



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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August 16, 1988

Mr. Richard L. Wooster
265 Hillside Lane
Clementon, NJ 08021

ADVISORY OPINION 8-1988

Dear Mr. Wooster:

The Commission has directed me to respond to your letter received on July 19, 1988 in which you requested an advisory opinion. You have asked whether you may use funds in your campaign account to pay your costs for attending a national political nominating convention as a delegate. For the reasons stated herein, you are hereby advised that nothing contained in "The New Jersey Campaign Contributions and Expenditures Reporting Act," N.J.S.A. 19:44A-1 et seq. (hereafter, "the Act") precludes the use of your campaign account for your reasonable expenses in attending the convention. However, you should consult with the Federal Election Commission (FEC) concerning federal restrictions on the source of funds used to cover delegate expenses.

In your letter you state that you have been elected as a delegate from the First Congressional District to the Republican Party National Convention being conducted this month in New Orleans, Louisiana. You were recently a successful candidate for nomination for reelection as county freeholder in Camden County in the 1988 primary election, and you anticipate holding meetings at the convention with State and national party officials to plan and promote your upcoming general election campaign this fall. You have orally advised staff that in addition to travel expenses to and from New Orleans, you are anticipating reasonable costs of lodging and meals, and fees for receptions that are part of the convention program. The most recent report filed on behalf of your campaign account, "Friends of Richard L. Wooster," received on July 1, 1988, reports an available balance of \$7,574.96.

In Advisory Opinion No. 46-1980 (a copy of which is enclosed and hereby incorporated in this opinion) the Commission ruled that the purchase of tickets to political and social functions for a candidate will be considered as campaign expenditures if the attendance of the candidate at those functions is reasonably in furtherance of his or her candidacy. As noted in that opinion, the Act does not expressly prescribe what specific uses of campaign funds can be construed as being "expenditures . . . to support or defeat a candidate in any election," as

Mr. Richard L. Wooster  
August 16, 1988  
Page 2

that term is used in N.J.S.A. 19:44A-11. However, the Commission proceeded to observe that it was unaware of any reason why campaign funds should not be used for the purchase of tickets to events where the attendance by the candidate is reasonably in furtherance of the candidacy. Implicit in the opinion is the understanding that the reporting and other obligations established by the Act are not intended to preclude candidates from participating in political activities that further their election interests.

The Commission has frequently articulated its concern that campaign funds not be applied to the personal benefit of the candidate controlling those funds; see Advisory Opinions 17-1987, 01-1986 and 02-1986, and Commission Regulations N.J.A.C. 19:25-7.4. (Copies enclosed for your convenience.) However, as long as the costs incurred are not substantially in excess of the costs reasonably necessary to attend and participate in the convention, no question of personal benefit is raised.


Having come to the conclusion that nothing contained in the Act, or its regulations, preclude your use of campaign funds for the purpose you propose, the Commission wishes to bring to your attention that requirements under Federal law may impose some restrictions. The Commission does not have jurisdiction to provide you with advice concerning the Federal Election Campaign Act, 2 U.S.C., Section 431, et seq., or the regulations promulgated under it. However, the Commission does note that the Federal Election Commission has promulgated regulations governing contributions to and expenditures by delegates of national conventions; see 11 C.F.R., Section 110.14. Therefore, the Commission urges you to contact the Federal Election Commission and pursue with that agency guidance concerning federal restrictions. The address and phone number of the Federal Election Commission are:

1325 K Street, N.W.,  
Washington, D.C. 20563  
800-424-9530

If you seek any further information concerning the applicability of the Act and regulations under the jurisdiction of this Commission, please do not hesitate to contact the staff at the above address. Thank you for your inquiry.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

By   
GREGORY S. KACY

GEN/slm