



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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September 8, 1981

Richard C. McDonough, Esq.  
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ADVISORY OPINION No. 36-1981

Dear Mr. McDonough:

Your letter dated August 25, 1981, requesting an advisory opinion from the Election Law Enforcement Commission has been considered by the Commission and referred to me for a response. You have asked whether a corporation that is a contributor to a Political Action Committee (PAC), which in turn is making a contribution to a candidate for Governor, may also contribute an amount not in excess of \$800 to the same candidate in the same election without violating the contribution limits set forth in the Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.).

You have informed the Commission that the New Jersey Food Council Committee for Good Government is a PAC which anticipates making contributions to candidates for Governor and the Legislature in the 1981 New Jersey general election. From the information you have submitted, it appears there are more than 40 corporate entities contributing to the Food Council PAC. You have stated that the PAC has approximately \$44,000 in its treasury from prior years and anticipatee spending approximately \$75,000 in political contributions this year. Among the contributions the PAC anticipates making will be \$800.00 contributions to each of the candidates for Governor.

A contributor to a candidate for Governor in the general election may give no more than \$800.00. This limitation on contributions is contained in N.J.S.A. 19:44A-29(a) which in pertinent part reads as follows:

"...no person or political committee, otherwise eligible to make political contributions, shall make any contribution or contributions to a candidate, his campaign treasurer or deputy campaign treasurer, a State committee, county committee or municipal committee of any political party, or to any other person or committee, in aid of the candidacy of or in behalf of a candidate for nomination for election or for election to the office of Governor in any primary or general election in the aggregate in excess of \$800.00."

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For the purposes of making contributions, a corporation is deemed to be in the same posture as any person limited to an aggregate contribution of \$800.00. Therefore, the corporation could not give \$800.00 directly to a gubernatorial candidate and also contribute to another committee which was in aid of the candidacy of the same gubernatorial candidate. The Commission therefore must address the question whether the Food Council PAC is a committee in aid of a gubernatorial candidate within the meaning of N.J.S.A. 19:44A-29.

Under the fact record before it, the Commission finds that the anticipated contributions to candidates for Governor in New Jersey are incidental to the purposes and aims of the Food Council PAC and therefore the PAC cannot be understood to be a committee in aid of a gubernatorial candidate. The Commission notes that a contribution of \$800.00 is a small fraction of the total anticipated contributions of the Food Council PAC. Under such circumstances, the impact of a member-contributor to the Food Council PAC in any specific gubernatorial candidate can only be viewed as de minimis. Only a small fraction of a contribution of any member to the PAC will ultimately be received by any gubernatorial candidate. No member has specifically "earmarked" its contribution to the PAC requiring the PAC to pass that contribution to a gubernatorial candidate. The Commission therefore concludes that the mere fact a corporation is a member of the Food Council PAC and as such makes a contribution to that PAC does not preclude it from additionally making a contribution of no more than \$800.00 to a gubernatorial candidate in New Jersey.

You have further inquired whether there would be any difference if any of the corporate members of the Food Council PAC were closely held corporations effectively controlled by one person. The Commission is satisfied that the answer remains the same, on the facts set forth in your letter. As the Commission has indicated, contributions by corporate members of the Food Council PAC to the PAC are not either in entirety or in part chargeable against contributions made by those same entities to candidates for Governor.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

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

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