



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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March 21, 1995

William J. DiDonato  
Waterford Township Committee  
442 Fifth Street  
Atco, New Jersey 08004

Advisory Opinion 04-1995

Dear Mr. DiDonato:

The Commission has directed me to issue this response to your request for an advisory opinion concerning permissible uses of candidate funds pursuant to the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq. (hereafter, the Act).

**SUBMITTED FACTS**

You write that you are an elected member of the township committee in Waterford Township, Camden County, and currently maintain a candidate committee with a balance of unexpended campaign contributions. Specifically, the Commission notes that on November 28, 1994, you filed a 20-day post election report on behalf of your 1994 general election candidate committee, which report indicated a closing balance of \$6,392.34. No further reports have been filed since that date.

You ask if you may use the funds in this account to pay expenses you anticipate incurring in connection with seeking county political party committee office. The Commission notes that the members of the county committees of the political parties are selected annually at the primary for the general election, see N.J.S.A. 19:5-3.

**COMMISSION RESPONSE**

For the reasons set forth below, the Commission concludes that contributions received by a candidate committee pursuant to the Act cannot be spent for the purpose of paying expenses incurred in your effort to seek a political party office.

Amendments to the Reporting Act enacted into law in 1993 at N.J.S.A. 19:44A-11.2 (hereafter, Section 11.2) provide, in pertinent part, as follows:

a. All contributions received by a candidate, candidate committee, a joint candidates committee or a legislative leadership committee shall be used only for the following purposes:

(1) the payment of campaign expenses;

...

(3) transmittal to another candidate, candidate committee, or joint candidates committee, or to a political committee, continuing political committee, legislative leadership committee, or political party committee, for the lawful use by such other candidate or committee;

....

(6) the payment of ordinary and necessary expenses of holding public office.

As used in this subsection, 'campaign expenses' means any expense incurred or expenditure made by a candidate, candidate committee, joint candidates committee or legislative leadership committee for the purpose of paying for or leasing items or services used in connection with an election campaign, other than those items or services which may reasonably be considered to be for the personal use of the candidate, any person associated with the candidate or any of the members of the legislative leadership committee." (emphasis added).

Section 11.2 contemplates that contributions received by candidate committees under the Act be applied for campaign or office holding expenses that arise out of elected public offices that are subject to the jurisdiction of the Act. The term "candidate" means, in pertinent part, an individual seeking election to a public office of the State or of a county, municipality or school district at an election, "except that the term shall not include an individual seeking party office;" see N.J.S.A. 19:44A-3c. The term "election" is defined at N.J.S.A. 19:44A-3e to mean any election over which the Commission has jurisdiction pursuant to N.J.S.A. 19:44A-4, which in turn provides that the provisions of the Act shall apply: "d. (I)n any election for any public office of the State or any political subdivision thereof; provided, however, that this act shall not...apply to elections for party office."

Persons seeking election to political party offices are not subject to the reporting requirements of the Act, with the exception that they must make written notification to candidates on whose behalf they make or authorize expenditures, see N.J.S.A. 19:44A-8a(2).

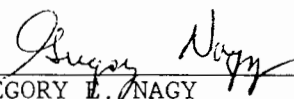
Persons seeking political party office are not within the definition of the term "candidates" under the Act, and therefore are almost entirely excluded from the Act's reporting and contribution limit requirements. Therefore, Section 11.2 cannot be construed to mean that contributions received by a person in the capacity of a candidate subject to the Act can be expended for expenses arising out of that person's pursuit of a political party office, which is not subject to the Act. Since Section 11.2 does not

contain any express authority for such expenditures, contributions received pursuant to the Act cannot be expended by a candidate committee to pay for the candidate's pursuit of political party office.

Thank you for your inquiry, and your interest in the work of the Commission.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

By:  \_\_\_\_\_  
GREGORY E. NAGY

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