

ASSEMBLY, No. 251

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

SYNOPSIS

Limits contributions to legal defense fund of candidate for or holder of elective public office; requires reporting thereof to ELEC.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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1 **AN ACT** limiting contributions to a legal defense fund of a
2 candidate for or holder of elective public office, requiring the
3 reporting thereof, and supplementing P.L.1973, c.83 (C.19:44A-
4 1 et seq.).

5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8

9 1. a. Any candidate for or holder of an elective public office in
10 this State who receives a contribution of money or other thing of
11 value for the purpose of defraying legal expenses resulting from
12 pending or anticipated charges against the candidate or officeholder
13 for the commission of a crime or offense under the laws of this
14 State or under the laws of another state or of the United States of a
15 crime or offense which, if committed in this State, would be such a
16 crime or offense, shall, within ten days of the receipt thereof, file
17 with the Election Law Enforcement Commission a certificate of
18 organization of a legal defense fund on a form prescribed by the
19 commission. The certificate shall identify the name of the fund,
20 which shall be the sole name under which the fund or the candidate
21 or officeholder receives contributions, makes expenditures and
22 otherwise conducts business on behalf of the candidate's or
23 officeholder's legal defense and include such other information as
24 the commission shall require. A candidate or officeholder who
25 establishes a legal defense fund shall designate a bank authorized
26 by law to transact business in this State as a depository for the fund
27 prior to filing the certificate of organization with the commission
28 and shall disclose on the certificate such information about the
29 depository as the commission shall require. Following the filing of
30 a certificate with the commission, a candidate or officeholder shall
31 file with the commission, at three month intervals, a report listing
32 each contribution made to the fund and all other transactions
33 relating thereto including the name, address, occupation and
34 employer of each individual who made a contribution, and of each
35 recipient of each expenditure.

36 b. No individual, committee, group, organization, corporation
37 or business entity of any kind shall contribute to a legal defense
38 fund established under subsection a. of this section of a candidate or
39 an officeholder any amount of money or other thing of value that is
40 greater than may be contributed per calendar year to a candidate for
41 public office pursuant to the provisions of "The New Jersey
42 Campaign Contributions and Expenditures Reporting Act,"
43 P.L.1973, c.83 (C.19:44A-1 et seq.). No candidate or officeholder
44 shall accept a contribution greater than the amount of money or
45 other thing of value that may be contributed per calendar year to a
46 candidate for public office pursuant to the provisions of "The New
47 Jersey Campaign Contributions and Expenditures Reporting Act,"
48 P.L.1973, c.83 (C.19:44A-1 et seq.).

1 c. The provisions of this section shall not apply to expenditures
2 of the candidate's or officeholder's own funds or to contributions to
3 the candidate or officeholder from the candidate's or officeholder's
4 spouse, partner in a civil union, domestic partner, children, siblings,
5 or parents.

6 d. The provisions of this section shall not be construed as
7 authorizing the acceptance by a candidate or an officeholder of an
8 amount which exceeds the limit on the amount of any gift that may
9 be accepted by the candidate or officeholder that is prescribed by
10 any other statute, regulation, executive order, ordinance, resolution,
11 or code of ethics.

12 e. A contribution to a legal defense fund of a candidate or
13 officeholder shall be considered to be a contribution to the
14 candidate committee of the candidate or officeholder for the
15 purposes of P.L.2004, c.19 (C.19:44A-20.3 et seq.).
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17 2. This act shall take effect immediately.
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20 STATEMENT 21

22 This bill requires a candidate for or the holder of any elective
23 public office in this State to file a certificate of organization of a
24 legal defense fund with the Election Law Enforcement Commission
25 (ELEC) if the candidate or officeholder receives a contribution for
26 the purpose of defraying legal expenses resulting from pending or
27 anticipated criminal charges. The candidate or officeholder must
28 also designate a bank authorized by law to transact business in this
29 State as a depository for the fund and file with ELEC, at three
30 month intervals, a report of all transactions of the fund, including
31 the name, address, occupation and employer of each individual
32 making a contribution, and of the recipient of each expenditure.

33 No contributions to the fund by an individual, committee, group,
34 organization, corporation or business entity of any kind may be
35 greater than the amount of money or other thing of value that may
36 be contributed per calendar year to a candidate for public office
37 pursuant to the provisions of "The New Jersey Campaign
38 Contributions and Expenditures Reporting Act" (N.J.S.A.19:44A-1
39 et seq.). The bill would not apply to expenditures of the candidate's
40 or officeholder's own funds or to contributions thereto from the
41 candidate's or officeholder's spouse, partner in a civil union,
42 domestic partner, children, siblings, or parents. The bill also
43 provides that its provisions would not be construed as authorizing
44 the acceptance by a candidate or an officeholder of an amount
45 which exceeds the limit on the amount of any gift that may be
46 accepted by the candidate or officeholder as prescribed by any other
47 statute, regulation, executive order, ordinance, resolution, or code
48 of ethics.

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1 Under the bill, a contribution to the legal defense fund of a
2 candidate or officeholder will be considered a contribution to the
3 candidate committee of the candidate or officeholder for the
4 purposes of the “pay to play” laws of the State.