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December 19, 1983

Dorothy Jurgel, Administrative Assistant
to Senator James P. Vreeland
295 New Road
Prsippany, N. J. 07054

ADVISORY OPINION NO. 22-1983

Dear Ms. Jurgel:

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 you may designate a campaign account for the purposes of receiving payments for tickets to a "thank you" party in honor of Senator James P. Vreeland, and whether money received or payments made for the affair would be subject to the reporting requirements of the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq. (hereafter the Act).

You have written that a "thank you" party is being organized to honor Senator Vreeland. As of the date of the proposed event, February 4, 1984, Senator Vreeland will no longer be an elected official. You write that a bank account under the name "Citizens for James P. Vreeland" was established several years ago and is periodically used to purchase tickets on behalf of Senator Vreeland to fund raising events conducted by other candidates. The records of the Commission show that on January 18, 1982, a final report was submitted by Senator Vreeland concerning transactions in the 1981 general election from an account maintained under the name "Citizens for James P. Vreeland", Account No. 271-0081-2, at the Citizens First National Bank of New Jersey, 716 Main Street, Boonton, New Jersey (hereafter, Citizens Account). The final report submitted for the Citizens Account disclosed that the balance of \$8,241.27 would be transferred to a future primary election. However, you have orally advised the Commission staff that not all of the balance was so transferred, and that the account remains active.

For the reasons stated below, the Commission believes that the Citizens Account should not be used for financial transactions related to the contemplated celebration party. Whatever balance may currently exist in the Citizens Account, it is clear that these funds derive from contributions to past candidacies of Senator Vreeland. Therefore, they can be characterized as leftover contributions, that is contributions that were received by a candidate but were not in fact expended in furtherance of his campaign.

Dorothy Jurgel
AO 22-1983
December 19, 1983
page 2

The Commission has taken the position in prior advisory opinions that personal use of campaign funds by candidates is not appropriate, and in such a case would forward evidence of such a use to the Attorney General pursuant to N.J.S.A. 19:44A-6(b)(10). Since the celebration appears to be entirely of a personal nature and has no campaign relationship, the Commission believes it would be inappropriate to use a campaign account such as the Citizens Account for this purpose. The Act does not specifically address itself to what uses are permissible for leftover campaign contributions, and therefore the Commission has concluded it lacks jurisdiction to advise candidates as to specific uses, other than to observe that personal use cannot be permitted.

Assuming that a separate account is established, and that account is not used to defray any past campaign expenses of Senator Vreeland, or any other campaign purpose for any other candidate or committee, the Commission believes there would not be any obligation to report contributions or disbursements related exclusively to the "thank you" celebration affair.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

BY: Gregory E. Nagy
GREGORY E. NAGY
Staff Counsel

GEN/cm