

Date Issued: January 10, 1984 (AGO 84-4)

Requested by: Ben Meier, Secretary of State

- QUESTION PRESENTED -

Whether a candidate's committee is subject to the reporting requirements of chapter 16.1-08.1 of the North Dakota Century Code or chapter 16.1-08, N.D.C.C.

- ATTORNEY GENERAL'S OPINION -

It is my opinion that a candidate's committee is subject to the reporting requirements of chapter 16.1-08.1, N.D.C.C., and not the provisions of chapter 16.1-08, N.D.C.C.

- ANALYSIS -

Chapter 16.1-08.1, N.D.C.C., deals with campaign contribution statements. The chapter requires that campaign contribution statements be filed with the Secretary of State by candidates as set forth in section 16.1-08.1-02, N.D.C.C., and by political parties as set forth in section 16.1-08.1-03, N.D.C.C.

Chapter 16.1-08, N.D.C.C., deals with campaign contributions by corporations, cooperative corporations, and associations, as well as what is referred to as political committees but what are commonly known as political action committees.

Under 1983 amendments to chapter 16.1-08.1, N.D.C.C., both candidates and political parties are required to file contribution statements. The language of section 16.1-08.1-03, N.D.C.C., regarding the required statement to be filed by political parties, is not in question. However, section 16.1-08.1-02, N.D.C.C., requires that a candidate file the statement of campaign contributions, but it does not refer to any committee formed by the candidate for the purpose of assisting that candidate only. Having reviewed the specific language of both chapters 16.1-08 and 16.1-08.1, N.D.C.C. I am persuaded that a candidate and candidate's committee assisting only that candidate are to be treated as one reporting unit, and that although a committee may be formed by the candidate to assist that candidate, the statement need only be filed by the candidate so long as it reflects the required information concerning campaign contributions raised by the candidate's committee for the candidate's use.

The uncertainty arises as to which chapter applies to a candidate's committee because of the language of section 16.1-08-02, N.D.C.C. Subsection 2 of that section provides that a separate and segregated fund utilized for political purposes can be established by a corporation, cooperative corporation, or association. Subsection 3 of that same section provides that all political committees formed for the purpose of administering the segregated fund provided for in Subsection 2 must file a statement listing contributions and disbursements above a certain amount pursuant to the provisions of chapter 16.1-08, N.D.C.C. A candidate's committee soliciting campaign contributions for use by the

candidate is clearly not the same thing as a political committee formed for the purpose of administering the segregated fund as found in section 16.1-08-02(3), N.D.C.C. The problem is that in the definition of the word "association" as found in section 16.1-08-01(1), N.D.C.C., the term is so broadly defined as including a "group of any kind of two or more persons." On the face of it, that includes a committee formed by a candidate. The definition of a political committee under section 16.1-08-01(8), N.D.C.C., is also quite broad. Under this particular subsection, a political committee "means any committee, club, association, or other group of persons which receives contributions or makes expenditures for political purposes."

It is my opinion that a candidate's committee is simply an extension of the candidate and not a separate organization existing with a purpose of its own. A candidate's committee and the candidate, in my opinion, are one and the same, and the only reporting requirements which a candidate and a candidate's committee are subject to are those found in chapter 16.1-08.1, N.D.C.C. No report is required by the candidate's committee under chapter 16.1-08, N.D.C.C., except insofar as a candidate's committee may make contributions to some other candidate or for some political purpose other than that of nominating or electing the candidate, or paying off the candidate's debts.

- EFFECT -

This opinion is issued pursuant to section 54-12-01, N.D.C.C. It governs the actions of public officials until such time as the question presented is decided by the courts.

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