



State of New Jersey

**ELECTION LAW ENFORCEMENT COMMISSION**

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October 21, 1992

New Jersey Republican State Committee  
Mr. Edward Gross, Esq.  
P.O. Box 188  
East Brunswick, NJ 08816

Advisory Opinion No. 09-1992

Dear Mr. Gross:

The Commission has directed me to issue this response to your recent request for an advisory opinion. You have asked on behalf of the New Jersey Republican State Committee (hereafter, the RSC) whether it may accept a contribution from the National Republican Congressional Committee Trust Account (hereafter, NRCC Trust Account) notwithstanding the fact that monies contributed to the NRCC Trust Account may have been contributed from sources that are prohibited from making political contributions in New Jersey pursuant to N.J.S.A. 19:34-45. For the reasons set forth below, kindly be advised that the Commission does not have statutory jurisdiction to administer or provide advisory opinions concerning the applicability of the above-cited statute.

The Commission is authorized to provide advisory opinions as to whether a given set of facts would constitute a violation of any of the provisions of the Campaign Contributions and Expenditures Reporting Act (hereafter, the Reporting Act); see N.J.S.A. 19:44A-6(f). The statute cited in your letter prohibits certain corporations, such as a banks, insurance companies, utilities, and other listed corporate entities, from making political contributions to aid or promote a candidate or political party; see N.J.S.A. 19:34-45. That statute is not part of the Reporting Act (N.J.S.A. 19:44A-1 et seq.), but rather provides criminal sanctions; see N.J.S.A. 19:34-1. Therefore, the Commission has no statutory jurisdiction to issue any advisory opinion as to the possible applicability of the statute.

The New Jersey Attorney General has periodically issued advisory opinions concerning this statute when requested to do so by this Commission. Therefore, I am enclosing for your consideration copies of past Attorney General opinions. If after you have reviewed these opinions, you wish to pursue this inquiry, the following items must be submitted to the Commission in writing:

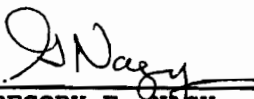
1. A full factual statement, including a description of the contributions that might be subject to the criminal statute, and including a more detailed explanation of how proceeds from those specific contributions might or might not be segregated;
2. Legal arguments as to the result that is desired, citing any pertinent authority; and,
3. Argument as to why the question presented is of significant public interest and should be addressed by the Attorney General.

Upon receiving this information, the Commission will consider forwarding the request to the Office of the Attorney General for its consideration. The Commission does not intend that this letter be construed to make any representation as to whether or not the Attorney General will issue an opinion.

You have also asked what filing responsibility might arise under the Reporting Act for the NRCC Trust Account. The Commission is unable to express any opinion to the RSC as to whether or not the NRCC Trust Account has, or might acquire, filing responsibilities. The Commission can only consider this question upon receiving a request directly from the NRCC Trust Account itself. However, the Commission is enclosing a Compliance Manual for continuing political committees, which includes a form that can be used to determine whether or not an entity qualifies for continuing political committee status; see Form CPC-1. You may wish to bring this manual to the attention of this entity, and if it so wishes, it can submit the Form CPC-1 to the Commission for a determination of whether or not it should be certified as a continuing political committee.

Thank you for submitting your inquiry. Please let me know if the Commission may be of any further assistance.

Very truly yours,  
ELECTION LAW ENFORCEMENT COMMISSION

BY:   
GREGORY E. NAGY,  
Legal Director

GEN/rf  
Enclosures