FILED
DEC 11 2007
NINA MITCHELL WELLS
SECRETARY OF STATE

ORDINANCE #1845

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

Be it ordained by the Mayor and Council of the Township of Ocean, County of Monmouth and State of New Jersey, as follows

Section 1. Short Title

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

Section 2. Purpose

WHEREAS political contributions have a profound impact on government decision making; and

WHEREAS our laws in New Jersey do no presently ban solicitation or acceptance of contributions by public office holders and employees while on public property or by use of public facilities; and

WHEREAS a conflict may arise between the business of political fundraising and the business of government in town hall and other government-owned premises, and this may cause a distraction from the People's business; and

WHEREAS, the most appropriate method to prevent this conflict and to insure the integrity of government decisions is the prohibition of political fundraising on or by use of public property.

THEREFORE, it is accordingly found and determined that the paramount public interest in a clean and accountable government requires the prohibition of political fundraising on public property or by use of public facilities.

Section 3. Definitions

A. Candidate – Any individual seeking election to a public office of the federal government, state, county, municipality, school district or political organization at an election.

B. Contribution – Includes all loans and transfers of money or other thing of value to or by any candidate elected official or political organization and all

pledges or other commitments or assumptions of liability to make any such transfer. Contributions shall be deemed to have been made upon the date when such commitment is made or liability assumed.

C. Political Organization – Means any two or more persons acting jointly, or any corporation, partnership or any 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. "Political organization" includes, but is not limited to, organizations otherwise defined as "political committee," "joint candidates committee," and "legislative leadership committee."

D. Municipality – This municipality and any officer, department, board, commission, or agency thereof.

E. Municipal official, employee and appointee – 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 in any agency, commission, board, or office thereof, whether the position is full time or part time.

F. Solicit – To seek by oral or written communication a Contribution as same is defined herein.

G. Property of the Municipality – Buildings, land, vehicles, phones, fax machines, computers or other office equipment or supplies and other real or personal property owned, leased or controlled by the municipality, except for public roads and open park land.

Section 4. General Regulations

A. Prohibition Against Soliciting or Accepting Political Contributions on Public Property.

1. No municipal official, employee or appointee may solicit, commit to pay, or receive payment of or a commitment to pay any contribution for any candidate, elected official or political organization while in or on the Property of the Municipality or utilizing the Property of the Municipality.

B. Prohibited Forms of Fundraising

1. Prohibited forms of fundraising shall include but are not limited to:

a. Soliciting or accepting contributions using municipal telephones, fax machines or computers.

b. Soliciting or accepting contributions using personal telephones while on the Property of the Municipality.

c. Soliciting or accepting contributions through the use of publicly-owned computers or privately-owned personal computers while on the Property of the Municipality.

d. Using municipal letterhead to solicit or accept contributions.

e. Sending correspondence from municipal buildings or by use of municipal services, equipment or postage.

f. Face-to-face soliciting of an individual or an owner or representative of a business entity while on the Property of the Municipality.

g. Use of automobiles owned or leased by the municipality to accept or solicit contributions.

C. Reporting Requirements: It shall be the responsibility of any employee, appointed, or elected official who observes any prohibited forms of fundraising to report such conduct to the municipal ethics board, if one exists, or in the alternative, to the municipal prosecutor and the municipal clerk who shall report same to the governing body.

D. Whistleblower Provision: It shall be unlawful for any employee, elected official or appointee to be dismissed, reprimanded, retaliated against or otherwise intimidated for complying with the reporting requirements mandated by this ordinance.

E. 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.

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. All other ordinances or parts of ordinances inconsistent hereof are hereby repealed to the extent of such inconsistencies.

C. If any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

D. This Ordinance shall take effect upon its final passage and publication as provided by law.

CERTIFICATION

I hereby certify the above to be a true copy of an ordinance by the Township Council of the Township of Ocean as adopted on February 2, 2000

TOWNSHIP CLERK