

0-21-77

FRANK P. REICHE
CHAIRMAN
SIDNEY GOLDMANN
VICE CHAIRMAN
JOSEPHINE S. MARGETTS
ARCHIBALD S. ALEXANDER

STATE OF NEW JERSEY
ELECTION LAW ENFORCEMENT
COMMISSION
NATIONAL STATE BANK BLDG.
SUITE 1114
TRENTON, N.J. 08605
(609) 292-8700

LEWIS B. THURSTON, III
EXECUTIVE DIRECTOR
EDWARD J. FARRELL
COUNSEL

July 26, 1977

Mr. Ralph Villanova, Jr.
10 South Centre Street
South Orange, New Jersey 07079

Re: The New Jersey Campaign Contributions and Expenditures Reporting Act, Chapter 83, Laws of Amended and Supplemented ("the Act") Your Mailgram Dated May 17, 1977 Opinion #(0-21-77)

RECEIVED
JUL 27 1977
N.J. ELECTION
LAW ENFORCEMENT
COMMISSION

Dear Mr. Villanova:

Your mailgram dated May 17, 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.

With the exception of certain limitations on the use of public funds relating to the general election for the office of Governor, 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 would not be challenged by the Commission, such as the transfer of the funds to a State, County or other political party committee of the candidate's party, or the return of those funds pro rata to the contributors.

On the assumption that a return of funds is being made pro rata to each contributor, the Commission would not regard your proposed disposition of the funds as one which requires the Commission to forward the matter to the Attorney General.

Yours very truly,

Edward J. Farrell
Edward J. Farrell
Legal Counsel

EJF:jj