



State of New Jersey

**ELECTION LAW ENFORCEMENT COMMISSION**

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July 18, 1989

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Advisory Opinion No. 15-1989

Dear Mr. Bell:

The Commission at its July 18, 1989 public meeting considered your request for an advisory opinion and directed me to issue this response. You have asked whether funds controlled by a continuing political committee, "Mayor Lombardo's Coalition for Excellence," (hereafter, "the Coalition") may use funds contributed to it for the purchase of an automobile telephone to be installed in the personal vehicle of the elected officeholder on whose behalf the "Coalition" was established.

You have written that Charles C. Lombardo is the Mayor of the Township of Rockaway, Morris County, and he has indicated that he will seek reelection in 1991. By letter dated June 23, 1989 you write that because of the nature of his employment Mayor Lombardo must travel throughout the State and requests the use of an automobile telephone in his personal vehicle so that he can stay informed of political developments in the community. You further write that any telephone charges not directly related to his reelection effort will be paid for out of his personal funds.

The "Coalition" filed a quarterly report (Form R-3) with the Commission on April 21, 1989 disclosing a closing balance of \$10,174.72. You propose that the "Coalition" funds be used for the purchase and installation of the telephone in Mayor Lombardo's vehicle, and only for the payment of tolls related to telephone calls made specifically for Mayor Lombardo's 1991 reelection effort.

Funds expended by a continuing political committee such as the "Coalition" cannot be converted to any personal use by a candidate or any other person; see N.J.A.C. 19:25-7.2 (copy enclosed). In regard to the cost associated with the purchase and installation of the automobile telephone, to the extent that the telephone is used for other than political purposes, that is for other than the 1991 reelection candidacy of Mayor Lombardo, payment of those non-campaign expenses out of funds controlled by the continuing political committee would appear in violation of the above-cited regulation. There is no method that suggests itself to the Commission for simply determining to what extent the purchase and installation expense can

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be attributed to telephone calls for political purposes, and to what extent those costs can be attributed to telephone calls for official Township or other non-campaign purposes. For this reason, the Commission cannot approve of the use of the continuing political committee funds for the purchase and installation of the automobile telephone in Mayor Lombardo's personal vehicle.

The Commission suggests that Mayor Lombardo may wish to consider leasing an automobile telephone for a period of time specifically relevant to his 1991 election candidacy. If the telephone is leased, and if the period of time of the lease is specifically correlated to the period of time that the Mayor will be conducting his active 1991 re-election campaign, the Commission would not harbor the same objections to the use of the continuing political committee funds to cover those costs.

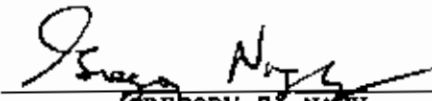
In regard to toll fees or other charges for specific telephone calls, if the calls specifically relate to the 1991 reelection candidacy of Mayor Lombardo, the Commission would agree that use of the "Coalition" funds to pay toll charges for those specific calls would be an appropriate campaign expense. However, toll charges related to any other telephone calls, including those used to transact official Township business, should not be paid for out of funds controlled by the "Coalition."

The Commission wishes to bring to your attention that any candidate for elective office must maintain records pertinent to all campaign contributions and expenditures; see N.J.A.C. 19:25-8.1 and 19:25-8.2 (copy enclosed). Such records must be maintained for a period of not less than four years after the date of the election to which they are relevant, and would include any telephone bills relevant to calls paid for by the "Coalition."

Thank you for your inquiry, and for agreeing to an extension of the period of time under which the Commission could respond to your request.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

BY:   
GREGORY E. NAGY

GEN/cn  
Enclosure