



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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May 19, 1989

Mr. William Eldridge
23 Winchip Road
Summit, New Jersey 07901

Re: Advisory Opinion No. 12-1989

Dear Mr. Eldridge:

Your letter dated May 5, 1989 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 has considered to some extent the questions contained in your letter in its Advisory Opinion No. 5-1989, dated March 7, 1989, and a copy of that opinion is enclosed.

The Commission concluded specifically that voter registration efforts, intended to aid all the candidates for office in the primary election of that party, so long as those activities do not benefit one or more of the gubernatorial candidates to the detriment of others, are not prohibited by the Act.

The Commission has now considered the additional question raised in your letter of get-out-the-vote effort. Although the Commission is aware that somewhat different questions may arise with respect to a get-out-the-vote effort, the Commission has concluded that the limitation on activities in the primary election contained in the Act, N.J.S.A. 19:44A-11, does not prohibit a county committee of a political party from conducting activities such as voter registration drives and get-out-the-vote drives, which may fairly be said to benefit all of the candidates for office in the primary election of that party, so long as those activities do not benefit one or more of the candidates to the detriment of others.

Accordingly, the Commission is of the view that the receipt or acceptance by the candidates in the primary election of the benefits resulting from activities of the county committee of the

kind described above will not be regarded by the Commission as activities which require an allocation of the expense of those activities to the gubernatorial candidates.

A word of caution must be expressed here. It is the strong view of the Commission that activities of a county committee of a political party intended to benefit one or more, but not all, of the candidates of that party in a primary election would be totally improper. Proof of such intent might be found on direct evidence, or by inference to be drawn by activities which, though neutral in their face, caused a result which could reasonably only be said to show such intent.

Yours very truly,



Edward J. Farrell

EJF:dc
Enclosure

cc: Mr. Frederick Herrmann ✓