



## State of New Jersey

### ELECTION LAW ENFORCEMENT COMMISSION

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July 7, 1981

Adolph LiPira, Treasurer  
717 Convery Boulevard  
Perth Amboy, NJ 08861

#### ADVISORY OPINION NO. 31-1981

Dear Mr. LiPira:

I am writing on behalf of the Election Law Enforcement Commission in response to your letter of June 24, 1981 requesting an advisory opinion from the Commission. I infer that you are asking whether the Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.) requires a committee sponsoring a testimonial dinner to file a report of contributions and expenditures when the proceeds of such an affair, in whole or in part, are contributed to the political campaign of the person on whose behalf the affair was conducted. For the reasons herein stated, you are advised that the Reporting Act requires such disclosure.

You have indicated that you are the treasurer of the "Alan Karcher Testimonial," which organization conducted a testimonial dinner on March 5, 1981 for Alan Karcher, at that time a public office holder but not yet declared as a candidate in the 1981 primary election. You further indicated that most of the tickets to the March 5 testimonial affair were sold far in advance of that date and that the sponsoring organization did not anticipate that the affair would generate any proceeds for political contributions. After the dinner was conducted on March 5, additional contributions were received by the sponsoring organization. You have advised that it was from these contributions that a campaign contribution in the amount of \$2,000. was made on April 28, 1981 to the campaign of Mr. Karcher and George S. Otlowski, by that time both candidates for State Assembly in the 1981 primary election.


The term "testimonial affair" is defined in pertinent part 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 in behalf of a person who holds, or who is or was a candidate for nomination or election to a public office in this State ..." Under the fact

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record that you have submitted, the Commission is satisfied that the March 5th dinner was a "testimonial affair" within the meaning of the reporting Act. Mr. Karcher was at the time of the dinner a public office holder. Within a few weeks after the affair he became a candidate for re-election in the 1981 Primary Election. Once he became a candidate, a portion of the proceeds from the testimonial affair and the fund raising activity relating to it were contributed to his campaign. The Commission finds, therefore, that the March 5 dinner was at least indirectly intended to raise campaign funds. Furthermore, the Commission is unable to agree with your apparent suggestion that contributions received prior to the testimonial affair should be segregated for the purposes of reporting from those received subsequent to the event. The timing of the contribution is not determinative for the purposes of reporting. Contributions both before and after the event resulted in proceeds which were available for use in part as a political contribution.

Any report filed by the sponsoring committee concerning the "testimonial affair" shall include the names and addresses of each contributor in excess of \$100 to the affair and the amount contributed by each, and shall show the expenses and disposition of the proceeds. See N.J.S.A. 19:44A-8. The sponsors are deemed to be a "political committee" pursuant to N.J.S.A. 19:44A-3(i) by virtue of their aid to Mr. Karcher's 1981 primary candidacy and therefore have reporting requirements as a political committee pursuant to N.J.S.A. 19:44A-8 and 19:44A-16 for the 1981 Primary Election. A report concerning the March 5, 1981 "testimonial affair" should therefore be filed with the Commission forthwith.

Very truly yours,

  
GREGORY E. NAGY  
Staff Counsel

GEN/cej