

Legal Department has construed the statute as permitting the separate insurance of funds which are distinct funds required under local law to be held separate and to be used for a specific purpose, provided each such fund is held by the public official in a custodial capacity distinct from his official capacity as custodian of other funds or general funds of the public unit. However, the mere labelling of funds for accounting or bookkeeping purposes would not permit separate insurance of each such fund for the reason all would be held in the same custodial capacity. The custodial capacity in which funds are held determines insurance coverage and not the title of an account."

In view of the foregoing, we are of the opinion that each of the funds in question would be held by a municipal official in a custodial capacity distinct from his official capacity as custodian of other funds of the municipality; that each such fund would therefore be insured up to the amount of \$10,000; and that, accordingly, a municipality may properly invest each of said funds in an insured savings and loan association up to the limit of \$10,000 in each fund.

Very truly yours,

GROVER C. RICHMAN, JR.  
*Attorney General*

By: THOMAS P. COOK  
*Deputy Attorney General*

TPC:kms

MARCH 23, 1956

HONORABLE EDWARD J. PATTEN  
*Secretary of State*  
State House  
Trenton, New Jersey

MEMORANDUM OPINION—P-12

DEAR MR. PATTEN:

You submit for our opinion the following question:

"Can a Member of the County Board of Elections be a candidate for Delegate to the National Convention?"

The election statute, R.S. 19:6-17, provides:

"19:6-17. The county board shall consist of four persons, who shall be legal voters of the counties for which they are respectively appointed. Two members of such county board shall be members of the political party which at the last preceding general election, held for the election of all of the members of the general assembly, cast the largest number of votes in this state for members of the general assembly, and the remaining two members of such board shall be members of the political party which at such election cast the next largest number of votes in the state for members of the general assembly. No person who holds elective public office shall be eligible to serve as a member of the county board during the term of such elective office. The office of member of the county board shall be deemed vacant

upon such member becoming a candidate for an office to be voted upon at any primary, general election or special election, except for nomination for or election to membership in any county committee or state committee, such candidacy to be determined by the filing of a petition of nomination duly accepted by such member in the manner provided by law."

It will be noted that the office of Member of a County Board of Elections shall be deemed vacant, upon such Member becoming a candidate for an office to be voted upon at any primary election, except for nomination for or election to membership in any County Committee or State Committee.

The Election Law, R.S. 19:1-1 defines a Primary Election as:

"Primary election" means the procedure whereby the members of a political party in this state or any political subdivision thereof nominate candidates to be voted for at general elections, or elect persons to fill party offices, or delegates and alternates to national conventions."

The candidacy of a County Election Board Member for Delegate to the National Convention is determined by his filing of a Petition of Nomination, duly accepted.

By so doing he thereby vacates his election office and may participate in the Primary Election as a candidate for the Party office of Delegate.

Very truly yours,

GROVER C. RICHMAN, JR.  
*Attorney General*

By: JOSEPH LANIGAN  
*Deputy Attorney General*

JL:MG

APRIL 11, 1956

THE HONORABLE JOHN W. TRANBURG, *Commissioner*  
*Department of Institutions and Agencies*  
State Office Building  
Trenton, New Jersey

MEMORANDUM OPINION—P-13

DEAR COMMISSIONER TRAMBURG:

You have advised us that questions have been raised as to possible interpretations of the term "assist in placement" which appears in section 3 of chapter 264 of the Laws of 1953 (N.J.S.A. 9:3-19(A)) and chapter 265 of the Laws of 1953 (N.J.S. 2A:96-6 to 8) and you ask our opinion on the following question: "Does the referral of an unmarried mother or a prospective adopting parent to an approved adoption agency represent assistance in the placement of a child for adoption, or an offering to place a child for adoption, so as to make a physician subject to criminal or civil penalty for so doing?"

You advise that the activities of the physician are confined to rendering advice to an unmarried mother or to a prospective adopting parent that their situation might best be handled by an approved adoption agency and, further, that the physician