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March 20, 1990

Honorable Maureen Ogden  
Assemblywoman, 22nd District  
266 Essex Street  
Millburn, New Jersey 07041

Advisory Opinion No. 02-1990

Dear Assemblywoman Ogden:

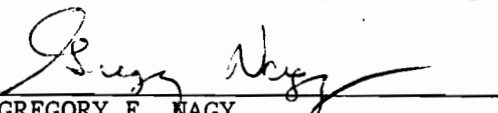
Your letter requesting an advisory opinion from the Commission was received on March 9, 1990, and the Commission has directed me to issue the following response. You have asked whether pursuant to the "New Jersey Campaign Contributions and Expenditures Reporting Act," N.J.S.A. 19:44A-1 et seq., (hereafter, the Act) you and other Republican members of the State Assembly may use funds received by continuing political committees established to promote election candidacies to defray the expense of what your letter characterizes as a non-partisan environmental event (i.e., Earth Day), to be organized by the Assembly Republican Office. For the reasons stated below, nothing in the Act prohibits such a use of continuing political committee funds.

Funds deposited into the organizational account of a continuing political committee may be used for any lawful purpose as long as they are not converted to any personal use by a candidate or any other person; see Commission Regulation N.J.A.C. 19:25-7.2 (copy enclosed). You write that you are anticipating approximately \$3,500 of expenditures for such items as food for participants, printing expenses for workshop materials, transportation expenses of speakers, and possibly a rental fee for the use of a facility. Nothing in your letter suggests that any of the candidates or officeholders controlling continuing political committee funds, or their treasurers, have any personal interest in any proceeds generated by these expenditures. The Commission believes, for example, if the funds of a continuing political committee were used to pay a rental fee to a corporation in which the person controlling the continuing political committee had some substantial financial interest, there could be a basis for a finding of a "personal use" within the meaning of the regulation. However, nothing in the facts of your letter suggests such a fact scenario, and therefore on the basis of the facts presented in your inquiry the Commission concludes that the Earth Day expenditures do not violate the restrictions contained in N.J.A.C. 19:25-7.2.

You have further inquired whether Assembly Members controlling continuing political committees can use personal funds to pay for some of these expenditures, and subsequently be reimbursed by their continuing political committees. As a general rule, all expenditures by a continuing political committee should be made directly out of its organizational account and through its organizational treasurer; see N.J.S.A. 19:44A-10 and 19:44A-8. However, as a practical matter, the Commission recognizes that certain de minimis items must periodically be purchased directly by candidates or others out of personal funds because of the demands of expediency and time. Under such limited circumstances, the continuing political committee may reimburse the person who has made a personal expenditure on behalf of the continuing political committee. In such a case, the Form R-3 filed by the continuing political committee should specify the date, name and address of the person being reimbursed, and should further specify the purpose of the reimbursement. Reimbursements should only be permitted under circumstances when the demands of time make it impractical for the person who made the purchase to obtain the expenditure directly from the organizational treasurer.

Thank you for your inquiry and for your interest in the work of the Commission.

Very truly yours,  
**ELECTION LAW ENFORCEMENT COMMISSION**

By:   
GREGORY E. NAGY  
Legal Director

Enclosures  
GEN/ck