



State of New Jersey

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March 21, 1995

Keith Douglas Slack
20 Bennett Street
Phillipsburg, New Jersey 08865

Advisory Opinion No. 03-1995

Dear Mr. Slack:

The Commission has directed me to issue this advisory opinion in response to your inquiry concerning whether or not the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq. (hereafter, the Act), permits a candidate to serve as treasurer of a political party committee.

SUBMITTED FACTS

You write that you currently serve as the treasurer of the Warren County Democratic Committee. The Commission records reflect that this entity filed on July 11, 1994 a Designation of Treasurer (Form D-3) in which it indicated it was the Warren County Democratic political party committee, and Keith Douglas Slack was designated as the treasurer. You state that you have become a candidate for nomination for the office of municipal council in the Town of Phillipsburg for the June 6, 1995 primary election, and therefore filed on February 22, 1995, a Certificate of Organization (Form D-2) for a joint candidates committee, "Democrats for a Better Phillipsburg."

You have asked whether the Act prohibits you from continuing to serve as treasurer of the county political party committee as a result of your candidacy for nomination for election in the primary election.

COMMISSION RESPONSE

Kindly be advised that nothing contained in the Reporting Act prohibits an officer of a political party committee from becoming a candidate in any election.

Prior to 1993, the Reporting Act contained no restrictions on the positions political party officers could hold in election campaigns. However, as a result of amendments made in Sections 4 and 5 of Chapter 65 of the Laws of 1993 (effective April 7, 1993), the following provisions were added:

"No person serving as the chairman of a political party committee or a legislative leadership committee shall be eligible to be appointed or to serve as the chairman of a candidate committee or joint candidates committee, other than a candidate committee or joint candidates committee established to further the nomination for election or the election of that person as a candidate for public office." (N.J.S.A. 19:44A-9a and b, emphasis added)

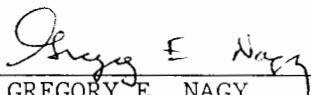
Chairpersons of political party committees are also prohibited from serving as chairpersons or campaign treasurers of political committees, or as organizational treasurers of continuing political committees, see N.J.S.A. 19:44A-10, and 19:44A-8b(1).

Your inquiry indicates that you are the treasurer of a political party committee, but you do not state you are the chairperson. According to the Form D-3 filed on behalf of the Warren County Democratic Committee, John E. Joyce is the chairperson. Therefore, assuming your office is limited to that of treasurer, none of the above-cited statutory restrictions are applicable to you. Further, even if it appeared you were chairperson, the express text of N.J.S.A. 19:44A-9 is that such an officer is not under the prohibition in regard to a candidate committee or joint candidates committee established on that officer's behalf.

Thank you for your inquiry.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

By: 
GREGORY E. NAGY