



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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OCT 24 1986

ELECTION LAW ENFORCEMENT
COMMISSION

October 16, 1986

James S. Marotta, Esquire
248 Union Boulevard
Totowa, New Jersey 07512

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, 1986 regarding Citizens for Change in County Government, Passaic County Petition Drive - Filing Requirements
A. O. 08-1986

Dear Mr. Marotta:

Your letter dated September 19, 1986 to the New Jersey Election Law Enforcement Commission ("the Commission"), including a request for advisory opinion, has been forwarded to me for reply.

The provisions of the Act are applicable to elections, including any election in which a public question is to be voted upon by the voters of the State or any political subdivision thereof. The term "public question" in this context is used as defined in N.J.S.A. 19:1-1. Expenditures and contributions with respect to such public question are subject to the reporting and other requirements of the Act.

Contributions made or expenditures incurred as part of an effort to have a matter placed on the ballot as a public question, and which are made or incurred prior to the time when the question has been certified by the clerk or other official to be placed on the ballot as a public question, will constitute contributions and expenditures with respect to a public question if the matter is ultimately certified to be placed on the ballot as a public question.

Contributions and expenditures involved in an effort to have a matter placed on the ballot will, therefore, not be subject to the reporting or other requirements of the Act if the matter in question is not ultimately placed on the ballot as a public question.

Such contributions and expenditures will, however, be subject to the reporting or other requirements of the Act if the matter is certified to be placed on the ballot as a public question, and will then be reportable in the first pre-election report in the same manner as contributions and expenditures which have been incurred in respect of the public question after it has been certified to be placed on the ballot. For this reason, accurate and complete records of all contributions and expenditure activity with respect to the matter proposed to be a public question must be maintained, so that the applicable reporting requirements can be met in the event that the matter proposed is ultimately certified to be placed on the ballot as a public question.

Very truly yours,



Edward J. Farrell
Legal Counsel

EJF:no

cc: Mr. Frederick M. Herrmann