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TRENTON, NEW JERSEY 08609
(609) 963-6700

FREDERICK W. HOFFMANN
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EDWARD J. FARRELL
COUNSEL

December 18, 1985

Mr. Lee Bernstein, Councilman
Boro of Union Beach
645 Clark Avenue
Union Beach, New Jersey 07735

Re: Advisory Opinion No. 19-1985

Dear Mr. Bernstein:

As Legal Counsel to the Commission, I have been asked to respond to your letter dated November 25, 1985, in accordance with the provisions of N.J.S.A. 19:44A-6(f).

1. Your letter indicated that the Union Beach Democrat organization publishes the Union Beach Democrat Citizen. Based upon the review of the material contained in the November, 1984 and October, 1985 issues submitted by you with your letter, the Commission concludes that the material is essentially political in nature. Since the newspaper is published as an activity of the Union Beach Democratic organization, and that organization has the obligation of filing quarterly reports under the appropriate regulation of the Commission, N.J.A.C. 19:25-4.4(b), the expenditures with respect to the publication of the Union Beach Democrat Citizen would properly be included as expenditures in the reports filed by the political party committee.

2. There is no prohibition against the sale of advertising to support the newspaper, with the exception that certain organizations (generally banks, insurance companies, utilities and other organizations having the right of eminent domain, and casino interests) are prohibited from such activity. See N.J.S.A. 19:34-35, N.J.S.A. 19:34-32, N.J.S.A. 5:12-138, N.J.S.A. 19:34-45 and N.J.S.A. 19:34-33, 34.

3. Expenditures for advertising made on behalf of a candidate to aid or promote the nomination, election or defeat of the candidate are reportable by the candidate as an in-kind contribution pursuant to N.J.S.A. 19:44A-16(a). The Union Beach Democrat organization has an obligation to notify the candidate of such expenditures pursuant to N.J.A.C. 19:25-9.6(a) or 19:25-10.4(a).

See also N.J.A.C. 19:25-12.2(b). Only the proportionate share of the cost of an ad attributable to a candidate is to be allocated to the candidate as a contribution and it is to be calculated based on the fair market value to the candidate. See N.J.A.C. 19:25-11.5.

4. The expenditures which must be reported to the candidate as expenditures on behalf of the candidate would include not only political ads paid for by the candidate or his or her committee, but all other political material which was in fact in aid of the candidacy of that candidate.

If you have further questions regarding this matter, please do not hesitate to contact the Commission.

Very truly yours,



Edward J. Farrell
Counsel

EJF:no