

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

14-73

September 10, 1973

James D. Clyne, Esq.
Messrs. Wilbert, Clyne & O'Hara
807 Ocean Road
Point Pleasant, New Jersey 08742

Re: The New Jersey Campaign Control and
Expenditures Reporting Act, P. L.
1973, c. 83 ("the Act")
Your Letter Dated July 23, 1973

Dear Mr. Clyne:

Your letter of July 23, 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. Your letter raises questions regarding reporting by "political clubs". It is not clear from the language of your letter whether the clubs to which you refer are municipal and county committees of a political party or whether they are political committees. In the case of a club organized to promote the candidacy of one or more candidates, without a purpose or term of existence substantially longer than the campaign of such candidates, then such a club is a political committee and is not required to file reports pursuant to Section 8 of contributions received or expenditures made in behalf of any candidate who is not required to file reports pursuant to Section 16 of the Act.

If, however, a club has a permanent or continuing existence unrelated to the candidacy of particular candidates, or if it receives contributions or makes expenditures from time to time which are not related to the promotion of the candidacy of a particular candidate or candidates, or if it is the lawfully constituted county or municipal committee of a political party, or carries on in fact the continuing functions of a municipal or county committee of a political party, then such club is subject to the pre-election and post-election reporting requirements of Section 16, incorporated by reference into

paragraph 1 of Section 8 of the Act. Such committee is not required to include in its report contributions or expenditures in behalf of a candidate if none of the candidates supported by such committee is required to file a report pursuant to Section 16 of the Act.

All political party committees of the kind described in your letter are subject to the March 1 reporting requirement contained in paragraph 2 of Section 8 of the Act.

2. (a) In the opinion of the Commission, the rendering of personal professional services (other than paid personal services) performed on a voluntary basis as set forth in your letter does not constitute a contribution within the meaning of the Act. A political committee to whom such voluntary legal services are rendered is not required to put a value on those services or to reimburse the lawyer for such services by virtue of the provisions of the Act.
 - (b) Services performed by employed attorneys or by other persons employed by the contributing attorney are paid personal services within the meaning of the Act and must be reported in accordance with the rules for apportionment set forth in Sub-section f of Section 3 of the Act.
 - (c) The value of the use of special or extraordinary office equipment such as photocopying equipment or computers, is regarded by the Commission as a contribution within the meaning of the Act.
3. With respect to the question relating to maintenance of a regular account, it appears from the facts set forth in your letter, that the "Regular Republican Men's Club of Point Pleasant Beach" is a political committee or political party committee, and its duly appointed campaign treasurer may lawfully receive contributions and make expenditures, including contributions and expenditures on behalf of a candidate. There must be sufficient recording of all contributions and expenditures so as to permit a later showing of the accuracy of a report (or affidavit) filed by any of the candidates involved, and a showing as to each candidate that the total spending limit for such candidate was not exceeded, as well as records sufficient to support reports filed by the committee maintaining the account.

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4. Respecting the appointment of a treasurer by individual candidates, the procedures regarding contributions and expenditures may properly be used as hereinabove described. Each candidate must, however, appoint a campaign treasurer before any contribution is received or expenditure made in furtherance or aid of his candidacy by such club or political committee. Such treasurer, as well as the candidate, must certify to the correctness of the reports filed, if reports are required to be filed under Section 16 of the Act.

The campaign treasurer for any candidate should be advised respecting the procedures proposed to be followed by you, and should satisfy himself that the proposed record-keeping is sufficient to enable him to make the certifications required, or which may be required, under the Act.

Yours very truly,

New Jersey Election Law
Enforcement Commission

By


Edward J. Farrell, Esq.
Legal Counsel

EJF:bjv

0-14-73

ilbert, Clyne & O'Hara
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July 23, 1973

Frank P. Reiche, Esq.
Smith, Stratton, Wise & Heher, Esqs.
P.O. Box 209
1 Palmer Square
Princeton, New Jersey 08540

Dear Mr. Reiche:

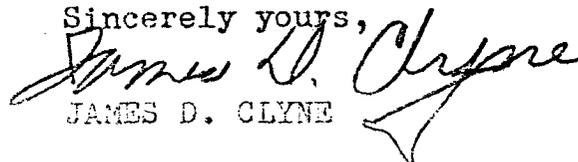
Pursuant to NJSA 19:44a-6(f), I am hereby requesting an advisory opinion as to whether the following set of facts would constitute a violation of the New Jersey Campaign Contributions and Expenditures Reporting Act.

FACTS; 1. There are two local candidates supported by the various local clubs in a general election and in the primary election. 2. The candidates accept no contributions and make no expenditures. 3. The club accepts all contributions and makes all expenditures. 4. Inasmuch as less than \$1,000.00 in the aggregate is spent by each candidate, affidavits pursuant to NJSA 19:44a-16 are filed. 5. The club files a detailed report as to all income and all expenditures. 6. Inasmuch as the candidates do not expend any money for themselves nor accept contributions, neither anticipate appointing a treasurer or designating a depository.

ISSUE; is the foregoing procedure violative of the New Jersey Campaign Contributions and Expenditures Reporting Act.

Please acknowledge receipt of the above question and return to us in the self-addressed, stamped envelope which is enclosed for your convenience.

Sincerely yours,


JAMES D. CLYNE

JDC:bjm
Encl.

I hereby acknowledge receipt of the above question.

DATED: _____