

CHAPTER 102

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

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

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

C.19:44A-11.2 Permitted use of contributions.

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

- (1) the payment of campaign expenses;
- (2) contributions to any charitable organization described in section 170(c) of the Internal Revenue Code of 1954, as amended or modified, or nonprofit organization which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954, except any charitable organization of which the candidate or a member of the candidate's immediate family is a paid officer, director or employee or receives compensation for goods or services provided to the organization;
- (3) transmittal to another candidate, candidate committee, or joint candidates committee, or to a political committee, continuing political committee, legislative leadership committee or political party committee, for the lawful use by such other candidate or committee;
- (4) the payment of the overhead and administrative expenses related to the operation of the candidate committee or joint candidates committee of a candidate or a legislative leadership committee;
- (5) the pro rata repayment of contributors; or
- (6) the payment of ordinary and necessary expenses of holding public office.

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

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

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

d. Expenses incurred by the holder of a public office or a candidate for child care may be paid from campaign contributions received pursuant to P.L.1973, c.83 (C.19:44A-1 et seq.) only if the expenses are for providing care for the well-being and protection of the child outside of the home, in a child care facility, or in the home of the office holder or candidate. Eligible expenses shall be those that result directly from activities in which the office holder or candidate engages for the purposes of holding public office or of a campaign for public

office, and would not have otherwise been incurred but for those activities. Child care expenses shall not include payments to a member of the office holder's or candidate's household.

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

2. This act shall take effect immediately.

Approved October 8, 2020.