



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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Respond to:
CN-185

Trenton, New Jersey 08625-0185
(609) 292-8700

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March 26, 1996

Theodore J. Romankow, Esq.
Garrubbo & Romankow
53 Cardinal Drive
Westfield, N.J. 07090-1097

Advisory Opinion No. 03-1996

Dear Mr. Romankow:

The Commission has considered your request for an advisory opinion, and has directed me to issue this response. You have asked on behalf of a group of persons who are planning to solicit funds for a birthday party for an elected officeholder whether or not the group would be subject to the reporting or other requirements of the Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq. (hereafter, the Reporting Act).

Submitted Facts

You write that you represent a group of friends of John T. Gregorio, the Mayor of the City of Linden, who will be celebrating his 70th birthday. The group has formed a committee that is planning an event and tickets at a price of \$200 each will be sold. You state that about one-half of this sum will be used for expenses, and the other half will be given to the Mayor as a gift for his personal use. The tickets will state that the proceeds are not intended to be used for election campaign funds.

You have identified the persons comprising this committee and on whose behalf this opinion is requested as follows: Ann Ferguson, chairperson; Michael Bono; Theodore J. Romankow; Rudy Dehler; Karen Sheehy; Susan Belluscio; and Joyce Natasi.

The Commission notes that although the letterhead on which this request was submitted lists ELEC Commissioner William H. Eldridge as a member of your law firm, you have subsequently advised the Commission that Commissioner Eldridge is not currently associated with the firm.

Response

The answer to your request rests on your representation that proceeds of ticket sales are not intended for election purposes. If in fact

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no portion of the funds solicited for this event are used for any election-related purpose, none of the reporting, contribution limit, recordkeeping, or other requirements of the Reporting Act have any applicability. The provisions of the Reporting Act apply only in a State or local election, see N.J.S.A. 19:44A-4d. If none of the funds to be solicited are intended nor in fact are used to make cash or non-cash (that is, "in-kind") contributions to a candidate in an election, or neither intended to be contributed nor in fact are contributed to any committee subject to reporting (that is, a candidate committee, joint candidates committee, continuing political committee, political party committee or legislative leadership committee), none of the requirements of the Act can be applied to the fundraising activity. However, in the event that some or all proceeds are used to make reportable contributions, and the amount of such contributions exceed \$1,000 in an election, or \$2,500 in a calendar year, the committee organizing this event may be subject to the requirements in the Reporting Act pertinent to a political committee, or continuing political committee, respectively; see N.J.S.A. 19:44A-3i (defining political committee) and 19:44A-3n (defining continuing political committee), and see N.J.S.A. 19:44A-8 (setting forth reporting requirements).

Although you have not raised the point, the Commission wishes to bring to your attention that the Local Government Ethics Law, N.J.S.A. 40A-9-22.1 et seq. requires local government elected officials to file annual financial disclosure statements disclosing the source of any gift they receive having an aggregate value of \$400 or more from a single source, see N.J.S.A. 40A-9-22.6. The Commission has no statutory jurisdiction over local government disclosure statements, and any questions you may have should be directed to the Local Finance Board in the Division of Local Government Services, New Jersey Department of Community Affairs, CN-258, Trenton, New Jersey 08625.

Thank you for your inquiry.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

By: Gregory E. Nagy
GREGORY E. NAGY

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