

NEW JERSEY ELECTION LAW
ENFORCEMENT COMMISSION
Temporary Office
c/o Frank P. Reiche, Esq.
1 Palmer Square
Princeton, New Jersey 07540

A.O. 05-1973

August 23, 1973

Assemblyman Albert Burstein
26 Journal Square
Jersey City, New Jersey 07306

Re: The New Jersey Campaign Control and
Expenditures Reporting Act ("the Act")
Your Letter Dated July 5, 1973

Dear Mr. Burstein:

Your letter of July 5, 1973, to the New Jersey Election Law Enforcement Commission ("the Commission"), including a request for advisory opinion, has been forwarded to me for reply. By previous correspondence, the Commission requested an extension of time within which to reply to August 20, 1973.

1. It is possible to establish a campaign account which could be used for three candidates in common. Such an account would be the account of a political committee or political party committee which would be required to designate a treasurer and depository and would be subject to the reporting requirements imposed upon such committees. The establishment of such campaign account would not relieve any of the individual candidates from the obligation to appoint a campaign treasurer and designate a campaign depository for each candidate and to report under the Act. Under the Act the same person could be named as treasurer by each of three candidates and the same bank could be named as depository by each of three candidates. In the event that a campaign account of the kind described in your letter is used, there must be sufficient identification of contributions and expenditures to permit a later demonstration that a report or affidavit of a candidate is accurate and is based upon accurate records and that the total spending limits as to such candidate have not been exceeded.

To: Assemblyman Albert Burstein -2-

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2. No rules have yet been promulgated by the Commission under Section 3f, relating to apportionment of paid personal services. The contributor of those services must estimate the dollar amount of payment to each such person which is attributable to the contribution. The estimate must fairly and reasonably take into account the time actually spent. There must additionally be reported as a contribution the value of the use by such person of special or extraordinary office equipment such as photocopying equipment and computers.

Since receipt of your letter of July 5 the Commission received an additional telephone inquiry from your office indicating generally that you had no expenditures in the primary election for the reason that you were unopposed in that election but that you had received contributions, intended to be used in the general election, in excess of \$1,000. You raised the question whether a report was required to be filed on July 24, 1973 as to those contributions. The Commission is of the opinion that a report was required to be filed on July 24, 1973 respecting those contributions for the reason that Section 16 of the Act does not distinguish between primary and general elections.

The Commission has the power under Section 6 of the Act to extend for good cause shown the dates upon which reports are required to be filed. The Commission finds that the newness of the Act and the inability of the Commission to promulgate rules and regulations in time to permit timely filing to constitute such good cause and has extended the date for filing of a report in conformity herewith to Friday, September 21, 1973.

Yours very truly,

New Jersey Election Law
Enforcement Commission



Edward J. Farrell, Esq.
Legal Counsel

EJF:bjj

0-05-73

ALBERT BURSTEIN
ASSEMBLYMAN, DISTRICT 13B (BERGEN)
26 JOURNAL SQUARE
JERSEY CITY, N.J. 07306

BUS. 201-653-7500

July 5, 1973

IRENTON

Frank P. Reiche, Esq.
1 Palmer Square
Princeton, N. J. 08540

Dear Mr. Reiche:

I would appreciate having an answer as to the method to be followed in handling campaign funds in the context of the problem posed below.

Since Senatorial and Assembly candidates now run from the same district, there will be contributions made and expenditures effected in common for all three candidates; in common for the two Assembly candidates; and separately amongst all three candidates. In view of the foregoing, can you advise the following:

1. (a) Is it appropriate to establish a campaign account which would be used for the three in common; and

(b) A campaign account for the two Assembly candidates either for common or individual use?

2. Is it required that there be a separately named Campaign Treasurer for each of the foregoing accounts or can the individual be named as Campaign Treasurer for all or some of the accounts?

3. What are the rules relating to apportionment of secretarial or other time devoted to campaign purposes where the individual involved is devoting only a portion of his or her time for such purpose (e. g., a Secretary otherwise employed spending part of her time in connection with campaign activity)?

I have enclosed a copy of this letter so that you may mark your responses directly on the same, together with a self-addressed stamped envelope.

Thank you for your cooperation.

Very truly yours,



Albert Burstein