



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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August 3, 1981

Hon. Daniel J. Dalton
P. O. Box 39
Blackwood, NJ 08012

ADVISORY OPINION No. 35-1981

Dear Assemblyman Dalton:

Your letter dated July 21, 1981 requesting an advisory opinion from the Election Law Enforcement Commission has been considered by the Commission and referred to me for a response. You have asked whether a political committee aiding the election of a candidate may, pursuant to the Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.), commingle campaign and non-campaign contributions and expenditures in its campaign depository bank account. For the reasons herein stated, you are advised that such a political committee must limit its campaign depository bank account to campaign related contributions and expenditures.

You have informed the Commission that a "Citizens for Dalton Committee" was formed at the time you assumed public office in January 1980 as a member of the General Assembly. The committee apparently was used to raise money and pay what you describe as non-campaign expenses related to the operations of your legislative office. However, during the recent primary campaign you advised that the bank account maintained by Citizens for Dalton made campaign disbursements on your behalf. The Commission notes also that a political committee, "Citizens for Dan Dalton," filed campaign reports for the 1981 primary election. Those reports disclosed several disbursements that are characterized as something other than campaign related and date back to December, 1979.

Each candidate in an election is required to establish a campaign depository bank account before receiving any contribution or expending any money in furtherance of his candidacy. N.J.S.A. 19:44A-9. No contribution shall be received and no expenditure made in support of a candidate except through a duly appointed campaign treasurer. N.J.S.A. 19:44A-11. Further, all funds received by a campaign treasurer must be deposited in the campaign depository of a candidate or political committee, and such account must be designated "Campaign Fund of (name of candidate or committee)." N.J.S.A. 19:44A-12.

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The precise legislative purpose in requiring candidates to establish campaign depository accounts designated in the name of their campaign funds is to segregate campaign related contributions and expenditures from any other financial activity of the candidate. Such segregation of campaign related funds promotes the clear legislative intention of the Reporting Act that treasurers of candidates and political committees have knowledge of all campaign related financial transactions. In the absence of such limitation, the ability of treasurers to distinguish campaign related contributions from other transactions might be jeopardized, and thereby their capacity to certify the correctness of candidate reports would be compromised. N.J.S.A. 19:44A-16(a).

Since the Commission is of the view that only campaign related funds can be deposited or expended from a campaign depository bank account, your question concerning the preparation of election reports to reflect a distinction between campaign and non-campaign funds is unnecessary to answer. The Commission only wishes to point out that the very question points out the difficulty that the public might experience in comprehending campaign reports if such reports were not appropriately limited to campaign activities.

The Commission stands ready to direct its staff to provide assistance to you should you wish to amend any report filed on behalf of your 1981 primary election candidacy or on behalf of any committee supporting such candidacy.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION


GREGORY E. NAGY
Staff Counsel

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