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ELECTION LAW ENFORCEMENT COMMISSION

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February 18, 1983

Raymond T. Collins, Esq.
Shell Oil Company
One Shell Plaza
P.O. Box 2463
Houston, TX 77001

ADVISORY OPINION No. 04-1983

Dear Mr. Collins:

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 the Commission to determine whether the provisions of N.J.S.A. 19:34-45, a statute prohibiting certain corporations from making political contributions, has any application to Shell Oil Company. For the reasons set forth below, the Commission must decline undertaking the advisory opinion you seek because its jurisdiction is limited to questions arising under the provisions of the Campaign Contributions and Expenditures Reporting Act (hereinafter, the Act) N.J.S.A. 19:44A-1 et seq. However, the Commission will refer your inquiry to the Attorney General of this State for his consideration.

The jurisdiction of the Commission to issue advisory opinions is limited to whether a given set of facts constitute a violation of any of the provisions of the Act. N.J.S.A. 19:44A-6(f). The prohibition against certain corporations making contributions to candidates for public elective office in this State is not included in the Reporting Act, but appears in Chapter 34 of Title 19 of the Revised Statutes, specifically N.J.S.A. 19:34-45. Any violation of Chapter 34 gives rise to criminal sanctions. N.J.S.A. 19:34-1. Therefore, the Commission must respectfully decline your request for an Advisory Opinion.

You have written that Shell Oil Company is a Delaware corporation which is registered and licensed to do business in the State of New Jersey. Shell Oil Company, and its subsidiaries, collectively are engaged in the exploration for, production, transportation and marketing of crude oil and natural gas. The Shell Pipeline Corporation, a wholly-owned subsidiary, is in the business of building and operating pipelines. That corporation has the right to condemn land to build some pipe lines, but is not licensed to transact business in this State. From this fact pattern, you have asked two questions:

1. Whether the Shell Oil Company comes under the ambit of the prohibition contained in the statute against any corporation carrying on the business of "....gas, electric light, heat or power..."

2. Whether the Shell Oil Company comes under the ambit of the prohibition by virtue of ownership of a subsidiary corporation which has the right to condemn land even though that subsidiary is not licensed to transact business in this State and does not operate within the State.

While the Commission is unable to exercise jurisdiction in this matter, it believes that the questions you have raised are of importance. Therefore, the Commission has undertaken, with your concurrence, submission of these issues to the Attorney General of this State for his consideration. The Commission will advise you upon receiving any opinion from the Attorney General.

Very truly yours,

GREGORY E. NAGY
Staff Counsel

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