

B-27-77

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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

July 25, 1977

Mr. Joseph J. Kmet
Township of Union
1960 Morris Avenue
Union, New Jersey 07083

RECEIVED
JUL 27 1977
N.J. ELECTION
LAW ENFORCEMENT
COMMISSION

Re: The New Jersey Campaign Contributions and Expenditures Reporting Act, Chapter 83, Laws of 1975, as Amended and Supplemented ("the Act")
Your Letter dated June 7, 1977
Opinion #(0-27-77)

Dear Mr. Kmet:

Your letter dated June 7, 1977 to the New Jersey Election Law Enforcement Commission ("the Commission"), including a request for advisory opinion, has been forwarded to me for reply.

Whether a mailing of this kind constitutes an expenditure in aid or furtherance of the candidacy of a candidate depends upon a number of factors. These include whether the mailing or other material was sent during the active portion of a political 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 and 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.

Based upon the facts currently presented to the Commission, and in the absence of any other facts which might lead to a contrary opinion, taking into account the length of time between the date of the proposed mailing and the date of the election, the Commission is of the opinion that the mailing described would not constitute an expenditure in aid or furtherance of your candidacy.

Yours very truly,

Edward J. Farrell
Legal Counsel

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