

STATE OF NEW JERSEY
ELECTION LAW ENFORCEMENT
COMMISSION
NATIONAL STATE BANK BLDG.
SUITE 1114
TRENTON, N. J. 08606
16091 292 8700

LEWIS B. THURSTON, III
Executive Director
EDWARD J. FARRELL
Counsel

Sidney Goldmann
Chairman

Josephine S. Margetts
Andrew Axtell

March 31, 1980

James Cundari, Treasurer
Committee to Re-Elect Adubato-Cali
561 Bloomfield Avenue
Newark, New Jersey 07107

Re: The New Jersey Campaign Contributions and
Expenditures Reporting Act, Chapter 83, Laws
of 1973 as Amended and Supplemented ("the Act")
Your letter dated January 29, 1980
Opinion #0-06-80

Dear Mr. Cundari:

Your letter dated January 29, 1980, to the New Jersey
Election Law Enforcement Commission ("the Commission"), in-
cluding a request for advisory opinion, has been forwarded
to me for reply.

The Commission does not have authority to advise generally
with respect to the election laws, 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, or the
return of those funds pro rata to the contributors.

The Commission is unable to express an opinion regarding the use of such funds for the maintenance of a legislative office or the payment of expenses relating to legislative activity. For further information with respect to these or other possible specific uses of such funds, we would suggest that you contact Janice Mironov, Deputy Attorney General, whose area of responsibility includes the Election Law of the State of New Jersey.

Use of the funds for the purposes set forth in categories (1), (2), (3), (4) or (6) of your letter would not be challenged by the Commission as improper under the Act. We are unable to express an opinion with respect to your category number (5), defraying expenses of an assembly district office or political headquarters.

I am enclosing copy of an earlier opinion of the Commission relating to this subject.

Yours very truly,



Edward J. Farrell
Legal Counsel

EJF:no

Enclosures
Opinion #0-21-79