



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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May 12, 1981

Gustavo A. Mellander
115 Lake Drive East
Wayne, New Jersey 07470

Re: The New Jersey Campaign Contributions and
Expenditures Reporting Act, Chapter 83, Laws
of 1973 as Amended and Supplemented ("the Act")
Your letter dated April 8, 1981
Opinion #0-12-81

Dear Mr. Mellander:

Your letter dated April 8, 1981 to the New Jersey
Election Law Enforcement Commission ("the Commission"),
including a request for advisory opinion, has been for-
warded to me for reply.

Whether the activities of an independent group such
as the organization envisioned in your letter will constitute
"election activity" so as to be subject to the reporting
requirements of the Act will depend on the kind of activity
in which the organization is involved. An organization
would be subject to the reporting requirements of Section 16
of the Act relating to elections, if that organization
instituted a fund 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 any
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 aid of the candidacy of the candidate and is not simply publication of political information as to all candidates. Similarly, the dissemination and discussion of information with respect to the election process and its effect on independent voters would not, in the absence of special circumstances described above, be regarded as action promoting in a substantial manner the candidacy of any candidate. In the case of an organization not required to file pre-election and post-election reports pursuant to the Act under the test set forth above, the solicitation and acceptance of contributions would not be made unlawful by the fact that a person, corporation or other entity solicited was a contributor to a candidate.

Where the activities of an organization are in furtherance or in aid of the candidacy of a candidate, those activities, and the contributions and expenditure relating to the activities of such an organization, are subject to the contribution limitations and the expenditure limitations applicable to that candidate, unless the activities are independent expenditures. Under the regulations of the Commission, expenditures are independent only if made without the cooperation or prior consent of, and without consultation with or at the request or suggestion of, the candidate or any person or committee acting on behalf of the candidate.

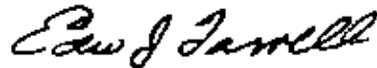
Even if independent, expenditures on behalf of a candidate are subject to the pre-election and post-election reporting requirements of the Act. The provisions for reporting of independent expenditures are included within Regulations Sections 19:25-12.4, 12.5 (N.J.A.C. 19:25-12.4, 12.5, copy of which is enclosed herewith).

I regret the delay involved in responding to your request for opinion. The organization described in your letter is of course protected under the provisions of subparagraph (f)

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of Section 6 of the Act with respect to the subject matter of the request for opinion and until the time of this opinion. You should be aware that, out of a concern over the delay in responding to your request, the Commission has substantially revised its procedures for dealing with opinion requests in the future, in the hope that similar delays can be avoided entirely.

Yours very truly,



Edward J. Farrell
General Counsel

EJF:no

Enclosures

N.J.A.C. 19:25-12.4, 12.5