

ALERT

New Jersey Annual Pay-to-Play Report due April 1

March 6, 2024

Despite major “reforms” to New Jersey’s pay-to-play laws in 2023, certain state and local government contractors doing business in New Jersey still must file the Business Entity Annual Disclosure Statement by April 1, 2024. This is the first annual pay-to-play report due since the changes mandated by last year’s Elections Transparency Act (the Act) and Executive Order No. 333 of Governor Murphy.

This annual pay-to-play report is due from business entities that had aggregate receipts from state and local government entities in the Garden State of \$50,000 or more in 2023. A report is required even if the receipts came from contracts awarded by the “fair and open” competitive contract process. The disclosure extends beyond contributions made by the business entity and its PAC to contributions made by directors, officers, and certain large owners, plus spouses.

Notably, the Act decreased the threshold for reportable contributions from \$300 to \$200. This means that the annual report will need to disclose covered contributions over \$300 made between January 1 and June 30, 2023. However, contributions over \$200 will need to be disclosed for the period between July 1 and December 31, 2023.

Additionally, the report will no longer require disclosure of contributions to political party committees or legislative leadership committees. The Elections Transparency Act and Executive Order No. 333 removed these committees from the types of contributions covered by the pay-to-play rules.

The state does not proactively inform business entities that they need to file this annual report. Annual reports must be filed even if there are no contributions to report. If a contribution is reported, then the

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long-form of the report must be filed, showing all government contracts in the state.