

ASSEMBLY, No. 1350

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman STUHLTRAGER

1 AN ACT concerning certain public service announcements preceding  
2 elections and supplementing chapter 34 of Title 19 of the Revised  
3 Statutes.

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

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8 1. a. As used in this section:

9 "Billboard" means an advertising structure or other object for the  
10 display of outdoor advertising matter for which a permit is required  
11 pursuant to the "Outdoor Advertising Act," P.L.1959, C.191  
12 (C.54:40-50 et seq.).

13 "Media" means newspapers, magazines, radio, television or other  
14 similar printed, photographic, mechanic or electronic means of  
15 disseminating information to the general public.

16 "Public service announcement" means an advertisement which is  
17 paid for in whole or part out of public funds, the purpose of which is  
18 to inform members of the public of federal, State or local government  
19 laws, policies, programs or services or of problems affecting the public  
20 health, safety or welfare.

21 b. No person holding State or local elective public office shall, for  
22 a period of 90 days preceding any general election or primary election  
23 for the general election, permit the person's name or voice or the  
24 person's live, videotaped, photographic or drawn image to be used in  
25 any public service announcement which is disseminated to the public  
26 by the media or placed on a billboard.

27 c. No individual employed by or acting on behalf of the media or  
28 responsible for the content of outdoor advertising material placed  
29 upon a billboard shall, for a period of 90 days preceding any general  
30 election or primary election for the general election, use the name or  
31 voice or the live, videotaped, photographic or drawn image of any  
32 person holding State or local elective public office in any public  
33 service announcement which is disseminated to the public by the media  
34 or placed on a billboard.

35 d. Nothing contained in this section shall be construed as requiring

1 the removal or modification of any public service announcement which  
2 is placed upon a billboard prior to the 90-day period preceding a  
3 general election or primary election for the general election or prior to  
4 the effective date of this act.

5 e. Nothing contained in this section shall be construed as  
6 prohibiting the dissemination by the media of a bonafide news story or  
7 a paid political advertisement, including an advertisement which is paid  
8 for with funds appropriated from the Gubernational Elections Fund  
9 established pursuant to N.J.S.54A:9-25.1.

10 f. Any person, including a corporation, who violates the provisions  
11 of this section shall be guilty of a crime of the fourth degree.

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13 2. This act shall take effect on the 30th day after enactment.  
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16 STATEMENT  
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18 The purpose of this bill is to prevent State or local elected public  
19 officials from using public service announcements preceding elections  
20 to promote their own reelection or the election of those with whom  
21 they are affiliated. The bill would prohibit State or local elected public  
22 officials from permitting their name or voice or their live, videotaped,  
23 photographic or drawn image to be used in any public service  
24 announcement which is disseminated by the media or placed on any  
25 billboard during the 90 days preceding a general election or a primary  
26 election. It would also prohibit individuals employed by or acting on  
27 behalf of the media or responsible for the content of outdoor  
28 advertising placed on billboards from using the name or voice or live,  
29 videotaped, photographic or drawn image of any State or local elected  
30 official as part of a public service announcement during that 90-day  
31 period. Billboard advertisements which pre-date the 90-day period  
32 would not be affected. The bill provides that a public service  
33 announcement is an advertisement which is paid for in whole or part  
34 out of public funds. Thus, the bill would not affect bonafide news  
35 items concerning elected officials or announcements of an emergency  
36 nature which are carried by the media without charge to the public. A  
37 violation of the bill's provisions would be punishable as a crime of the  
38 fourth degree.  
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44 Prohibits appearance by State and local elected officials in public  
service announcements during 90-day period preceding elections.