



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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NATIONAL STATE BANK BLDG., SUITE 1114
28 W. STATE STREET, CN-188
TRENTON, NEW JERSEY 08608
(609) 292-8700

SCOTT A. WEINER
EXECUTIVE DIRECTOR
EDWARD J. FARRELL
COUNSEL

October 13, 1982

Ms. Carole F. Hoffman
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Post Office Box 7566
Washington, DC 20044

ADVISORY OPINION No. 13-1982

Dear Ms. Hoffman:

Your letter to the Election Law Enforcement Commission requesting an advisory opinion was considered by the Commission at its meeting of October 12, 1982. I have been directed to advise you that the Commission concluded it cannot issue an advisory opinion where the inquiring party declines to identify itself.

You have advised the Commission that you are writing on behalf of a trade association, incorporated under the laws of another state, that is contemplating making contributions to New Jersey legislative candidates in the 1983 primary or general elections. You have asked the Commission to issue an advisory opinion on whether the fact of such contributions would create campaign reporting obligations upon the trade association pursuant to the provisions of the New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.). You have also advised the Commission that the trade association on whose behalf the inquiry is being presented does not wish at this time to identify itself.

The statutory provisions governing the advisory opinion procedure authorized the Commission to give advisory opinions whether a given set of facts and circumstances would constitute a violation of the Reporting Act, or whether a given set of facts and circumstances would subject any person to any of the reporting requirements. N.J.S.A. 19:44A-6(f). The Commission believes that the legislative intent of this procedure was that the persons requesting such opinions have such an interest that their conduct would be guided by the opinion. Offering an opinion to an anonymous person does not provide the Commission with any such assurance. Should the Commission determine that the reporting requirements attach, the Commission would have no means by which to determine whether the anonymous party in fact filed reports. Therefore the Commission is entirely satisfied that it cannot issue advisory opinions to anonymous parties and must respectfully deny your request.

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The Commission has directed me to inform you that it anticipates proposing new regulations governing the reporting responsibilities of certain types of political committees, possibly including trade associations, within the next sixty to ninety days.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

By: 

GREGORY E. NAGY
Staff Counsel

GEN:cej