



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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February 23, 1982

Ms. Kathryn Brock
Women's Political Caucus
of New Jersey
387 Morris Avenue
Summit, New Jersey 07901

Re: ADVISORY OPINION No. 02-1982

Dear Ms. Broek:

Your letter to the Election Law Enforcement Commission requesting an advisory opinion has been considered by the Commission and I have been directed to issue this response. You have asked whether the Women's Political Caucus of New Jersey which you describe as a multi-partisan organization whose purposes, among others, include increasing the numbers of women elected to public office and supporting candidates whose positions who are sympathetic to the organization, has any obligation pursuant to the Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.) to file reports with the Commission. For the reasons stated herein, you are hereby advised that under the facts submitted, the Women's Political Caucus is required to file campaign reports whenever it contributes more than \$1,000.00 to support or defeat a candidate.

You have informed the Commission that the Women's Political Caucus does not solicit or accept campaign contributions. Further, you have written that the organization was originally advised by the Commission staff in 1976 that it had no filing obligations because of this fact. You have brought to the attention of the Commission its Advisory Opinion #32-76, dated September 27, 1976. The Commission understands that Advisory Opinion to state that independent county affiliates of the State organization may have filing obligations independent of the State organization.

Although the Women's Political Caucus does not solicit or accept campaign contributions, the organization does endorse candidates and periodically makes contributions from its general treasury. Such contributions are made solely by the decision of the State Steering Committee of the organization. Your letter does not indicate how funds are raised for the general treasury other than to state that the organization does sponsor fund-raising affairs at which candidates may be honored guests. Tickets or publicity for such affairs request donations to the organization, not the candidate. Finally you indicate that there are some county affiliated units which make contributions in a similar manner from their respective general treasuries.

The Reporting Act defines the term "political committee" at N.J.S.A. 19:44A-3(1) as follows:

"The term 'political committee' means any two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association which is organized to, or does, aid or promote the nomination, election or defeat of any candidate or candidates for public office, or which is organized to, or does, aid or promote the passage or defeat of a public question in any election."


The Commission is satisfied under the facts submitted in your inquiry that the Women's Political Caucus is a "political committee" under the terms of the above definition. A stated objective of the organization is to support candidates whose positions on issues is favored by the organization. To the extent it has and carries out such a purpose, it is organized to and does aid or promote candidates and meets the definition of "political committee".

Political committees are required to file 25 and 7 day pre-election reports and 15 and 60 day post-election reports pursuant to the provisions of N.J.S.A. 19:44A-8 and 19:44A-16. Further, such committees must establish a bank account for the deposit of campaign contributions. N.J.S.A. 19:44A-10. However political committees not acting in concert with a candidate or any other political committee in support or defeat of a candidate, are not required to file reports unless they expend more than \$1,000.00 to support or defeat such candidate. Commission Regulation N.J.A.C. 19:25-12.5.

The Commission does not express any opinion concerning the filings that may be required independently by county affiliated units of the Women's Political Caucus, other than to reaffirm its opinion as expressed in Advisory Opinion #32-76 to the effect that such county organizations may constitute separate political committees with filing obligations independent of those of the State Committee. The Commission does not have enough information for it to determine whether the county affiliated organizations may report jointly with the State organization.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION


by: GREGORY E. NAGY
Staff Counsel

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