



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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May 9, 1988

Assemblyman Frank A. LoBiondo  
New Jersey State Assembly  
106 North Main Street  
Cape May Court House, NJ 08210

RE: Advisory Opinion No. 05-1988

Dear Assemblyman LoBiondo:

The Election Law Enforcement Commission has directed me to respond to your letter received April 13, 1988 requesting an advisory opinion. You have asked whether campaign funds remaining unexpended from your 1987 general election candidacy (i.e., surplus funds) can be used for expenses related to the operations of your legislative district office, specifically to purchase signs for your district office and to pay for expenses related to a "grand opening" of that office.

The Commission enacted the following amendment to its surplus funds regulation on January 5, 1987 at N.J.A.C. 19:25-7.4(c):

"The Commission has no jurisdiction over the question whether or not surplus campaign funds may be used for the operation and staffing of legislative district offices."

At the time of the adoption of this regulation, the Commission stated that it believes that "The New Jersey Campaign Contributions and Expenditures Reporting Act," N.J.S.A. 19:44A-1 et seq. does not vest jurisdiction in the Commission to regulate the funding of legislative district offices; see 19 N.J.R. 142. Further, the Commission believes that the Joint Legislative Committee on Ethical Standards, established pursuant to N.J.S.A. 52:13D-12 et seq., "New Jersey Conflicts of Interest Law," has the jurisdictional authority to determine what funds may or may not be applied towards legislative district office expenses; see specifically N.J.S.A. 52:13D-24. The Commission also notes that any attempt by it to exercise jurisdictional authority over members of the Legislature in regard to the funding of their legislative district offices may be violative of the separation of powers doctrine and of the right of the Legislature to regulate its members; see N.J. Const. (1947), Art. III, par. 1.; N.J. Const. (1947), Art. IV, Sec.4, par. 9; N.J. Const. (1947), Art. IV, Sec. 4, par. 2.

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For the foregoing reasons, the Commission must respectfully decline from issuing an advisory opinion on the question you have presented. However, you may wish to refer your inquiry to the Joint Legislative Committee on Ethical Standards, State House Annex, 2nd Floor, CN-068, Trenton, New Jersey 08625, (609)292-4625 for guidance.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

BY: GREGORY E. NAGY

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