

**OPINION  
76-194**

February 12, 1976 (OPINION)

Mr. Charles D. Orvik  
States Attorney  
Pierce County Courthouse  
Rugby, ND 58368

Dear Mr. Orvik:

This is in reply to your letter of February 6, 1976, relative to Chapter 16-22 of the N.D.C.C., as amended, governing disclosure of financial interests of candidates for public office. You state the following facts and questions:

"In accordance with N.D.C.C. 16-22-02, 'every candidate for elective office shall file a statement of interests as required by this chapter.' Thereafter in the same paragraph it sets forth the required time for filing such statements as the time for filing a certificate of nomination, pursuant to chapters 16-04, 16-05, or 40-21, as appropriate. The sentence setting forth the specific times for filing the statements, indicates that the statements need be filed only by 'candidates for elective office who are required to file such statements.' I specifically call your attention to the fact that there is no reference made to chapter 58-04, the section setting forth the procedure for township elections, nor is there any reference to the townships in section 16-22-02.

"In view of these facts and in my reading of the sections pertaining thereto, it is the opinion of this writer that it is not necessary for the township's supervisors, treasurer, clerk or constable to file a statement of financial interest prior to this election.

"Do you concur in this opinion?"

At the time of preparing the rules and regulations governing this matter this office did consider whether township elections were covered. While it was our conclusion that the Legislature might well have intended that all candidates for public office file the required statements, in view of the declaration of policy in Section 16-22-01, the statutory procedure established by the Legislature for such filing could not apply to township officials since they file no certificate of nomination, certificate of endorsement or petition of nomination. Section 16-22-02 does not refer specifically to sections governing candidates for election to school boards but we believe they are covered since they must file a statement of candidacy twenty days before the school district election pursuant to Section 15-28-09 of the N.D.C.C. and can file the financial disclosure statement at that time. This office cannot, however, provide a procedure for the filing of statements of financial disclosure for township officials when no such procedure is prescribed by the statute, since the candidates for township office are not required to file any certificate of nomination, certificate of endorsement or petition of

nomination. It would be impossible for a township candidate to file a statement since there is no formal method of announcing the candidacy prior to the township meeting at which the election is held.

We are in agreement with your conclusion that township officers are not required to file a statement of financial interest prior to their election.

Sincerely,

ALLEN I. OLSON

Attorney General