

# SENATE, No. 698

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**Senator SANDRA B. CUNNINGHAM**

**District 31 (Hudson)**

**Co-Sponsored by:**

**Senators Cryan, Gopal and Turner**

**SYNOPSIS**

Allows public office holder or candidate to use political contributions to pay for child care expenses related to office or campaign activities.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 2/10/2020)**

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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.

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

44 b. No contribution received by a candidate or by the candidate  
45 committee or joint candidates committee of a candidate may be

**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 used for the payment of the expenses arising from the furnishing,  
2 staffing or operation of an office used in connection with that  
3 person's official duties as an elected public official.

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

10 d. Expenses incurred by the holder of a public office or a  
11 candidate for child care may be paid from campaign contributions  
12 received pursuant to P.L.1973, c.83 (C.19:44A-1 et seq.) only if the  
13 expenses are for providing care for the well-being and protection of  
14 the child outside of the home, in a child care facility, or in the home  
15 of the office holder or candidate. Eligible expenses shall be those  
16 that result directly from activities in which the office holder or  
17 candidate engages for the purposes of holding public office or of a  
18 campaign for public office, and would not have otherwise been  
19 incurred but for those activities. Child care expenses shall not  
20 include payments to a member of the office holder's or candidate's  
21 household.

22 The Election Law Enforcement Commission shall promulgate  
23 regulations regarding eligible expenses and shall provide written  
24 guidance upon request from an office holder or candidate prior to  
25 the expense being incurred or after the expense is incurred.

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

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28 2. This act shall take effect immediately.

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## STATEMENT

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33 This bill permits the use of campaign funds to pay for child care  
34 expenses incurred by a candidate or the holder of a public office.

35 Under the bill, expenses incurred by the holder of a public office  
36 or a candidate for child care may be paid from campaign  
37 contributions only if the expenses are for providing care for the  
38 well-being and protection of the child outside of the home, in a  
39 child care facility, or in the home of the office holder or candidate.  
40 Eligible expenses will be those that result directly from activities in  
41 which the office holder or candidate engage for the purposes of  
42 holding office or a campaign for public office, and would not have  
43 otherwise been incurred but for those activities. Child care  
44 expenses will not include payments to a member of the office  
45 holder's or candidate's household.

46 The Election Law Enforcement Commission must promulgate  
47 regulations regarding eligible expenses and must provide written

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1 guidance upon request from an office holder or candidate prior to  
2 the expense being incurred or after the expense is incurred.

3 Current law permits the use of campaign contributions to pay for  
4 campaign expenses, make a charitable contribution, contribute to  
5 another campaign committee, pay for committee overhead and  
6 administrative expenses, repay contributions, and pay for the  
7 ordinary and necessary expenses of holding public office.