

Pay-to-Play Spotlight: New Jersey Supreme Court Rules against Pay-to-Play Violator

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On January 15, 2009, the New Jersey Supreme Court upheld a lower court's decision against Earle Asphalt Company in an important pay-to-play decision. The court found that the company did not fully comply with the state's "cure provision" when it tried to take back a contribution it had made to a political party committee in violation of the pay-to-play laws. The result of the decision is that the company remains disqualified for a \$6 million paving contract, a disqualification based on the impermissible political party contribution.

Earle Asphalt Company did not challenge the constitutionality of New Jersey's pay-to-play laws, although a decision by a federal district court recently upheld the constitutionality of Connecticut's pay-to-play law. (See the January 2009 issue of *Election Law News* for more information).

As reported in the November 2008 issue of *Election Law News*, New Jersey's governor last year expanded the scope of the state's pay-to-play contribution bans to cover contributions to legislative leadership committees and municipal party committees and contributions by officers of state executive branch contractors.

A number of states, including New Mexico, Pennsylvania and Massachusetts, currently are considering pay-to-play regimes in order to fight actual or perceived corruption.

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