

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION
National State Bank Building
Suite 1114
28 West State Street
Trenton, New Jersey 08608

A.O. 94-1973

December 31, 1973

Russell Fleming, Jr., Esq.
One Elizabethtown Plaza
Elizabeth, New Jersey 07201

Re: The New Jersey Campaign Contributions
and Expenditures Reporting Act, P.L.
1973, C. 83, "The Act"
Your Letter Dated November 20, 1973

Dear Mr. Fleming:

Your letter of November 20, 1973 to the New Jersey Election Law Enforcement Commission ("The Commission"), including a request for advisory opinion, has been forwarded to me for reply.

1. N. J. S. A. 40:41a-11, a part of the statute referred to in your letter, provides as follows:

"The Charter Study Commission shall hold public hearings, may hold private hearings, sponsor public forums and otherwise provide for the widest possible dissemination of information and the stimulation of public discussion respecting the purposes and progress of its work."

The provisions of the Optional County Charter Law, N.J. S.A. 40:41a-1 and following, including the section quoted above, support the conclusion that activities of the kind described in your letter were intended by the legislature to be carried out by Charter Study Commissions. In the opinion of the Commission the carrying on of such activities does not constitute the Charter Study Commission a "Political Information Organization" within the meaning of the Act at any time prior to the date of filing of a final report with the County Clerk in accordance with N.J.S.A. 40:41a-12.

Activities of the Charter Study Commission of the kind described in your letter after the date of filing of final report may be activities respecting a public question. In that event the Charter Study Commission or any other two or more persons might constitute a Political Information Organization, and be subject to the reporting requirements of Section 16 of the Act relating to elections, if such Political Information instituted a fund for the purposes of the election, or otherwise acted in some substantial manner to aid or promote the passage or defeat of a public question in an election. The collection and publication of political information with respect to such publication would not be regarded as an action promoting in a substantial manner the passage or defeat of a public question in an election 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 aimed at the passage or defeat of a public question, and not simply publication of political information generally. Whether the specific

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activities subsequent to the filing of the final report would constitute such activity is a question of fact and the Commission expresses no opinion on that question in this letter.

Yours very truly,

NEW JERSEY ELECTION LAW
ENFORCEMENT COMMISSION

Edward J. Farrell, Esq.
Legal Counsel

EJF:bjv