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November 20, 1992

George R. Gilmore, Chairman
Friends of Connors, Moran and Connors
Ten Allen Street
P. O. Box 1540
Toms River, New Jersey 08754

Advisory Opinion Request 10-1992

Dear Mr. Gilmore:

The Commission has directed me to issue this response to your request for an advisory opinion, received November 12, 1992. You have asked whether Friends of Connors, Moran & Connors, a continuing political committee, may use its funds to pay the cost of lunches consumed by legislators attending political caucus meetings during a legislative session day without violating the provisions of the Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq., (hereafter, the Act), or the regulations promulgated pursuant to the Act.

The Friends of Connors, Moran & Connors is a continuing political committee filing quarterly reports (Form R-3) with the Commission. According to its most recent quarterly report, the Friends of Connors, Moran & Connors Committee as of September 30, 1992, had an available balance of \$41,223.26. For the purposes of this request, the Commission assumes that the Committee has been established to aid or promote past or future candidacies of State Senator Leonard T. Connors, Jr., State Representative Jeffrey Moran, and State Representative Christopher J. Connors, all elected as representatives from the 9th Legislative District. All three State legislators are members of the Republican political party, and as such participate in the legislative caucuses conducted by their party on legislative session days. The Commission has been advised that it is customary during such caucuses for the participating legislators to eat lunch during the caucus. Further, although the cost of such lunches has in the past been borne by the State, that is no longer the case.

The Commission is satisfied that the reasonable cost of a luncheon for a legislator participating in a political party caucus during a legislative day may be paid by a continuing political committee maintained by

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or established on behalf of that legislator without violating the "personal use" prohibition contained in Commission Regulation N.J.A.C. 19:25-7.2.

Commission Regulation N.J.A.C. 19:25-7.2 provides that funds under the control of a continuing political committee may be used for "any lawful purpose" as long as the funds are not "converted to any personal use by the candidate or any other person." The Commission has on previous occasions considered what conduct constitutes "personal use" under the above-cited regulation. For example, as recently as in Advisory Opinion No. 08-1992 (addressed to you in your capacity as Finance Chairman of the Ocean County Republican Chairman's Club), the Commission held that a continuing political committee may use its funds to pay the reasonable costs of travel, lodging and meals incurred by delegates to a national political party convention without violating the "personal use" restriction. In reaching that conclusion, the Commission recognized that the attendance of delegates at a national political party convention can be an important activity for local political party organizations and can further the interest of all State candidates of that party; see Advisory Opinion No. 08-1992 (copy enclosed). The Commission has further held that a continuing political committee may use its funds to pay the costs of an officeholder to attend social events that aid or promote a present or possible future candidacy of that officeholder, or further the duties of the elective public office; see Advisory Opinion Nos. 07-1991 and 03-1989 (copies enclosed).

Whether campaign or continuing political committee funds may be used for maintaining a public office or for legislative expenses are issues outside the jurisdiction of the Commission, and the Commission expresses no opinion on those questions; see N.J.A.C. 19:25-7.4(c). Further, the Commission does not have any jurisdiction to express an opinion concerning applicability of the New Jersey Conflicts of Interest Law (N.J.S.A. 52:13D-12 et seq.), or the Legislature's Code of Ethics as administered by the Joint Legislative Committee on Ethical Standards. Therefore, the Commission suggests that prior to using continuing political committee funds for the purpose you have described in this request, the affected legislators should consider seeking an opinion from the Joint Legislative Committee on Ethical Standards as to any possible violation that may be raised within its jurisdiction.

Thank you for your inquiry.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

BY: _____
GREGORY E. NAGY
Legal Director

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