

NEW JERSEY ELECTION LAW
ENFORCEMENT COMMISSION
National State Bank Building
28 West State Street
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Trenton, New Jersey 08608

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ELECTION LAW ENFORCEMENT
COMMISSION

February 3, 1976

Arthur R. Wenzel, Esq.
1962 Lawrence Road
Trenton, New Jersey 08638

Re: The New Jersey Campaign Contributions
and Expenditures Reporting Act, Chapter 83,
Laws of 1973, As Amended and Supplemented ("the Act")
Your Letter Dated October 27, 1975
Opinion # (0-29-75)

Dear Mr. Wenzel:

Your letter dated October 27, 1975 to the New Jersey
Election Law Enforcement Commission ("the Commission"),
including a request for advisory opinion, has been forwarded
to me for reply.

The Commission does not have authority to advise generally
with respect to the election laws, since its authority is
limited to the area of its responsibility, which is the New
Jersey Campaign Contributions and Expenditures Disclosure
Act (N.J.S.A. 19:44A-1 and following). This Act forms only
a part of the election law of New Jersey, which is contained
in Title 19 of the New Jersey Statutes. The remainder of
the election law is under the jurisdiction of the Attorney
General of New Jersey.

The publication and the operation of the newspaper you
describe would in the judgment of the Commission subject
the publishers to the annual reporting provisions of the
Act or might, in the alternative, depending upon the degree
of control exercised by the Mercer County Republican Committee,
impose upon that committee the obligation of reporting with
respect to the publishing activities. In addition, involvement
in election activities might subject the publishers to the
pre-election and post-election requirements of the Act.

Section 3g of the Act excludes from the definition of
political information organization any bona fide newspaper

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disseminating political information, advertising and comment in the normal course of its business. The Commission regards that exception as being limited to newspapers which are operated independent of a political party committee. Despite the conclusions set forth in your letter that the newspaper staff will be independent of the Mercer County Republican Committee, it is the opinion of the Commission that the retention by the Mercer County Republican Committee of the powers of appointment and discharge, together with the contemplated transfer of the profits if any from the publishing activity to the Mercer County Republican Committee represents a relationship between the publishing operation and the Mercer County Republican Committee which is too close to permit the application of the exception with respect to bona fide newspapers referred to above.

Yours very truly,



Edward J. Farrell
Legal Counsel

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