



State of New Jersey

**ELECTION LAW ENFORCEMENT COMMISSION**

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March 24, 1993

Stephen J. Edelstein, Esq.  
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State Committee  
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293 Eisenhower Parkway  
Livingston, New Jersey 07039

Advisory Opinion No. 04-1993

Dear Mr. Edelstein:

The Commission has directed me to issue the following response to your request for an advisory opinion. You have asked whether independent expenditures made by the New Jersey Republican State Committee (hereafter, the RSC), for a media campaign during the 1993 primary election can be allocated against the 1993 general election expenditure limit of the Republican nominee to be selected at the June 8, 1993 primary election.

At the Commission meeting of March 23, 1993, you appeared on behalf of the New Jersey Democratic State Committee (hereafter, the DSC), and Edward Gross, Esq. appeared on behalf of the RSC. Since this request for an advisory opinion concerns the activity of the RSC, Mr. Gross consented on behalf of the RSC to waive the issue of standing\* to permit the Commission to issue this response to you concerning RSC activity; see Advisory Opinion 02-1993.

For the purpose of issuing this opinion, you have asked the Commission to assume that the expenditures for the media campaign to be undertaken by the RSC during the 1993 primary election are totally independent and uncontrolled by any of the campaigns of the publicly-financed 1993 Republican gubernatorial candidates.

Under these facts, the Commission concludes that expenditures by the RSC made during the 1993 primary election without the consent of, consultation with, or coordination with any Republican gubernatorial primary election candidate are independent expenditures and may not be allocated against the general election expenditure limit of the Republican gubernatorial candidate; see Advisory Opinion 02-1993. Unless a gubernatorial candidate exercises control over the RSC expenditures, there is no statutory authority for the Commission to charge those expenditures against the the spending limit of the

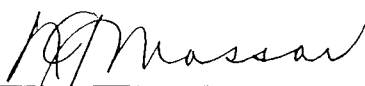
general election candidate; Friends of Tom Kean v. ELEC, 114 N.J. 33 (1989).

As discussed in Advisory Opinion No. 02-1993, the Commission wishes to advise you that if the RSC undertakes the identical media campaign after the June 8, 1993 gubernatorial primary election, such activity may result in an allocation against the general election expenditure limit of the Republican publicly-financed gubernatorial general election candidate.

The Commission thanks you for your inquiry.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

By:   
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