



## State of New Jersey

### ELECTION LAW ENFORCEMENT COMMISSION

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May 21, 1984

Steven Bellows, Treasurer  
Friends of Marie Sheehan Muhler  
5 Ogden Street  
Marlboro, New Jersey 07746

#### Advisory Opinion No. 13-1984

Dear Mr. Bellows:

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 an account to be used exclusively for the office expenses of Assemblywoman Marie Sheehan Muhler is subject to the requirements of the Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq. (hereafter, the Act).

Assemblywoman Muhler was a successful candidate for State Assembly in the 12th Legislative District in the 1983 general election. Campaign reports were filed on behalf of her candidacy under the name "Friends of Marie Sheehan Muhler." The most recent campaign report filed with the Commission on behalf of Assemblywoman Muhler's candidacy was filed on January 23, 1984 and reported a remaining balance of \$1,032.16. You anticipate that the existing balance and any funds raised in the future will be dedicated exclusively to Assemblywoman Muhler's costs of holding office. In a telephone conversation on May 11, 1984, Joyce D'Acardi, assistant treasurer, indicated to Election Finance Analyst Leslie London that the account will be used for legislative office expenses, such as typewriter repairs and services and other day-to-day operational costs. Although you anticipate that Assemblywoman Muhler will be a candidate for reelection in 1985, you state that any new campaign activity will be conducted by a separate and new committee with a different bank account.

You have filed with the Commission a statement of organization for the continuing political committee (Form CPC-1) for the Friends of Marie Sheehan Muhler. However, you inquire whether the committee, in view of the fact that it will not have any further election-related activity, has any further filing obligations as a political committee filing campaign reports or as a continuing political committee filing quarterly reports under the Act.

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The Act imposes reporting requirements on candidates, that is, individuals seeking or having sought election to a public office of the State at a primary, general or special election. N.J.S.A. 19:44A-3(c). A candidate and treasurer are responsible for reporting to the Commission all expenditures paid out of the campaign fund of the candidate. N.J.S.A. 19:44A-16(a). The 60-day post-election report filed by the Friends of Marie Sheehan Muhler was declared by yourself to be a final campaign report. In making that declaration, you indicated that the disposition of the closing balance of \$2,724.88 would be accounted for in an annual report to be filed with the Commission pursuant to N.J.S.A. 19:44A-8. The Commission now infers from this inquiry that this balance will be applied to a separate legislative office account. Therefore, you must file a supplemental statement to the 60-day report indicating that the balance will be so dedicated.

The Act does not impose reporting requirements on expenses incurred by officeholders that are not related to their campaign activity. Therefore, campaign reports do not have to be filed for a legislative office account, nor do continuing political committee quarterly reports have to be filed for such an account. The Commission reaches such a conclusion based on your representation that none of the expenditures will be election related. If in fact the account is used to promote the candidacy of Ms. Muhler in any future election, or to promote the candidacy of any other candidate, the campaign reporting requirements of the Act would attach.

The Commission wishes to bring to your attention that office expense accounts for State legislators are regulated under the jurisdiction of the Joint Legislative Commission on Ethical Standards. Therefore, the Commission suggests that before applying the balance of the campaign account for Friends of Marie Sheehan Muhler for such office expenses, you inquire with the Joint Legislative Commission if such a transfer is permissible. You may submit your inquiry 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

NOTICE

An advisory opinion (AO) issued by the Commission provides guidance with regard to the specific facts set forth in the request for the advisory opinion. Any person who has requested an AO pursuant to N.J.S.A. 19:44A-6(f) and acts in accordance with the opinion, will not be subject to any sanctions under the Act arising out of the particular facts and circumstances set forth in the request. Other persons may rely on the opinion if they are involved in a specific activity which is indistinguishable in all material aspects from the activity discussed in the advisory opinion.

BY: GREGORY E. NAGI  
Staff Counsel

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