



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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June 9, 1981

John S. Watson
180 Upland Avenue
Trenton, NJ 08638

ADVISORY OPINION NO. 22-80

Dear Mr. Watson:

I am writing on behalf of the Election Law Enforcement Commission in response to your letter dated April 28, 1980 requesting an Advisory Opinion. The Commission wishes to express its regret in the delay in responding to this request. You have asked whether the inception of your candidacy for public office and the resulting establishment of a campaign depository bank account precludes pursuant to the Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.) contributions being made to a booster club established in your behalf. For the reasons stated herein, you are advised that contributions to the booster club may continue.

You have informed the Commission that at a date prior to your becoming a candidate you filed a designation of a treasurer with the Commission and established a bank depository for the John S. Watson Booster Club. Memberships are sold in the club, and presumably they are a source of contributions deposited in the bank depository. Subsequent to the establishment of the John S. Watson Booster Club, you became a candidate for public office in the 1980 primary election. As a candidate, you are required by the Reporting Act to designate a treasurer and bank depository for your campaign, and to report the contributions and expenditures of that campaign. N.J.S.A. 19:44A-9; 19:44A-16.

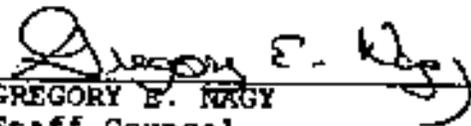
Nothing contained in the Reporting Act would preclude the club from continuing to accept memberships and other contributions for its treasury. If the club makes expenditures on behalf of your candidacy, or solicits contributions for your campaign, it then would become an association promoting your nomination and as such be deemed a "political committee" as that term is defined by N.J.S.A. 19:44A-3(1). In its capacity as a "political committee," the Booster Club would be responsible for filing pre-election and post-election reports of its contributions and expenditures pursuant to the requirements of N.J.S.A. 19:44A-8. That requirement exists in addition to the requirement that

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you as a candidate would have to file reports of contributions and expenditures relevant to your candidate's campaign account. N.J.S.A. 19:44A-16. All contributions and expenditures relevant to your candidacy, whether made to or by your campaign account, or to or by the John S. Watson Booster Club as a political committee aiding your candidacy, must be disclosed.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

By: 
GREGORY E. NAGY
Staff Counsel

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