



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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February 23, 1982

James C. Morford, Director
Governmental Relations
NJ State Chamber of Commerce
240 West State Street, Suite 1518
Trenton, New Jersey 08608

Re: ADVISORY OPINION No. 03-1982

Dear Mr. Morford:

Your letter to the Election Law Enforcement Commission requesting an advisory opinion has been considered by the Commission and I have been directed to issue this response. You have asked whether the New Jersey State Chamber of Commerce must include in its Annual Report of lobbying activity, pursuant to Chapter 150 of the Laws of 1981, expenditures relating to a "legislative breakfast", the expense of which is directly reimbursed to the Chamber of Commerce by attending members. For the reasons stated herein, you are advised that expenditures related to such events are reportable in the Annual Report.

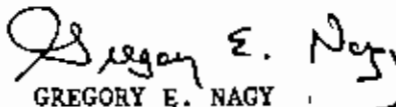
You have informed the Commission that the Chamber of Commerce sponsors a "legislative breakfast" which is attended by governmental affairs representatives for the purpose of meeting with a legislator and exchanging views on legislation. It is assumed that direct communication for lobbying takes place. Each member attending pays a share of the cost, but the legislator does not pay for his or her meal. The collected funds are turned over to the Chamber of Commerce which pays the breakfast cost when billed by the restaurant. You have characterized the role of the Chamber of Commerce as that of "facilitator" in regard to the affair.

The Commission believes that the fact that the expenses of the breakfast were reimbursed to the Chamber of Commerce by the persons attending it does not alter the reporting obligation created by Chapter 150 on the Chamber of Commerce. Whether payment of the event is made from the general treasury of the Chamber of Commerce, or is borne only by the particular members attending the event, the legislative breakfast is promoted by the Chamber of Commerce. In the absence of the participation of the Chamber in the event, it is unclear whether the event would occur at all. Sponsoring or facilitating opportunities for member business governmental affairs representatives to meet with a legislator where lobbying communications are made is an activity undertaken by the Chamber for the benefit of its members and therefore is reportable by the Chamber.

In regard to the actual reporting of the event, your attention is drawn to Expenditure Table 3 of the Annual Report Form (Form L-1). If the expenditure of the meal results in an expenditure of over \$25.00 for the day, or over \$200.00 for the year for the legislator, the Chamber must identify the legislator on the itemization table provided. Even if the threshold is not exceeded, the amount of the expenditure must be included in the total general expenditures, Column B, Item 2, of Expenditure Table 3 - Totals. If members of either House of the State Legislature are generally invited to attend, the special event reporting provisions may have applicability. N.J.A.C. 19:25-8.9(c)(3). The reimbursements received by the Chamber of Commerce should be shown on Table 1 of Schedule B of the Annual Report.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION


by: GREGORY E. NAGY
Staff Counsel

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