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January 21, 1976

Joseph L. Garrubo
Assemblyman, District 20 (Union)
1961 Morris Avenue
Union, New Jersey 07083

Re: The New Jersey Campaign Contributions and
Expenditures Reporting Act, Chapter 83,
Laws of 1973, as Amended and Supplemented ("the Act")
Your Letter Dated July 10, 1975
Opinion # (0-14-75)

Dear Mr. Garrubbo:

Your letter dated July 10, 1975 to the New Jersey
Election Law Enforcement Commission ("the Commission"),
including a request for advisory opinion, has been forwarded
to me for reply.

I am not entirely clear from your letter what question
you are raising. Nothing in the Act prohibits in-kind
contributions to a candidate or to a number of candidates.
In-kind contributions might involve such activity in connection
with a campaign that the contributors would, in fact, become
a political committee on behalf of the candidate. For example,
an organization which conducted the preparation and dissemination
door-to-door of a hand bill on behalf of a candidate would
be such a committee. An in-kind contribution might, on
the other hand, simply be a contribution similar to a money
contribution, such as for example, allowing the candidate
to use office space without payment of rental in connection
with his candidacy. In any event, where contributions (includ-
ing in-kind contributions) or expenditures are made on
behalf of two or more candidates (whether for the Assembly
or for Township office), the Act requires allocation of
those expenditures among the affected candidates. The
allocation must be made on a reasonable basis and the candidates
involved have the responsibility of making the allocation.

The Act does not prescribe what uses of political funds
are lawful or unlawful and the Commission is not empowered
to express an opinion in this regard. The Commission has

taken the position that personal use of such funds is obviously not appropriate and would in such case forward evidence of such use to the appropriate law enforcement agency. Certain other dispositions of such funds would not be challenged by the Commission, such as the transfer of the funds to the County or other political party committee of the candidate, or the return of those funds pro rata to the contributors.

The Act does not contain any provision permitting the use of campaign funds to maintain a legislative office, and the Commission can express no opinion with respect to such use. A request for such an opinion should be directed to Joyce Usiskin, Esq. or Gregory Nagy, Esq., Deputy Attorneys General, whose area of responsibility includes the election laws of the State of New Jersey. Assuming such use of funds is lawful, then the allocation would be in accordance with the principles set forth above.

Very truly yours,


Edward J. Farrell
Legal Counsel

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