

ASSEMBLY, No. 1788

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman NANCY F. MUNOZ

District 21 (Morris, Somerset and Union)

SYNOPSIS

Permits use of campaign funds to pay for child care expenses when incurred as direct result of campaign activity or holding elective office.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the use of campaign funds and amending
2 P.L.1993, c.65.

3

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

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7 1. Section 17 of P.L.1993, c.65 (C.19:44A-11.2) is amended to
8 read as follows:

9 17. a. All contributions received by a candidate, candidate
10 committee, a joint candidates committee or a legislative leadership
11 committee shall be used only for the following purposes:

12 (1) the payment of campaign expenses;

13 (2) contributions to any charitable organization described in
14 section 170(c) of the Internal Revenue Code of 1954, as amended or
15 modified, or nonprofit organization which is exempt from taxation
16 under section 501(c) of the Internal Revenue Code of 1954, except
17 any charitable organization of which the candidate or a member of
18 the candidate's immediate family is a paid officer, director or
19 employee or receives compensation for goods or services provided
20 to the organization;

21 (3) transmittal to another candidate, candidate committee, or
22 joint candidates committee, or to a political committee, continuing
23 political committee, legislative leadership committee or political
24 party committee, for the lawful use by such other candidate or
25 committee;

26 (4) the payment of the overhead and administrative expenses
27 related to the operation of the candidate committee or joint
28 candidates committee of a candidate or a legislative leadership
29 committee;

30 (5) the pro rata repayment of contributors; or

31 (6) the payment of ordinary and necessary expenses of holding
32 public office, including child care expenses incurred after the
33 effective date of P.L. , c. (pending before the Legislature as this
34 bill) as the direct result of holding public office and which would
35 not exist irrespective of holding public office, as determined by the
36 New Jersey Election Law Enforcement Commission.

37 As used in this subsection, "campaign expenses" means any
38 expense incurred or expenditure made by a candidate, candidate
39 committee, joint candidates committee or legislative leadership
40 committee for the purpose of paying for or leasing items or services
41 used in connection with an election campaign, other than those
42 items or services which may reasonably be considered to be for the
43 personal use of the candidate, any person associated with the
44 candidate or any of the members of a legislative leadership
45 committee; and "member of the candidate's immediate family"

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 means the candidate's spouse, child, parent, or sibling, and the
2 child, parent, or sibling of the candidate's spouse; except that
3 “campaign expenses” shall include child care expenses incurred by
4 a candidate after the effective date of P.L. , c. (pending before
5 the Legislature as this bill) as the direct result of campaign activity
6 and which would not exist irrespective of a campaign, as
7 determined by the New Jersey Election Law Enforcement
8 Commission.

9 b. No contribution received by a candidate or by the candidate
10 committee or joint candidates committee of a candidate may be
11 used for the payment of the expenses arising from the furnishing,
12 staffing or operation of an office used in connection with that
13 person's official duties as an elected public official.

14 c. Any funds remaining in the campaign depository of a
15 candidate's candidate committee or joint candidates committee upon
16 the death of the candidate shall be used only for one or more of the
17 purposes established in subsection a. of this section by the
18 committee's organizational treasurer or deputy treasurer or whoever
19 has control of the depository upon the death of the candidate.

20 (cf: P.L.2007, c.202, s.1)

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22 2. This act shall take effect immediately.

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25 STATEMENT

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27 This bill permits the use of campaign funds to pay for child care
28 expenses incurred by a candidate as the direct result of campaign
29 activity or by an elected official as a direct result of holding public
30 office.

31 Current law permits the use of campaign contributions to pay for
32 campaign expenses, make a charitable contribution, contribute to
33 another campaign committee, pay for committee overhead and
34 administrative expenses, repay contributions, and pay for the
35 ordinary and necessary expenses of holding public office.

36 This bill explicitly includes within the definition of “campaign
37 expenses” payment for child care expenses incurred by a candidate
38 after the effective date of the bill that were incurred as the direct
39 result of campaign activity and that would not otherwise exist. The
40 bill grants authority to the New Jersey Election Law Enforcement
41 Commission to determine when child care expenses are incurred as
42 the direct result of campaign activity or holding elective public
43 office and whether those expenses would exist irrespective of a
44 campaign or of holding office.