

Sidney Goldmann
Chairman

Josephine S. Margetts
Andrew Axtell

STATE OF NEW JERSEY
ELECTION LAW ENFORCEMENT
COMMISSION
NATIONAL STATE BANK BLDG.
SUITE 1114
TRENTON, N. J. 08605
(609) 292-0700

LEWIS B. THURSTON, III
EXECUTIVE DIRECTOR
EDWARD J. FARRELL
COUNSEL

March 31, 1980

John D'Amico, Jr., Esq.
Citizens for Transportation Bond
P.O. Box 1442
Newark, New Jersey 07101

Re: The New Jersey Campaign Contributions and
Expenditures Reporting Act, Chapter 83, Laws
of 1973 as Amended and Supplemented ("the Act")
Your letters dated December 26, 1979 and
February 12, 1980
Opinion #0-01-80

Dear Mr. D'Amico:

Your letter dated December 26, 1979 and subsequent letter dated February 12, 1980, to the New Jersey Election Law Enforcement Commission ("the Commission"), including a request for advisory opinion, have been forwarded to me for reply.

The Commission does not have authority to advise generally with respect to the election law, since its authority is limited to the area of its responsibility, which is the New Jersey Campaign Contributions and Expenditures Disclosure Act (N.J.S.A. 19:44A-1 and following). 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 Act does not prescribe what uses of political funds (including excess funds remaining after a political campaign) 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 (perhaps

inappropriate in this case), or the return of those funds pro rata to the contributors, or the transfer of those funds to a charitable organization of the kind recognized by the Internal Revenue Service for deduction on federal income tax returns. In the view of the Commission, this would include a contribution to a governmental agency such as the New Jersey Department of Transportation for public use, which was the inquiry you made during our telephone discussion subsequent to your letters.

I am enclosing copy of Opinion #0-21-79 of the Commission relating to this general subject. Please feel free to make further inquiry of the Commission if you feel that amplification of the Commission's view of these matters may be of assistance to you.

Yours very truly,

Edward J. Farrell
Legal Counsel

EJF:no

Enclosure