



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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October 28, 1982

Francis R. Perkins, Esq.  
Patricia F. Hernandez, Esq.  
Holzapfel, Perkin & Kelly  
108 North Union Avenue  
Cranford, New Jersey 07016

ADVISORY OPINION No. 16-1982

Dear Mr. Perkins & Ms. Hernandez:

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 whether the New Jersey Cable Television Association (NJCTA), a trade association comprising of members with interest in the Cable Television industry in New Jersey, is prohibited from making contributions to political candidates in this State pursuant to the provisions of N.J.S.A. 19:34-45. For the reasons stated herein, you are advised that the Commission lacks jurisdiction over this inquiry and therefore must respectfully decline issuing an advisory opinion.

The Commission is authorized to give advisory opinions as to whether any given set of facts constitute a violation of any of the provisions of the Reporting Act, N.J.S.A. 19:44A-6(f). The statute to which you have directed the attention of the Commission, N.J.S.A. 19:34-45, is not part of the Reporting Act. That statute is part of Chapter 34 (crimes and penalties) of Title 19 (elections) of the Revised Statutes. Violations of Chapter 34 constitute criminal offenses, N.J.S.A. 19:34-1. Therefore, the Commission must respectfully decline your request for an advisory opinion and instead must refer your inquiry to the Attorney General of this State.

You have also asked what limitations would apply to any political action committee that the trade association may establish. Without passing on the legality of the establishment of such a political action committee, the Commission does wish to direct your attention to Commission Regulation N.J.A.C. 19:25-4.8 which governs the reporting requirements of political action committees. (Copy enclosed.)

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

  
GREGORY E. NAGY  
Staff Counsel

GEN:cej  
Enclosure