

CODE OF ETHICS  
NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

**Purpose**

The New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-12 *et seq.* (hereafter, the Conflicts Law), establishes specific standards of conduct for State employees, officers, and special State officers. The New Jersey Election Law Enforcement Commission (ELEC) was established by the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1, *et seq.*, and its staff and Commissioners are subject to the provisions of the Conflicts Law. As a result of recent amendments to the Conflicts Law, the State Ethics Commission issued a statutorily mandated Uniform Ethics Code (UEC) to govern the conduct of all State officers and employees and special State officers and employees in State agencies in the Executive Branch.

The Conflicts Law requires that the UEC serve as the primary code of ethics for each State agency, including ELEC; see N.J.S.A. 52:13D-23. In accordance with the Conflicts Law, ELEC promulgates as a supplement to the UEC the following restrictions to address the particular needs of the agency and its statutory mandates.

**Foreword**

The New Jersey Election Law Enforcement Commission is charged with the administration and enforcement of the provisions, among others, of laws providing for public disclosure of campaign contributions and expenditures, providing for public financing of the elections for the office of Governor, and providing for lobbying disclosure. It is important that the work of the Commissioners and of the staff of the Commission be, and be publicly perceived to be, free from partisan influence and from conflicts of interests.

**II. General Standards of Conduct**

**Prohibition on the Private Practice of Law by ELEC Staff Attorneys**

As used herein, the term “attorney” shall include any person licensed to engage in the practice of law in this or any other jurisdiction who holds office or employment with the Election Law Enforcement Commission other than as a special State officer or special State employee or as Legal Counsel. The prohibitions on the practice of law set forth in this subsection do not apply to any actions taken by an “attorney” in the furtherance of his or her military service under the judicial arm of any of the United States armed forces.

1. Attorneys shall conduct themselves in accordance with every affirmative duty and obligation imposed by the New Jersey Rules of Professional Conduct and other court rules and directives or laws governing the conduct of attorneys.

2. Attorneys shall not represent any party other than the Election Law Enforcement Commission, or engage in the private practice of law in any other way, except with the prior, written approval of the Ethics Liaison Officer or designee. Such approval may, in the discretion of the Ethics Liaison Officer or designee, be given when the activity is undertaken on behalf of the attorney or the attorney's spouse, domestic partner, partner in a civil union, children, or parents, the attorney receives no compensation for the activity, and the representation of the designated family member is limited to matters which are not of an adversarial nature.

3. Representation shall not be approved if it requires the attorney to represent any party in any criminal or quasi-criminal matter or before a State licensing or regulatory body or in any matter or litigation in which the State has an interest adverse to that of the attorney's client, or is prohibited by the Conflicts of Interest Law, whether or not the representation is for compensation.

#### **V. Political Activity**

No Commissioner or Commission employee shall have any interest, direct or indirect, in any political activity subject to review by the Commission during his or her term of office or employment, including but not limited to:

- a) Acting as a leader or holding any office in a political organization;
- b) Making speeches for a political organization or candidate or publicly endorsing a candidate for public office;
- c) Attending political functions or functions which are likely to be reasonably considered to be partisan in nature;
- d) Soliciting funds for or paying an assessment or making a contribution to a political organization or candidate, or purchasing tickets for political party dinners, or other functions except that Commission members may make contributions to candidates for federal office, to a committee authorized by a federal candidate to receive contributions on behalf of that candidate or to a national political party committee. Members must expressly request in writing that the funds which they contribute should only be used directly for federal election expenses of the donee federal candidate or committee; and,
- e) Allowing the use of the home by the spouse of the Commissioner or employee for political meetings, or allowing the use of joint assets for political contributions by the spouse of the Commissioner or employee. A political contribution made by the spouse of a Commission member or employee (in both categories, hereinafter, "spouse") shall be permitted under this Code of Ethics provided that the funds used to make such a contribution are derived wholly from private and separate assets of the spouse, i.e., assets which originated under his/her

exclusive rights of contract, inheritance, employment, etc., which were at no time commingled with the respective Commission member's or employee's assets. These spousal contributions shall not have been derived from, or controlled or owned in whole or in part by the respective Commission member or employee at any time. Upon request, the contributing spouse must be able to satisfactorily demonstrate (to uninterested ELEC members and staff and others), that the financial contribution was never derived from any assets held jointly with or in its entirety by the respective Commission member or employee.

No Commissioner or Commission employee shall act in an official capacity in any matter (during his or her term of office or employment) wherein such Commissioner's or Commission employee's spouse, child, parent or sibling has a financial or employment interest, direct or indirect, in such political activity, that might reasonably be expected to impair the objectivity or independence of judgment of such Commissioner or Commission employee.

#### **VI. Outside Activities and Business Interests**

No Commissioner or Commission employee shall engage in any particular business, profession, trade or occupation, which is subject to regulation by the Commission.