

August 31, 2009

Commissioner of Elections Opinion 2009-01

You have asked for an opinion regarding political parties' use of the candidate's name in Special Election get-out-the-vote efforts. More specifically, you question if the amount spent on this effort would count as a contribution from the political party to the candidate.

In responding to this question, I have read both of the sections of Delaware Code, Title 15 shown below:

§ 8012. Contribution limits generally.

(g) For purposes of this chapter:

(1) Amounts paid by a political party to compensate individuals working on behalf of all of the candidates of the party, and amounts incurred on behalf of or in connection with 5 or more candidates shall not be deemed to be contributions to the candidates of such political party;

(4) Costs incurred by political parties for voter registration and get-out-the vote activities conducted by a political party shall not be considered contributions to any candidate.

While (g) (1) does not deem expenditures made on behalf of a candidate if they are made in connection with five or more candidates, a Special Election, by its nature, has only one candidate.

Section (g) (4) does not consider get-out-the-vote activities as contributions to any candidate.

Reading both of these sections in the context of a Special Election, it is my opinion that use of a candidate's name in the political party's get-out-the-vote effort (e.g. slate cards) should not be considered a contribution to that candidate.

Since Title 15 also states (see below) that a Special Election is to be treated as a General Election, this opinion would apply only to a Special Election, not a Primary Election.

7109. General election laws applicable.

Every special election in a representative or senatorial district shall be provided for, opened, held, conducted and closed and the result thereof ascertained and certified in the same manner, at the same places and subject to the same laws, so far as the same may be applicable, as are prescribed for the general election; provided, however, that the department shall not be required to publish in a newspaper 10 days before the election the nominations made in anywise for such special election.

Should you have any questions, please contact me.