

ASSEMBLY, No. 2959

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblyman CHRISTOPHER P. DEPHILLIPS

District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS

Prohibits candidates and elected public officials charged with crimes from using campaign contributions for their legal defense.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the use of contributions received by a candidate
2 and amending 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;

17 (3) transmittal to another candidate, candidate committee, or
18 joint candidates committee, or to a political committee, continuing
19 political committee, legislative leadership committee or political
20 party committee, for the lawful use by such other candidate or
21 committee;

22 (4) the payment of the overhead and administrative expenses
23 related to the operation of the candidate committee or joint
24 candidates committee of a candidate or a legislative leadership
25 committee;

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

27 (6) the payment of ordinary and necessary expenses of holding
28 public office.

29 As used in this subsection, "campaign expenses" means any
30 expense incurred or expenditure made by a candidate, candidate
31 committee, joint candidates committee or legislative leadership
32 committee for the purpose of paying for or leasing items or services
33 used in connection with an election campaign, other than those
34 items or services which may reasonably be considered to be for the
35 personal use of the candidate, any person associated with the
36 candidate or any of the members of a legislative leadership
37 committee.

38 b. No contribution received by a candidate or by the candidate
39 committee or joint candidates committee of a candidate may be
40 used for:

41 (1) the payment of the expenses arising from the furnishing,
42 staffing or operation of an office used in connection with that
43 person's official duties as an elected public official; or

44 (2) the payment of any expense arising from the candidate's
45 defense of himself or herself for violating any provision of Title 2C

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 of the New Jersey Statutes, or for violating any other criminal
2 statute in another jurisdiction or of the federal government.

3 c. Any funds remaining in the campaign depository of a
4 candidate's candidate committee or joint candidates committee upon
5 the death of the candidate shall be used only for one or more of the
6 purposes established in subsection a. of this section by the
7 committee's organizational treasurer or deputy treasurer or whoever
8 has control of the depository upon the death of the candidate.

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

10
11 2. This act shall take effect immediately.

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14 STATEMENT

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16 This bill clarifies that no contributions received by a candidate
17 for elective public office, or the committee of such a candidate or a
18 legislative leadership committee, can be used by that person for the
19 payment of any expense arising from his or her legal defense for
20 violating any provision of Title 2C of the New Jersey Statutes, or
21 for violating any other criminal statute in another jurisdiction or of
22 the federal government.

23 The provisions of this bill apply to any person serving in elective
24 public office because the definition of a candidate in current State
25 campaign finance law includes a person elected to public office.

26 Title 2C of the New Jersey Statutes provides, for example, that a
27 person found guilty of bribery in official and political matters, and a
28 person found guilty of official misconduct, has committed crimes of
29 the second degree, each of which is punishable by a term of
30 imprisonment of between 5 and 10 years and a fine of up to
31 \$150,000.

32 The campaign contributions that a person raises for election to
33 public office were never intended for use by a candidate, or an
34 elected public official, for his or her legal defense against criminal
35 charges. This bill amends current law so that it is interpreted to
36 conform with the original intention of the Legislature with regard to
37 the permissible uses of campaign contributions.