



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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February 6, 1984

Raymond Abazia, Treasurer
Campaign Fund of Thomas J. Deverin
6 Colgan Avenue
Carteret, New Jersey 07008

ADVISORY OPINION NO. 04-1984

Dear Mr. Abazia:

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 campaign contributions remaining unexpended at the termination of a candidacy may be used for the purposes of making a contribution to a non-profit community organization which, in return for that contribution, will provide the candidate with a life membership and a plaque in recognition of that life membership. For the reasons stated herein, the Commission is unable to express an opinion in regard to your inquiry.

Assemblyman Thomas Deverin was a candidate for re-election to the State Assembly in the 1983 general election. According to the most current campaign report filed on behalf of his candidacy for that election, he has a remaining balance of \$12,055.09 in his campaign bank depository, and there are no listed outstanding obligations. You have inquired whether he may use \$500 of this remaining balance as a contribution to the National Association for the Advancement of Colored Persons (NAACP). In recognition of this contribution, he will receive a life membership in that organization and a plaque recognizing that life membership.

The New Jersey Campaign Contribution and Expenditures Reporting Act, (N.J.S.A. 19:44A-1) et seq. does not specifically address the permissible uses of leftover campaign funds. Since the authority of the Commission to issue Advisory Opinions is limited to questions arising under the provisions of the Act, the Commission is unable to express an opinion with respect to your inquiry. N.J.S.A. 19:44A-6(f). In previous Advisory

Opinions, however, the Commission has adopted the policy that personal use of any leftover campaign funds would not be appropriate, and any information reaching the Commission of such personal use would be forwarded to the State Attorney General pursuant to N.J.S.A. 19:44A-6(b)(10). The Commission believes that a donation from leftover campaign funds to a charitable organization that is not controlled by a candidate and does not result in any direct benefit to the candidate, is not personal use that would necessitate referral to the State Attorney General. The additional fact that the Respondent will receive a plaque in recognition of this contribution does not give rise to any presumption that the candidate has received a personal benefit.

While the Commission lacks jurisdiction to advise generally as to the permitted uses of campaign funds, it does wish to reiterate that reporting obligations as to those funds continue until such time as they have been expended. N.J.S.A. 19:44A-16(a).

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

BY: Gregory Nagy
GREGORY E. NAGY
Staff Counsel

GEN/ck