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April 29, 1977

C. Gus Rys
12-98 Plaza Road
Fair Lawn, New Jersey 07410

Re: The New Jersey Campaign Contributions and Expenditures
Reporting Act, Chapter 83, Laws of 1973 as Amended
and Supplemented ("the Act")
Your Letter Dated March 7, 1977
Opinion #(0-10-77)

Dear Mr. Rys:

Your letter dated March 7, 1977 to the New Jersey Election Law Enforcement Commission ("the Commission"), including a request for advisory opinion, has been forwarded to me for reply.

The Commission does not have authority to advise generally with respect to the election laws, since its authority is limited to the area of its responsibility, which is the New Jersey Campaign Contributions and Expenditures Disclosure Act (N.J.S.A. 19:44A-1 and following). This Act forms only a part of the election law of New Jersey, which is contained in Title 19 of the New Jersey Statutes. The remainder of the election law is under the jurisdiction of the Attorney General of New Jersey.

The Act does not prescribe what uses of political funds are lawful or unlawful and the Commission is not empowered to express an opinion in this regard. The Commission has taken the position that personal use of such funds is obviously not appropriate and would in such case forward evidence of such use to the appropriate law enforcement agency. Certain other dispositions of such funds, such as the transfer of the funds to a political party committee of the party of the candidate, or the return of those funds pro rata to the contributors, would not be challenged by the Commission.

In response to your specific questions, the Commission would not feel an obligation to challenge a contribution of the remaining funds to religious or other charitable organization, and would not challenge the contribution of such funds

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to the political campaign of another candidate or to the preparation and running of newspaper ads for such other candidate. Actions involving the making of in-kind expenditures on behalf of a candidate, if carried on by more than one person, might well constitute those persons a political committee on behalf of such candidate, and no opinion is expressed with respect to what kinds of activity would constitute joint activity on behalf of a candidate, so as to make the persons a political committee.

With respect to the use of remaining funds to pay personal expenses from a former campaign, it is the view of the Commission that it would be improper to use the funds to repay money contributed or expended by a candidate to his own campaign or sums loaned by the candidate to his own campaign, except that leftover monies could be used to repay a candidate for a loan to his campaign, where the loan was properly documented as such and properly reported as such at the time when it was made.

Yours very truly,



Edward J. Farrell
Legal Counsel

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