

OPINION
46-96

March 30, 1946 (OPINION)

ELECTIONS

RE: Political Advertisements - Names to be Disclosed

Re: Chapter 176, Laws 1944-45 - Concerning Political Advertisements
and Political Radio Broadcasts

This will acknowledge the receipt of your letter under date of March 28, 1946, in which your firm, on behalf of the Grand Forks Herald, requests the opinion of this office as to our interpretation of the provisions of Chapter 176 of the 1945 Session Laws. Section 1 of Chapter 176 provides:

From and after the passage of this Act, each and every political advertisement, whether on behalf of or in opposition to any candidate for public office, initiated measure or constitutional amendment, and whether such advertisement shall be by newspaper, pamphlet or folder, display cards, signs, posters or billboard advertisements, or by any other public means, shall disclose at the bottom of same the name or names of the sponsors of such advertisement, and the name or names of the person, persons, associations, partnerships or corporations paying for such advertisement, and at the close of every radio broadcast containing any advertising announcements or talk for or against any initiated measure or constitutional amendment to be voted on by the people, there shall be announced at the close of said broadcast the name or names of the person, persons, associations, partnerships or corporations paying for such radio broadcast."

Your letter requests answers to the following questions:

1. Must the ad disclose the names of all contributors to the funds of the 'club' which sponsors and pays for the ad?
2. Must it name all members?
3. If neither of the above is required, must it give the names of the officers of the club, or any of them?
4. Must it name the person who, on behalf of the club, places the ad in the newspaper?
5. Must it name the person who, on behalf of the club and with the club's money, pays for the ad?"

Chapter 176 of the Session Laws of 1945 supplements and amplifies the provisions of Section 16-2017 and Section 46-0505 of the 1943 Revised Code, which were originally enacted in 1911 and amended in 1913.

The obvious purpose of the legislature in enacting Sections 16-2017

and 46-0505 of the Revised Code was to require the labeling or designation of political advertising in any newspaper or periodical so as to inform the public that the printed matter contained therein did not necessarily reflect the view or opinion of the publisher or editor thereof.

The purpose of the legislature in enacting Chapter 176 of the Session Laws of 1945 was that the public should be informed, or be given an opportunity to be informed, as to the identity of sponsors of political advertisements and political radio broadcasts. It is clear that if an individual, partnership, or corporation furnishes the funds to pay for a political advertisement in a newspaper, pamphlet, or on a display card, sign, poster, or billboard, and sponsors such an advertisement, the name of such individual, corporation, or partnership must be disclosed. Likewise, the name of an individual, partnership, or corporation sponsoring and paying for a political radio broadcast must be announced at the close thereof. But it is our opinion that it was not the intention of the legislature that the names of members of or contributors to the funds of political parties, clubs, or associations should be required to be disclosed.

Organizations such as the Republican Party, Democratic Party, Republican Organizing Committee, and Non-Partisan League have hundreds, if not thousands of members, and possibly more contributors. The requirement that the names of the members and/or contributors to such organizations be disclosed would, in effect, prohibit such advertisements and broadcasts. The cost would be prohibitive. Any other interpretation would be contrary to common knowledge and to ordinary common sense. Publication in a newspaper of the names of members or contributors would be like publishing a telephone directory or census enumeration. Announcements of such names on the radio would require, not minutes, but hours. The same would be true, only to a lesser extent, of local associations and clubs. There certainly would not be sufficient space on an ordinary display card, billboard, or sign for a lot of names of members and contributors. Such a law would be unreasonable, undemocratic, and contrary to public policy. Chapter 176 must be given a reasonable construction.

Thus, in the recent case of Warner v. Kenny, 165 P. 2d 889, the Supreme Court of California said:

"Where language of a statute is fairly susceptible of two constructions, one which in application will render it reasonable, fair and harmonious with manifest purpose, and another which would be productive of absurd consequences, the former construction will be adopted."

Our answers to question No. 1 and question No. 2 must, therefore, be in the negative, that is to say, "No."

It is our opinion that it was the intention of the legislature that the public should be informed, or be given an opportunity to be informed, as to the identity of the person, firm, corporation, or association sponsoring a political advertisement or radio broadcast. However, merely stating that an advertisement or radio broadcast is sponsored by a group assuming or using an association or club name

without disclosing the name of either the director, manager, secretary, or treasurer thereof would not serve the purpose for which Chapter 176 was enacted. In our opinion the following are sufficient disclosures of the sponsors of political advertisements and radio broadcasts:

This ad (or broadcast) sponsored and paid for by the Burleigh County Good Government Committee, John Doe, Manager." (or president, chairman, secretary or treasurer).

This broadcast was sponsored by the Grand Forks County Civic Association, John Doe, Manager." (or president, chairman, secretary, or treasurer).

It is, of course, true that publication or announcement of the name of an officer of a club or association would not disclose the identity of members thereof or contributors thereto, but it would probably enable any interested person or newspaper to investigate and obtain such information.

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Attorney General