



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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December 23, 1981

Senator Steven P. Perskie
1125 Atlantic Avenue
Atlantic City, NJ 08401

Re: Advisory Opinion No. 46-1981

Dear Senator Perskie:

Your letter to the Election Law Enforcement Commission requesting an advisory opinion has been considered by the Commission and I have been directed to issue this response. You have asked what use may be permissible for contributions received by a candidate for the Legislature which are not expended in furtherance of the candidate's campaign. For the reasons stated herein, the Commission is unable to express an opinion in regard to your inquiry.

The Commission does not have authority to advise generally with respect to the election laws, since its authority is limited to the area of its responsibility, which is the New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.). This Act forms only a part of the election law of New Jersey, which is contained in Title 19 of the New Jersey statutes. The remainder of the election law is under the jurisdiction of the Attorney General of New Jersey.

The Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.) does not specifically address itself to the permissible uses of contributions deposited in campaign depository bank accounts pursuant to N.J.S.A. 19:44A-12 which may remain at the termination of a candidacy. Since the authority of the Commission to issue advisory opinions is limited to the provisions of the Reporting Act, the Commission concludes that it is unable to express an opinion with respect to inquiries that do not concern possible violations of the Reporting Act. See N.J.S.A. 19:44A-6(f). However, the Commission has taken the position that personal uses of funds would not be appropriate and in such a case would forward evidence of such personal use to an appropriate law enforcement agency.

The Commission is unable to express an opinion regarding your suggestion that funds which remain at the termination of a candidacy may be used to offset otherwise unreimbursed expenses incident to the maintenance of a legislative office. For further information with respect to this subject, we would suggest that you refer this inquiry to the President of the Senate and the Speaker

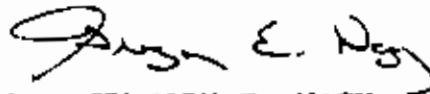
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of the General Assembly in order to determine whether such a use is permissible under the Joint Rules Governing Legislative District Offices, adopted pursuant to the provisions of General Appropriations Act for 1980-81, Laws of 1980, chapter 56.

The Commission concurs with your observation that there is no requirement under the Reporting Act that the Commission has any authority to require reporting or accounting of expenditures made for the purposes of maintaining a legislative office.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION



by: GREGORY E. NAGY
Staff Counsel

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