



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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July 22, 1981

Walter R. Bliss, Chairman  
Mercer County Democratic Committee  
P. O. Box 4182  
Trenton, NJ 08610

ADVISORY OPINION No. 32-1981

Dear Mr. Bliss:

Your letter of July 7, 1981 requesting an advisory opinion from the Election Law Enforcement Commission has been considered by the Commission and referred to me for response. You have asked whether the Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.) prohibits a political party committee from co-sponsoring with the committees of primary election candidates a fund raising affair after the date of the primary election. For the reasons herein stated, the Commission must respectfully defer in responding to your request because it lacks jurisdiction over the statutory provisions involved.

You have stated that the Mercer County Democratic Committee is planning to co-sponsor a cocktail party with the campaign committees of the two 15th district Senate candidates in the primary election of the Democratic Party. The candidates were of course opponents in the primary election. The affair will be called the "Mercer Democratic Unity Bash," and the proceeds will be divided among the county political party committee and the candidate committees. The Commission infers from your letter that proceeds will be dedicated by the campaign committees toward the payment of any outstanding debts existing from the primary election.

N.J.S.A. 19:44A-11, in pertinent part, provides as follows:

"Any State, county or municipal committee of any political party, after a primary election, but not prior thereto, may receive and expend funds to be spent in furtherance and in aid of the candidacy of all the candidates of such party, or of any one or more of such candidates, in accordance with the provisions of this act." (emphasis added)

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Any expenditure made or incurred in violation of this section is a criminal violation. N.J.S.A. 19:44A-21(a). Because the prosecution jurisdiction of the Commission is exclusively to conduct civil proceedings, the Commission finds that it lacks criminal jurisdiction over the subject matter of Section 11 and must refrain from interpreting its effect. Furthermore, the Commission notes that N.J.S.A. 19:34-33, a section of the Crimes and Penalties Chapter of Title 19 (Elections), over which the Commission has no jurisdiction, contains a similar prohibition. That statute, in pertinent part, provides as follows:

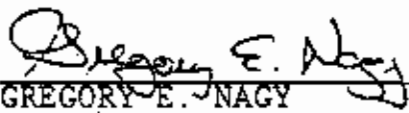
"No state, county or municipal committee or organization of any political party shall expend any money in aid of the candidacy of any candidate...for nomination as a candidate of a political party for public office."

In view of the Commission's perceived lack of jurisdiction, the Commission can only recommend that you submit this inquiry to the Office of the Attorney General if you wish to pursue this matter.

The Commission does wish to bring to your attention that the requirements for the reporting of testimonial affairs are set forth in N.J.S.A. 19:44A-8, and N.J.S.A. 19:44A-18. Any report filed by the sponsoring committees or candidates shall include the names and addresses of each contributor in excess of \$100.00 to the affair and the amount contributed by each, and shall show the expenses and disposition of the proceeds.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

By:   
GREGORY E. NAGY  
Staff Counsel

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