

# New Jersey Quickly Reverses Course, Recognizes Super-PACs

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July 2013

Less than four months after declining to recognize the legality of so-called Super-PACs in its state, the New Jersey Election Law Enforcement Commission (ELEC) reversed course. In a recent legal action, the ELEC consented to a permanent injunction that prohibits it from enforcing the state's contribution limits against a political committee that plans to make only independent expenditures in connection with New Jersey elections this year.

On April 5, 2013, the Fund for Jobs, Growth, & Security (Fund) filed suit in federal district court challenging the constitutionality of New Jersey's contribution limits as applied to the Fund, an independent expenditure-only committee. The suit responded to a March 19, 2013, advisory opinion, in which ELEC said it must apply the state's contribution limits to the Fund and similar political committees because it lacked the authority to declare the contribution limits unenforceable or unconstitutional with respect to independent expenditure-only committees. (For additional information about this advisory opinion, please see the May 2013 *Election Law News* article "Three Years Later, States Still Grappling with Aftermath of *Citizens United*.")

Importantly, the permanent injunction technically only applies to the Fund. Although the permanent injunction requires the ELEC to withdraw its March 19 advisory opinion and recommend statutory changes to the legislature, it otherwise makes no reference to independent expenditure groups as a whole. The ELEC has yet to announce how it will treat other political committees that only make independent expenditures moving forward.

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