



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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

LEWIS B. THURSTON, III  
EXECUTIVE DIRECTOR

EDWARD J. FARRELL  
COUNSEL

May 14, 1981

Lawrence DeMarzo  
Legislative Aide  
61 High Street  
Orange, NJ 07050

RE: Advisory Opinion No. 11-81

Dear Mr. DeMarzo:

I am writing on behalf of the Election Law Enforcement Commission in response to your letter requesting an advisory opinion from the Commission. You have asked whether the proceeds from a "testimonial dinner" held on behalf of Assemblyman Richard Codey are subject to the requirements of the Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.). For the reasons set forth herein, you are advised that the Commission has concluded such proceeds are subject to campaign reporting requirements.

You have offered the following information concerning the dinner:

1. The dinner was held on behalf of Assemblyman Codey.
2. The proceeds were deposited in the "Codey Testimonial Account."
3. The proceeds have been used for civic and charitable causes and for office expenses.
4. The funds have not been used for any campaign-related expenses.

You have asked whether contributions over \$100 should be reported if the proceeds are not used for campaign purposes or, alternatively, if the proceeds are transferred to a campaign account what procedures should be followed in regard to reporting it. Since that time, by letter dated May 7, 1981, you have advised that \$19,150.16 was transferred from the Codey Testimonial Dinner Account to a campaign account maintained on behalf of Citizens for Codey, presumably a political committee on behalf of Assemblyman Codey's 1981 primary election candidacy.

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The term "testimonial affair" is defined at N.J.S.A. 19:44A-3(k) to mean "...an affair of any kind or nature including, without limitation, ... dinners ... or similar affairs directly or indirectly intended to raise campaign funds on behalf of a person who holds, or who is or was a candidate for nomination or election to a public office in this State..." You have not indicated the date of the testimonial dinner, nor the circumstances under which contributions were solicited. However, in view of the transfer of substantial proceeds from the dinner to a campaign related account maintained on behalf of Assemblyman Codey's candidacy, the Commission is satisfied on the facts you have presented that the dinner was a "testimonial affair" within the meaning of the Reporting Act.

The reporting requirements for "testimonial affairs" are set forth in N.J.S.A. 19:44A-8, which in pertinent part provides:

"Any report filed pursuant to the provisions of this section shall include an itemized accounting of all receipts and expenditures relative to any testimonial affairs held since the date of the most recent report filed, which accounting shall include the names and addresses of each contributor in excess of \$100.00 to such testimonial affair and the amount contributed by each, the expenses incurred, and the disposition of the proceeds of such testimonial affair."

Pursuant to the above-quoted statute, the 25-day, pre-election report on behalf of "Citizens for Codey" should disclose all receipts and expenditures, including the names and addresses of each contributor in excess of \$100. All dispositions of the proceeds for civic, charitable and office expenses must be reported also. This additional information should be filed with the Commission immediately.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

By: Gregory E. Nagy  
GREGORY E. NAGY  
Staff Counsel

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