



State of New Jersey

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August 15, 1989

Honorable Peter N. Perretti, Jr.
Attorney General of New Jersey
CN-080
Justice Complex
Trenton, NJ 08625

Re: Advisory Opinion Request from
Marine Midland Capital Markets Corporation
Our File No. Advisory Opinion No. 16-1989

Dear Attorney General Perretti:

The Commission has directed me to request on its behalf your consideration of the enclosed request for an advisory opinion made by Marine Midland Capital Markets Corporation (MMCMC); see attached letters from Paul Jancu, Co-Chief Executive Officer, dated June 28 and July 31, 1989. This inquiry concerns the application of the statutory prohibition against political contributions by banking corporations; see N.J.S.A. 19:34-45. Since this statute is not part of the Campaign Reporting Act, it is beyond the jurisdictional authority of the Commission to issue advisory opinions.

The advisory opinion request from Marine Midland Capital Markets Corporation was prompted by the Commission's denial of public matching funds, pursuant to N.J.S.A. 19:44A-33 as amended by P.L. 1989, c.4, Section 6, for a contribution by MMCMC to a publicly-financed gubernatorial primary election campaign. The Commission based its denial upon the prohibition against political contributions to New Jersey candidates contained in N.J.S.A. 19:34-45. The Commission requests clarification of the ability of MMCMC to contribute to candidates in the 1989 primary and general elections, and in other future elections.


Honorable Peter N. Perretti, Jr.
August 15, 1989
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Therefore, the Commission respectfully forwards this request for your consideration because it believes that a response from your office will be of assistance to this and possibly to other similarly situated corporations. Since the Commission must make decisions now concerning the eligibility of contributions to be matched with public funds, and since those determinations impact upon the 1989 gubernatorial campaigns, the Commission respectfully requests your immediate consideration of this request.

Thank you for your consideration.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

BY: 
NEDDA G. MASSAR, ESQ.
Director of Public Financing

NGM/slm
Attachment



MARINE MIDLAND CAPITAL MARKETS CORPORATION
140 BROADWAY
NEW YORK, NEW YORK 10015

PAUL JANCU
Co-Chief Executive Officer
(212) 858-5282

June 28, 1989

Ms. Nedda Massar
Director of Public Financing
Election Law Enforcement Commission
State of New Jersey
28 West State Street
Trenton, New Jersey 08625-0185

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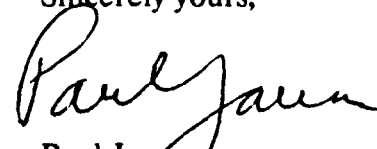
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Dear Ms. Massar:

This letter is prompted by your decision to reject the \$750 contribution by Marine Midland Capital Markets Corporation (MMCMC) to the gubernatorial campaign fund of Alan Karcher. This decision apparently resulted from the assumption that MMCMC is engaged in banking activities. As the attached memorandum from our General Counsel's office indicates, MMCMC is a securities affiliate of our holding company and is not engaged in the banking business. Federal law, in fact, prevents MMCMC from conducting banking activities and there are legal barriers between Marine Midland Bank and Marine Midland Capital Markets Corporation.

We seek a clarification of our legal ability to make political contributions in New Jersey State and local races. We understand that you may need to obtain an advisory opinion from the Attorney General's office. We hope that such an opinion can be obtained promptly so as to allow our financial participation in this year's gubernatorial campaign.

Sincerely yours,


Paul Jancu

Encl.