



NEWS RELEASE

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PRESS ADVISORY

The New Jersey Election Law Enforcement Commission has proposed to amend its definition of the term "political committee," and to increase its photocopying fees to reflect costs incurred by the Commission in producing photocopies.

A full text of the proposals is attached.

Written comments should be submitted by March 6, 1991 to Gregory E. Nagy, Legal Director, at the Commission's address.

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OTHER AGENCIES

(a)

ELECTION LAW ENFORCEMENT COMMISSION**Definition of a Political Committee Copying Fees****Proposed Amendments: N.J.A.C. 19:25-1.7 and 2.4**

Authorized By: The Election Law Enforcement Commission,

Frederick M. Herrmann, Ph.D., Executive Director.

Authority: N.J.S.A. 19:44A-6.

Proposal Number: PRN 1991-69.

Submit comments by March 6, 1991 to:

Gregory E. Nagy, Legal Director

Election Law Enforcement Commission

CN 185

Trenton, New Jersey 08625-0185

The agency proposal follows:

Summary

The Election Law Enforcement Commission (hereafter, the Commission) proposes to amend N.J.A.C. 19:25-1.7, Definitions, and N.J.A.C. 19:25-2.4, Copies of documents; fees.

The Commission proposes to amend its definition of the term "political committee" to exclude from its scope appointed public officials. The current text excludes only elected public officials. The Commission believes that appointed, as well as elected, public officials should be permitted to communicate their views to their constituents on public questions without incurring campaign reporting responsibilities as a "political committee." Therefore, expenditures of public funds by such appointed officials or bodies that are reasonably related to their duties are not deemed campaign expenditures.

The Commission also proposes to increase its photocopying fees to reflect costs incurred by the Commission in producing photocopies. The Commission experience with photocopying has been that the costs of labor, equipment and materials are 52 cents per page. This proposal raises copying fees from 15 cents per page to 50 cents per page for pages one through 10, and to 25 cents per page for pages 11 through 20. There is no increase for photocopying after 20 pages, the fee remaining at the current 15 cents per page.

Social Impact

The exclusion of appointed public officials from the definition of "political committee" effectuates what has been the Commission's long-standing view that elected or appointed public governmental bodies are not intended to be subject to campaign reporting statutes. The Commission further believes that expenditures from public funds to communicate to constituents concerning public question elections are normally disclosed in the appropriation process of public bodies; see Advisory Opinion No. 05-1990 in which the Commission advised a New Jersey township council that it did not acquire campaign reporting responsibilities for an appropriation to spend public funds to encourage adoption of a public question.

The increase in copying fees will cause additional expense to the persons requiring photocopies, but failure to pass along copying costs to the users could result in deterioration of this service and lengthy delays.

Economic Impact

The Commission is not aware of any significant economic impact of its proposal to amend its "political committee" definition other than

sparing governmental entities consisting of appointed officials expenses of reporting. The increase in copying fees will increase costs of this service, but the increase is relatively modest when calculated on a per use basis. The increase will result in a maximum of only \$4.50 of additional fees for any single copying request over the current charges, as follows: For pages one through 10 the increase is 35 cents per page (total, \$3.50) and for pages 11 through 20 the increase is 10 cents per page (total, \$1.00). There is no increase for copying after the first 20 pages.

Regulatory Flexibility Statement

The proposed amendments do not impose any reporting, recordkeeping or compliance requirements on small businesses, as that term is defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rule changes affect appointed public officials and users of photocopying services.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

19:25-1.7 Definitions

The following words and terms, when used in this chapter and in the interpretation of the act, shall have the following meanings, unless a different meaning clearly appears from the context.

"Political committee" means any group of two or more persons acting jointly, or any corporation, partnership or any other incorporated or unincorporated association which is organized to or does aid or promote the nomination, election or defeat of any candidate or candidates for public office, or which is organized to, or does aid or promote the passage or defeat of a public question in any election. A club organized to promote the candidacy of one or more candidates or aid or defeat the passage of a public question, without a term of existence substantially longer than the campaign, is a political committee[.]. Political committee does not include:

1.-3. (No change.)

4. Except as set forth in paragraph 5 below of this definition, no person or persons holding elected or appointed public office in this State or any political subdivision thereof shall be deemed to be a political committee with respect to any public question by virtue of communication with their constituents or with public officials of the Federal government or of this or any other state or political subdivision thereof, or with the general public reasonably related to the duties of his or her public office.

5. Elected or appointed public officials, boards and commissions, and the members thereof, may become political committees with respect to a public question by virtue of fund raising or other election-related activities respecting such public questions.

19:25-2.4 Copies of documents; fees

(a) Photocopies of documents maintained by the Commission pursuant to N.J.A.C. 19:25-2.3 shall be provided at a fee of [\$0.15 per page.] **\$0.50 per page for the first 10 pages, \$0.25 per page for the eleventh through the twentieth pages, and \$0.15 per page for all pages over 20 pages,** and for purposes of establishing fees under this section a two-sided photocopy shall be deemed as two pages.

(b)-(c) (No change.)