

NEW JERSEY ELECTION LAW
ENFORCEMENT COMMISSION
Temporary Office
c/o Frank P. Reiche, Esq.
1 Palmer Square
Princeton, New Jersey 07540

A.O. 09-1973

September 8, 1973

Hon. Dante J. Massa, Mayor
4 Springhill Drive
Howell, New Jersey 08701

Re: The New Jersey Campaign Control and
Expenditures Reporting Act ("the Act")
Your Letter Dated July 18, 1973

Dear Mayor Massa:

Your letter of July 18, 1973, to the New Jersey Election Law Enforcement Commission ("the Commission"), including a request for advisory opinion, has been forwarded to me for reply. By previous correspondence, the Commission requested an extension of time within which to reply to August 20, 1973.

1. The annual picnic described in paragraph 1 of your letter constitutes a "testimonial affair" as defined in sub-section k of paragraph 3 of the Act, and the Republican Club in Howell will be required to report all contributions and expenditures in accordance with the reporting procedures established by the Act. In the event that such picnic is directly or indirectly intended to raise campaign funds in your behalf, then such funds are a contribution to you and must be reported as such by you. Your attendance at the picnic does not in itself require you to determine a value to be deducted as a campaign expenditure, unless the surrounding circumstances, in addition to the fact of your attendance, make it probable that the purpose or the effect reasonably to be anticipated from running the picnic is furtherance of your candidacy.

In the event that you purchase a ticket to that picnic, then your purchase of such ticket is a contribution to the Republican Club. The purchase of the ticket to the picnic by you will not constitute an expense authorized or incurred by you in furtherance or in aid of your candidacy within the meaning of the Act unless the surrounding circumstances make it probable that the purpose or the

effect reasonably to be anticipated from such purchase is the furtherance of your candidacy. The circumstances to be considered in making this determination include the publicity or lack of publicity which your purchase of such ticket will probably receive; whether your name as purchaser of such ticket will be included in a list of patrons or contributors to be published in any program or similarly made public; whether similar purchases have customarily been made by you or other persons in the past; and whether the purchase is otherwise reasonable in circumstance and amount. The purchase of a ticket by you to such picnic in the circumstances set forth in your letter will not, even though it indirectly promotes your candidacy, be an expense incurred by you in furtherance or in aid of your candidacy in the absence of such special circumstances.

The wearing or making available of political buttons on your behalf is not an expense incurred by you in furtherance or in aid of your candidacy except that the cost of such campaign buttons is such an expenditure.

2. Contributions, including the purchase of tickets, otherwise reasonable in amount and circumstance, made by a candidate to a charitable or fraternal or other similar organization do not become expenses incurred by the candidate in furtherance or in aid of his candidacy in the absence of special circumstances as above described indicating a purpose or probable effect of furtherance of his candidacy, even though such contribution or attendance indirectly promotes his candidacy.
3. Subject to the provisions of R.S. 19: 34-43 and 19: 34-44 (relating to solicitation of contributions from candidate), attendance at a function run by a private charitable organization as a member of that organization and as Mayor of the township would not as hereinabove set forth, constitute an expense incurred in furtherance or in aid of your candidacy in the absence of such circumstances.
4. The repayment of loan described in paragraph 4 of your letter should be reported with a notation that the sum shown as a contribution is a repayment of a loan arising out of your payment of an obligation of such organization. The facts surrounding the transaction should be reported in detail, and appropriate records should be retained, from which the existence of a bona fide loan can be shown.

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5. The mention of candidates in the municipal directory described in the postscript of your letter would be an expense incurred by such candidate in furtherance or in aid of his own candidacy in the circumstances described in your postscript. The value of such expense should be estimated by the candidate. In the event that the purchase of advertisements for the municipal directory is effected in a commercially reasonable manner and the cost of those advertisements is commercially reasonable, then the value of the space occupied by such advertisements may be used as a basis for calculating the value of the space allocated to the candidate.

Yours very truly,

New Jersey Election Law
Enforcement Commission

by Edward J. Farrell
Edward J. Farrell, Esq
Legal Counsel

EJF:bjv

Mayor Dante J. Massa
4 Springhill Drive
Howell, New Jersey 08701

July 18, 1973

0-09-73

Chairman
Law Enforcement Commission

P. O. Box 209
Princeton, New Jersey 08540

Dear Mr. Reiche:

As a candidate, and incumbent Mayor, I am writing to the Commission for clarification reference the new disclosure bill passed by the Legislature.

Following are some questions I'd like answered as soon as possible:

1. The Republican Club in Howell will be running its 3rd annual picnic the end of August. I am planning to attend as I have in previous years. Does my attendance at this affair, at which I would normally be introduced as the Mayor of Howell and as a candidate running for re-election in November, require me to determine a value to be deducted as a campaign expenditure?

*only if he pays
only cost*

If members of my campaign committee wear political buttons, or make them available at this picnic, how does that affect campaign expenditures?

2. As a Committeeman and this year as Mayor, I am invited to every function run in this Township by every organization in the Town. It has been my policy throughout my term to buy tickets to and attend each and every function I possibly can. On many occasions I have bought tickets for and attended more than one affair the same evening.

Since I have set a precedent for the past 2½ years in regards to the purchase of tickets and attendance at affairs, if I continue to do the same, will I have to account for these expenditures as campaign costs now that I'm a candidate?

3. If a private, charitable organization, of which I am a member, desires to raise funds by running an affair and I attend as a member of that organization and as the Mayor of the Township, does this come under campaign expenditures?
4. If I have, from campaign funds or my own pocket, made payment for an organization on a commitment they could not honor due to lack of funds, with the understanding this money would be returned when the Treasury was replenished, how do I go about reporting the depositing of such repayment of a loan, since the amounts to be reimbursed would exceed \$100. and the money would be deposited in the campaign account.

It would be appreciated if you could render decisions on the points raised above so we can comply properly and legally with the Bill and continue our campaign plans.

Thank you for your kind attention to these matters.

Sincerely,

Dante J. Massa
Dante J. Massa
Mayor

DJM:bh

P. S. Another question: The Republican Club annually raises funds by selling ads for a Municipal Directory they have printed. The candidates being endorsed each year by the Club are, of course, mentioned as such in the Directory. How would campaign value of expenditures be figured in this case?