

0-25-76

STATE OF NEW JERSEY
ELECTION LAW ENFORCEMENT
COMMISSION
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September 20, 1976

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ELECTION LAW ENFORCEMENT
COMMISSION

Joyce L. McDade, Treasurer
Sypek Campaign Committee
5 Jamaica Way
Trenton, New Jersey 08610

Re: The New Jersey Campaign Contributions and
Expenditures Reporting Act, Chapter 83, Laws of
1973 as Amended and Supplemented ("the Act")
Your Letter Dated July 27, 1976
Opinion No. 0-25-76

Dear Ms. McDade:

Your letter dated July 27, 1976, to the New Jersey
Election Law Enforcement Commission ("the Commission"),
including a request for advisory opinion, has been forwarded
to me for reply.

N.J.S.A. 19:34-33, a part of the general election laws
of the State of New Jersey provides as follows:

19.34-33. Contributions by state, county
or municipal committees. No state, county or
municipal committee or organization of any
political party shall expend any money in
aid of the candidacy of any candidate for
election as a delegate at any national con-
vention, or election to any party position,
or for nomination as a candidate of a
political party for public office.

Within the Act itself a provision is found in Section 11,
N.J.S.A. 19:44A-11, reading as follows:

Any State, county or municipal committee
of any political party, after a primary election,
but not prior thereto, may receive and expend
funds to be spent in furtherance and in aid of
the candidacy of all the candidates of such
party, or of any one or more of such candidates,
in accordance with the provisions of this act.

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The Commission had has occasion to consider the applicability of this latter provision in connection with a recent amendment to allow, for a limited period of time, endorsement of candidates in primary elections by political party committees. The Commission concluded that such amendment to the provision allowing endorsement did not permit expenditure of funds by such committee with respect to the primary election. A copy of that opinion (0-12-75) is enclosed herewith.

The Commission has considered the additional question raised in your letter, whether a county political party committee may make expenditures after the date of the primary election for the purpose of paying off a loan, not made by the county political party committee, on behalf of candidates in a primary election. The Commission concludes that, because of the basic legislative purpose expressed in the statutes to prohibit an undue influence by a political party committee upon the candidacies of persons running for party nomination by the use of political party committee funds, the Mercer County Democratic Committee may not raise funds and transfer the same into the Sypek account to pay off the loan since it was originally a loan made on behalf of the candidate in a primary election.

Yours very truly,



Edward J. Farrell
Legal Counsel

EJF:ja
Enclosure