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July 25, 1975

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- EXECUTIVE DIRECTOR

EDWARD J. FARRELL

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

> The New Jersey Campaign Contributions and Re: Expenditures Reporting Act, Chapter 83, Laws of 1973, as Amended and Supplemented ("the Act") Your Letter Dated January 15, 1974 Opinion #(0-01-75)

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.

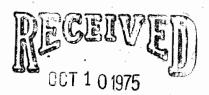
However, the survey proposed to be conducted according to your letter, does not fall within the protection of that previous opinion, for the reason that the Democratic Club necessarily involves partisan application in the club conducted surveys or polls as described in your letter, such activity would be presumed by the Commission to be activity in support of one on many 1975 the Democratic candidates for local office in the primary cleation. The candidates for local office in the primary election. effect of such a presumption would be to place wipon the candidate the burden of showing clearly still the activity was not intended to, and did not have the effect of benefitting such candidate.

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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ELECTION LAW ENFORCEMENT COMMISSION