

ORDINANCE #2000-947

AN ORDINANCE PROHIBITING POLITICAL
FUNDRAISING ON OR BY USE OF PUBLIC PROPERTY

BE IT ORDAINED by the Borough Council of the Borough of Manville, in the County of Somerset, State of New Jersey, as follows:

Section 1. Short Title

An Ordinance banning the use of government buildings and equipment for political fundraising.

Section 2. Purpose

WHEREAS, our laws in New Jersey do not presently ban solicitation or acceptance of political contributions by public office holders and employees while in any room or building occupied in the discharge of official duties; and

WHEREAS, solicitation and acceptance of political contributions in rooms and buildings occupied in the discharge of official municipal business undermines the efficiency of government by taking officials and employees away from the people's business, and leads to the appearance of improper influence of political contributions on government functions; and

WHEREAS, prohibiting the solicitation and acceptance of political contributions in rooms and buildings occupied in the discharge of official duties will address these harms and leave open ample alternative venues for political fundraising; and

WHEREAS, our laws in New Jersey do not presently recognize the misuse of public property for political fundraising as a distinct offense;

THEREFORE, it is accordingly found and determined that the municipality's interests in an independent and efficient government workforce and a government that is undermined by neither the fact nor appearance of improper influence of political contributions on government decisions require the prohibition of political fundraising in rooms or buildings occupied in the discharge of official duties or through the use of public property;

Section 3. Definitions

A. Candidate - The term "candidate" means (1) any individual seeking election to public office of the federal, state, county, or municipal government, or school district or political party, and (2) any individual who shall have been elected or failed of election to any such office;

B. Political Contribution - The term "political contribution" means any loans and transfers of money or other things of value to any candidate, elected official, or representative of any political organization, or other commitments or assumptions of liability to make any such transfer. Political contributions shall be deemed to have been made upon the date when such commitment is made or liability assumed.

C. Political Organizations - The term “political organization” means any two or more persons acting jointly, or any corporation, partnership or other incorporated or unincorporated association which is organized to, or does, aid or promote the nomination, election or defeat of any candidate or candidates for federal, state, county, municipal, or school board office or political party office. “Political organization” includes, but is not limited to organizations defined in N.J.S.A. 19:44A-3 as a “political committee”, “joint candidates committee”, “continuing political committee”, “political party committee”, “candidate committee”, or “legislative leadership committee”.

D. Municipality - the term “municipality” means the government of the municipality, including any officer, department, board, commission, or agency, thereof.

E. Municipal Official, Employee and Appointee - the term, “Municipal Official, Employee and Appointee” means any person holding elective municipal office, or holding an appointed position in the municipal government, or in any agency, commission, board, or office thereof, whether the position is full time or part time, compensated or uncompensated, and any employee of municipal government or of any municipal agency, commission, board or office thereof, whether the position is full time or part time.

F. Solicit - the term ‘solicit’ means to ask for, by oral or written communication, a Contribution as that term is defined herein.

G. Public Property - The term “public property” means all personal property owned, leased, or controlled by the municipal government, including but not limited to vehicles, phones, fax machines, computers, stationery, including municipal letterhead, postage, and other office equipment.

Section 4. General Regulations

A. Prohibition Against Soliciting or Accepting Political Contribution in Rooms or buildings Occupied in the Discharge of Public Duties.

No municipal official, employee or appointee may solicit, commit to pay, or receive payment of or a commitment to pay any political contribution for any candidate, elected official or political organization while in any room or building occupied in the discharge of official municipal business. This section shall include solicitation or acceptance of political contributions made over a private cell phone or by use of a private computer, if the person soliciting or accepting the political contribution, or using the cell phone or computer for purposes of soliciting or accepting the political contribution, is in any room or building occupied in the discharge of official municipal business.

B. Prohibition Against Use of Public Property for Political Fundraising.

No municipal official, employee, or appointee may solicit, commit to pay, or receive payment of or a commitment to pay any political contribution for any candidate, elected official or political organization, while utilizing public property.

C. Exception

In the event public facilities are made available to any group for non-governmental use, as a meeting facility, this prohibition shall not be deemed to prevent fundraising of any sort among members of such groups during the time such groups have reserved exclusive use of the meeting facility.

D. Violation

Violation of any provision of this Ordinance shall be punished by a period of community service not exceeding 90 days or imprisonment in the county jail for a term not exceeding 90 days or a fine not exceeding \$1,000.00.

Section 5: Severability and Effectiveness Clause

A. If any section of this Ordinance is held to be void or invalid, it shall be severed and the other sections of the Ordinance remain in force.

B. This ordinance shall become effective on **November 13, 2000** .

Borough of Manville

Angelo Corradino, Mayor

ATTEST:

Philip E. Petrone, Borough Clerk

ORDINANCE #2000-947

FIRST READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
√		ALLAN	√			
		DARABANT	√			
	√	JASIAK	√			
		PETROCK	√			
		POLAK	√			
		WEISS	√			
		MAYOR CORRADINO				

PASSED this 10th day of October, 2000.

Attest:

Philip E. Petrone, Borough Clerk

SECOND READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ALLAN	√			
√		DARABANT	√			
		JASIAK	√			
	√	PETROCK	√			
		POLAK	√			
		WEISS	√			
		MAYOR CORRADINO				

ADOPTED this 13th day of November, 2000.

Attest:

Philip E. Petrone, Borough Clerk