



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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June 15, 1981

Richard S. Cohen, Esq.
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18 Hamilton Street
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ADVISORY OPINION NO. 45-80

Dear Mr. Cohen:

I am writing on behalf of the Election Law Enforcement Commission in response to your letter of November 12, 1980 requesting an advisory opinion. The Commission wishes to express its regret for the delay in responding. You have asked whether the Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.) requires a political party committee to disclose in each of its Annual Reports the existence of an unsatisfied money judgment. For the reasons herein stated, you are advised that such a judgment must be reported in each Annual Report of the political party committee until the committee reports the judgment has been extinguished.

Initially, the Commission wishes to state that normally it does not issue advisory opinions concerning the reporting responsibilities of persons or entities other than the person requesting an advisory opinion. You have indicated that you represent a creditor of a county political party committee against which the creditor has obtained a money judgment docketed in calendar year 1979. You have indicated further that the Annual Report for calendar years 1976, 1977 and 1978 by the political party committee revealed the indebtedness that was the basis of the judgment. Finally, in a letter dated June 2, 1981, you supplemented your inquiry by advising the Commission that the 1980 Annual Report of the political party committee showed an obligation to the creditor that was less than the amount of the money judgment obtained, and also the Annual Report indicated that the amount was "in litigation." Because the filing entity in this case is a political party committee, and because of your representation that an outstanding money judgment exists against it, the Commission has concluded that it would be in the best interest of effective enforcement of the Reporting Act to proceed with an opinion. In order to serve notice on the political party committee involved, a copy of this advisory opinion will be delivered to its treasurer and he will be asked to respond by filing amended reports or a written explanation as to why amended reports are not needed.

Richard S. Cohen, Esq.

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Political party committees must disclose outstanding obligations, such as an unsatisfied money judgment, until such time as the obligation is satisfied and therefore no longer exists. The reporting political party committee must disclose the final disposition of the obligation. In the absence of continuous reporting of the obligation in each Annual Report in which the obligation exists, the public would be unable to determine whether the obligation remained outstanding or had been satisfied by some means. Such a result would run directly contrary to the provisions of N.J.S.A. 19:44A-8.

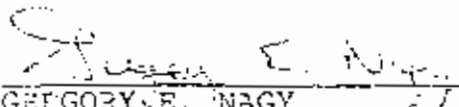
You have provided the Commission with a copy of what appears to be a Writ of Execution against the Middlesex County Republican Committee in favor of James S. Hamilton Associates for the sum of \$4,422.73 damages, plus \$112.65 cost. The Commission is of the opinion that where a colorable claim for indebtedness exists, it should be disclosed. The reporting of such a claim does not preclude the reporting party from contesting it, nor should it be deemed as an admission by the reporting party that the claim is correct. It merely serves as notice to the public that the claim exists and remains unsatisfied either by payment or some other disposition. There is nothing in the Reporting Act that would prevent a treasurer preparing an Annual Report from qualifying any obligation listed in such report. Therefore, the notation "in litigation" is permissible if it correctly sets forth the status of the parties.

Nothing contained in this Advisory Opinion is intended to reflect on the merits of any claim for indebtedness by yourself as the inquiring party or any other person as against any political party committee. The Commission does not have before it any facts concerning the nature of the indebtedness discussed, nor does it have any jurisdiction to adjudicate such claims. It is a limited purpose of this Advisory Opinion to clarify that where a colorable claim for indebtedness exists as against a political party committee with Annual Report filing requirements, such political party committee must disclose the existence of that claim in each Annual Report from the date the claim arose until such time as it is extinguished.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

By:


GREGORY E. NAGY
Staff Counsel

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