



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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March 29, 1982

Hon. Kenneth A. Gibson, Mayor
City of Newark
C/o Gibson Campaign Committee
72 Tuxedo Parkway
Newark, New Jersey 07106

ADVISORY OPINION No. 08-1982

Dear Mayor Gibson:

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 a candidate in a mayoralty election may apply leftover campaign contributions not expended in behalf of the mayoralty candidacy towards the conduct of a runoff election campaign or for other certain purposes. Kindly be advised that the Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.) does not regulate the use of leftover campaign funds in a non-publicly financed election and therefore the Commission is unable to express an opinion in regard to your inquiry.

In regard to elections that are not publicly financed, the Reporting Act does not specifically address itself to the permissible uses of contributions deposited in campaign depository bank accounts which may remain at the termination of the candidacy. Since the authority of the Commission to issue advisory opinions is limited to the provisions of the Reporting Act, the Commission concludes that it is unable to express an opinion with respect to inquiries that do not concern possible violations of that Act. See N.J.S.A. 19:44A-6(f). However, the Commission has taken the position that personal use of campaign funds would not be appropriate and in such a case would forward evidence of such personal use to the attention of the Attorney General or other appropriate law enforcement agency.

You have specifically inquired whether remaining campaign funds could be directed towards a mayoralty runoff election, transferred to other municipal candidates in such a runoff election or contributed to a charity. All of these contemplated uses of the remaining funds would be appropriate, and would not raise any question of personal use.

The Commission understands your inquiry to concern exclusively your candidacy for the office of mayor, an election that is not subject to public financing, but not your recent candidacy in the 1981 primary election for the office of Governor in which you elected to receive public financing. As you know, remaining funds in a publicly financed election are subject to recovery by the State pursuant to the provisions of N.J.S.A. 19:44A-35(c). See Advisory Opinion No. 42-1981, a copy of which was previously transmitted to you in connection with your gubernatorial campaign.

Hon. Kenneth Gibson, Mayor

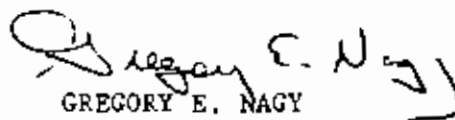
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You may be interested in knowing that State Senator Steven P. Perskie has introduced a bill, Senate No. 1195, which would expressly set forth the allowed uses of remaining or excess campaign funds. A copy of that bill will be forwarded to you as soon as it is available.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION


GREGORY E. NAGY
Staff Counsel

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