

NEW JERSEY

Ethics Agencies

1. Is there an ethics agency, with the authority to conduct its own investigations, including public hearings and subpoena power?

The State Ethics Commission has jurisdiction over ethics law in the Executive Branch, including all elected and appointed executive branch officers and employees. [N.J. REV. STAT. § 52:13D-13\(b\)](#); [N.J. REV. STAT. § 52:13D-21\(h\)](#). The Commission may investigate violations on its own initiative, has subpoena power, and holds public hearings. [N.J. REV. STAT. §§ 52:13D-21\(f\), \(h\)](#); [N.J. ADMIN. CODE § 1:1-14.1\(a\), 19:61-3.1\(h\)](#).

The Joint Legislative Committee on Ethical Standards has jurisdiction over ethics laws, codes, and rules in the legislative branch. [N.J. REV. STAT. § 52:13D-22\(h\)\(1\)](#). The Committee is made up of members of the public appointed by the party leaders in each chamber of the legislature. [N.J. REV. STAT. § 52:13D-22\(b\)](#). The Committee may investigate violations on its own initiative or upon referral. [N.J. REV. STAT. § 52:13D-22\(h\)\(1\)](#). The Committee can hold public meetings to make determinations on a violation. [N.J. REV. STAT. § 52:13D-22\(h\)\(4\)](#); Telephone Interview with Joint Legislative Committee on Ethical Standards Staff, (Aug. 3, 2018). The Committee has limited subpoena power, with the ability to require members to submit detailed financial disclosure information. [N.J. REV. STAT. § 52:13D-22\(h\)\(3\)](#).

2. Will the ethics agency accept anonymous complaints and is the ethics agency required to reveal the name of the complainant to the respondent?

The State Ethics Commission accepts anonymous complaints. [Investigative Process, STATE OF NEW JERSEY STATE ETHICS COMMISSION, last updated December 5th, 2016](#). If the complainant identifies themselves to the State Ethics Commission, their identity remains confidential. [Investigative Process, STATE OF NEW JERSEY STATE ETHICS COMMISSION, last updated December 5th, 2016](#).

The Joint Legislative Committee on Ethical Standards only investigates complaints on its own accord or upon referral by a concurrent resolution of the Legislature. [New Jersey State Legislature, Rules of the General Assembly § 19\(a\)](#).

3. Does the ethics agency have the ability to sanction, including personnel actions, injunctions, and fines?

State Ethics Commission

Personnel Actions – Authority to censure, reprimand, demote, suspend for up to one year or terminate. [N.J. REV. STAT. § 52:13D-21\(i\)](#).

Injunctions – Can bar from state employment for up to five years. [N.J. REV. STAT. § 52:13D-21\(i\)](#).

Fines – Fines up to \$10,000 and \$50 a day for failure to file financial disclosure on time. [N.J. REV. STAT. § 52:13D-21\(i\)](#).

Joint Legislative Committee with respect to staff has the same sanctioning powers as the State Ethics Commission. [N.J. REV. STAT. § 52:13D-21\(i\)](#). With respect to legislators,

Personnel Actions – NONE

Injunctions – NONE

Fines – Fines up to \$10,000 and \$50 a day for failure to file financial disclosure on time. [N.J. REV. STAT. § 52:13D-21\(i\)](#).

4. Are the members of the ethics agency protected from removal without cause?

The members of the State Ethics Agency who are State officers appointed by the Governor serve at the pleasure of the Governor. [N.J. REV. STAT. § 52:13D-21\(b\)](#). The public members can only be removed for cause after notice and hearing. Email from Mark T. Holmes, Executive Director, New Jersey State Ethics Commission, to Taylor M. Treloar, Coalition for Integrity (May. 27, 2020).

Members of the Joint Legislative Committee on Ethical Standards are not protected from removal. Telephone Interview with Jason Krajewski, Counsel, Joint Legislative Committee on Ethical Standards (Aug. 1, 2018).

Gifts

5. Are elected and appointed executive branch officials and legislators prohibited from accepting gifts from high-risk sources (lobbyists, lobbyists' principals, government contractors) in an aggregate of \$250 or more?

Elected and appointed executive branch officials and legislators are prohibited from accepting gifts from registered lobbyists of more than \$250 in in a calendar year. [N.J. REV. STAT. § 52:13D-24.1\(a\); Legislative Code of Ethics, New Jersey Legislature \(2015\)](#). No elected or appointed executive branch official or legislator may accept anything of value if they know, or have reason to believe, it is being offered “with intent to influence [...] the performance of [their] public duties and responsibilities from any person any gift which they know or have reason to believe is offered to influence their official duties.” [N.J. REV. STAT. § 52:13D-14](#). The Executive Branch Uniform Code of Ethics has adopted a “zero tolerance policy for the acceptance of gifts” that are “related in any way to the State official’s public duties,” requiring all gifts to be reported to the Ethics Liaison Officer in the receiver’s office. [Uniform Ethics Code, State of New Jersey Ethics Commission \(2019\)](#).

6. Are elected and appointed executive branch officials and legislators prohibited from accepting gifts from persons other than high-risk sources in an aggregate of \$250 or more?

The general restrictions above apply to all persons, not just high-risk sources. [N.J. REV. STAT. § 52:13D-14; Uniform Ethics Code, State of New Jersey Ethics Commission \(2019\).](#)

7. Are elected and appointed executive branch officials and legislators required to publicly disclose gifts that they receive?

Select executive branch employees, including all elected and appointed officials must file financial disclosure reports that list cash gifts of \$100 or more, non-cash gifts over \$200 in value and gifts from a relative of more of \$3,000. [N.J. Exec. Order No. 2 \(Jan. 17, 2018\) §§ \(1\)\(f\), \(6\).](#)

Legislators must disclose gifts from “named donors connected to the legislative process.” [Legislative Code of Ethics, New Jersey Legislature \(2015\).](#)

Campaigns

8. Does the state require reporting of contributors to independent spenders?

An “independent expenditure” occurs when an individual or a corporation, association, society, firm, company, or partnership spends more than \$1,600 of his, her, or its own funds in an election to support or oppose a candidate, or to support or oppose a public question, and the money is spent without cooperating with, consulting with, or obtaining the prior consent of, the candidate, public question committee, or any persons or committees acting on their behalf. [N.J. ADMIN. CODE § 19:25-12.7](#). If the expenditure is made by an individual or entity which is not required to register as a committee, then only the amount of the expenditure in excess of \$1,600 must be reported and not the contributors. [N.J. ADMIN. CODE § 19:25-12.8\(b\); Independent Expenditure Reporting, State of New Jersey Election Law Enforcement Commission \(last visited May 20, 2020\).](#) If the independent expenditure is made by a political committee or a continuing political committee, then the committee must report name, address, date and amount of a contributions in excess of \$300 and for an individual, the occupation and name and address of the individual’s employer. [N.J. ADMIN. CODE § 19:25-12.8\(a\); N.J. REV. STAT. § 19:44A-8\(a\)\(1\).](#)

There are no requirements for the disclosure of donors to 501(c) organizations or the beneficial owners of LLCs which contribute to independent spenders.

9. Does the state require the disclosure of the payors of political advertisements or other electioneering communications to appear directly on the communication made through print media, broadcast media (TV, radio etc.), and Internet-based media (Facebook, Twitter, Google, and other online platforms)?

New Jersey law requires disclosure of the name and address of the entity making an expenditure on print and electronic media, including social media, advertising directed to the electorate. There

is no statutory requirement to disclose the underlying contributors. [N.J. REV. STAT. § 19:44A-22.3\(a\),\(e\).](#)

Legislators

10. Do legislators have to disclose client names as part of their financial disclosure reports?

Legislators are only required to report the business source of their income. [Legislative Code of Ethics, New Jersey Legislature \(2015\).](#)

Appendix: Sources of Law & Guidance

Statutes

The New Jersey Campaign Contributions and Expenditures Reporting Act ([N.J. REV. STAT. § 19:44A-1](#) et seq.)

Title 52 – State Government, Departments and Officers ([N.J. REV. STAT. § 52.](#))

Regulations

[Uniform Ethics Code, State of New Jersey Ethics Commission \(2019\)](#)

[Legislative Code of Ethics, New Jersey Legislature \(2015\)](#)

[Regulations of The Election Law Enforcement Commission \(N.J. ADMIN. CODE § 19:25-1.1 et seq.\)](#)

[State Ethics Commission Rules \(N.J. ADMIN. CODE § 19:61-1.1 et seq.\)](#)

Guidance

[Commission's Guidelines: Gifts and Favors, State of New Jersey State Ethics Commission \(1990\)](#)

[Independent Expenditure Reporting, State of New Jersey Election Law Enforcement Commission \(last visited September 3, 2018\)](#)

Executive Orders

[N.J. Exec. Order No. 2 \(Jan. 17, 2018\)](#)