

[First Reprint]

ASSEMBLY, No. 4693

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED SEPTEMBER 21, 2020

Sponsored by:

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

SYNOPSIS

Prohibits school official from using district resources to influence any partisan or nonpartisan election.

CURRENT VERSION OF TEXT

As reported by the Assembly Education Committee on May 12, 2021, with amendments.



(Sponsorship Updated As Of: 6/14/2021)

1 AN ACT concerning political activity by school officials and
2 amending P.L.1991, c.393.

3

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

6

7 1. Section 4 of P.L.1991, c.393 (C.18A:12-24) is amended to read
8 as follows:

9 4. a. No school official or member of his immediate family shall
10 have an interest in a business organization or engage in any business,
11 transaction, or professional activity, which is in substantial conflict
12 with the proper discharge of his duties in the public interest;

13 b. No school official shall use or attempt to use his official
14 position to secure unwarranted privileges, advantages or employment
15 for himself, members of his immediate family or others;

16 c. No school official shall act in his official capacity in any matter
17 where he, a member of his immediate family, or a business
18 organization in which he has an interest, has a direct or indirect
19 financial involvement that might reasonably be expected to impair his
20 objectivity or independence of judgment. No school official shall act
21 in his official capacity in any matter where he or a member of his
22 immediate family has a personal involvement that is or creates some
23 benefit to the school official or member of his immediate family;

24 d. No school official shall undertake any employment or service,
25 whether compensated or not, which might reasonably be expected to
26 prejudice his independence of judgment in the exercise of his official
27 duties;

28 e. No school official, or member of his immediate family, or
29 business organization in which he has an interest, shall solicit or accept
30 any gift, favor, loan, political contribution, service, promise of future
31 employment, or other thing of value based upon an understanding that
32 the gift, favor, loan, contribution, service, promise, or other thing of
33 value was given or offered for the purpose of influencing him, directly
34 or indirectly, in the discharge of his official duties. This provision
35 shall not apply to the solicitation or acceptance of contributions to the
36 campaign of an announced candidate for elective public office, if the
37 school official has no knowledge or reason to believe that the
38 campaign contribution, if accepted, was given with the intent to
39 influence the school official in the discharge of his official duties;

40 f. No school official shall use, or allow to be used, his public
41 office or employment, or any information, not generally available to
42 the members of the public, which he receives or acquires in the course
43 of and by reason of his office or employment, for the purpose of
44 securing financial gain for himself, any member of his immediate
45 family, or any business organization with which he is associated;

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

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AED committee amendments adopted May 12, 2021.

1 g. No school official or business organization in which he has an
2 interest shall represent any person or party other than the school board
3 or school district in connection with any cause, proceeding, application
4 or other matter pending before the school district in which he serves or
5 in any proceeding involving the school district in which he serves or,
6 for officers or employees of the New Jersey School Boards
7 Association, any school district. This provision shall not be deemed to
8 prohibit representation within the context of official labor union or
9 similar representational responsibilities;

10 h. No school official shall be deemed in conflict with these
11 provisions if, by reason of his participation in any matter required to
12 be voted upon, no material or monetary gain accrues to him as a
13 member of any business, profession, occupation or group, to any
14 greater extent than any gain could reasonably be expected to accrue to
15 any other member of that business, profession, occupation or group;

16 i. No elected member shall be prohibited from making an inquiry
17 for information on behalf of a constituent, if no fee, reward or other
18 thing of value is promised to, given to or accepted by the member or a
19 member of his immediate family, whether directly or indirectly, in
20 return therefor;

21 j. Nothing shall prohibit any school official, or members of his
22 immediate family, from representing himself, or themselves, in
23 negotiations or proceedings concerning his, or their, own interests;
24 **[and]**

25 k. Employees of the New Jersey School Boards Association shall
26 not be precluded from providing assistance, in the normal course of
27 their duties, to boards of education in the negotiation of a collective
28 bargaining agreement regardless of whether a member of their
29 immediate family is a member of, or covered by, a collective
30 bargaining agreement negotiated by a Statewide union with which a
31 board of education is negotiating; and

32 l. No school official shall use or attempt to use ¹his official
33 position to promote or advance political activities within 90 days of an
34 election] school district resources funded by taxpayers such as official
35 district letterhead, mail or email distribution lists, or social media
36 accounts to engage in electioneering or any other communication
37 designed to influence any partisan or nonpartisan election¹.

38 (cf: P.L.1999, c.256, s.1)

39
40 2. This act shall take effect immediately.