



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

COMMISSIONERS

ANDREW C. AXTELL
CHAIRMAN
ALEXANDER P. WAUGH, JR.
VICE CHAIRMAN
HAYDN PROCTOR

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

FREDERICK M. HERRMANN
EXECUTIVE DIRECTOR

EDWARD J. FARRELL
COUNSEL

November 8, 1984

Michael A. Gast, Treasurer
Friends of David Schwartz
85 Bayard Street
P.O. Box 912
New Brunswick, New Jersey 08903

Advisory Opinion No. 17-1984

Dear Mr. Gast:

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 campaign contributions received by a candidate that remain unexpended at the termination of the candidacy may be used for the purpose of obtaining custodial services for the legislative office maintained by that candidate as an elected legislator. For the reasons stated herein, the Commission is unable to express an opinion in regard to this inquiry.

David Schwartz was elected in the 1983 general election as a member of the State Assembly representing the 17th Legislative District. He filed campaign reports on behalf of his candidacy for that office under the name "Friends of David Schwartz." The most recent report filed with the Commission by Assemblyman Schwartz, signed by yourself as treasurer, was filed on September 24, 1984 and discloses that a balance of \$2,242.80 exists in the campaign account. The Commission infers that the funds referred to in this inquiry are the unexpended campaign contributions remaining in the "Friends of David Schwartz" campaign account.

The New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq. (hereafter, the Act), does not specifically address itself to the permissible uses of surplus campaign funds. Since the authority of the Commission to issue Advisory Opinions is limited to questions arising under the provisions of the Act, the Commission concludes that it is unable to express an opinion with respect to your inquiry. N.J.S.A. 19:44A-6(f). While the Commission lacks jurisdiction to advise generally as to which uses are permitted for surplus campaign funds, the reporting obligations created by the Act continue until final disposition of those funds has been made pursuant to N.J.S.A. 19:44A-16(b).

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 committing any funds for purposes related

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to the legislative office of a legislator, you inquire with the Joint Legislative Commission on Ethical Standards if such an application is permissible. You may submit your inquiry to Albert Porrone, Legislative Counsel and Director, Division of Legal Services, Office of Legislative Services, State House Annex, CN-052, Trenton, New Jersey 08625.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

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

GEN/ck