

SENATE, No. 3166

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED DECEMBER 8, 2011

Sponsored by:

Senator RAYMOND J. LESNIAK

District 20 (Union)

Senator STEVEN V. OROHO

District 24 (Sussex, Hunterdon and Morris)

Assemblyman JOSEPH CRYAN

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Assemblyman GARY R. CHIUSANO

District 24 (Sussex, Hunterdon and Morris)

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District 20 (Union)

Assemblywoman ALISON LITTELL MCHOSE

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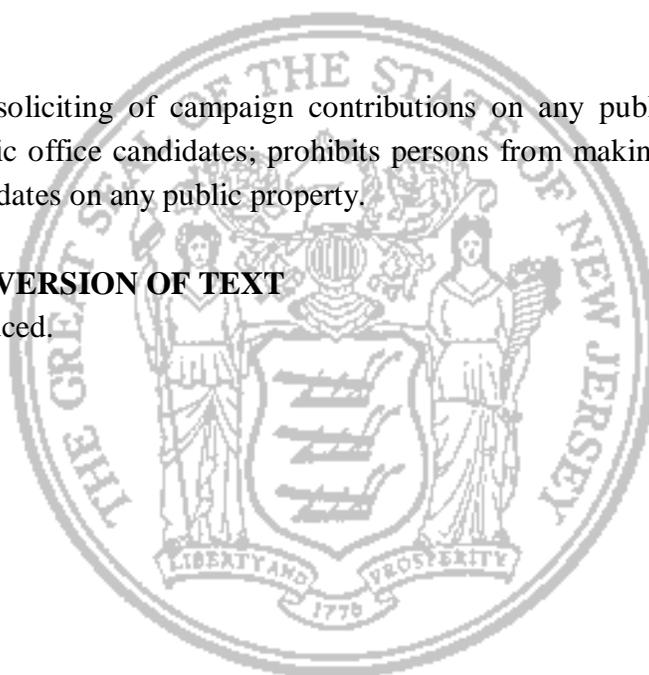
Senators Beck and O'Toole

SYNOPSIS

Prohibits soliciting of campaign contributions on any public property by elective public office candidates; prohibits persons from making contributions to such candidates on any public property.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2012)

1 AN ACT concerning campaign contributions for candidates for
2 elective public office, and amending P.L.2004, c.21.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 1 of P.L.2004, c.21 (C.19:44A-19.1) is amended to
8 read as follows:

9 1. a. For the purposes of this section, the terms "contribution",
10 "candidate", "candidate committee", and "joint candidates
11 committee", shall have the meanings prescribed for those terms by
12 section 3 of P.L.1973, c.83 (C.19:44A-3); and the term "property"
13 means buildings used for the discharge of official government
14 functions, business, duties, or purposes.

15 b. (1) No candidate for **[the office of Governor, the office of**
16 **Lieutenant Governor or the office of member of the Legislature]**
17 any elective public office, or any holder of that elective public
18 office, or **[their]** the candidate's agent or representative, while
19 located on any property exclusively owned or leased by the State, or
20 any agency of the State, or by any county, municipality, board of
21 education of a school district, fire district, authority, or other State
22 or local entity, district or instrumentality shall, directly or
23 indirectly, solicit any contribution to or on behalf of any candidate
24 for **[the office of Governor, the office of Lieutenant Governor or**
25 **any candidate for the office of member of the Senate or General**
26 **Assembly]** elective public office, **[or any candidate for another**
27 **elective public office held or sought by a candidate for or holder of**
28 **the office of member of the Legislature,]** or the candidate
29 committee or joint candidates committee of any such candidate.

30 The provisions of this subsection shall not apply to any casual or
31 inadvertent communication otherwise made in connection with, but
32 without intent to solicit, such a contribution.

33 (2) No person, while located on any property exclusively owned
34 or leased by the State, or any agency of the State, or by any county,
35 municipality, board of education of a school district, fire district,
36 authority, or other State or local entity, district or instrumentality
37 shall, directly or indirectly, make any contribution to or on behalf of
38 any candidate for **[the office of Governor, the office of Lieutenant**
39 **Governor or any candidate for the office of member of the Senate or**
40 **General Assembly]** elective public office, **[or any candidate for**
41 **another elective public office held or sought by a candidate for or**
42 **holder of the office of member of the Legislature,]** or the candidate
43 committee or joint candidates committee of any such candidate.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 c. Any candidate for [the office of Governor, the office of
2 Lieutenant Governor or the office of member of the Legislature]
3 elective public office, or any holder of that elective public office, or
4 their agent or representative, or any person, who is determined by
5 the Election Law Enforcement Commission to have violated this act
6 shall be liable to a penalty of not less than \$5,000 for each
7 violation. Any penalty imposed pursuant to this section may be
8 recovered by a summary proceeding pursuant to the "Penalty
9 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

10 d. In the event property exclusively owned or leased by the
11 State, or any agency of the State, or by any county, municipality,
12 board of education of a school district, fire district, authority, or
13 other State or local entity, district or instrumentality or part thereof,
14 is made available, through rent, reservation or otherwise, for the
15 exclusive use of any group for a non-governmental purpose as a
16 meeting location, the prohibition in subsection b. of this section
17 shall not apply and the solicitation or making of contributions or
18 funds of any nature from any or among or by the members of the
19 group during the time the group is using the property made
20 available as a meeting location is permitted.

21 e. The Election Law Enforcement Commission shall have the
22 jurisdiction to enforce the provisions of this section for violations
23 thereof on property exclusively owned or leased by the State, or any
24 agency of the State, or by any county, municipality, board of
25 education of a school district, fire district, authority, or other State
26 or local entity, district or instrumentality.

27 (cf: P.L.2009, c.66, s.14)

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29 2. This act shall take effect immediately.

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STATEMENT

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34 This bill expands the prohibition in current law on the soliciting
35 of campaign contributions on certain public properties by
36 candidates and their agents for certain public offices to include all
37 candidates for elective public office and any public property.

38 Under the bill, no candidate for any elective public office, or any
39 holder of that elective public office, or the candidate's agent or
40 representative, could directly or indirectly, solicit any contribution
41 to or on behalf of such a candidate on any property exclusively
42 owned or leased by the State, or any agency of the State, or by any
43 county, municipality, board of education of a school district, fire
44 district, authority, or other State or local entity, district or
45 instrumentality. At the same time, no person, while located on any
46 property exclusively owned or leased by the State, or any agency of
47 the State, or by any county, municipality, board of education of a
48 school district, fire district, authority, or other State or local entity,

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1 district or instrumentality would be permitted, directly or indirectly,
2 to make any contribution to or on behalf of any candidate for
3 elective public office, or to the candidate committee or joint
4 candidates committee of any such candidate.

5 The bill also confers jurisdiction upon the Election Law
6 Enforcement Commission to enforce the provisions of the bill
7 regarding the soliciting or making of contributions on property
8 exclusively owned or leased by the State, or any agency of the
9 State, or by any county, municipality, board of education of a
10 school district, fire district, authority, or other State or local entity,
11 district or instrumentality.