

The obvious intent of R. S. 19:27-11 is to make unnecessary a special primary election in connection with certain vacancies and yet to make available the machinery of the general election for the filling of such vacancies. Thus, insofar as the section relates to the filling of a vacancy in the representation of any county in the Senate or General Assembly, in the case where such vacancy occurred after the last day for filing petitions of nominations for the primary election and prior to twenty-five days preceding the general election (as in the instant case), when the writ of election designates the next general election day for the election to fill such vacancy and has been issued prior to twenty-five days preceding the general election (as in the instant case) county election officials should disregard the provisions of R. S. 19:27-6 and proceed under R. S. 19:27-11 (as well as under all other applicable provisions of law).

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: DOMINIC A. CAVICCHIA,
Deputy Attorney General.

AUGUST 15, 1950.

MR. GEORGE M. BORDEN, *Secretary,*
State Employees' Retirement System,
1 West State Street,
Trenton 7, New Jersey.

FORMAL OPINION—1950. No. 54.

DEAR SIR:

I have your letter of the 9th instant in which you call my attention to Chapter 326 of the Laws of 1942 and inquire "Should the employing department, of any employee who enlists or is inducted into military service at the present time, make contributions to his annuity savings fund while he is in military service? In a recent formal opinion, number 52, it is indicated that contributions should be made in behalf of such employee."

Formal Opinion No. 52, dated July 28, 1950, I am sure fully answers your inquiry. However, answering your question specifically as to a person who enters the military service *at the present time* and who is a member of a pension fund, it is my opinion that the contributions which the member would have made had he not entered military service must be made by the State, county, municipality, school district, political subdivision, board, body, agency or commission by whom such person is employed.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: THEODORE BACKES,
Acting Attorney General.

TB :B