

NEW JERSEY ELECTION LAW
ENFORCEMENT COMMISSION
Temporary Office
c/o Frank P. Reiche, Esq.
1 Palmer Square
Princeton, New Jersey 07540

A.O. 04-1973

August 23, 1973

Richard S. Rebeck, Esq.
Messrs. Venezia, Nolan & Rebeck
306 Main Street
Woodbridge, New Jersey 07095

Re: The New Jersey Campaign Control and
Expenditures Reporting Act ("the Act")
Your Letter Dated June 27, 1973

Dear Mr. Rebeck:

Your letter of June 27, 1973, to the New Jersey Election Law Enforcement Commission ("the Commission"), including a request for advisory opinion, has been forwarded to me for reply. By previous correspondence, the Commission requested an extension of time within which to reply to August 20, 1973.

1. In the opinion of the Commission, the purchase of a ticket by a candidate to a "testimonial affair" or similar function of the type described in your letter will not constitute an expense authorized or incurred by the candidate in furtherance or in aid of his candidacy within the meaning of the Act unless the surrounding circumstances make it probable that the purpose or the effect reasonably to be anticipated from such purchase is the furtherance of his candidacy. The circumstances to be considered in making this determination include the publicity or lack of publicity which his purchase of such ticket will probably receive; whether the name of the candidate as purchaser of such ticket will be included in a list of patrons or contributors to be published in any program or similarly made public; whether similar contributions have customarily been made by the candidate or other persons in the past; and whether the contribution is otherwise reasonable in circumstance and amount. In the opinion of the Commission contributions, otherwise reasonable in amount and circumstance, made by a candidate to a charitable or fraternal or other similar organization do not become expenses incurred by the candidate in furtherance or in aid of his candidacy in the absence of special circumstances indicating a purpose or probable effect of furtherance of his candidacy.

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Similarly, the purchase of a ticket by a candidate to a testimonial affair or similar function on behalf of another candidate in the circumstances set forth in your letter will not, even though it indirectly promotes his own candidacy, be an expense incurred by the contributing candidate in furtherance or in aid of his own candidacy in the absence of such special circumstances.

2. If the circumstances of the purchase are such as to make the purchase an expenditure, then such expenditure must be made through the treasurer of the candidate or of a political party committee or of a political committee in accordance with Section 7 of the Act. In the opinion of the Commission the provisions of Section 11 allowing personal expenditures from his own funds by a person not acting in concert with any other person or group, would not be available to authorize payment by a candidate from his own funds if such payment were in fact found to be an expenditure within the meaning of the Act, as construed in paragraph 1 above.

Yours very truly,

New Jersey Election Law
Enforcement Commission



Edward J. Farrell, Esq.
Legal Counsel

EJF:bjv

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G. NICHOLAS VENEZIA
JAMES P. NOLAN
RICHARD S. REBECK

June 27, 1973

Frank P. Reiche, Chairman
New Jersey Election Law
Enforcement Commission
P.O. Box 209
Princeton, N.J. 08540

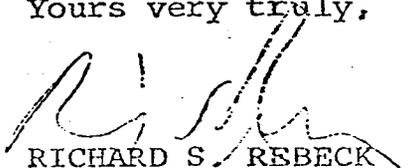
Dear Mr. Reiche:

On behalf of the county and municipal committees and all candidates in Middlesex, I am submitting a set of facts and circumstances to you pursuant to Section 6, paragraph f. of the new Disclosure Act for the purpose of receiving an advisory opinion.

As you can expect during the course of a campaign, candidates are asked to purchase tickets for testimonial affairs, picnics etc. Some of these may be promoting the candidacy of someone else. Some may be just annual affairs of a local organization. In any event, if the candidate purchases a ticket and appears, or even if he does not appear, for an affair promoting the candidacy of another, indirectly he is promoting his own candidacy. The question becomes whether the candidate who purchases a ticket is subject to any of the reporting requirements of the Act if the money used for the purchase of a ticket is his own personal funds and not an expenditure from his campaign funds. It is my opinion that such purchases are not subject to the reporting requirements of this Act as far as the candidate who makes the purchase is concerned.

Please advise.

Yours very truly,


RICHARD S. REBECK

RSR:AS

certified mail #482028, R.R.R.

c.c. G. Nicholas Venezia, Chairman

Middlesex County Democratic Organization

Mr. Thomas Kistner