



# State of New Jersey

## ELECTION LAW ENFORCEMENT COMMISSION

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October 8, 1981

Stuart D. Gavzy, Finance Director  
New Jersey Republican State Committee  
1090 Morris Avenue  
Union, NJ 07083

### ADVISORY OPINION No. 43-1981

Dear Mr. Gavzy:

The Election Law Enforcement Commission has considered your request made at the Commission's October 5, 1981 public meeting for an advisory opinion to be issued to the New Jersey Republican State Committee and has directed me to issue this response. You have asked the Commission to consider what percentage of the expense related to the visits in New Jersey by United States Vice President George Bush must be allocated as expenses in aid of the candidacy of Thomas Kean, the Republican candidate for Governor in the 1981 General Election. Based on the fact record you presented orally at the October 5 Commission meeting and your letter of the same date, the Commission concurs with your suggested percentage for the August 17 event, but disagrees with the suggested percentages for the September 23 events. The Commission expressly reserves the right to reconsider such percentages in the event contradictory or additional facts are brought to its attention.

You have told the Commission that Vice President Bush appeared in New Jersey on August 17, 1981 as the guest of honor at a fund raising luncheon. Furthermore, you have represented that no portion of the funds raised at the event were contributed to the gubernatorial candidate, but the candidate actively participated in the program. Vice President Bush again appeared in New Jersey on September 23, 1981 at a rally sponsored by the Republican State Committee for purposes of party building and to support the candidacy of Republican legislative candidates. The Vice President was also the guest of honor at a "Kean for Governor" fund raising reception on that same date. The proceeds of that fund raising affair were contributed to the Kean campaign. Both September 23rd events lasted one and one-half hours each, and on both occasions the gubernatorial candidate participated.

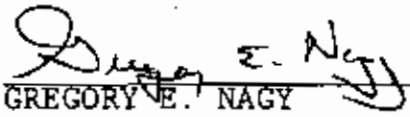
You have represented to the Commission that you anticipate the total expenses related to the travel and security of the Vice President to be in the range of \$20,000 - \$40,000. You have suggested that as to the August 17 fund raiser, that 25 percent of the expenses related to the appearance of the Vice President be allocated to the Kean candidacy. As to the September 23rd events, you have suggested that 50 percent of expenditures for that day be allocated to the gubernatorial candidate.

As to the August 17th fund raiser, the Commission concurs that the suggested percentage of 25 percent as a minimum appears reasonable in light of the fact none of the funds raised on that occasion were contributed to the Kean candidacy. Such a percentage recognizes that the appearance of the Vice President was in aid of the Kean candidacy within the meaning of the expenditure limit contained in N.J.S.A. 19:44A-7 of the Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.).

As to the rally conducted on September 23, the Commission believes that a minimum of 25 percent of expenditures related to the appearance of the Vice President at that rally must be allocated to the Kean candidacy for the same reasons as expressed in regard to the August 17 event. The Commission is satisfied that the appearance of the Vice President at that September 23rd rally was in aid of the Kean candidacy. As to the fund raising event also held on September 23, the Commission finds that 100 percent of the expenditures related to the appearance of the Vice President must be allocated to the gubernatorial candidate.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

BY:   
GREGORY E. NAGY  
Staff Counsel

GEN/cn

NOTICE

An advisory opinion (AO) issued by the Commission provides guidance with regard to the specific facts set forth in the request for the advisory opinion. Any person who has requested an AO pursuant to N.J.S.A. 19:44A-6(f) and acts in accordance with the opinion, will not be subject to any sanctions under the Act arising out of the particular facts and circumstances set forth in the request. Other persons may rely on the opinion if they are involved in a specific activity which is indistinguishable in all material aspects from the activity discussed in the advisory opinion.