



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

SIDNEY GOLDMANN
CHAIRMAN

NATIONAL STATE BANK BLDG., SUITE 1114
26 W. STATE STREET, CN-185
TRENTON, NEW JERSEY 08608
(609) 292-8700

LEWIS B. THURSTON, III
EXECUTIVE DIRECTOR

JOSEPHINE S. MARGETTS
ANDREW C. AXTELL
M. ROBERT DECOTIS

EDWARD J. FARNELL
COUNSEL

June 1, 1981

George O. Von Frank
Citicorp
399 Park Avenue
New York, NY 10043

ADVISORY OPINION NO. 19-81

Dear Mr. Von Frank:

I am writing on behalf of the Election Law Enforcement Commission in response to your letter of April 27, 1981, requesting an advisory opinion. You have asked several questions concerning the requirements of Commission Regulation N.J.A.C. 19:25-4.8 which concerns reporting requirements under the New Jersey Campaign Contribution and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.) for a political action committee (PAC).

The Reporting Act requires political committees, a term including PACs, to file 25-day and 7-day pre-election reports pursuant to N.J.S.A. 19:44A-8 and 19:44A-16. Election reports must identify the names and addresses of contributors of over \$100.00. N.J.S.A. 19:44A-16(a) and (f). In October 1979, the Commission adopted N.J.A.C. 19:25-4.8 which permitted PAC's subject to the Federal Election Campaign Act Amendments of 1976 to file in lieu of a 25-day pre-election report copies of its federal reports for the 12-month period immediately preceding the date for filing the New Jersey 25-day pre-election report. However, since the Commission promulgated its PAC regulation, the Federal Election Campaign Act Amendments of 1979 became effective on January 8, 1980. Pub. L. No. 96-187. The 1979 amendments raised to \$200.00 the amount a person may contribute before that person must be identified. 2 U.S.C.A. 434 (b) (3) (A). The federal standard is no longer in accord with N.J.S.A. 19:44A-16(a) and (f). Therefore, Commission Regulation N.J.A.C. 19:25-4.8 should be construed in harmony with the requirements of the New Jersey Reporting Act, and contributors in excess of \$100.00 should be identified even where copies of federal reports are filed in lieu of a 25-day pre-election report.

You have also inquired about the periods of time that would be covered by federal reports filed in lieu of a 25-day report. You indicate that a federal report, filed monthly, will be due September 30, 1981. Copies of monthly reports filed on September 30th and on the preceding eleven months could be filed in lieu of the

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state 25-day report, due on October 9, 1981. The 7-day, pre-election report, due on October 27, 1981, would list all contributors over \$100.00 from the last date covered in the federal report filed on September 30, 1981 until October 28, 1981. See N.J.A.C. 19:25-4.8(b)(1).

You have also asked if a form for consent to service of process and submission to New Jersey jurisdiction exists. I have enclosed a form prepared for this purpose.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

By: Gregory E. Nagy
GREGORY E. NAGY
Staff Counsel

GEN/cn
encl.