



# State of New Jersey

## ELECTION LAW ENFORCEMENT COMMISSION

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March 9, 1982

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ADVISORY OPINION No. 07-1982

Dear Mr. Balk:

Your letter to the Election Law Enforcement Commission requesting an advisory opinion has been considered by the Commission and I have been directed to issue this response. You have asked whether the Lawyer's Committee on Workers' Compensation (hereinafter Lawyer's Committee), under the facts submitted, has undertaken lobbying expenditures above the threshold contained in Commission Regulation N.J.A.C. 19:25-8.4 and is therefore required to file an Annual Report of Lobbying Activity.

You have informed the Commission that the Lawyer's Committee is composed solely of lawyers representing parties in workers' compensation cases, including petitioners, insurance companies and self-insureds. Among its activities, the organization conducts seminars offered to the public and professionals concerning changes in the workers' compensation law. Periodically news letters are sent to attorneys, and on several occasions representatives of the organization have met with members of the Department of Labor and the Division of Workers' Compensation. Also, appearances have been made by members before legislative committees to comment on pending or proposed legislation and judicial appointments.

As to specific expenditures, a paid legislative agent was retained during the 1979 legislative year to lobby on amendments to the Compensation Act which took effect on January 1, 1980. Since that time there has not been any paid legislative agent. Other than the paid legislative agent, no direct or indirect compensation has been paid by the Lawyer's Committee with the exception of reimbursement to some law firms that sustained costs for postage, clerical and copying in providing information to members of the Lawyer's Committee.

Under the provisions of N.J.S.A. 52:13C-20 et seq. (L. 1981, c. 150, as amended by L. 1981, c. 513) a lobbyist organization such as the Lawyer's Committee must report expenditures "... which expressly relate to direct, express and intentional communication with legislators for the specific purpose of affecting legislation..." L. 1981, c. 513, sect. 1. Therefore, the Commission initially observes that those expenditures you describe which relate to communicating

to members or to the general public are not subject to the lobbying disclosure provisions unless also communicated to legislators. Also, communications to officials of the Department of Labor or the Division of Workers' Compensation would not be considered as reportable lobbying activity to the extent that they concern rulemaking and not legislation. See definition for "legislation" contained in N.J.A.C. 19:25-8.2.

The paid legislative agent position comes under the definition of "legislative agent" in the Commission Regulations. N.J.A.C. 19:25-8.2. However, the Commission assumes from your facts that the lobbying communications made by the legislative agent on behalf of the Lawyer's Committee were undertaken during the calendar year 1979 because the effective date of the Compensation Act you reported as January 1, 1980. The 1981 lobbying annual report covers only expenditures undertaken during calendar year 1981, and therefore the compensation paid to the legislative agent would not be included.

The Commission suggests that you review the pertinent provisions of the Reporting Act to determine whether the activities of the Lawyer's Committee created a filing obligation on it as a political committee. Contributions to candidates for political office are not viewed by the Commission as lobbying expenditures under the terms of Chapter 150 unless related to a direct communication. Campaign contributions are reportable by candidates or political committees under the provisions of the Campaign Contributions and Expenditures Reporting Act. N.J.S.A. 19:44A-1 et seq.

The Lawyer's Committee does not have to file any lobbying report unless it "... receives receipts of more than \$2,500.00 or makes expenditures of more than \$2,500.00 in any calendar year for the purpose of direct, express and intentional communication with legislators, or the Governor or his staff, undertaken for the specific purpose of affecting legislation...". N.J.A.C. 19:25-8.4. The facts you have submitted do not indicate which reimbursements may have been expressly related to direct communications to legislators, and the amount of such reimbursement. For this reason, the Commission cannot reach an ultimate determination of whether the threshold figures set forth in N.J.A.C. 19:25-8.4 have been exceeded. However, the Commission trusts that its guidance with respect to the issues you have raised in this inquiry will enable the Lawyer's Committee to make that determination.

The Commission has directed its staff to be available to the Lawyer's Committee should you or any other representative wish to call upon it for further clarification.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

by: GREGORY E. NAGY  
Staff Counsel

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