



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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September 3, 1981

Stuart D. Gavzy, Finance Director
Republican State Committee
28 West State Street, Suite 612
Trenton, NJ 08608

ADVISORY OPINION No. 38-1981

Dear Mr. Gavzy:

We are in receipt of your correspondence dated September 1, 1981 which sets forth the request of the New Jersey Republican State Committee for an advisory opinion regarding the "allocability" of expenditures related to a television advertising campaign to be instituted on behalf of the Republican State Committee. Specifically, you have asked for the Commission to indicate to what extent, if any, the cost related to two advertisements, scripts of which are attached hereto and made a part hereof, can be said not to have been made on behalf of the gubernatorial candidate.

The Commission has reviewed the television scripts entitled "Up & Down" and "Ripped Off" and has concluded that no portion of the cost associated with the production and distribution of those television ads are allocable to the gubernatorial candidacy of Thomas Kean.

It is the opinion of the Commission that the annexed television scripts do not "clearly identify" any candidate for governor or the office of governor. In its Advisory Opinion 33-1981 the Commission stated that an expenditure would be allocable to some extent to a gubernatorial candidate if:

- (1) either of the gubernatorial candidates is named or visually depicted or referred to; or
- (2) the office of Governor is named or referred to; or
- (3) the incumbent Governor is named or visually depicted or referred to; or
- (4) the identity of the candidate, the opponent, or the incumbent Governor is apparent by unambiguous reference.

None of these criteria are presented by the annexed scripts.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

By: Gregory E. Nagy
GREGORY E. NAGY,