

# 19:44A-19.1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2004      **CHAPTER:** 21

**NJSA:** 19:44A-19.1      (Prohibits solicitation and political contributions on State property)

**BILL NO:** S8      (Substituted for A8)

**SPONSOR(S):** Karcher and others

**DATE INTRODUCED:** June 7, 2004

**COMMITTEE:**      **ASSEMBLY:** -----

**SENATE:** State Government

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**      **ASSEMBLY:** June 10, 2004

**SENATE:** June 10, 2004

**DATE OF APPROVAL:** June 16, 2004

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** Original version of bill enacted

S8

**SPONSOR'S STATEMENT:** (Begins on page 3 of original bill)      Yes

**COMMITTEE STATEMENT:**      **ASSEMBLY:** No

**SENATE:**      Yes

**FLOOR AMENDMENT STATEMENT:**      No

**LEGISLATIVE FISCAL ESTIMATE:**      No

A8

**SPONSOR'S STATEMENT:** (Begins on page 3 of original bill)      Yes

   Bill and Sponsors Statement identical to S8

**COMMITTEE STATEMENT:**      **ASSEMBLY:**      Yes

**SENATE:**      No

**FLOOR AMENDMENT STATEMENT:**      No

**LEGISLATIVE FISCAL ESTIMATE:**      No

**VETO MESSAGE:**      No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**      Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

Yes

For newspaper articles see legislative history of 2004 c.19

P.L. 2004, CHAPTER 21, *approved June 16, 2004*  
Senate, No. 8

1 AN ACT concerning certain political contributions and supplementing  
2 P.L.1973, c.83 (C.19:44A-1 et seq.).

3

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

6

7 1. a. For the purposes of this section, the terms "contribution",  
8 "candidate", "candidate committee", and "joint candidates committee",  
9 shall have the meanings prescribed for those terms by section 3 of  
10 P.L.1973, c.83 (C.19:44A-3); and the term "property" means buildings  
11 used for the discharge of official government functions, business,  
12 duties, or purposes.

13 b. (1) No candidate for the office of Governor or the office of  
14 member of the Legislature, or any holder of that elective public office,  
15 or their agent or representative, while located on any property  
16 exclusively owned or leased by the State, or any agency of the State,  
17 shall, directly or indirectly, solicit any contribution to or on behalf of  
18 any candidate for the office of Governor or any candidate for the  
19 office of member of the Senate or General Assembly, or any candidate  
20 for another elective public office held or sought by a candidate for or  
21 holder of the office of member of the Legislature, or the candidate  
22 committee or joint candidates committee of any such candidate.

23 The provisions of this subsection shall not apply to any casual or  
24 inadvertent communication otherwise made in connection with, but  
25 without intent to solicit, such a contribution.

26 (2) No person, while located on any property exclusively owned or  
27 leased by the State, or any agency of the State, shall, directly or  
28 indirectly, make any contribution to or on behalf of any candidate for  
29 the office of Governor or any candidate for the office of member of the  
30 Senate or General Assembly, or any candidate for another elective  
31 public office held or sought by a candidate for or holder of the office  
32 of member of the Legislature, or the candidate committee or joint  
33 candidates committee of any such candidate.

34 c. Any candidate for the office of Governor or the office of  
35 member of the Legislature or any holder of that elective public office,  
36 or their agent or representative, or any person, who is determined by  
37 the Election Law Enforcement Commission to have violated this act  
38 shall be liable to a penalty of not less than \$5,000 for each violation.  
39 Any penalty imposed pursuant to this section may be recovered by a  
40 summary proceeding pursuant to the "Penalty Enforcement Law of  
41 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

42 d. In the event property exclusively owned or leased by the State,  
43 or any agency of the State, or part thereof, is made available, through  
44 rent, reservation or otherwise, for the exclusive use of any group for  
45 a non-governmental purpose as a meeting location, the prohibition in

1 subsection b. of this section shall not apply and the solicitation or  
2 making of contributions or funds of any nature from any or among or  
3 by the members of the group during the time the group is using the  
4 property made available as a meeting location is permitted.

5  
6 2. This act shall take effect immediately.

7  
8  
9 STATEMENT

10  
11 This bill prohibits any candidate for the office of Governor or office  
12 of member of the Senate or General Assembly, or a holder of such an  
13 elected office, or their agent or representative, while on property  
14 exclusively owned or leased by the State, or an agency of the State,  
15 from soliciting any contribution to or on behalf of any candidate for or  
16 holder of such offices, or any candidate for another elective public  
17 office held or sought by a candidate for or holder of the office of  
18 member of the Legislature, or the candidate committee or joint  
19 candidates committee of any such candidate.

20 This bill also prohibits any person from making a contribution to or  
21 on behalf of any candidate for or holder of the office of Governor or  
22 member of the Legislature, or any candidate for another elective public  
23 office held or sought by a candidate for or holder of the office of  
24 member of the Legislature, or the candidate committee or joint  
25 candidates committee of any such candidate.

26 Exceptions are provided for casual and inadvertent communications  
27 that are made without an intent to solicit a contribution, and for the  
28 use of State property for meetings by groups for non-governmental  
29 purpose through rent, reservation or otherwise.

30 A person violating the provision of this bill would be subject to a  
31 penalty of not less than \$5,000 for each violation.

32  
33  
34 \_\_\_\_\_  
35  
36 Prohibits solicitation and making of political contributions on State  
37 property by certain persons.

# SENATE, No. 8

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED JUNE 7, 2004

**Sponsored by:**

**Senator ELLEN KARCHER**

**District 12 (Mercer and Monmouth)**

**Assemblyman PATRICK DIEGNAN, JR.**

**District 18 (Middlesex)**

**Assemblyman MIMS HACKETT, JR.**

**District 27 (Essex)**

**Assemblywoman MARY T. PREVITE**

**District 6 (Camden)**

**Assemblyman ROBERT J. SMITH**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

**Assemblywoman Quigley, Assemblymen Scalera, Mayer, Van Drew, McKeon, Assemblywoman Cruz-Perez, Assemblymen Chivukula, Payne, Assemblywoman Watson Coleman, Assemblymen Conners, Fisher, Gordon, Vas, Gusciora, Greenwald, Assemblywoman Oliver, Assemblymen Stack, Eagler, Morgan, Panter and Conaway**

**SYNOPSIS**

Prohibits solicitation and making of political contributions on State property by certain persons.

**CURRENT VERSION OF TEXT**

As introduced.

(Sponsorship Updated As Of: 6/11/2004)

1 AN ACT concerning certain political contributions and supplementing  
2 P.L.1973, c.83 (C.19:44A-1 et seq.).

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. a. For the purposes of this section, the terms "contribution",  
8 "candidate", "candidate committee", and "joint candidates committee",  
9 shall have the meanings prescribed for those terms by section 3 of  
10 P.L.1973, c.83 (C.19:44A-3); and the term "property" means buildings  
11 used for the discharge of official government functions, business,  
12 duties, or purposes.

13 b. (1) No candidate for the office of Governor or the office of  
14 member of the Legislature, or any holder of that elective public office,  
15 or their agent or representative, while located on any property  
16 exclusively owned or leased by the State, or any agency of the State,  
17 shall, directly or indirectly, solicit any contribution to or on behalf of  
18 any candidate for the office of Governor or any candidate for the  
19 office of member of the Senate or General Assembly, or any candidate  
20 for another elective public office held or sought by a candidate for or  
21 holder of the office of member of the Legislature, or the candidate  
22 committee or joint candidates committee of any such candidate.

23 The provisions of this subsection shall not apply to any casual or  
24 inadvertent communication otherwise made in connection with, but  
25 without intent to solicit, such a contribution.

26 (2) No person, while located on any property exclusively owned or  
27 leased by the State, or any agency of the State, shall, directly or  
28 indirectly, make any contribution to or on behalf of any candidate for  
29 the office of Governor or any candidate for the office of member of the  
30 Senate or General Assembly, or any candidate for another elective  
31 public office held or sought by a candidate for or holder of the office  
32 of member of the Legislature, or the candidate committee or joint  
33 candidates committee of any such candidate.

34 c. Any candidate for the office of Governor or the office of  
35 member of the Legislature or any holder of that elective public office,  
36 or their agent or representative, or any person, who is determined by  
37 the Election Law Enforcement Commission to have violated this act  
38 shall be liable to a penalty of not less than \$5,000 for each violation.  
39 Any penalty imposed pursuant to this section may be recovered by a  
40 summary proceeding pursuant to the "Penalty Enforcement Law of  
41 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

42 d. In the event property exclusively owned or leased by the State,  
43 or any agency of the State, or part thereof, is made available, through  
44 rent, reservation or otherwise, for the exclusive use of any group for  
45 a non-governmental purpose as a meeting location, the prohibition in  
46 subsection b. of this section shall not apply and the solicitation or

**S8 KARCHER**

1 making of contributions or funds of any nature from any or among or  
2 by the members of the group during the time the group is using the  
3 property made available as a meeting location is permitted.

4  
5 2. This act shall take effect immediately.  
6  
7

8 **STATEMENT**  
9

10 This bill prohibits any candidate for the office of Governor or office  
11 of member of the Senate or General Assembly, or a holder of such an  
12 elected office, or their agent or representative, while on property  
13 exclusively owned or leased by the State, or an agency of the State,  
14 from soliciting any contribution to or on behalf of any candidate for or  
15 holder of such offices, or any candidate for another elective public  
16 office held or sought by a candidate for or holder of the office of  
17 member of the Legislature, or the candidate committee or joint  
18 candidates committee of any such candidate.

19 This bill also prohibits any person from making a contribution to or  
20 on behalf of any candidate for or holder of the office of Governor or  
21 member of the Legislature, or any candidate for another elective public  
22 office held or sought by a candidate for or holder of the office of  
23 member of the Legislature, or the candidate committee or joint  
24 candidates committee of any such candidate.

25 Exceptions are provided for casual and inadvertent communications  
26 that are made without an intent to solicit a contribution, and for the  
27 use of State property for meetings by groups for non-governmental  
28 purpose through rent, reservation or otherwise.

29 A person violating the provision of this bill would be subject to a  
30 penalty of not less than \$5,000 for each violation.

# SENATE STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### **SENATE, No. 8**

# **STATE OF NEW JERSEY**

DATED: JUNE 3, 2004

The Senate State Government Committee reports favorably Senate, No. 8.

This bill prohibits any candidate for the office of Governor or office of member of the Senate or General Assembly, or a holder of such an elected office, or their agent or representative, while on property exclusively owned or leased by the State, or an agency of the State, from soliciting any contribution to or on behalf of any candidate for or holder of such offices, or any candidate for another elective public office held or sought by a candidate for or holder of the office of member of the Legislature, or the candidate committee or joint candidates committee of any such candidate.

This bill also prohibits any person, while located on any property exclusively owned or leased by the State or any agency of the State, from making a contribution, directly or indirectly, to or on behalf of any candidate for or holder of the office of Governor or member of the Legislature, or any candidate for another elective public office held or sought by a candidate for or holder of the office of member of the Legislature, or the candidate committee or joint candidates committee of any such candidate.

Exceptions are provided for casual and inadvertent communications that are made without an intent to solicit a contribution, and for the use of State property for meetings by groups for non-governmental purpose through rent, reservation or otherwise.

A person violating the provision of this bill would be subject to a penalty of not less than \$5,000 for each violation.

This bill is identical to Assembly, No. 8 of 2004.

The Senate State Government Committee reports favorably Senate Bill No. 8.



**ASSEMBLY, No. 8**

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**STATE OF NEW JERSEY**

**211th LEGISLATURE**

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INTRODUCED MAY 27, 2004

**Sponsored by:**

**Assemblyman PATRICK DIEGNAN, JR.**

**District 18 (Middlesex)**

**Assemblyman MIMS HACKETT, JR.**

**District 27 (Essex)**

**Assemblywoman MARY T. PREVITE**

**District 6 (Camden)**

**Assemblyman ROBERT J. SMITH**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

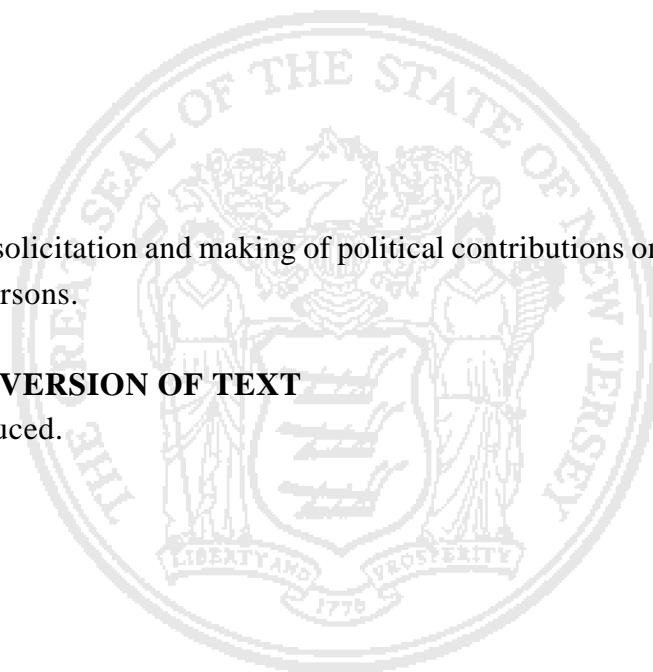
**Assemblywoman Quigley, Assemblymen Scalera, Mayer, Van Drew, McKeon, Assemblywoman Cruz-Perez, Assemblymen Chivukula, Payne, Assemblywoman Watson Coleman, Assemblymen Connors, Fisher, Gordon, Vas, Gusciora, Greenwald, Assemblywoman Oliver, Assemblymen Stack, Eagler, Morgan, Panter and Conaway**

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12 elected office, or their agent or representative, while on property  
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14 from soliciting any contribution to or on behalf of any candidate for or  
15 holder of such offices, or any candidate for another elective public  
16 office held or sought by a candidate for or holder of the office of  
17 member of the Legislature, or the candidate committee or joint  
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19 This bill also prohibits any person from making a contribution to or  
20 on behalf of any candidate for or holder of the office of Governor or  
21 member of the Legislature, or any candidate for another elective public  
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23 member of the Legislature, or the candidate committee or joint  
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# ASSEMBLY STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 8

# STATE OF NEW JERSEY

DATED: JUNE 3, 2004

The Assembly State Government Committee reports favorably Assembly, No. 8.

This bill prohibits any candidate for the office of Governor or office of member of the Senate or General Assembly, or a holder of such an elected office, or the agent or representative thereof, while on property exclusively owned or leased by the State or an agency of the State, from soliciting any contribution to or on behalf of (1) any candidate for or holder of such offices, (2) any candidate for another elective public office held or sought by a candidate for or holder of the office of member of the Legislature, or (3) the candidate committee or joint candidates committee of any such candidate.

This bill also prohibits any person, while on property exclusively owned or leased by the State or an agency of the State, from making a contribution to or on behalf of any candidate for or holder of the office of Governor or member of the Legislature, or any candidate for another elective public office held or sought by a candidate for or holder of the office of member of the Legislature, or the candidate committee or joint candidates committee of any such candidate.

The bill provides exceptions for casual and inadvertent communications that are made without an intent to solicit a contribution, and for the use of State property through rent, reservation or otherwise for meetings by groups for a non-governmental purpose.

A person violating the provisions of this bill would be subject to a penalty of not less than \$5,000 for each violation.

This bill is the same as Senate, No. 8 of 2004.

## Office of the Governor

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PO BOX 004  
TRENTON, NJ 08625

Contact: Micah Rasmussen  
609-777-2600

RELEASE: June 16, 2004

### **McGreevey Signs Landmark Ethics Reform Legislation**

#### ***Bills Provide A More Accountable and Transparent Government***

(TRENTON) – Governor James E. McGreevey today signed into law the strongest ethics and campaign finance reform package in the history of New Jersey – and one of the strongest in the nation.

“Today is a good day for government and a victory for our citizens,” said Governor McGreevey. “From the stronger penalties, to the increased disclosure, to the end of the influence of campaign contributions on no-bid contracts, this reform package provides a more accountable and more transparent government for all. I want to congratulate the citizens, the State Legislature, and the numerous advocacy groups who helped make these reforms a reality.”

The legislation is the most comprehensive ethics and campaign finance reform initiative the State has embarked upon in more than 30 years and makes New Jersey only the fourth state in the entire country to enact a “pay-to-play” ban.

"The numerous positive achievements in this legislation clearly demonstrate how Democrats have seized the initiative on ethics reform," said Senate Majority Leader Bernard F. Kenny Jr. (D-Hudson). "As the Majority Party, Democrats have acted to put us in the right direction after years of inaction by the Republicans. The reforms enacted today are long overdue, but they mark the beginning - not the end - of our commitment to eliminate any perception that those who give the most to political campaigns get favored treatment in the form of lucrative State contracts."

Among the reforms the package are: prohibiting anyone who receives a no-bid contract from making certain political contributions; strengthening legislative ethics; enhancing reporting of legislators' financial disclosure requirements, hidden financial interests, and

conflicts of interests; increasing penalties for ethics and campaign finance violations and for illegally soliciting campaign contributions; and expanding the definition of lobbyist and legislative agent, ensuring that all parties who seeks to influence government are properly disclosed.

One of the main components of the ethics reform package is S-2/A-2, which prohibits state, county or local government officials from awarding no-bid contracts to their campaign contributors and prohibits no-bid contract holders from contributing to officials holding office at the government level in which the contract is in effect.

“This has been a long and winding journey, but today New Jersey sets an unprecedented standard for disclosure and transparency, and takes significant steps to reduce the influence of money in politics,” said Governor McGreevey. “We should be proud of the example New Jersey has set for the rest of the nation, but we must also continue to work together to uphold the highest standards of ethical conduct.”

The ethics reform package signed into law today includes:

- **S-2** -- Prohibits campaign contributions by certain business entities performing State, county and local contracts, as well as prohibits certain contributions by county committee of political party.
- **S-4** -- Extends certain financial disclosure requirements to lobbying conducted through advertisements and direct mail to general public.
- **A-5** -- Change the minimum contribution that needs to be reported to the Election Law Enforcement Commission (ELEC) from \$400 to \$300 and requires the reporting of all cash campaign contributions.
- **A-6** -- Requires professional campaign fundraisers to register and file quarterly reports with ELEC.
- **A-7** -- Expands campaign communications require identification to include telephone calls featuring recorded messages made in regard to candidates and public questions. The message or call would clearly state the name of business or address of the committee, group or person that financed the communication.

"Just as voters have a right to know who is sending them campaign literature, New Jerseyans should see who is behind commercials or advertisements calling for action on a specific bill or regulation under consideration," said Assemblywoman Linda Greenstein (D-Mercer/Middlesex). "Issue ads are nothing more than thinly-veiled political campaign commercials, and all money spent on them should be publicly disclosed."

- **S-8** -- Prohibits the solicitation or making of political contributions on state property by state officeholders or their representatives.

- **A-9** -- Requires Election Law Enforcement Commission (ELEC) to assess its Internet site and recommend improvements for the site's format and content. ELEC) would evaluate the presentation, accessibility, convenience, and usefulness of its Web site and recommend upgrades.
- **S-10** -- Requires certain campaign and organizational treasurers to be trained by ELEC. It also requires ELEC to make the training program available over its Internet site within one year of the bill's enactment.
- **A-11** -- Increases the maximum fines for violating campaign contribution and expenditure limit, reporting requirements and payment restrictions. The bill doubles the maximum fines that may be imposed for a variety of violations.
- **A-12** -- Requires certain election committees/ joint candidates committees to file a report with ELEC within 48 hours of making certain expenditures in excess of \$800 during certain periods of an election cycle.
- **A-14** -- Blocks legislators, Governor and department heads from lobbying activities for one year after leaving office.

"The strong link between government service and private lobbying creates - at a minimum - an appearance of impropriety in the eyes of the public," said Assemblyman Michael J. Panter (D-Monmouth/Mercer). "It also creates the very real possibility that the judgment of an elected or appointed official could be affected by their own financial concerns rather than the public's best interest. The signing of this bill today represents a new era in New Jersey politics, and a step in the right direction toward good government."

- **A-15** – Prohibits employment or assignment of relatives of certain employees of the Executive Branch, independent authorities, and interstate agencies to specific positions. Expands upon last year's nepotism ban by extending the definition of immediate family and including certain Executive Branch departments and commissions.
- **S-16** – Bans any member of the Legislature from acting on legislation in which they or their family member has a personal interest. The bill eliminates the option of filing a personal interest statement and instead prohibits the member from acting on legislation that they have a personal interest.
- **S-17**-- Changes memberships of Executive Commission on Ethical Standards and Joint Legislative Committee on Ethical Standards. The changes equalize the number of public and governmental official members.
- **S-18** -- Increases monetary penalties for violations of "New Jersey Conflicts of Interest Law." The bill increases the fine for civil violations of the conflict of interest laws to between \$500 and \$10,000 for State officers and employees or

members of the Legislature.

- **S-19**-- Requires candidates seeking office of Governor or legislator to disclose prior conviction for criminal offense. Candidates would be required to file a form setting out whether they have been convicted of an indictable crime.

"As legislators, we often consider measures that would require members of the public to undergo criminal background checks or disclose criminal histories prior to consideration for employment," said Assemblyman Jeff Van Drew (D-Cape May). "However, current state law fails to require state elected officials to disclose similar backgrounds. This is more than a statutory anomaly. It is an error in need of immediate correction."

- **S-22** -- Expands the definition of lobbyist and legislative agent to include those who influence the governmental process and actions in the Executive Branch, agency, or instrumentality.
- **A-23** -- Requires ELEC to conduct random audits of records kept by legislative agents. Currently, ELEC has the authority to conduct such audits, but this bill would require them to do so.
- **A-24** -- Directs ELEC to collect \$100 annual fee from legislative agents. The fee would be deposited in the general fund to be appropriated to ELEC. The fee would offset the costs of ELEC's new responsibilities.
- **A-25** -- Prohibits legislative agents from accepting contingency fees to influence legislation or regulations. This bill amends the existing law by eliminating the ability of a legislative agent to enter into a contingency fee agreement with a client. The legislative agent's reimbursement could not be dependent upon the whether or not he or she was successful in trying to influence legislation or regulation.

State of New Jersey Governor's Office

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