



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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May 7, 1985

Mr. Bruce M. Benedetti,
Executive Director
Republican Majority '85
Post Office Box 1161
Trenton, New Jersey 08606-1161

Re: Advisory Opinion 7-1985

Dear Mr. Benedetti:

I have been requested by the New Jersey Election Law Enforcement Commission to respond to your letter dated April 16, 1985.

One of the important responsibilities of the Commission is to protect the integrity of the public financing process, and to insist on inclusion within the expenditure limits provided by the Legislature of all expenditures, including an appropriate proportion of expenditures involving other candidates as well. As you correctly pointed out in your letter, the Commission has in Opinion No. 33-1981 expressed the view that literature related to fundraising appeals would be allocated to the gubernatorial campaign to the extent that it could reasonably be said to be in fact material benefitting the clearly defined gubernatorial candidate. The Commission has had occasion to review Advisory Opinion 33-1981 in somewhat different circumstances, and has confirmed the current applicability of that opinion. Governor Kean is of course a clearly defined gubernatorial candidate. It is a widely held belief that materials which place the name of the candidate before the public, particularly in connection with the legislative programs or election efforts of members of the same political party, are a benefit to the candidacy of the gubernatorial candidate. The Commission must take this into account, and accordingly is of the view that, without regard to the intent of your committee, the inclusion of his name must result in an applicable expenditure.

Mr. Bruce M. Benedetti
Page 2
May 7, 1985

The amount to be allocated will depend on the facts in each case. The amount of the allocation is in first instance to be set by the candidates and committees involved in the allocation. By way of general guidance, however, it is the view of the Commission that the inclusion of the name of the Governor would result in an allocation to the gubernatorial campaign of an amount not less than five percent (5%). Depending upon the content, the authorship and the use of the letter, additional allocation might be required. In the event that the additional facts showed that the material was in fact advertisement on behalf of several campaigns, then the amount of allocation to the gubernatorial candidate would, in the absence of extraordinary circumstances, be not less than 25% as described in Opinion No. 33-1981.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

By 
Edward G. Farrell
Legal Counsel

EJF:nc