

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

A.O. 12-1973

September 22, 1973

Daniel L. Martin, Esq.
Better Education for All
Montclair, Inc.
427 Bloomfield Avenue
Montclair, New Jersey 07042

Re: The New Jersey Campaign Control and
Expenditures Reporting Act, P. L.
1973, c. 83 ("the Act")
Your Letter Dated July 24, 1973

Dear Mr. Martin:

Your letter of July 24, 1973, to the New Jersey Election Law Enforcement Commission ("the Commission"), including your request for advisory opinion, has been forwarded to me for reply. By previous correspondence, the Commission requested an extension of time within which to reply to August 20, 1973.

1. Better Education for All Montclair, Inc. is, on the facts set forth in your letter, a "political information organization" within the meaning of the Act and 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 of the Act.
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 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. Better Education for All Montclair, Inc., is, 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, by reason of selective publication of certain of the views of the candidates for one but not all of the political parties.

Yours very truly,

New Jersey Election Law
Enforcement Commission

By *Edward J. Farrell*
Edward J. Farrell, Esq.
Legal Counsel

EJF:bjv

0-12-73

DANIEL L. MARTIN
ATTORNEY AT LAW
427 BLOOMFIELD AVENUE
MONTCLAIR, N. J. 07042
(201) 746-5220

31 ELSTON ROAD
UPPER MONTCLAIR, N. J. 07043
201-783-9625

aw
ssion

Temporary Office
Frank P. Reiche, Esq.
1 Palmer Square
Princeton, New Jersey

Re: 1973 New Jersey Campaign Contributions
and Expenditures Reporting Act --
Advisory Opinion

Dear Sirs:

This letter is written on behalf of Better Education for All Montclair, Inc., a non-profit corporation organized under New Jersey law, whose basic purpose is to improve the quality of education for all children in the Montclair Public School System. From time to time the corporation undertakes public information projects, much in the manner of The League of Women Voters, The American Civil Liberties Union, and other groups that may come within the meaning of the term "political information organization" as defined in the 1973 New Jersey Campaign Contributions and Expenditures Reporting Act.

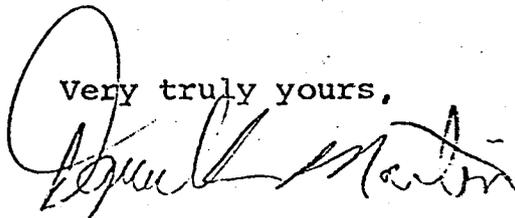
In the recent primary election, Better Education for All Montclair, Inc. prepared and published a circular in which certain education views of candidates for the Republican gubernatorial nomination were set forth. The entire cost of printing and distributing the circular was approximately \$200.00, which is a relatively minor part of the annual budget of Better Education for All Montclair, Inc.

Under the statute the Commission is authorized to render an advisory opinion as to whether any particular organization is subject to the reporting requirements of the Act. On behalf of Better Education for All Montclair, Inc., I hereby request such an advisory opinion. I have read in the newspapers that other groups, including the American Civil Liberties Union, have also asked for such opinions.

I would very much appreciate receiving copies of such advisory opinions as have been prepared thus far in respect of other "political information organizations" within the meaning of the new statute.

Thank you for your cooperation.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Daniel L. Martin". The signature is written in dark ink and is positioned below the typed name.

Daniel L. Martin

DLM:k

cc: Better Education for All Montclair, Inc.