



# State of New Jersey

## ELECTION LAW ENFORCEMENT COMMISSION

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April 12, 1984

Michael B. Kates, Esq.  
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### Advisory Opinion No. 07-1984

Dear Mr. Kates:

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 for public elective office may be used for the purposes of making a donation to a scholarship fund for graduates of a local high school. For the reasons stated herein, the Commission is unable to express an opinion in regard to your inquiry.

You have written that Jacqueline Kates, your wife, is a candidate in the Township of Teaneck in the school election to be conducted on April 3, 1984. The candidate anticipates that contributions to her candidacy will exceed campaign expenditures, and proposes to donate the excess to the "Community Scholarship Fund," a non-profit organization of local citizens, co-sponsored by the Parent Teacher's Association, which grants scholarships based on need to graduates of Teaneck High School.

The New Jersey Campaign Contribution and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq., (hereafter, the Act) 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 any 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 is not 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 or indirect benefit to the candidate is not a personal use that would necessitate referral.

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While the Commission lacks jurisdiction to advise generally as to the permissible 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.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

BY: Gregory E. Nagy  
GREGORY E. NAGY  
Staff Counsel

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