

0-40-77

STATE OF NEW JERSEY
ELECTION LAW ENFORCEMENT
COMMISSION
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September 26, 1977

Joseph A. Hayden, Jr., Esq.
Messrs. Nutly and Hayden
570 Broad Street
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 7, 1977
Opinion #0-40-77

Dear Mr. Hayden:

Your letter dated September 7, 1977, to the New Jersey Election Law Enforcement Commission ("the Commission"), including a request for advisory opinion has been forwarded to me for reply.

The Commission is unable to make a determination in advance of the occurrence with respect to the reasonableness of any particular allocation of election day expenditures including "street money". The obligation with respect to making such reasonable allocation is on the candidates and committees making or affected by such allocation.

We do, however, have certain comments with respect to your proposal. Although we are unable to make a determination in advance, we believe that a proposal to allocate no portion of the election day expenditures to the gubernatorial candidate would appear to be unreasonable. An allocation which included the gubernatorial candidate as only one of approximately 50 candidates would also appear to be unreasonable, since the gubernatorial candidate would appear on many ballots within the districts in which those candidates were running. We also observe

that the percentage fairly attributable to a particular candidate might well differ between specific districts or municipalities. We also note that the past reporting of election day expenditures, including "street money", by many committees has not included any allocation with respect to municipal candidates, thereby leaving the implication that the past practice of some county organizations has been to provide election day expenditures for county and state office candidates only.

Yours very truly,


Edward J. Farrell,
Legal Counsel

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