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June 11, 1985

Mr. Robert MORO
74 Skytop Road
Cedar Grove, New Jersey 07009

Re: Advisory Opinion No. 9-1985

Dear Mr. MORO:

I have been asked by the New Jersey Election Law Enforcement Commission to reply to your letter dated May 30, 1985, with reference to your reporting obligation in connection with the letter from Citizens for Good Government of Cedar Grove dated May 16, 1985.

The Commission concurs with your opinion that you do not have to accept the allocation of the unsolicited contribution of \$270.48 in the circumstances of this case.

The general rule is that the reporting obligation extends to all contributions on behalf of the candidacy of a candidate, whether or not those contributions are solicited. This includes the reporting of the allocation of independent expenditures made on behalf of a candidate. In the case of a campaign piece advocating the election of named candidates, there normally would be no question but that the expense would properly be allocated among those candidates.

There is, however, a fundamental right of a candidate to reject any contribution, including a contribution in the form of an independent expenditure. Whether a candidate has made a good faith rejection of such a contribution promptly upon becoming aware of it, is in most cases a question of fact. Based upon the facts set forth in your letter, including the fact of your public rejection of the contribution, the Commission is satisfied that the test is met in this case.

June 11, 1985

There may be an obligation of a candidate to report the fact of receipt of such a contribution together with an appropriate disclaimer. We need not consider that question at this time, as the Commission deems your letter of request to be sufficient notice to the Commission of the fact of the receipt and of the rejection.

Very truly yours,

NEW JERSEY ELECTION LAW
ENFORCEMENT COMMISSION

By Edward J. Farrell, Counsel

EJF:no