



Campaign Reporting School Board

State Of New Jersey
Election Law Enforcement Commission

July 2023

This PowerPoint Presentation is not intended to supersede the Act and Regulations, and in the event of any inconsistency, the Act and Regulations prevail. Accordingly, it is recommended that you review the Compliance Manual for Candidates and the Regulations which are available on ELEC's website for further reporting details. In addition, we recommend that you obtain a copy of the Act.

Appointing a Campaign Treasurer

- Any competent person 18 years of age or older
- Candidate **CAN** serve as his/her own treasurer
- Chairperson of a PPC **CANNOT** be chairperson, treasurer or deputy treasurer unless he/she is the candidate

Resignation, Removal, or Death Of A Treasurer

- Notify ELEC within 10 days
- Appoint a successor within 20 days
- Notify ELEC within 3 days of appointing a successor on amended Form D-1 or D-2

Establishing A Campaign Depository

- Bank account (checking, savings, etc.) established to receive contributions and make expenditures
- Single depository can only serve more than one candidate if the candidates have formed a joint candidates committee
- File Form D-1 or D-2 within 10 days of opening account

Naming The Campaign Depository

- Name should be the same as the committee name
- Name of the candidate committee or joint candidates committee must be the sole name under which contributions are received, expenditures are made, and political identification statements are provided

Naming A Committee

- Single Candidate Committee - Must Contain Surname and Office Sought (Ex: “Smith for BOE”)
- Joint Candidates Committee - Must Contain Surnames (Ex: “Smith, Jones, and Doe”) or the District or Town for non-partisan candidates (Ex: Anytown Committee)

Single Candidate Committee

- Name the committee
- Appoint a treasurer
- Open a depository (no later than the date the 1st contribution is received or expenditure is made)
- Within 10 days file Form D-1 “Single Candidate Committee Certificate of Organization and Designation of Campaign Treasurer and Depository”

Joint Candidates Committee

- Name the committee
- Appoint a treasurer
- Open a depository (no later than the date the 1st contribution is received or expenditure is made)
- Within 10 days file Form D-2 “Joint Candidates Committee Certificate of Organization and Designation of Campaign Treasurer and Depository”

Establishment of a Reporting Committee

- Can establish a single candidate committee and/or be part of a joint candidates committee - Max of one of each

Reporting

- "Election" begins with first activity (first contribution, first expenditure, opening an account, forming a committee)
 - No "testing the waters"
- "Election cycle" cannot conclude before 17th day following the election date
 - Candidates/Committees finalize at the 20 day post or first quarterly filing unless they meet one of the exemptions

Single Candidate Reporting

Spending \$5,800 or Less*

- Form D-1
- Form C-1 on 29, 11, and 20 day reporting dates **if** contributions received over \$200 or any cash
- 72/24 hour notices

Spending Over \$5,800

- Form D-1
- Form R-1 on 29, 11, and 20 day reporting dates
- 72/24 hour notices

* School board candidates spending no money, (not their own or another entity) and no one spending on their behalf, do not have to file any reports with ELEC

Joint Candidates Reporting

Only 2 Candidates

Spending \$11,000 or Less

- Form D-2
- Form C-1 on 29, 11, and 20 day reporting dates **if** contributions received over \$200 or any cash
- 72/24 hour notices

Spending Over \$11,000

- Form D-2
- Form R-1 on 29, 11, and 20 day reporting dates
- 72/24 hour notices

Joint Candidates Reporting

3 or more Candidates

Spending \$15,800 or Less

- Form D-2
- Form C-1 on 29, 11, and 20 day reporting dates **if** contributions received over \$200 or any cash
- 72/24 hour notices

Spending Over \$15,800

- Form D-2
- Form R-1 on 29, 11, and 20 day reporting dates
- 72/24 hour notices

Reporting

Committee established 5 months or less prior to the 29 day and have reportable activity

- 29 days before an election
- 11 days before an election
- 20 days after an election

Committee established more than 5 months prior to the 29 day and have reportable activity

- Quarterly reports on April, July, October and January 15th
- 29 days before an election
- 11 days before an election
- 20 days after an election

Termination of Reporting

Exceptions to terminating at 20-day post or first quarterly:

- The committee has debt or net liabilities;
- The candidate is maintaining the committee as a result of an election contest or recount;
- Maintaining the committee for ordinary and necessary expenses of holding public office and has no intention of seeking reelection

Contributions

- A transfer of money or thing of value made to, or on behalf of a candidate
- Can be monetary (currency, check, money order, etc.) or “in-kind” (goods or services)
- Contributions must be deposited within 10 days
- **A written record of all contributions must be made and maintained regardless of amount**

Monetary Contributions

- Currency
 - Up to \$200 per contributor per election
 - **Must be reported in detail regardless of the amount**
- Check or Other Negotiable Instrument
 - \$200 or less reported in lump sum amount but detailed contributor information kept for your records
 - Over \$200 reported in detail on Form C-1 or R-1
 - Be sure to correctly identify the contributor
- Electronic Transfer
 - Date of receipt = Date of authorization
 - Fees reported as expenditures – not “netted out”

Identifying Contributors

- Single Account
- Joint Account
- Corporation, Labor Organization, Group or Association
- Sole Proprietorships (considered individuals)
- Partnerships, LLPs and LLCs

(Not as an entity but from the individuals as contributors)

In-Kind Contributions

- Goods or services contributed to a candidate or committee
- Must report fair market value
- Unpaid volunteer personal services are not in-kind contributions

Personal Funds

- No limit to own campaign
- Must be initially characterized as a loan in order to be repaid
- May contribute to other candidates or committees as an individual within contribution limits

Loans

- Reported as a loan at time it is received
- Continually reported as an outstanding obligation until repaid
- Subject to contribution limits
- When lender is a bank and has been guaranteed, co-signer/guarantor becomes contributor

Contribution Reporting

- Detailed information that must be reported:
 - Date received
 - Amount
 - Total amount of all contributions received from each contributor for that election
 - Name and mailing address of contributor
 - Occupation (if contributor is an individual)
 - Name and address of contributor's employer
- Reported on Form C-1 if spending under reporting threshold
- Reported on Form R-1 if spending more than reporting threshold

72/24-Hour Contribution Reporting

- If over \$200 in the aggregate starting 13 days prior to the election, up to and including the 8th day before the election
 - Must be reported within 72 hours on C-1 or within R-1 (72/24 hr)
- If over \$200 in the aggregate starting 7 days prior to the election up to and including the election day
 - Must be reported within 24 hours on C-1 or R-1 (72/24 hr)

Prohibited Contributors

- Banks, insurance corporations, public utilities, cable television corporations, casino interests, and foreign nationals
- Certain businesses restricted by “Pay-to-Play” laws
- Anonymous contributors
- Partnerships, limited liability partnerships or limited liability companies as entities.

Contribution Limits

- Refer to the contribution limits chart found in the manual and online
- Aggregate all types of contributions together for each contributor

Return of Excessive Contribution

- Return the amount that exceeds the contribution limit within 48 hours of receipt.
- A written record must be maintained, which includes the following:
 - The date the contribution was received;
 - The name and mailing address of the contributor;
 - Occupation & employer information of the contributor (If the contributor is an individual);
 - The amount of the contribution;
 - The amount of the contribution that exceeds the applicable contribution limit;
 - A photocopy of the check; and
 - A photocopy of the refund check issued by the committee.²⁶

Equal Attribution Rule

- Joint candidate contributions must be equally divided
- Single and joint committee contributions must be aggregated by contributor under one limit

Expenditures

- Includes actual disbursements made and outstanding obligations incurred, but not yet paid
- Includes transfer of money or other thing of value, any pledge, commitment, or assumption of liability to transfer money or other thing of value
- No limits
- Must be made through campaign depository
- Must be made through treasurer or deputy treasurer
- Must be for one of the six permissible uses

Permissible Uses

1. Payment of Campaign Expenses
2. Donations to Charity
3. Contributions to Others
4. Payment of Overhead Expenses
5. Pro Rata Repayment of Contributors
6. Ordinary and Necessary Officeholding Expenses

Expenditure Reporting

- Detailed information that must be reported on Form R-1:
 - Date
 - Amount
 - Full name and mailing address of payee
 - Purpose (Be Specific!)
 - Check number or “debit card”
- Recorded but not reported if not filing Form R-1

72/24-Hour Expenditure Reporting

- If over \$200 in the aggregate, on behalf of another committee, 13 days prior to the election, up to and including the 8th day prior to the election
 - Reported with 72 hours on E-1
- If over \$200 in the aggregate, on behalf of another committee starting 7 days prior to the election up to the election day
 - Must be reported within 24 hours E-1
 - Note: A candidate is not required to file 72/24-hour expenditure notices to report activity for their own campaign

Credit Card Expenditure Reporting

- Credit Card established in the name of the reporting committee
 - Name of lending institution
 - Check number, payment date and amount of the check issued to the credit card company
 - Itemized description of each purchase (see manual for additional requirements)
- Credit Card established in name of another (personal account ex. treasurer)
 - Reported as a loan on the C-1 or R-1

Petty Cash Fund

- Up to \$100 for incidental expenses
- Can be **occasionally** replenished
- Keep receipts
- Report purposes

Street Money

- For campaign or GOTV workers
- **Must be paid by check**
- Report name and address but no SS#

Legal Fees

- Election contest or recount
- Legal fees directly from and related to the campaign for public office or the ordinary and necessary duties of holding public office.
- Can't be used for personal or criminal

Impermissible Uses

- Personal Use, includes but is not limited to:
 - Mortgage payment for property not owned or leased by committee
 - Payment for a vehicle not owned or leased by the committee
 - Purchase of clothing, household food or personal hygiene items
 - Tuition payment (consult manual for exceptions)
 - Payment of dues or fees to country or fitness club or other social or fraternal association
 - Payment of a salary to the candidate

Labeling of Political Communications

- “Paid For By” Language
 - Needs to be on any communication with the public including flyers, posters, letters, television and radio ads, telephone recordings, etc.
 - Must include **Committee Name and Full Mailing Address**

Ex: “Paid for by Smith for BOE, 1234 Main Street, Anytown, NJ 00000”

Record Keeping and Filing

- A written record of all contributions and expenditures must be kept for **four years after the date of the election or the last transaction related to the election whichever is longer**
 - Keep copies of receipts, bank and credit card statements, etc.
- Reports must be **received** no later than 5 p.m. on the filing due date

Record Keeping and Filing

- Electronic Filing is mandatory for all filers