



# State of New Jersey

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January 26, 1988

Carol G. Cimilluca, Assistant Treasurer  
57 Woodland Avenue  
Summit, New Jersey 07901

Re: ADVISORY OPINION 17-1987

Dear Ms. Cimilluca:

Your letter dated December 7, 1987 to the New Jersey Election Law Enforcement Commission ("the Commission") including a request for advisory opinion has been forwarded to me for reply.

The New Jersey Campaign Contributions and Expenditures Reporting Act ("The Act") does not prescribe what uses of excess funds are lawful or unlawful. The Commission has taken the position in its regulations that personal use of such funds is obviously not appropriate, and the Commission would in such case forward evidence of such use to the appropriate law enforcement agency. The Commission has concluded that the Act does not prohibit the use of surplus campaign funds for any of the following purposes or for any other lawful purpose not involving conversion for personal use:

1. The payment of outstanding campaign expenses;
2. Transmittal to another candidate, political committee, or continuing political committee for the lawful purpose of such other candidate or committee;
3. The pro rata repayment of contributors, except that contributors of less than \$100.00 may be excluded from repayment;
4. The repayment of loans made by a candidate to his campaign where the loan is documented and reported as such at the time it is made;
5. Donation to any organization described in section 170(c) of the Internal Revenue Code of 1954;

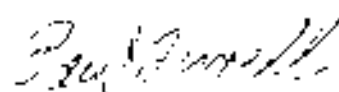
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6. Retention by a candidate, political committee, or continuing political committee serving as the campaign committee of a candidate, in a separate campaign account established pursuant to N.J.S.A. 19:44A-12 for a future election campaign of such candidate, political committee, or continuing political committee serving as the campaign committee of a candidate.

As set forth in your letter, the remaining campaign funds, approximately \$1000, are intended to be used for a long range planning seminar for the elected officials and selected staff personnel of the city of Summit. It may be that the disposition which you propose in your letter would qualify as a donation to an organization described in section 170(c) of the Internal Revenue code. Whether or not that is so, it is the view of the Commission that the use proposed is sufficiently analogous to that kind of use as to be proper.

Accordingly, based on the facts presented in your letter, including the amount of the fund in question and the public purpose suggested by your letter, the Commission will take no exception to the use of surplus funds for the purpose, not involving conversion for personal use, described in your letter.

Very truly yours,



Edward J. Farrell  
Counsel

EJF:mmb