

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

A.O. 01-1973

September 22, 1973

Ms. Elizabeth Elmendorf
Treasurer
LEAGUE OF WOMEN VOTERS OF NEW JERSEY
460 Bloomfield Avenue
Montclair, New Jersey 07042

Re: New Jersey Campaign Control and
Expenditures Reporting Act, P. L.
1973, c. 83 ("the Act")
Your Letter Dated June 11, 1973

Dear Ms. Elmendorf:

Your letter of June 11, 1973, to the New Jersey Election Law Enforcement Commission ("the Commission"), including a request for advisory opinion, as been forwarded to me for reply. By previous correspondence, the Commission has requested an extension of time within which to reply to September 6, 1973.

1. The publication of facts as to candidates or other political information would constitute the League of Women Voters of New Jersey a political information organization within the meaning of the Act, and as such, the League is required to file with the Commission, not later than March 1 of each year, a report of contributions and expenditures in accordance with provisions of Section 8.
2. 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

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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 League of Women Voters of New Jersey is not, on the basis of the facts set forth in your letter 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.

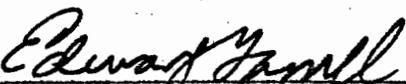
3. The term "contributions" under the Act is defined to include all transfers of money or other thing of value to a political information organization. Under this definition the payments described in your letter must be regarded as contributions for the limited purpose of reporting under the Act.

The Commission does not feel that it is authorized to express an opinion as to the appropriate characterization or classification of any such payment by the business making such payment for purposes of other federal or state laws.

Yours very truly,

New Jersey Election Law
Enforcement Commission

By


Edward J. Farrell, Esq.
Legal Counsel

EJF:bjv

WOMEN VOTERS OF NEW JERSEY

MONTCLAIR, NEW JERSEY 07042 TELEPHONE 746-1465 AREA CODE 201

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Mr. Frank Reiche, Chairman
Election Law Enforcement Commission
Box 209
Princeton, New Jersey 08540

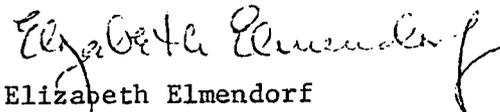
Dear Mr. Reiche:

Since the League of Women Voters of New Jersey and its member local Leagues may be "political information organizations" as defined by the New Jersey Campaign Contributions and Expenditures Reporting Act, we would like clarification on a situation which often arises in our organization.

Many of our local Leagues publish Voters Information sheets. Often these publications are paid for wholly or in part by a business within the community. This may or may not be acknowledged on the publication. The Leagues have always considered these payments as contributions to the Leagues. Businesses may have considered these payments as advertising, public relations, or contributions.

We would like a ruling from your commission as to the exact status of these monies. May they now be considered as services sold by the Leagues rather than as contributions? The classification would make a difference from both the business point of view and from the Leagues' reporting liability.

Sincerely,


Elizabeth Elmendorf
Treasurer

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Copy to Mr. Philip Carchman