

June 3, 1975

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Honorable C. Louis Bassano
1758 Kenneth Avenue
Union, New Jersey 07083

ELECTION LAW ENFORCEMENT
COMMISSION

Re: The New Jersey Campaign Contributions
And Expenditures Reporting Act, Chapter 83,
Laws of 1973, As Amended and Supplemented
Your Letter Dated April 18, 1975
O-06-75

Dear Mr. Bassano:

Your letter dated April 18, 1975 to the New Jersey Election Law Enforcement Commission ("the Commission"), including a request for advisory opinion, has been forwarded to me for reply.

We assume that the undated letter which you sent to certain of your neighbors, a copy of which was enclosed in your letter of April 18, 1975, was sent to them after your election to the Union Township Committee and prior to the time of your becoming a candidate for the State Assembly. That letter sent in those circumstances does not constitute an expenditure in aid or furtherance of your candidacy and your expenditures in connection with that letter would not be required to be reported to the Commission.

Your letter of April 18th further states, however, that you intend to occasionally write a letter of this sort in the future. Although you also state that there would be no connection between these letters and your election effort, such a letter might, in some instances, be deemed to be an expenditure in aid or furtherance of your candidacy for election to the State Assembly in spite of that intention. In the event that the Commission is called upon to determine whether a letter of this kind constitutes an expenditure in aid or furtherance of the candidacy of a candidate, a number of factors are considered. These include whether the letter

June 3, 1975

or other material was sent during the active portion of a political campaign; whether the letter is required to be sent or reasonably appropriate to be sent in carrying out the duties of the public office held by the candidate; whether the subject matter deals with the official duties of such candidate and with matter which properly should be brought to the attention of the public; whether the tone of the letter is the reporting of public information rather than being of a political nature; whether such letters are customarily sent by the candidate or other persons holding similar public office; whether it contains pictures, slogans or political material; whether the mailing or delivery is limited to the persons within the area affected by the public office, and the intent of the public official in sending such letter.

In the absence of more specific information, we are unable to express any opinion as to whether a letter of the kind you described, sent at some point when you are a candidate for the General Assembly, would or would not constitute an expenditure in aid or furtherance of that candidacy.

Yours very truly,

NEW JERSEY ELECTION LAW
ENFORCEMENT COMMISSION

Edward J. Farrell
Legal Counsel

EJF:ja

cc: David F. Norcross, Esq.