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January 19, 1993

Anthony Marino, Treasurer
Anthony T. Blasi Civic Association, Inc.
22 Silkman Place
Irvington, New Jersey 07111

Re: Advisory Opinion No. 01-1993

Dear Mr. Marino:

The Commission has directed me to issue the following response to your recent request for an advisory opinion. You have asked whether the Anthony T. Blasi Civic Association (hereafter, the Civic Association) must file reports pursuant to the Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1, et seq. (hereafter, the Act) for funds received and expenses incurred in connection with a testimonial dinner it will be conducting for Mr. Blasi, an elected officeholder.

The Anthony T. Blasi Civic Association does not currently file reports with the Commission. Mr. Blasi was a candidate for municipal council in the City of Irvington (Essex County) in the 1992 municipal election, and was elected. He filed a final report for that election on June 9, 1992, and is not currently filing reports.

You write that a testimonial dinner will be conducted to honor Mr. Blasi on January 30, 1993, for his 20 years of service as an elected official. Proceeds from the ticket sales will be used to pay the expenses of the affair and to purchase a gift for Mr. Blasi. In further correspondence dated December 8, 1992, you write that Mr. Blasi is not currently a candidate for any elected office, and that the written material pertinent to the fundraising event will not make any reference to any past or future candidacy of Mr. Blasi. Further, you state that none of the proceeds of the affair will be used to make any election-related expenditure. Finally, you write that the Anthony T. Blasi Civic Association is not a "political committee," but has been established to assist in various local charitable causes such as food for the needy, student scholarships, donations to the Police Department for bullet-proof vests, and various recreational programs.

The Act requires that "political committees" or "continuing political committees" that are raising or expending funds to aid or promote candidates must file reports of their financial activity, see N.J.S.A. 19:44A-

8(a) and (b). However, there is no requirement that an organization that is raising funds for the personal benefit of an elected officeholder file reports with ELEC, in the absence of any activity that could be construed as aiding or promoting a candidate in an election. Therefore, if there is no election-related purpose to this event, and no proceeds will be used to aid or promote any candidate, the Act does not provide any reporting obligation. The Act, while requiring a candidate to file reports of financial campaign activity (see N.J.S.A. 19:44A-16), does not require elected officeholders who are not candidates to report non-candidacy fundraising.

While the Act does not require reporting by the Civic Association, an elected official who is receiving a gift and the Civic Association should note the following:

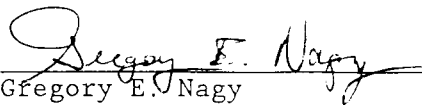
1. The Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., requires a local government elected official to file an annual financial disclosure statement disclosing the source of any gift having an aggregate value of \$400 from a single source; see N.J.S.A. 40A:9-22.6. The Commission has no jurisdiction over local government disclosure statements, but any questions you have should be directed to the Local Finance Board in the Division of Local Government Services, Department of Community Affairs, CN-258, Trenton, New Jersey 08625.

2. Fundraising efforts conducted on behalf of an elected officeholder for a personal gift are susceptible to confusion with fundraising for a candidate-officeholder seeking reelection. Therefore, the Commission will shortly be proposing new regulations that will require fundraising communications on behalf of elected officerholders to contain specific representations that the proceeds will not aid or promote any candidacy, and that the proceeds will not be subject to campaign reporting or other requirements of the Commission. While these regulations are only proposals at this point in time, the Commission nevertheless suggests that the Civic Association may wish to include such representations in its fundraising solicitations to avoid any inference that proceeds will aid or promote a future candidacy by Mr. Blasi, or any other candidate. A copy of the text of the proposed regulation will be forwarded to you as soon as it has been prepared.

Thank you for your inquiry.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

By: 
Gregory E. Nagy
Legal Director

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