



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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December 17, 1980

Mr. Tracy Tobin
4 Mountain View Avenue
Long Valley, N. J. 07853

Re: The New Jersey Campaign Contributions and
Expenditures Reporting Act, Chapter 83, Laws
of 1973 as Amended and Supplemented ("the Act")
Your letter dated September 9, 1980
Opinion #0-35-80

Dear Mr. Tobin:

Your letter dated September 9, 1980 to the New Jersey Election Law Enforcement Commission ("the Commission"), including a request for advisory opinion, has been forwarded to me for reply.

Nothing in the Act would prevent the mailing of a newsletter of the kind you describe.

Whether a newsletter of this kind is political and therefore subject to the reporting requirements of the Act depends on the character of the materials involved, the proximity of the date of publication of the material to the date of the election, and other similar factors. The Commission takes no position with respect to the June, 1980 Committeeman's Newsletter attached to your opinion request, and this is based upon the assumption that the mailing of that newsletter took place around June, 1980.

The Commission is of the view that a letter similar to that dated June, 1980, if mailed to prospective voters between September 9, 1980 (the time of your opinion request) and the date of election, would be political in nature and the expense of that letter would be a campaign expenditure, reportable by you as such and payable out of your campaign account.

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You are protected against the institution of proceedings with respect to this question by virtue of your request for opinion. In the event reporting of the expenditure is required pursuant to this opinion, and you have not already done it, you should promptly amend your report to reflect that expenditure, and to show expenditures from your own funds, if any, as a contribution to your campaign.

Yours very truly,



EDWARD J. FARRELL,
Legal Counsel

EJF/cm