

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

A.O. 44-1973

September 22, 1973

Mr. John M. Jones, Jr.
Temporary Chairman
Political Education Committee
2011 Ferry Avenue
Apartment T-9
Camden, New Jersey 08104

Re: The New Jersey Campaign Control and
Expenditures Reporting Act, P. L.
1973, c. 83 ("the Act")
Your Letters Dated August 25 and
September 2, 1973

Dear Mr. Jones:

Your letters of August 25 and September 2, 1973 to the New Jersey Election Law Enforcement Commission ("the Commission"), including your request for advisory opinion, have been forwarded to me for reply.

1. The Commission does not have authority to render advisory opinions respecting the provisions of Title 19 of the revised statutes of New Jersey, except that the Commission is authorized to render advisory opinions as to whether a given set of facts and circumstances would constitute a violation of the Act, which is a part of Title 19, or render any person subject to the reporting requirements of the Act. The Office of the Attorney General of the State of New Jersey and those responsibilities respecting Title 19 have been assigned to Deputy Attorney General Joyce Usiskin, telephone (609) 292-8561. The Commission does not feel that it is authorized to express an opinion respecting the meaning of the words "public office" in R. S. 19:34-42, referred to in your letter.

Chapter 41 of Title 19 of the revised statutes of New Jersey, including R.S. 19:41-3, referred to in your letter, has been repealed and is no longer law.

Chapter 40 of Title 19 of the revised statutes of New Jersey, including Section 4 thereof, referred to in your letter, has been repealed and is no longer law.

2. The term "political information organization" is defined under Section 3 of the Act to include any two or more persons acting jointly which provides political information concerning any candidate or candidates. The term "political committee" is defined under Section 3 of the Act to include any two or more persons acting jointly to aid or promote the nomination, election or defeat of any candidate or candidates. The collection and publication of facts as to candidates or other political information will constitute the Political Education Committee a political information organization within the meaning of the Act and the Political Education Committee is required to file with the Commission, not later than March 1 of each year, a report of contributions and expenditures in accordance with the provisions of Section 8.
3. In addition, a political information organization is subject to the reporting requirements of Section 16 of the Act relating to elections, if such political information organization instituted a fund for the purposes of the election, or otherwise acted in some substantial manner to aid or promote the nomination, election or defeat of any candidate or candidates for public office or aided or promoted the passage or defeat of a public question in an election. If, for example, the circumstances were such that the affected candidate would be required to report the expenditure as an expense authorized or incurred in furtherance or in aid of his candidacy, then compliance with the reporting requirements of Section 16 would be required, as for a political committee. The collection and publication of political information as to all candidates for a specific office, or as to all candidates who respond to a questionnaire or other request for information, would not be regarded as action promoting in a substantial manner the candidacy of any of such candidates, unless the surrounding circumstances, including the tone of the publication, the presence of editorial comment, or other persuasive circumstances, show that the publication is in fact an expenditure authorized or incurred in furtherance or in aid of the candidacy of the candidate and is not simply publication of political information as to all candidates. The Political Education Committee, on the basis of the proposed endorsement of specific candidates and the other facts set forth in your letter, is subject to the pre-election and post-election reporting requirements of paragraph 16, incorporated by reference into paragraph 1 of Section 8 of the Act.

4. A political information organization must, before receiving any contribution or making any expenditure, appoint a treasurer and designate a depository in accordance with the provisions of Section 13. All funds received by such treasurer must be deposited in an account designated "Political Education Committee Fund" no later than the tenth calendar day following the receipt of such funds in accordance with Section 15 of the Act.

Yours very truly,

New Jersey Election Law
Enforcement Commission

By



Edward J. Farrell, Esq.
Legal Counsel

EJF:bjv