



State of New Jersey

RECEIVED
ELECTION LAW ENFORCEMENT COMMISSION

SIDNEY GOLDMANN
CHAIRMAN

OCT 6 '80

NATIONAL STATE BANK BLDG., SUITE 1114
28 W STATE STREET
TRENTON, NEW JERSEY 08608
(609) 292-8700

LEWIS B THURSTON, III
EXECUTIVE DIRECTOR

JOSEPHINE S MARGETTS
ANDREW C AXTELL

N.J. ELECTION
LAW ENFORCEMENT
COMMISSION

EDWARD J FARRELL
COUNSEL

September 30, 1980

Henry Ramer, Esq.
100 Hamilton Plaza
Paterson, New Jersey 07505

Re: The New Jersey Campaign Contributions and Expenditures Reporting Act, Chapter 83, Laws of 1973 as Amended and Supplemented ("the Act")
Your Letter Dated September 19, 1980
Opinion #0-33-80

Dear Mr. Ramer:

Your letter dated September 19, 1980 to the New Jersey Election Law Enforcement Commission ("the Commission"), including a request for an advisory opinion, has been forwarded to me for reply.

In your letter you discuss activities described as exploratory activities. The Commission recognizes the distinction between campaign activities on the one hand, and exploratory activities, on the other. (I might note here that not all agencies dealing with this question have reached the same conclusion. Under the regulations of the Federal Election Commission, for example, the expenses of a poll taken for purposes of the kind that you describe would be deemed to be campaign expenditure if the person for whom the poll was taken later became a candidate. See Federal Election Commission Regulation 100.7(b)(1).)

While the Commission recognizes the distinction which you suggest, we are unable either to concur or disagree with your conclusion that the contributions and expenditures described in your letter were not contributions and expenditures related to the campaign and subject to the limitations of the Act.

Since a major purpose of the Act is to restrict the influence of large contributions in an election, the Commission must be concerned with the question whether a substantial contribution, which is said to be for purposes

- OVER -

Henry Ramer, Esq.

-2-

September 30, 1980

of exploratory activities, was, in fact, a contribution to a campaign effort.

The Commission would need additional information in order to make a determination that it concurred or did not concur in your conclusion. This would include the name and relationship to the candidate of each of the contributors and the dates and amounts of contribution; the subject matter and specific questions posed by the poll; the nature and extent of the sample; the nature and extent of expenditures other than those related to polls; and the time period of the exploratory efforts in relation to the commencement of campaign activity acknowledged to be campaign activity.

If you wish to have a formal opinion of the Commission on this question, please provide the detailed information described above to the Commission, which will then provide you with an advisory opinion pursuant to Section 6(f) of the Act.

Yours very truly,



Edward J. Farrell
Legal Counsel

EJF:no