

0-20-77

STATE OF NEW JERSEY
ELECTION LAW ENFORCEMENT
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December 14, 1977

Irving C. Marcus, Esq.
Messrs. Lasser, Lasser,
Sarokin & Hochman
17 Academy Street
Newark, New Jersey 07102

Re: The New Jersey Campaign Contributions and Expenditures
Reporting Act, Chapter 83, Laws of 1973 as
Amended and Supplemented ("the Act")
Your Letter Dated May 16, 1977
Opinion #(0-20-77)

Dear Mr. Marcus:

Your letter dated May 16, 1977 to the New Jersey Election
Law Enforcement Commission ("the Commission"), including a
request for advisory opinion, has been forwarded to me for
reply.

In response to your first question, a poll taken by a
person for the purpose of determining whether or not to
become a candidate would not in normal circumstances be
regarded as an expenditure on behalf of the candidacy of
that person, even where he subsequently became a candidate,
and could not, therefore, be properly paid out of campaign funds.

In response to your second question, there is no limitation
upon the amount of contributions which may be made to a
candidate, except in connection with candidates in the
general election for Governor of the State of New Jersey, in
which case the limitation is \$600.00 from a single contributor.
The Commission has interpreted this limitation as not being
applicable to expenditure by a candidate of his own funds,
and has defined "own funds" in Section 19:25-15.10 of the
public financing regulations. A copy of those regulations
is enclosed herewith.

We note that your letter was addressed to the "F.E.C.". There are contribution limits contained in Federal law which apply to Federal candidates, but the Commission has no jurisdiction respecting Federal candidates.

The statements contained in this opinion respecting treatment of expenditures from a candidate's own funds are subject to a final determination by the Court in a case presently pending before the New Jersey Superior Court, Appellate Division, entitled Common Cause v. New Jersey Election Law Enforcement Commission.

We regret that the press of other Commission business has caused a delay in our response to your letter. You are of course protected from proceedings by the Commission arising out of the particular facts and circumstances set forth in your request until the date of receipt by you of this opinion.

Yours very truly,



Edward J. Farrell
Legal Counsel

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