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May 7, 1986

Stephen J. Edelstein, Counsel
Shapiro '85 General Election Committee
West Essex Office Center
1129 Bloomfield Avenue
West Caldwell, NJ 07006

Advisory Opinion No. 05-1986

Dear Mr. Edelstein:

Your letter to the New Jersey Election Law Enforcement Commission dated May 5, 1986 requesting an Advisory Opinion has been considered by the Commission and I have been directed to issue this response. You have asked on behalf of the "Shapiro '85 General Election Committee," the 1985 general election gubernatorial campaign political committee of candidate Peter Shapiro, (hereafter, "Shapiro Committee") for instructions concerning the disposition of remaining unspent campaign funds and unpaid outstanding obligations. The Commission instructs you as follows:

1. The Shapiro Committee may retain for a period not to exceed 30 days the sum of \$2,068.50 to pay outstanding obligations.
2. The Shapiro Committee may retain for a period of time not to exceed the conclusion of the Commission's audit report on the public financing of Mr. Shapiro's candidacy a sum not to exceed \$5,000.00 solely for the payment of any administrative or accounting expense incurred in connection with the Commission's audit.
3. The Shapiro Committee may retain for a period of time not to exceed the entry of a final judgment in the case of Dukas v. D. H. Sawyer & Associates, Ltd. and the Shapiro 85 Committee, now pending in the courts of New York State, a sum not to exceed \$10,000.00 solely for payment of any legal fees and court costs incurred by the Shapiro Committee in connection with its representation in that case.
4. The Shapiro Committee must tender forthwith to the Commission all moneys remaining available to Mr. Shapiro's 1985 general election candidacy, including all assets. The Commission will hold all tendered sums in escrow pending the conclusion of the Commission's audit of the Shapiro candidacy.

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Further, any moneys received by the Shapiro Committee at any future date which derives from the 1985 general election campaign contributions or matching funds must be tendered to the Commission. Specifically, you have orally advised the Commission that the Shapiro Committee may be receiving return of disbursements made for prepaid television advertising purchases that were not broadcast.

In his 1985 general election candidacy, Mr. Shapiro opted to receive partial public financing of his gubernatorial candidacy pursuant to N.J.S.A. 19:44A-29 et seq. He therefore became subject to the requirement to deliver to the State of New Jersey "...all (campaign) moneys remaining available ... (to his candidacy)" no later than six months after the date of the November 5, 1985 general election; N.J.S.A. 19:44A-35(c). By letter dated November 7, 1985 the Commission advised Mr. Shapiro's campaign treasurer of this requirement, and a copy of that correspondence is attached hereto and incorporated in this Advisory Opinion.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

BY:


GREGORY E. NAGY

Staff Counsel

GEN/cn
Attachment