

NEW JERSEY ELECTION LAW
ENFORCEMENT COMMISSION
11th Floor
National State Bank Building
28 West State Street
Trenton, New Jersey 08608

A.O. 15-1973

October 22, 1973

Robert L. Garrenger, Jr.
24 Lincoln Avenue
Piscataway, New Jersey 08854

Re: The New Jersey Campaign Control and
Expenditures Reporting Act, P. L.
1973, c. 83 ("the Act")
Your Letter Dated July 25, 1973

Dear Mr. Garrenger:

Your letter of July 27, 1973, to the New Jersey Election Law Enforcement Commission ("the Commission"), including a request for advisory opinion, has been forwarded to me for reply.

1. Nothing in the Act prevents the transfer of contributions received by the campaign treasurer of a candidate in excess of the amounts allowed to be expended by such candidate under Section 7 of the Act to any state, county or municipal political party committee for the general purposes of maintaining such committee. The transfer of such contributions must be reported as an expenditure by the candidate, but need not be included as an expense authorized or incurred in furtherance or in aid of his candidacy in computing the amount of expenditures for purposes of Section 7 of the Act. In the event of any such transfer, the record and record retention procedures by the candidate and by such political party committee must be adequate to permit a later demonstration, if required, that no such transferred funds were in fact expended in furtherance or in aid of the candidacy of the candidate, under any circumstances whatsoever.
2. Funds received by the campaign treasurer of a political party committee or of a political committee may be transferred for deposit to the campaign treasurer of another candidate or committee in accordance with the provision of Section 12 of the Act and subject to the requirements for recording contained in Section 12 of the Act. All such funds must be deposited in a campaign depository not later than the tenth calendar day following initial receipt of such funds. The duly appointed treasurer of a political committee or political party committee may lawfully receive contribu-

tions and make expenditures on behalf of a candidate. There must be sufficient recording of all contributions and expenditures so as to permit a later showing of the accuracy of a report (or affidavit) filed by any of the candidates involved, and a showing as to each candidate was not exceeded, as well as records sufficient to support reports filed by the committee maintaining the account.

3. Respecting the appointment of a treasurer by individual candidates, the procedures regarding contributions and expenditures may properly be used as hereinabove described. Each candidate must, however, appoint a campaign treasurer before any contribution is received or expenditure made in furtherance or aid of his candidacy by such club or political committee. Such treasurer, as well as the candidate, must certify to the correctness of the reports filed, if reports are required to be filed under Section 16 of the Act.

The campaign treasurer for any candidate should be advised respecting the procedures proposed to be followed by you, and should satisfy himself that the proposed record-keeping is sufficient to enable him to make the certifications required, or which may be required, under the Act.

4. The same person may serve as a campaign treasurer for any number of candidates or committees and the same bank may serve as a campaign depository for any number of candidates and committees.
5. Nothing in the Act prevents contributions to a candidate of funds contributed to a political party which were solicited for the general purposes of the political party and are not subject to any express or implied limitation against their contribution to a candidate for local office. Such contributions must be reported as contributions by the candidate, and as expenditures by the political party committee.

Nothing in this opinion should be construed to permit the contribution of funds, earmarked for use by a candidate, to a political party committee where the purpose or probable effect of such contribution is the further transfer of such earmarked funds to the candidate without the public disclosure called for by the Act as to the source of such contributions.

Nothing in this opinion should be construed to authorize contributions by a state, county or municipal committee or organization of any political party in aid of the candidacy of any candidate in a primary election.

Yours very truly,

New Jersey Election Law
Enforcement Commission

By Edward J. Farrell
Edward J. Farrell, Esq.
Legal Counsel

EJF:bjv

0-15-73

Robert L. Garrenger, Jr.
24 Lincoln Avenue
Piscataway, New Jersey 08854

July 25, 1973

N.J. Election Law Enforcement Committee
P. O. Box 209
Princeton, New Jersey 08540

Gentlemen:

I have the following questions concerning election law and procedure pursuant to my candidacy as Councilman in the Third Ward, Piscataway Township, Middlesex County, New Jersey. Pursuant to the Statute I would like to make the following inquiries.

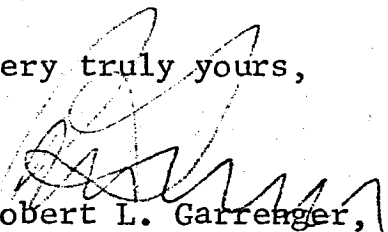
1. In the event that campaign funds are received by my campaign treasurer in excess of the amount allowed to be expended by me as a candidate; may these funds be turned over to the local political organization for the purpose of running the local organization, etc. This question presupposes that all proper reporting has been made to the committee. In the event I do not hear from you within the next ten (10) days pursuant to the Statute, I will assume that contributions received in excess of the amount allowed to be spent by law may be turned over to the local political organization as outlined herein.

2. In the event that the local political organization attempts to solicit campaign funds on behalf of a candidate in a local election in conjunction with or simultaneously with a candidate's solicitation, may the same individual and the same bank be the treasurer and depository for both. In addition, since the funds are basically for the same purpose but being solicited by different organizations, may the funds be co-mingled. Unless I hear from you to the contrary within ten (10) days pursuant to the Statute, I assume that the answer to the above question is affirmative.

3. May funds contributed to a political party, not in furtherance of anyone's campaign, be contributed to a candidate for local office. Since these funds were solicited for the general running of the political organization, it is assumed that the candidate who received said funds need only show the political organization as contributors. Unless I hear from you to the contrary in ten (10) days, pursuant to the Statute, I will assume that the within procedure is acceptable.

I am enclosing herewith a stamped, self-addressed envelope for your convenience in the event that your office intends to reply either affirmatively or negatively to the contents of the within inquiry.

Very truly yours,


Robert L. Garrenger, Jr.

RLG:dcs

C.M.R.R.R.

Enclosure