

STATE OF NEW JERSEY  
ELECTION LAW ENFORCEMENT  
COMMISSION  
NATIONAL STATE BANK BLDG.  
SUITE 1114  
TRENTON, N. J. 08605  
(609) 292 8700

LEWIS B. THURSTON, III  
EXECUTIVE DIRECTOR  
EDWARD J. FARRELL  
COUNSEL

FRANK P. REICHE  
CHAIRMAN  
SIDNEY GOLDMANN  
VICE CHAIRMAN  
JOSEPHINE S. MARGETTS  
ARCHIBALD S. ALEXANDER

April 14, 1978

Mr. Howard H. Woolley, Jr.  
762 Greens Avenue  
Long Branch, New Jersey 07740

Re: The New Jersey Campaign Contributions and  
Expenditures Reporting Act, Chapter 83, Laws  
of 1973 as Amended and Supplemented ("the Act")  
Your letter dated March 17, 1978  
Opinion #0-17-78

Dear Mr. Woolley:

Your letter dated March 17, 1978, to the New Jersey  
Election Law Enforcement Commission ("the Commission"),  
including a request for advisory opinion, has been forwarded  
to me for reply.

While the Commission does not render advisory opinions  
as to activities of a person in a position adverse to that  
of the person requesting the opinion, the Commission has noted  
your letter. Since the annual report to which you refer has  
not yet been completed and distributed, as we understand your  
letter, the Commission has no basis for further action at this  
time.

A number of factors are relevant in making the deter-  
mination as to whether the publication and distribution of  
an official report is reportable as a campaign expenditure.  
These include whether the mailing or other material was sent  
during the active portion of the campaign; whether the letter  
is required to be sent or reasonably appropriate to be sent  
in carrying out the duties of the public office held by the  
candidate; whether the subject matter deals with the official  
duties of such candidate or with matters which properly should  
be brought to the attention of the public; whether the tone  
of the letter is the reporting of public information rather  
than being of a political nature; whether such letters are  
customarily sent by the candidate or other persons holding  
similar public office; whether it contains pictures, slogans  
or political material; whether the mailing or delivery is  
limited to the persons within the area affected by the public  
office, and the intent of the public official in sending such  
letter.


Mr. Howard H. Woolley, Jr.

-2-

April 14, 1978

You may, if you feel that the annual report is a campaign expenditure, under the foregoing test, wish to file a formal complaint with the Commission. Additionally, the Commission would review any further information you may have regarding the annual report when it is completed and distributed.

Very truly yours,



Edward J. Farrell  
Legal Counsel

EJF:no