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October 28, 1975

John T. Dolan
Executive Director
National Conservative Political
Action Committee
1911 North Fort Meyer Drive
Suite 906
Arlington, Virginia

Re: The New Jersey Campaign Contributions and Expenditures
Reporting Act, Chapter 83, Laws of 1973 as Amended and
Supplemented ("the Act")
Your letter dated October 10, 1975
Opinion #(O-25-75)

Dear Mr. Dolan:

Your letter dated October 10, 1975 to the New Jersey Election
Law Enforcement Commission ("the Commission"), including a request
for advisory opinion, has been forwarded to me for reply.

It is not clear from your letter whether the National Conser-
vative Political Action Committee (NCPAC) is a permanent type of
organization. In the event that it is such a permanent organization,
then it would have an obligation of reporting annually to the Commis-
sion on March 1st of each year with respect to its activities attri-
butable to the State of New Jersey for the preceding calendar year,
as a political party committee would have.

The practice described in your letter of using non-earmarked
funds to make cash contributions to candidates would not in itself
constitute NCPAC a "political committee" (as described in Section
3.i. of the Act) on behalf of the candidates to whom contributions
were made. Those candidates would of course have the obligation of
reporting the name and amount of contribution of each contributor
whose contribution exceeded \$100.00. Where an organization makes
cash contributions to a candidate involving earmarked funds, or be-
comes involved on behalf of a candidate in ways other than through
simply making cash contributions, such as by making in-kind contri-
butions, such organization then would become a "political committee"
for such candidate and would be required to file pre-election and

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post-election reports, including a statement of expenditures and the name, address and amount of contribution of each contributor to it in excess of \$100.00

Although your letter does not so state, a review of the report which you have filed with the Commission makes reference to "in-kind contributions." It is the opinion of the Commission that involvement in the campaign on behalf of candidates in this manner makes NCPAC a "political committee" and, therefore, NCPAC has the obligation of filing pre-election and post-election reports with respect to the election in which those candidates are involved, including the name, address and amount of contribution of each contributor to NCPAC whose contribution exceeds \$100.00.

The Act further requires that NCPAC maintain an account entitled "National Conservative Political Action Committee Campaign Account" with a bank authorized to do business in the State of New Jersey. The funds contributed either directly or indirectly through candidates by NCPAC with respect to the election must be deposited and disbursed through the campaign account described above.

Yours very truly,


Edward J. Farrell
Legal Counsel

EJF:skw