



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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NATIONAL STATE BANK BLDG., SUITE 1215
28 W. STATE STREET, CN-185
TRENTON, NEW JERSEY 08608
(609) 292-8700

SCOTT A. WEINER
EXECUTIVE DIRECTOR

EDWARD J. FARRELL
COUNSEL

February 21, 1984

Honorable Joseph W. Chinnici
Assemblyman, District 1
431 Oxford Street
Bridgeton, New Jersey 08302

ADVISORY OPINION NO. 05-1984

Dear Assemblyman Chinnici:

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 accept a contribution to your 1983 general election candidacy which was not received until after the date on which you closed your campaign account, and what reporting must be made pursuant to the Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq. (hereafter, the Act).

You were a candidate for reelection to the State Assembly in the November 8, 1983 general election. On January 10, 1984 you filed with the Commission a final campaign report which disclosed that you had no remaining balance in your campaign account and no outstanding obligations. In filing the final report, your treasurer certified pursuant to N.J.S.A. 19:44A-16(h) that your campaign fund had wound up its business and had been dissolved. You write that subsequent to the filing of your final report, a campaign contribution in the form of a check, in the amount of \$100, dated October 17, 1983, from N.J. ABC-PAC was received through the mail by your campaign on January 11, 1984. You have asked whether you may deposit the check in a bank account you maintain exclusively for the purpose of purchasing tickets to political events, or whether you are required to return the check to the contributor in view of the fact that your campaign fund has been dissolved.

Section 18 of the Act contemplates that a former candidate may receive a campaign contribution subsequent to filing a final report, and provides standards for reporting such a contribution. N.J.S.A. 19:44A-18. That statute provides in pertinent part, as follows:

"If any former candidate . . . shall receive any contributions or make any expenditures with relation to any election after the date set in section 16 of this act for the final report subsequent to such election, or shall conduct any testimonial affair or public solicitation for the purpose of raising funds to cover any part of the expenses of a candidate . . . in such election, all such contributions, expenditures, testimonial affairs or public solicitations shall be reported to the Election Law Enforcement Commission by the person or persons receiving such contributions or making such expenditures or conducting such testimonial affairs or public solicitations. Such report shall be made by any person receiving any such contribution or contributions, or making any such expenditure or expenditures, which in the aggregate total more than \$100.00, or conducting any testimonial affair or public solicitation of which the net proceeds exceed \$100.00; and shall be made within 20 days from the date upon which the aggregate of such contributions, expenditures or proceeds exceeds \$100.00 for the period commencing with the 19th day following such election or with the date upon which any previous report was made pursuant to this section, whichever is soonest. Such report shall be made in the same form and shall contain the same detail prescribed for any other report made pursuant to section 8 or 16 of this act." (emphasis added)

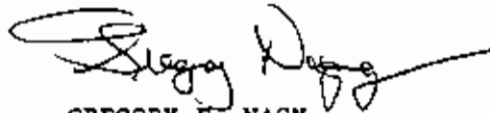
Applying the above-statutory language to the facts that you have submitted, the Commission is satisfied that the check you have received is a "contribution" as that term is defined in N.J.S.A. 19:44A-3(d) of the Act, and that the "contribution" was made to promote your 1983 general election candidacy. The fact that you may apply the proceeds of that check for purposes not necessarily related to the pursuit of that candidacy does not change the terms and circumstances under which it was offered. In reaching this conclusion, the Commission attaches significance to the date of the check instrument, which is a date prior to the 1983 general election. If the check instrument had been dated after the filing of your final 1983 general election report, the inference would be that the instrument was intended to convey a contribution for a future campaign, and that the reporting of the contribution would occur in campaign reports filed for that future candidacy.

The contribution you received is precisely \$100. You have not written of any other contributions received since the termination of your campaign reporting for the 1983 general election. Therefore, the aggregate contributions that you have received since the filing of your final report

do not in the aggregate total more than \$100. Section 18 of the Act imposes filing obligations on post-termination contributions only if in the aggregate they total more than \$100. Since the aggregate total of the contributions you have received since the termination of your reporting for the 1983 general election has not exceeded that figure, you have not acquired any further reporting obligations as to your 1983 general election candidacy. You may therefore proceed to deposit the contribution you have received in a bank account maintained for the purpose of purchasing tickets to political events, and you may use the proceeds of the the contribution for that purpose. Should you receive any further contributions for your 1983 general election candidacy, you will acquire reporting obligations for that election pursuant to Section 18.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION



GREGORY E. NAGY
Staff Counsel

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