

Chapter 85, POLITICAL FUND-RAISING ON PUBLIC PROPERTY

[HISTORY: Adopted by the City Council of the City of Cape May 9-21-2004 by Ord. No. 07-2004 (Sec. 2-58 of the 1997 Revised General Ordinances). Amendments noted where applicable.]

§ 85-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CANDIDATE

A. Any individual seeking election to a public office of the federal, state, county, or municipal government, or school district or political party; and

B. Any individual who shall have been elected or failed of election to any such office.

CITY -- The government of the City, including any officer, department, board, commission, or agency thereof.

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 of any municipal agency, commission, board, or office thereof, whether the position is full-time or part-time.

POLITICAL CONTRIBUTION -- Any loans and transfers of money or other things of value to or by any candidate, elected official, or 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.

POLITICAL ORGANIZATION -- 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."

PUBLIC PROPERTY -- 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.

SOLICIT -- To ask for, by oral or written communication, a contribution as that term is defined herein.

§ 85-2. Soliciting or accepting contributions in areas 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 duties. This section shall include solicitation or acceptance of political contributions made over the telephone or by use of a computer, including private telephones and computers, if the person soliciting or accepting the political contribution,

or using the telephone or computer for purposes of soliciting or accepting the political contribution, is in any room or building occupied in the discharge of official duties.

§ 85-3. Use of public property for political fund-raising.

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. This section shall not be construed to prohibit de minimus use of public property, such as a government-owned or leased car, outside of rooms or buildings occupied in the discharge of public duties, in connection with political fund-raising, if the public property is not used in such a way as to convey to a reasonable observer that the fund-raising is officially authorized or endorsed.

§ 85-4. Exception.

Nothing contained herein shall prohibit the use of any public property by political organizations, provided that such property is made available on a fair and equitable basis and that none of the activities set forth in §§ 85-2 and 85-3 above are undertaken.

§ 85-5. Violations and penalties. EN

Violation of any provision of this chapter shall be punishable as set forth in Chapter 1, Article III, Penalty, of this Code.

