



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
CONTRACT COMPLIANCE & AUDIT UNIT

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MEMORANDUM

TO: State Procurement and Fiscal Staff

FROM: Chapter 51 Review Unit

SUBJECT: Elections Transparency Act and Executive Order 333– **Update**

DATE: June 21, 2023

On June 15, 2023, Governor Murphy signed [Executive Order \(EO\) 333 \(Murphy\)](#) amending prior EOs to align with the newly-enacted Elections Transparency Act (L.2023, c.30) (ETA) relating to political contributions by government contractors. To provide clarity for business entities looking to contract with the State, the EO rescinds or supersedes provisions of several prior EOs that are either duplicative of or inconsistent with more recent statutes, including the ETA, or that have been set aside by the courts. The EO rescinds EO No. 134 (2004), issued by Governor McGreevey, and EO No. 7 (2010), issued by Governor Christie, and supersedes EO No. 117 (2008), issued by Governor Corzine. EO 333 became effective immediately.

Of note, the EO continued from Executive Order 117 (2008) the list of those persons whose contributions are attributable to a “business entity” but did not continue EO 117’s previous limitations concerning contributions to Legislative Leadership Committees and Municipal Political Party Committees. As such, contributions to Legislative Leadership Committees and Municipal Political Party Committees no longer need to be reported by vendors and will not be considered by the Chapter 51 Unit for possible vendor disqualification.

Accordingly, the Chapter 51 Review Unit has updated the vendor certification and instructions required for reporting political contributions at <https://www.nj.gov/treasury/purchase/forms.shtml>. Consistent with our April 4, 2023 memo on the initial impact of the ETA on Chapter 51 compliance, the form should only be submitted to the Chapter 51 Unit for review through the designated mailbox for contracts that are awarded through a legal process that does not meet the “fair and open process” definition in the Elections Transparency Act, P.L.2023, c.30.

As a reminder, if your agency has its own procurement authority and you are uncertain if your entity’s contracting process meets the “fair and open process” definition, you should seek guidance from your assigned contact in the Division of Law or if you are not advised by the Division of Law, your legal counsel.