

STATE OF NEW JERSEY
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RECEIVED
ELECTION LAW ENFORCEMENT
COMMISSION
DEC 11 1978

December 1, 1978

Mr. Robert J. Baran
248 Madison Avenue
Clifton, New Jersey 07011

Re: The New Jersey Campaign Contributions and Expenditures Reporting Act, Chapter 83, Laws of 1973 as Amended and Supplemented ("the Act")
Your letter dated August 3, 1978
Opinion #0-23-78

Dear Mr. Baran:

Your letter dated August 3, 1978 to the New Jersey Election Law Enforcement Commission ("the Commission"), including a request for advisory opinion, has been forwarded to me for reply.

On review of the documentation, the Commission cannot agree that the contribution of approximately \$1,500 to your campaign was a loan by you to the campaign properly documented at the time when made. For this reason, the Commission cannot agree that you are entitled to receive repayment of that amount from the closing balance of \$1,454.46 remaining in the campaign depository.

While the Act does not authorize the Commission to express an opinion with respect to the use of remaining funds, the Commission has considered the question in a number of contexts, and a copy of the opinion of the Commission #0-10-77 is enclosed for your information.

One of the uses of such funds which would not be challenged by the Commission is the return of the funds pro rata to contributors, including yourself as a contributor.

Yours very truly,



Edward J. Farrell
Legal Counsel

EJF:no
Encl.