

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Public Agency Instructions

This page provides guidance to public agencies entering into contracts with business entities that are required to file Political Contribution Disclosure forms with the agency. **It is not intended to be provided to contractors.** What follows are instructions on the use of forms local units can provide to contractors that are required to disclose political contributions pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005, c. 271, s.2). .

1. The disclosure is required for all contracts in excess of \$17,500 that are **not awarded** pursuant to a “fair and open” process (N.J.S.A. 19:44A-20.7).
2. Due to the potential length of some contractor submissions, the public agency should consider allowing data to be submitted in electronic form (i.e., spreadsheet, pdf file, etc.). Submissions must be kept with the contract documents or in an appropriate computer file and be available for public access. **The form is worded to accept this alternate submission.** The text should be amended if electronic submission will not be allowed.
3. The submission must be **received from the contractor and** on file at least 10 days prior to award of the contract. Resolutions of award should reflect that the disclosure has been received and is on file.
4. The contractor must disclose contributions made to continuing political committees (PACs) and candidate committees covering a wide range of public agencies, including all public agencies that have elected officials in the county of the public agency, state legislative positions, and various state entities. The Division of Local Government Services recommends that contractors be provided a list of the affected agencies. This will assist contractors in determining the campaign committees and continuing political committees of the officials and candidates affected by the disclosure.
 - a. The Division has prepared model disclosure forms for each county which can be downloaded from the “County PCD Forms” link on the Pay-to-Play web site at https://www.nj.gov/dca/divisions/dlgs/programs/pay_2_play.html. These forms will be updated from time-to-time as necessary.
 - b. A public agency using these forms **should edit them to properly reflect the correct legislative district(s)**. As the forms are county-based, **they list all legislative districts in each county. Districts that do not represent the public agency should be removed from the lists.**
 - c. Some contractors may find it easier to provide a single list that covers all contributions, regardless of the county. These submissions are appropriate and should be accepted.
 - d. The form may be used “as-is”, subject to edits as described herein.
 - e. The “Contractor Instructions” sheet is intended to be provided with the form. It is recommended that the Instructions and the form be printed on the same piece of paper. The form notes that the Instructions are printed on the back of the form; where that is not the case, the text should be edited accordingly.
 - f. The form is a Word document and can be edited to meet local needs, and posted for download on web sites, used as an e-mail attachment, or provided as a printed document.
5. It is recommended that the contractor also complete a “Ownership Disclosure Certification.” This will assist the local unit in its obligation to ensure that contractor did not make any prohibited contributions to the committees listed on the Business Entity Disclosure Certification in the 12 months prior to the contract. **NOTE: This section is not applicable to Boards of Education.**

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Contractor Instructions

Business entities (contractors) receiving contracts from a public agency that are NOT awarded pursuant to a “fair and open” process (defined at N.J.S.A. 19:44A-20.7) are subject to the provisions of N.J.S.A. 19:44A-20.26. This law provides that 10 days prior to the award of such a contract, the contractor shall disclose contributions to:

- any continuing political committee (a.k.a., political action committee)
- any candidate committee of a candidate for, or holder of, an elective office:
 - of the public entity awarding the contract
 - of that county in which that public entity is located
 - of another public entity within that county
 - or of a legislative district in which that public entity is located or, when the public entity is a county, of any legislative district which includes all or part of the county

The disclosure must list reportable contributions to any of the committees that exceed \$200 per election cycle that were made during the 12 months prior to award of the contract. See N.J.S.A. 19:44A-8 and 19:44A-16 for more details on reportable contributions.

N.J.S.A. 19:44A-20.26 itemizes the parties from whom contributions must be disclosed when a business entity is not a natural person. This includes the following:

- individuals with an “interest” ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit
- all principals, partners, officers, or directors of the business entity or their spouses
- any subsidiaries directly or indirectly controlled by the business entity
- IRS Code Section 527 New Jersey based organizations, directly or indirectly controlled by the business entity and filing as continuing political committees, (PACs).

When the business entity is a natural person, “a contribution by that person’s spouse or child, residing therewith, shall be deemed to be a contribution by the business entity.” [N.J.S.A. 19:44A-20.26(b)] The contributor must be listed on the disclosure.

Any business entity that fails to comply with the disclosure provisions shall be subject to a fine imposed by ELEC in an amount to be determined by the Commission which may be based upon the amount that the business entity failed to report.

The enclosed list of agencies is provided to assist the contractor in identifying those public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the contractor’s responsibility to identify the specific committees to which contributions may have been made and need to be disclosed. The disclosed information may exceed the minimum requirement.

The enclosed form, a content-consistent facsimile, or an electronic data file containing the required details (along with a signed cover sheet) may be used as the contractor’s submission and is disclosable to the public under the Open Public Records Act.

The contractor must also complete the Ownership Disclosure Certification. This will assist the agency in meeting its obligations under the law. **NOTE: This section does not apply to Board of Education contracts. Form is not attached.**

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Required Pursuant To N.J.S.A. 19:44A-20.26

**This form or its permitted facsimile must be submitted to the local unit
no later than 10 days prior to the award of the contract.**

Part I – Vendor Information

| | | | |
|--------------|--|--------|------|
| Vendor Name: | | | |
| Address: | | | |
| City: | | State: | Zip: |

The undersigned being authorized to certify, hereby certifies that the submission provided herein represents compliance with the provisions of N.J.S.A. 19:44A-20.26 and as represented by the Instructions accompanying this form.

| | | |
|-----------|--------------|-------|
| Signature | Printed Name | Title |
|-----------|--------------|-------|

Part II – Contribution Disclosure

Disclosure requirement: Pursuant to N.J.S.A. 19:44A-20.26 this disclosure must include all reportable political contributions (more than \$200 per election cycle) over the 12 months prior to submission to the committees of the government entities listed on the form provided by the local unit.

☐ Check here if disclosure is provided in electronic form.

| Contributor Name | Recipient Name | Date | Dollar Amount |
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☐ Check here if the information is continued on subsequent page(s)

List of Agencies with Elected Officials Required for Political Contribution Disclosure
N.J.S.A. 19:44A-20.26

County Name: Morris

State: Governor, and Legislative Leadership Committees

Legislative District #: 16, 21, 24, 25 & 26

State Senator and two members of the General Assembly per district.

County: Freeholders County Clerk Sheriff Surrogate

Municipalities (Mayor and members of governing body, regardless of title):

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|-----------------------|-------------------------|--------------------------------|
| Boonton Town | Kinnelon Borough | Netcong Borough |
| Boonton Township | Lincoln Park Borough | Parsippany-Troy Hills Township |
| Butler Borough | Long Hill Township | Pequannock Township |
| Chatham Borough | Madison Borough | Randolph Township |
| Chatham Township | Mendham Borough | Riverdale Borough |
| Chester Borough | Mendham Township | Rockaway Borough |
| Chester Township | Mine Hill Township | Rockaway Township |
| Denville Township | Montville Township | Roxbury Township |
| Dover Town | Morris Plains Borough | Victory Gardens Borough |
| East Hanover Township | Morris Township | Washington Township |
| Florham Park Borough | Morristown Town | Wharton Borough |
| Hanover Township | Mount Arlington Borough | |
| Harding Township | Mount Olive Township | |
| Jefferson Township | Mountain Lakes Borough | |

Boards of Education (Members of the Board):

| | | |
|-----------------------|-------------------------|--------------------------------|
| Boonton Town | Lincoln Park Borough | Netcong Borough |
| Boonton Township | Long Hill Township | Parsippany-Troy Hills Township |
| Butler Borough | Madison Borough | Pequannock Township |
| Chester Township | Mendham Borough | Randolph Township |
| Denville Township | Mendham Township | Riverdale Borough |
| Dover Town | Mine Hill Township | Rockaway Borough |
| East Hanover Township | Montville Township | Rockaway Township |
| Florham Park Borough | Morris | Roxbury Township |
| Hanover Park Regional | Morris Hills Regional | Sch Dist Of The Chathams |
| Hanover Township | Morris Plains Borough | Victory Gardens |
| Harding Township | Mount Arlington Borough | Washington Township |
| Jefferson Township | Mount Olive Township | West Morris Regional |
| Kinnelon Borough | Mountain Lakes Borough | Wharton Borough |

Fire Districts (Board of Commissioner)

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| Hanover Township Fire District No. 2 | Parsippany Troy Hills Township Fire District No. 1 |
| Hanover Township Fire District No. 3 | Parsippany Troy Hills Township Fire District No. 2 |
| Montville Township Fire District No. 1 | Parsippany Troy Hills Township Fire District No. 3 |
| Montville Township Fire District No. 2 | Parsippany Troy Hills Township Fire District No. 4 |
| Montville Township Fire District No. 3 | Parsippany Troy Hills Township Fire District No. 5 |
| | Parsippany Troy Hills Township Fire District No. 6 |

