



## State of New Jersey

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### ELECTION LAW ENFORCEMENT COMM

NATIONAL STATE BANK BLDG., SUITE 1215  
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TRENTON, NEW JERSEY 08606  
(609) 292-8700

December 6, 1983

Mr. Michael J. Volk  
10 Richelieu Terrace  
Newark, NJ 07106

### ADVISORY OPINION NO. 20-1983

Dear Mr. Volk:

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 whether the Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq. (hereafter, the Act) specifies what uses are permissible for left-over campaign funds. Kindly he advised that the Act does not address itself to this question, and therefore the Commission lacks jurisdiction to issue an advisory opinion.

You were a candidate for the State Assembly in Legislative District No. 28 in the 1983 general election. You have filed with the Commission a 15-day post-election report that indicates that the campaign fund has a balance of \$240. You have asked the Commission whether you may expend all or part of this sum for a post-election party, or whether you may transfer such funds to a civic association in your name, or in the name of some other person.

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 provisions of the Act. N.J.S.A. 19:44A-6(f). The Act does not specifically address itself to the permissible uses of contributions which may remain at the termination of a 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 respect to inquiries that do not raise possible violations of the Act. The 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 Commission does retain jurisdiction to advise as to the reporting requirements of campaign funds. You therefore are required to report to the Commission what ultimate disposition is made of the remaining balance. In the event that the funds will be applied for some future candidacy of yourself, or some other person, they would again be subject to reporting requirements in the context of that future election. While the Commission does not have jurisdiction to advise what uses are permissible, it has taken the position that any personal use of campaign funds at any time is not appropriate and in such a case would forward evidence of such personal use to the Attorney General. However, use of

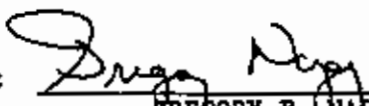
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remaining campaign funds for a post-election party for campaign workers would not be cause for such referral, as previously stated by the Commission in Advisory Opinion 06-1980.

The Commission wishes to advise you that it has supported Senate Bill No. 1195 which would extend the jurisdiction of the Commission to the issue of permissible uses of remaining campaign funds, and therefore provide the Commission with greater opportunity to provide guidance to candidates. That bill has been passed by the State Senate but is currently pending in the State Assembly.

Very truly yours,

Election Law Enforcement Commission

By:   
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GREGORY E. NAGY  
Staff Counsel

GEN/slm