

NEW JERSEY ELECTION LAW A.O. 16-1973
ENFORCEMENT COMMISSION
Temporary Office
c/o Frank P. Reiche, Esq.
1 Palmer Square
Princeton, New Jersey 07540

September 10, 1973

Carl R. Golden, Secretary
Assembly Majority
State House
Trenton, New Jersey 08625

Re: The New Jersey Campaign Control and
Expenditures Reporting Act, P.L. 1973,
c. 83 ("the Act")
Your Letter Dated August 17, 1973

Dear Mr. Golden:

Your letter of August 17, 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. The performance by you of duties of the kind set forth in your letter, where such performance is customarily rendered to all of the members of the General Assembly majority, is not regarded as a contribution to candidates within the meaning of the Act.
2. Aid outside of the scope of your customary duties, to a candidate who is an incumbent seeking re-election constitutes a contribution to such candidate unless it represents a contribution of personal services, on a voluntary basis. If the claim is made that services on behalf of a candidate are voluntary because they are performed during the hours out of office, appropriate time records must be maintained which will enable a showing that all of the hours for which salary or other compensation is paid in whole or part out of public funds have been for public purposes only.

Carl R. Golden, Secretary
Assembly Majority

-2-

September 10, 1973

3. Your reference to payment by a candidate to the Senate from funds allocated to him by virtue of his holding office raises a question whether such payment would be lawful under the Act. Payment for services rendered to aid a candidate from funds allocated to him for payment of an aide, for example, would be an unlawful payment under the Act. Such payment, like any expenditure, would be subject to the reporting requirement of the Act.

Yours very truly,

New Jersey Election Law
Enforcement Commission

By 
Edward J. Farrell, Esq.
Legal Counsel

EJP:af

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CARL R. GOLDEN
SECRETARY
ASSEMBLY MAJORITY
STATE HOUSE
TRENTON, N. J. 08625

TRENTON

August 17, 1973

Honorable David Norcross
Executive Director
New Jersey Election Law
Enforcement Commission
Trenton, New Jersey

Dear Dave:

In accordance with our conversation of today with respect to the New Jersey Campaign Contributions and Expenditures Reporting Act, I am herewith reducing my inquiries to writing.

It is my feeling that I may be affected by Section 19:44A-3, paragraph f which addresses itself to "paid professional services."

I am, at present, employed as a member of the partisan staff of the General Assembly, assigned to the Republican leadership and members of the Assembly. The services I render to the leadership and the Republican membership during my regular duties are essentially those I intended to render to those Republicans seeking re-election as well as to non-incumbents.

These services include such duties as writing press releases, conducting research on legislation and voting records, compiling legislative accomplishments, dealing with the press of the state on a day-to-day basis, and generally being available to aid individual members.

August 17, 1973

I am a state employee, although not under Civil Service, and am paid by the state from an appropriation approved by the Assembly to finance its staffing.

My questions are as follows:

1. Would my services, particularly the drafting of press releases for incumbents and non-incumbents, be reportable under the Section of the Act alluded to earlier?

2. If so, who is responsible for affixing a value to my "paid professional services" under the act.

3. If I am asked to aid an incumbent seeking re-election during my hours out of office, is there a reportable contribution by that candidate?

4. I have been asked to aid a candidate for the Senate and to be paid for such services from funds allotted to him by virtue of his holding office. Is this reportable under the Act?

5. The section alluded to earlier refers to personal services on a voluntary basis. Do I assume that if the services I render are classified as voluntary, they are not reportable?

I appreciate your taking the time to meet with me today and I shall await a reply from you on the foregoing questions.

Sincerely,



Carl R. Golden

CRG:ef