

STATE OF NEW JERSEY  
ELECTION LAW ENFORCEMENT  
COMMISSION  
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April 1, 1980

H. Neil Broder, Esquire  
Messrs. Brach, Eichler, Rosenberg,  
Silver, Bernstein & Hamner, P.A.  
33 Evergreen Place  
East Orange, New Jersey 07018

Re: The New Jersey Campaign Contributions and  
Expenditures Reporting Act, Chapter 83, Laws  
of 1973 as Amended and Supplemented ("the Act")  
Your letters dated January 11, 1980 and March 4, 1980  
Opinion #0-03-80

Dear Mr. Broder:

Your letter dated January 11, 1980 and your subsequent  
letter dated March 4, 1980, to the New Jersey Election Law  
Enforcement Commission ("the Commission"), including a request  
for advisory opinion, have been forwarded to me for reply.

The obligation for political information organizations,  
other than political party committees and political clubs,  
continues to be stayed. The New Jersey Supreme Court decided  
the case of New Jersey State Chamber of Commerce, et als v.  
New Jersey Election Law Enforcement Commission, et als on  
February 6, 1980. That decision upheld the constitutionality  
of the lobbying provisions of the Act as construed by the Court,  
and directed that the Commission supplement the opinion by  
regulations including a monetary threshold within 90 days after  
the date of the opinion.

Since the activities of the group which you describe do  
not appear to be intended to influence legislation at the state  
level, there would be no obligation on the part of the West  
Orange Apartment Owners Association to comply with the obliga-  
tions for a political information organization under the facts  
set forth in your letter.

In addition to the regulation of the activities to the  
requirement of disclosure on the part of lobbyists, the Act also  
calls for filing of pre-election and post-election reports by

April 1, 1980

political committees acting with respect to a public question. The term "public question" has been interpreted by the Commission to mean a ballot question. Accordingly, efforts to have a matter placed on the ballot prior to the time of its becoming a ballot question are not subject to the disclosure requirements of the Act. In this connection I am enclosing a copy of an earlier opinion of the Commission relating to this question, which you may find to be of assistance.

The Commission has from the outset been of the view that the Act provides protection to the rights of persons seeking advisory opinions, in cases in which the Commission is unable to provide a response within 10 days. Accordingly, I must reject the suggestion in your letter of March 4, that the Commission is in violation of the Act.

Yours very truly,

Edward J. Farrell  
Legal Counsel

EJF:no

Enclosure - #0-42-76