



State of New Jersey

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ELECTION LAW ENFORCEMENT COMMISSION

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November 15, 1983

Dennis P. La Hiff, Esq.
Felice For Assembly
P.O. Box 5
12-51 River Road
Fair Lawn, New Jersey 07410

ADVISORY OPINION NO. 18-1983

Dear Mr. La Hiff:

Your letter to the Election Law Enforcement Commission requesting an Advisory Opinion has been considered by the Commission and I have been directed to issue this response. You have asked what permissible uses may be made of leftover contributions, that is contributions that were received by a candidate but were not expended in furtherance of the campaign. For the reasons stated herein, the Commission is unable to express an opinion in regard to your inquiry.

You have written that the "Felice For Assembly" campaign anticipates that the depository account will have a leftover balance from contributions received even after all the bills and debts of the campaign have been paid. Nicholas R. Felice was a candidate for the State Assembly in Legislative District No. 40 in the 1983 general election. The candidate filed campaign reports with the Commission, which were signed by yourself as treasurer, and the reports indicated that a campaign bank account was maintained under "Felice Campaign Committee" at the Valley National Bank, Account No. 001-11721-1. The Commission presumes that it is this account to which you refer in this inquiry. You have stated your intention is to hold the balance until the next legislative campaign by the candidate in two years.

The jurisdiction of the Commission to issue Advisory Opinions is limited to whether a given set of facts constitutes a violation of any of the procedures of the Campaign Contributions and Expenditures Act, N.J.S.A. 19:44A-1 et seq. (hereafter, the Act). This Act forms 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.

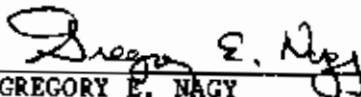
The Act does not specifically address itself to the permissible use of contributions deposited in campaign depository bank accounts pursuant to N.J.S.A. 19:44A-12 which may remain at the termination of the candidacy. Since the authority of the Commission is limited to the provisions of the Act, the Commission concludes that it is unable to express an opinion with the respect to inquiries that do not concern possible violations of the Act, N.J.S.A. 19:44A-6(f). However, as you have noted in your inquiry, the Commission has taken the position that personal uses of campaign funds would not be appropriate and in such a case would forward evidence of such a use to the Attorney General.

The Commission has supported Senate Bill No. 1195 which would extend the jurisdiction of the Commission to the issue of permissible uses of left-over campaign funds, and therefore provide greater guidance to candidates. That bill has been passed by the State Senate, but is currently pending in the State Assembly.

In your inquiry, you state that there is a type of bank account designated as "Friends of - - -" which may be used by an office holder after an election for non-campaign expenses. The Commission speculates that the account you may have in mind is the legislative office account which legislators are permitted to use for office expenses. Such accounts are under the jurisdiction of the Joint Legislative Commission on Ethical Standards. Therefore, the Commission suggests that you submit any inquiries you may have concerning legislative office accounts to Albert Porroni, Legislative Counsel and Director, Division of Legal Services, Office of Legislative Services, State House Annex, CN-052, Trenton, N.J. 08625.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

BY: 
GREGORY E. NAGY
Staff Counsel

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