



## State of New Jersey

### ELECTION LAW ENFORCEMENT COMMISSION

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June 4, 1984

Laurie A. Schechter, Manager  
Bear Stearns Political  
Campaign Committee  
55 Water Street  
New York, New York 10041

#### Advisory Opinion No. 12-1984

Dear Ms. Schechter:

Your letter to the Election Law Enforcement Commission requesting an Advisory Opinion has been considered by the Commission and I have been directed to issue this response. You have asked what method may be used by the Bear Stearns Political Campaign Committee to report contributions made by that committee from its organizational depository to federal and out of state candidates.

The Bear Stearns Political Campaign Committee filed a quarterly report with the Commission on May 17, 1984. In Schedule D of that report, which is used for itemizing monetary contributions to candidates or political committees, the Bear Stearns Political Campaign Committee disclosed four contributions to New Jersey candidates or political committees. These contributions totaled \$2,480. Also reported under the description, "Contributions to Candidates/Committees outside of New Jersey" was an aggregate sum of \$74,050. You have inquired whether the Committee may aggregate the non-New Jersey contributions it makes thereby reporting only the total sum of such contributions without identifying the federal and out of state recipients.

The Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq. (hereafter, the Act), requires continuing political committees to appoint a single organizational treasurer and designate an organizational depository bank account not later than the date on which it first makes any expenditure in furtherance or aid of the election or defeat of any New Jersey candidate. N.J.S.A. 19:44A-10, as amended by L. 1983, c. 579, sect. 13. The Act further requires that the continuing political committee file quarterly reports disclosing its receipts and ". . . all expenditures made, incurred, or authorized by it during the period, whether or not such expenditures were made, incurred or authorized in furtherance of the election or defeat of any candidate, or in aid of the passage or defeat of any public question or to provide information on any candidate or public question." N.J.S.A. 19:44A-8(b)(2), as amended by L. 1983 c. 579, sect. 11. The provisions of the Act apply

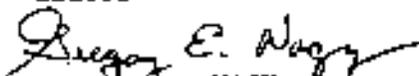
only to elections for public office in this State. N.J.S.A. 19:44A-4(d). Nevertheless, where the continuing political committee establishes an organizational depository for the purpose of making expenditures for New Jersey candidates, and that organizational depository is also used for the purpose of making expenditures for federal or out of state candidates, the non-New Jersey expenditures are subject to the jurisdiction of the Act. The Commission understands the statutory mandate of N.J.S.A. 19:44A-8(b)(2) to require all transactions to or from the organizational depository to be subject to record keeping and reporting requirements.

The Commission does not believe that the public interest requires the disclosure of contributions and expenditures concerning non-New Jersey candidates. The interest of the Commission in compelling disclosure of federal or out of state transactions extends only to its interest in the organizational depository account maintained for New Jersey candidates. In the absence of any disclosure of federal or out of state expenditures by the Bear Stearns Political Campaign Committee, the quarterly report would necessarily overstate the available balance in the organizational depository.

The Commission believes that the procedure adopted in the quarterly report filed by the Bear Stearns Political Campaign Committee in which the aggregate sum of expenditures for federal and out of state candidates was reported is proper. The great majority of the expenditures made by the Bear Stearns Political Campaign Committee was for federal and out of state candidates. Requiring disclosure of all transactions relating to federal or out of state candidates would impose a significant burden on the Committee and would result in the filing of a report that would almost entirely reflect non-New Jersey transactions. For the reasons stated herein, the Commission concurs that contributions to federal and out of state candidates may be aggregated and reported in the manner adopted by the Bear Stearns Political Campaign Committee in its quarterly report.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

  
GREGORY E. NAGY  
Staff Counsel

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