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February 25, 1987

Michael L. Redpath, President
Management Systems Associates
729 Fischer Blvd.
Toms River, New Jersey 08753

RECEIVED

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ELECTION LAW ENFORCEMENT
COMMISSION

Re: Advisory Opinion No. 01-1987

Dear Mr. Redpath:

Your letter dated January 20, 1987 to the New Jersey Election Law Enforcement Commission ("the Commission") including a request for advisory opinion has been forwarded to me for reply.

N.J.S.A. 52:13C-20(d) defines the term "lobbyist" as follows:

"The term 'lobbyist' means any person, partnership, committee, association, corporation, labor union, or any other organization that employs, engages or otherwise uses the services of any legislative agent to influence legislation."

N.J.S.A. 52:13C-20(g) defines "legislative agent" as follows:

"The term 'legislative agent' means any person who receives or agrees to receive, directly or indirectly, compensation, in money or anything of value including reimbursement of his expenses where such reimbursement exceeds \$100.00 in any 3-month period, to influence legislation by communication, personally or through any intermediary, to the Legislature or the Governor or his staff, or who holds himself out as engaging in the business of influencing legislation by such means, or who incident to his regular employment engages in influencing legislation by such means; provided, however, that a person shall not be deemed a legislative agent who, in relation to the duties or interests of his employment or at the request or suggestion of his employer, communicates to the Legislature or the Governor or his staff concerning any legislation, if such communication is an isolated, exceptional or infrequent activity in relation to the usual duties of his employment."

Mr. Michael L. Redpath, President
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Under the statute each legislative agent or lobbyist must make an annual report of contributions and expenditures made with respect to certain activities undertaken for the specific purpose of affecting legislation during the previous year. Under these provisions, a company which is a member of an association as described in your letter would incur a reporting obligation with respect to its own lobbying activity if, for example, it maintained a government affairs department whose duties included lobbying activities, other than the isolated kinds of activities referred to in subsection (g) of the statute and in the related regulation (N.J.A.C. 19:25-20.2); or if, in addition to its activities through the association, it engaged a different legislative agent to represent other of its interests.

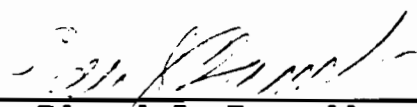
Subject to the foregoing, an individual company would not incur an obligation to report by virtue of their own direct advocacy of the kind described in your letter unless the expenditures in connection with that direct advocacy exceeded \$2,500 for the calendar year. '

Where an individual company has incurred the obligation of reporting, the regulations of the Commission provide a mechanism for the reporting obligation to be handled solely through the reporting by the legislative agent. See N.J.A.C. 19:25-20.11(b).

Very truly yours,

NEW JERSEY ELECTION LAW
ENFORCEMENT COMMISSION

By



Edward J. Farrell
Counsel

EJF:no