

0-43-77

STATE OF NEW JERSEY
ELECTION LAW ENFORCEMENT
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October 31, 1977

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ELECTION LAW ENFORCEMENT
COMMISSION

Robert S. Raymar, Esq.
Messrs. Hellring, Lindeman &
Siegall
1180 Raymond Boulevard
Newark, New Jersey 07102

Re: The New Jersey Campaign Contributions and Expenditures
Reporting Act, Chapter 83, Laws of 1973 as
Amended and Supplemented ("the Act")
Your Letter Dated September 28, 1977
Opinion # (0-43-77)

Dear Mr. Raymar:

Your letter dated September 28, 1977 to the New Jersey
Election Law Enforcement Commission ("the Commission"),
including a request for an advisory opinion relating to
the allocation of "street money", has been forwarded to me
for reply.

You have suggested that since Byrne for Governor has
not solicited and has actively discouraged expenditures of
election day "street money" on its behalf (based on your
determination that expenditures allocable to the gubernatorial
candidate could be more profitably directed to other uses),
election day expenditures made by county and municipal
committees should not be allocable to Byrne For Governor.
However, election day expenditures made by a county committee,
such as payments to workers involved in get-out-the-vote
drives or as challengers or poll watchers, can not be
regarded as "wholly apart" from that party's gubernatorial
election effort, as suggested in your letter. Such expenditures
necessarily confer some benefit on the candidates of
the party, and it is not possible to carve out one candidate
on the party's ballot as receiving no benefit from these
activities.

A case may be imagined of a hostile county chairman
making unauthorized expenditures in order to sabotage a
gubernatorial candidate's funding strategy as suggested in

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your letter, and such a case may well call for different treatment. No such facts appear in your letter, however, and in the absence of clear evidence the Commission cannot assume that the county and the municipal committees will act in a manner hostile to the interests of the gubernatorial candidate of the party.

As you are aware, Regulation 19:25-12.1 addresses the question of reporting of payments to workers involved in election day efforts, including "street money", such payment must be properly allocated among the candidates for whose benefit they are made or incurred. The Commission is of the opinion that such expenditures, including "street money", must be reasonably allocated to the gubernatorial candidates as well as to other candidates, to the extent they are benefited by the expenditures.

Yours very truly,


Edward J. Farrell
Legal Counsel

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