

0-45-77

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December 27, 1977

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N.J. ELECTION
LAW ENFORCEMENT
COMMISSION

Senator John F. Russo
Highway 37 and Hooper Avenue
Toms River, New Jersey 08753

Re: The New Jersey Campaign Contributions and Expenditures
Reporting Act, Chapter 83, Laws of 1973 as
Amended and Supplemented ("the Act")
Your Letter Dated November 21, 1977
Opinion # (0-45-77)

Dear Senator Russo:

Your letter of November 21, 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). The Act is 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 that case forward evidence of
such use to the appropriate law enforcement agency. Certain
other dispositions of the funds, such as transfer of the
funds to the County or other political party committee of
the candidate, or the return of those funds pro rata to the
contributors, would not be challenged by the Commission.

With regard to your suggested holding of surplus money
until the next campaign, the Commission would not challenge
such retention of campaign funds. It should be noted,
however, that as long as there is any balance remaining in a
campaign account, the candidate is required to file at 60-
day intervals pursuant to Section 16 of the Act.

December 27, 1977

With regard to your suggested use of excess campaign funds to cover costs in your legislative office that are not covered by the state, the Commission is unable to advise you as to the legality of such a use. We refer you to advisory opinions numbers 10, 16 and 21 of 1977 previously mailed to you under separate cover, and would suggest that you contact the Attorney General's office.

Very truly yours,



Edward J. Farrell
Legal Counsel

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