

STATE OF NEW JERSEY
ELECTION LAW ENFORCEMENT
COMMISSION
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July 25, 1975

William Frank Rupp, Esq.
25 E. Salem Street
Hackensack, New Jersey 07601

Re: The New Jersey Campaign Contributions and
Expenditures Reporting Act, Chapter 83,
Laws of 1973, as Amended and Supplemented ("the Act")
Your Letter Dated January 15, 1974
Opinion #(O-01-75)

Dear Mr. Rupp:

Your letter dated January 15, 1975 to the New Jersey
Election Law Enforcement Commission ("the Commission"),
including a request for advisory opinion, has been forwarded
to me for reply.

The Commission has previously expressed an opinion
that the dissemination of political information with respect
to all of the candidates for a particular office regardless
of their party affiliation, does not make the organization
which disseminates such information a political committee as
to any of such candidates. For this reason, those expenditures
by such an organization would not be regarded as expenditures
on behalf of the candidacy of any of the candidates for the
purpose of computing the expenditure limitations in accordance
with Section 7 of the Act.

However, the survey proposed to be conducted according
to your letter, does not fall within the protection of that
previous opinion, for the reason that the Democratic Club
necessarily involves partisan activity. In the event that
the Club conducted surveys or polls as described in your
letter, such activity would be presumed by the Commission
to be activity in support of one or more of the Democratic
candidates for local office in the primary election. The
effect of such a presumption would be to place upon the
candidate the burden of showing clearly that the activity
was not intended to, and did not have the effect of benefitting
such candidate.

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Activities of the kind described in your letter which were carried on prior to the receipt of this opinion are, of course, protected by virtue of the provisions of Section 6 of the Act.

Yours very truly,

Edward J. Farrell
Legal Counsel

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