



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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April 23, 1990

Judie M. Conti, Treasurer
Anthony J. Conti Booster Club
220 Mifflin Street
Trenton, New Jersey 08629

Advisory Opinion No. 03-1990

Dear Ms. Conti:

The Commission has directed me to issue this response to your request for an advisory opinion received on March 16, 1990. You have asked whether pursuant to the "New Jersey Campaign Contributions and Expenditures Reporting Act," N.J.S.A. 19:44A-1 et seq., (hereafter, the Act) the Anthony J. Conti Booster Club may use its funds to purchase a computer and printer and if so, what restrictions would be applicable on the uses to which this equipment may be applied.

The Anthony J. Conti Booster Club is a continuing political committee (CPC) filing quarterly reports with the Commission. Anthony J. Conti is an incumbent municipal councilman in the city of Trenton who will be seeking reelection in the May 8, 1990 municipal election. You write that the computer equipment will be used for such tasks as letter writing to constituents of Councilman Conti, keeping a log of constituents, voter registration information within Councilman Conti's ward, record and bookkeeping logs of financial accounts, and organizing new ordinances.

Commission Regulation N.J.A.C. 19:25-7.2 (copy enclosed) provides that funds received by a candidate or a CPC may not be applied for any personal use by a candidate or any other person. The purchase of this equipment for the uses you have specified in your inquiry does not appear to fall within the "personal use" restriction as set forth in the regulation. In order to insulate the continuing political committee and yourself from any appearance that might suggest that the regulation has been transgressed, the Commission directs the following course of action:

1. The equipment should be purchased in the name of the continuing political committee, and should not be permitted to become the personal property of any individual unless the equipment is sold or otherwise liquidated by the continuing political committee at fair market value; and

2. At the time of the purchase of this equipment, the continuing political committee should file with the Commission an affidavit to the effect that no person will be permitted to use the equipment for any personal use. The affidavit should be updated annually to reflect that no personal use has in fact occurred. The staff of the Commission will assist you in preparing such an affidavit.

Although you have not specifically raised this issue in your inquiry, the Commission notes that the continuing political committee should be aware of the reporting consequences of use of this equipment in the reelection campaign of Mr. Conti. As a candidate, Mr. Conti will be required to file campaign cycle reports (29-day preelection, 11-day preelection, 20-day postelection and 60-day postelection, if necessary) pursuant to N.J.S.A. 19:44A-16. To the extent that the equipment belonging to the continuing political committee is used to aid or promote Mr. Conti's reelection campaign, the continuing political committee will be making an "in-kind" contribution to the candidate, which "in-kind" contribution would be subject to reporting requirements. The continuing political committee must within 48 hours provide the candidate with written notice of the value of the "in-kind" contribution pursuant to N.J.S.A. 19:44A-8(b)(2) and N.J.A.C. 19:25-10.4 (copy enclosed), and the candidate must identify the continuing political committee in the candidate's campaign reports if the aggregate value exceeds \$100.00; see N.J.S.A. 19:44A-16.

Thank you for your inquiry.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

By: 
GREGORY E. NAGY
Legal Director

Enclosures
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