



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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December 20, 1988

Arthur R. Kabin, Esq.
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10 Park Place
Morristown, NJ 07960

Advisory Opinion No. 16-1988

Dear Mr. Kabin:

The Election Law Enforcement Commission has received your request for an advisory opinion and directed me to issue this response. You have asked the Commission whether or not the prohibition in N.J.S.A. 19:34-45 prohibiting certain corporations from making campaign contributions is applicable to a public utility engaged in the solid waste industry.

The Commission does not have jurisdiction over the above-cited statutory prohibition, and therefore of course cannot issue an advisory opinion on its applicability. You have asked, therefore, that the Commission refer your inquiry to the State Attorney General, who does have jurisdiction to enforce this statute. However, your inquiry does not provide the identity of the company on whose behalf you are making a request, nor have you presented facts concerning your client's activities that might bring it under the statutory prohibition. Nothing contained in the text of N.J.S.A. 19:34-45 specifically addresses public utilities, or the solid waste industry, and therefore it is unclear precisely what activity your client is conducting that would possibly bring it under the terms of the statute.

The Commission believes that in order to refer an inquiry to the Attorney General, the identity of the party seeking the advice must be disclosed and a thorough exposition of the factual setting under which the statute might be applicable should be provided. The Commission would therefore be delighted to refer your inquiry to the Attorney General if your client wishes to provide that information.

In regard to your question concerning contributions of \$2,500 or more in a calendar year by a corporation, please be advised that if the corporation is limiting its political activity to making political contributions from corporate assets, no reporting by that corporation is required; see Advisory Opinion 12-1987 (copy enclosed). However, if it is soliciting contributions from employees or others, it will be required to file quarterly reports as a continuing political committee; see N.J.S.A. 19:44A-8(b).

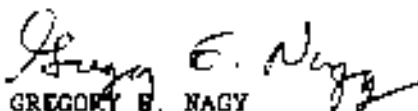
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Finally, you have asked whether a corporate employee-funded federal PAC may contribute to a New Jersey State or local candidate, or to a State PAC. The Commission is not aware of any restriction in "The New Jersey Campaign Contributions and Expenditures Reporting Act," N.J.S.A. 19:44A-1 et seq. that would restrict such a contribution; however, you may wish to consult with the Federal Election Commission concerning federal requirements. The Federal Election Commission maintains a toll free phone number at 1-800-424-9530.

Thank you for your inquiry.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION


GREGORY E. NAGY

GER/cn
Enclosure