) [Where the number of eligible applicants to sponsor gubernatorial general election debates exceeds the number of prescribed general election debates, in] **In** making its selection **among potential debate sponsors**, the Commission shall consider the information set forth on the written application pursuant to N.J.A.C. 19: 25-15.50(c), (d), and (e).

(d) (No change.)

19:25-15.52 Dates, times, and location of debates

(a) Not later than five calendar days after receipt of notification from the Commission that an organization has been selected to sponsor one or both of the [gubernatorial] general election debates **for the office of Governor or the debate for the office of Lieutenant Governor**, each sponsoring organization shall:

1. – 2. (No change.)

(b) The debate date or dates selected by each sponsoring organization in the written calendar required in (a) above **for the office of Governor** shall be no earlier than the third Tuesday following the first Monday in September of the year in which a general election is held for the office of Governor and no later than the 11th day prior to the pending general election. **The debate date selected by each sponsoring organization in the written calendar required**

in (a) above for the office of Lieutenant Governor shall be scheduled between the time of the first debate for the office of Governor and the second debate for the office of Governor.

(c) Upon the vote of a majority of the candidates participating in the second general election debate **for the office of Governor** that an emergency condition exists requiring postponement of that debate, the debate sponsor shall:

1. – 2. (No change.)

(d) The Commission shall review and approve the debate calendars submitted by the debate sponsoring organizations pursuant to (a) above prior to the occurrence of any general election debate and shall create a master debate calendar which ensures compliance with the date requirements of (b) above and ensures that the [two] debates are scheduled for different dates.

(e) **Upon the vote of a majority of the candidates participating in the debate for the office of Lieutenant Governor that an emergency condition exists requiring postponement of that debate, the debate sponsor shall:**

- 1. Reschedule the debate to occur between the time of the first debate for the office of Governor and the second debate for the office of Governor;
and**
- 2. Take whatever actions are necessary to notify all participating candidates and the Commission of the date, time, and location of the rescheduled debate.**
 - i. Actions to notify the participating candidates and the Commission of the rescheduled debate shall include, but not be limited to, telephone contact and first class mail, return receipt requested.**

[(e)] (f) In the event that the Commission determines in its review pursuant to (d) above that a conflict exists in the [two] scheduled debates, the Commission shall direct the debate sponsors to submit a revised debate schedule or schedules within two calendar days containing new debate dates and times which eliminate the conflict.

19:25-15.53 Rules for conduct of debates

(a) Each debate between or among candidates for the office of Governor shall be of at least one hour's duration, **and the debate between or among candidates for the office of Lieutenant Governor shall be of at least one hour's duration.**

(b) - (d) (No change.)

19:25-15.54 Complaint alleging failure to participate in a **required** debate

(a) (No change.)

(b) Service of a complaint alleging failure to participate in a **required** general election debate shall be made by the complainant by personal service or by certified mail, return receipt requested upon the respondent candidate, the debate sponsor, and any person named in the complaint.

19:25-15.58 Final decision of non-participation

(a) – (d) (No change.)

(e) **In the case of a final decision of non-participation of a candidate for election to the office of Lieutenant Governor, the candidate for election to the office of Governor shall**

jointly be liable for return of one-half of the monies previously received for use by the candidates, jointly, to pay general election expenses.

19:25-15.59 Inaugural event contribution limit; reporting

(a) No person, candidate, candidate committee, joint candidates committee, political committee, or continuing political committee otherwise eligible to make political contributions, shall make any contribution or contributions for the purpose of any gubernatorial inaugural [fund raising] **fund-raising** event or events in the aggregate in excess of \$500.00. A contributor to a gubernatorial inaugural [fund raising] **fund-raising** event may make a contribution not to exceed \$500.00 in the aggregate notwithstanding any contribution by such contributor to [a] candidates for election to the offices of Governor **and of Lieutenant Governor**.

(b) – (d) (No change.)

19:25-15.66 Postelection proceedings for return of funds

[A candidate] **Candidates** for election to the offices of Governor **and of Lieutenant Governor** who [has] **have jointly** qualified to and receive[s] public matching funds in an election shall be subject to postelection proceedings undertaken by the Commission seeking reimbursement if the expenditure limit in N.J.A.C. 19:25-15.11(a)3 has been exceeded, or if public funds have been spent in violation of N.J.A.C. 19:25-15.24, or for any other alleged violation pertinent to the legality of funds awarded in the general election.

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.

...

“Gubernatorial candidate” means an individual seeking election to the office of Governor in a primary election, for purposes of this subchapter.

...

19:25-16.7 Candidates deemed non-participating; effect

Any candidate, who does not by the last day for filing petitions to nominate candidates to be voted upon in a primary election for [governor] **Governor**, make application for public funding in a primary election pursuant to N.J.A.C. 19:25-16.18 (Matching of funds) shall be deemed non-participating in public funding of that primary election and shall not receive public funds on behalf of his or her campaign.

19:25-16.10 Who may or may not contribute

(a) No person, other than a candidate contributing his or her own funds to his or her 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 [in] **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 \$3,400. Any such contribution

in excess of \$3,400 must be returned to the contributor pursuant to the requirements of N.J.A.C. 19:25-11.8, and evidence of the repayment shall be submitted to the Commission.

(b) – (g) (No change.)

19:25-16.13 Contributions eligible for match; checks and instruments; partnership contributions prohibited; contributions by electronic transfer or funds

(a) In the case of a check drawn on a joint checking account, the contributor shall be deemed to be the owner whose signature appears on the check. The check will not be attributed equally or otherwise to other joint owners of the account, unless the check or other accompanying written instrument contains the signature of each contributing owner and information identifying the amount of contribution of each such owner. In the absence of specific instructions to the contrary, the contribution will be allocated equally among all owners whose signatures appear on the instrument. **Where the maker of a check drawn on a joint checking account is different from the individual who signs the accompanying written instrument, the Commission shall deem the individual who signs the written instrument to be the contributor of the funds.**

(b) – (f) (No change.)

19:25-16.18 Matching of funds

(a) Any candidate seeking to qualify for receipt of public matching funds shall, [not] **no** later than the last day for filing petitions to nominate candidates to be voted upon in a primary election for Governor, file with the Commission:

1. – 3. (No change.)

(b) The campaign treasurer or deputy campaign treasurer of the candidate shall open a matching fund account in a national or a State bank pursuant to N.J.S.A. 19:44A-32, which shall be designated "Matching Fund Account of (name of candidate)" and in which only contributions eligible for match may be deposited. The campaign treasurer or deputy campaign treasurer of such candidate shall deposit in such matching fund account, funds to be matched in aid of the candidacy of, or [in] **on** behalf of, such candidate. Such deposit shall be made within 10 days of receipt and shall include only moneys received in accordance with this subchapter and section 5 of P.L. 1980, c. 74 (N.J.S.A. 19:44A-29) and sections 11 and 12 of the Act.

(c) – (j) (No change.)

19:25-16.18A Reporting of issue advocacy organization information

(a) (No change.)

(b) For the purposes of this section, the term "issue advocacy organization" shall mean:

1. An issue advocacy organization **that is** organized under section 527 of the Federal Internal Revenue Code (26 U.S.C. § 527);
2. An organization **that is** organized under paragraph (4) of subsection c. of section 501 of the Federal Internal Revenue Code (26 U.S.C. § 501); or
3. An organization **that is** organized under any other current or future section of the Federal Internal Revenue Code which the Election Law Enforcement Commission determines is similar to any of the organizations described above.

(c) – (e) (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 [in] **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 in 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 \$109,000 deposited in such qualified candidate's matching fund account.

(b) (No change.)

19:25-16.25 Use of public funds

(a) Public funds received on behalf of a qualified candidate from the fund for primary election campaign expenses shall be deposited by the Commission in the candidate's public fund account and the candidate's use of such funds shall be strictly limited to the following purposes:

1. – 2. (No change.)
3. Purchase of advertising space in newspapers, [and] regularly published magazines and periodicals, **and on the internet;**
4. – 6. (No change.)
7. Payment of the cost of telephone deposits, and installation charges and monthly billings in excess of deposits. Within six months after the primary election, a candidate shall return to the Commission the amount of any public funds used to pay telephone deposits, which are later returned[.];

8. Payment of the cost of website communications that are not used for fund-raising purposes;

9. Payment of the cost of email communications that are not used for fund-raising purposes; and

10. Payment for the purchase of lists of postal and email addresses.

(b) – (e) (No change.)

(f) Contributions, other than public funds, received by, or [in] **on** behalf of, any candidate (including contributions eligible for match) shall not be subject to the limitations of (a) above, but may be expended for any lawful purpose in furtherance or aid of the candidacy of the candidate.

(g) (No change.)

19:25-16.30 Coordinated expenditures

(a) Any person or entity expending funds to make a communication shall be deemed to have made a coordinated expenditure for a gubernatorial candidate if:

1. The communication makes a reference to the gubernatorial candidate in an audio, visual, printed, or electronic format, which references names, depicts, pictures, characterizes, represents, dramatizes, or in any written, spoken, visual, or electronic manner represents a gubernatorial candidate or opponent;

2. – 3. (No change.)

(b) – (e) (No change.)

19:25-16.31 Borrowing of funds; repayment

Any candidate, his or her 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 \$3,400 contribution limit. Except for a non-participating candidate guaranteeing a loan to his or her 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 his or her 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. Certification of such repayment shall be made by the borrower to the Commission not later than 15 days prior to the date of **the** primary election. 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 him or her in aid of his or her candidacy in such primary election.

19:25-16.36 Corporate or labor organization communications

Communications on any subject by a corporation to its stockholders and their families, or by a labor organization to its members and their families, and non-partisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families, shall not be construed to be in aid of

the candidacy of, or [in] **on** behalf of, a candidate for election to the office of Governor in any primary election.

19:25-16.39 Application to sponsor debates

(a) To be eligible for selection by the Commission to sponsor one or more of the interactive gubernatorial primary election debates, an organization:

1. – 2. (No change.)

[3. Must have previously sponsored one or more televised debates for Statewide office in New Jersey since 1976.]

(b) Any association of two or more separately owned news publications or broadcasting outlets, including newspapers, radio stations or networks, and television stations or networks, having between or among them a substantial readership or audience in this State, and any association of print or broadcast news or press service correspondents having among them a substantial readership or audience in this State, shall be eligible to sponsor any such gubernatorial primary election debate[, without regard to whether that association or any of its members shall previously have sponsored any debate among candidate for Statewide office].

(c) - (e) (No change.)

19:25-16.43 Complaint alleging failure to participate in a **required** debate

(a) (No change.)

(b) Service of a complaint alleging failure to participate in a **required** primary election debate shall be made by the complainant by personal service or by certified mail, return receipt

requested, upon the respondent candidate, the Commission, the debate sponsor, and any person named in the complaint.

SUBCHAPTER 19. PERSONAL FINANCIAL DISCLOSURE STATEMENTS

19:25-19.1 Authority

The provisions of this subchapter, covering personal financial disclosure statements of candidates for the [Office] **offices** of Governor **and Lieutenant Governor** or for State legislative office are promulgated pursuant to the Act requiring the filing of financial disclosure statements by certain candidates, Laws 1981, c. 129 (N.J.S.A. 19:44B-1, and following the Personal Financial Disclosure Statement Act, **as amended by P.L. 2009, c. 66**).

19:25-19.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless a different meaning clearly appears from the context.

“Candidate” means:

1. An individual seeking election to the office of Governor, **office of Lieutenant Governor**, Senate, or General Assembly;
2. (No change.)
3. An individual appointed to fill a vacancy, which vacancy occurs in the nomination of a candidate by primary election, or by direct petition for the office of Governor, Senate, or General Assembly, **or in the office of Lieutenant Governor.**

...

"Member of household" means the spouse of a candidate for the [Office] **office** of Governor, **the spouse of a candidate for the office of Lieutenant Governor**, or **the spouse** of a candidate for the Senate or General Assembly residing in the same domicile, and any dependent children.

...

19:25-19.7 Time and place for filing

(a) – (c) (No change.)

(d) Each candidate for the office of Lieutenant Governor shall file and certify the correctness of the Personal Financial Disclosure Statement on or before the 30th day following the day such candidate is selected by the candidate for the office of Governor of the same political party. If appointed to fill a vacancy in the office of Lieutenant Governor, such individual appointed to fill the vacancy shall file and certify the correctness of the Personal Financial Disclosure Statement on or before the 30th day following such appointment.

[(d)] (e) (No change in text.)