State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

NATIONAL STATE BANK BLDG., SUITE 1114
28 W. STATE STREET
TRENTON, NEW JERSEY 08608
(609) 292-8700

April 14, 1981

Henry Ramer, Esquire
100 Hamilton Plaza
Paterson, New Jersey 07505

Re: The New Jersey Campaign Contributions and Expenditures Reporting Act, Chapter 83, Laws of 1973 as Amended and Supplemented ("the Act")
Your letter dated February 9, 1981
Opinion #0-04-81

Dear Mr. Ramer:

Your letter dated February 9, 1981 to the New Jersey Election Law Enforcement Commission ("the Commission"), including a request for advisory opinion, has been forwarded to me for reply.

The Commission has reviewed the question you raise regarding the inclusion of fundraising activity expenditures within the expenditure limit.

While the Commission recognizes the concern which you expressed, we cannot agree that it is not logical to exempt food and beverage costs. That exemption is intended to assist all candidates, much in the way you describe, while still adhering to the sense of the legislative intent. The exemption is based on the proposition that there is some clear benefit, more or less definable, which can legitimately be recognize, for at least some purposes, to flow to the contributor who receives the enjoyment of the food and beverages provided. This concept has an analogy both in Federal tax law and in the treatment of contributions to candidates under Federal law as well as the law of other states. Accordingly, it is the view of the Commission that the general cost of fundraising, other than as specifically exempted by Regulation 19:25-16.27(a)(3), is not an allowable exemption from the expenditure limit.

Yours very truly,

Edward J. Farrell
Legal Counsel

EJF:no