



State of New Jersey

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January 11, 1982

Martin S. Barber
New Jersey Republican
State Committee
1090 Morris Avenue
Union, New Jersey 07083

Re: ADVISORY OPINION NO. 01-1982

Dear Mr. Barber:

Your letter to the Election Law Enforcement Commission requesting an advisory opinion has been considered by the Commission and I have been directed to issue this response. You have asked whether contributions received by the Kean Emergency Recount Fund may be transferred after payment of all outstanding debts related to recount activities to the New Jersey Republican State Committee. For the reasons stated herein, you are advised that nothing contained in the provisions of the Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.) would prohibit such a transfer as long as the Kean Emergency Recount Fund was not indebted or otherwise financially obligated to the campaign fund of Governor-elect Thomas Kean.

The Commission has previously concluded as set forth by letter dated November 11, 1981, that after the date of the gubernatorial general election contributions intended for financing the recount are not subject to the restrictions applicable to contributions received by a gubernatorial campaign committee. The Commission has also permitted the transfer of campaign contributions to finance recount activity. However, contributions received by gubernatorial candidates who elect to accept public financing are subject to reimbursement claims by the State of any funds remaining after the payment of campaign expenses. N.J.S.A. 19:44A-35(c).

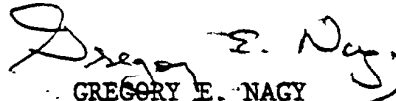
Therefore, as to contributions received for recount related expenses by a gubernatorial candidate, after the date of the election, remaining funds must first be repaid to the gubernatorial campaign fund up to an amount equal to any campaign funds which were transferred to the recount account. Funds remaining thereafter may be transferred to the State Committee or used for any other lawful purpose other than the payment of expenses of the gubernatorial campaign or any inaugural event.

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You informed the Commission that contributions were made to the Kean Emergency Recount Fund after the election solely for the purposes of recount activities, and such contributions were maintained in a separate account and not combined with election related contributions which were made pursuant to N.J.S.A. 19:44A-29. Accordingly there is no prohibition preventing a transfer of remaining funds in the Kean Emergency Recount Fund to the Republican State Committee subject to return of any moneys owing to the campaign fund.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION


GREGORY E. NAGY
Staff Counsel

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