

**OPINION
70-142**

September 14, 1970 (OPINION)

The Honorable Ed Doherty

State Senator, Thirteenth District

New Rockford, ND

RE: Elections - Campaign Expenses - Statement Not Required

This is in reply to your letter of September 10, 1970, in which you set forth the following facts and questions:

"It is my understanding that, according to Section 16-20-04, N.D.C.C., it is no longer necessary for candidates for public office in North Dakota to file a statement of moneys expended, contributed or promised with a county or state official.

"It appears the old law making such a requirement of candidates was repealed by the 1967 legislature and amended somewhat by the 1969 legislature.

"Since many candidates are now preparing to file a statement of expenses for their primary campaigns I would like an opinion on whether or not this is necessary."

Prior to 1967, Section 16-20-02 of the North Dakota Century Code specified the limitation on campaign expenses incurred at a primary election. Section 16-20-03 specified the limitation on campaign expenses incurred at a general election and Section 16-20-04 required a filing of itemized campaign expenditures with the Secretary of State of county auditor as the case may be. The 1966 Legislature repealed sections 16-20-02 and 16-20-03 (see Section 107, Chapter 158, 1967 Session Laws) and amended Section 16-20-04 (see Section 86, Chapter 158, 1967 Session Laws) to include within that one section not only the provision requiring a filing of itemized campaign expenditures but also the limitations on such expenditures.

In 1969 the legislature again amended Section 16-20-04 to delete therefrom the provisions requiring the filing of campaign expenses and also repealed Section 16-20-20 which prohibited the printing on a ballot of the name of a candidate who had failed to file his campaign expenditures as required by Section 16-20-04. See Chapter 222, 1969 Session Laws. The effect of the amendment and repeal was to remove from the statutes any provision requiring the filing of campaign expenditures. While there is still a limit on the amount of campaign expenditures, any candidate who violates such statute is now subject to criminal penalty as provided in Section 16-20-24 of the North Dakota Century Code.

We are unaware of any other provision in the North Dakota statutes requiring the filing of campaign expenditures by a candidate.

It is therefore our opinion that candidates are no longer required to

file a statement of moneys expended, contributed or promised with the Secretary of State or county auditor, as the case might be.

HELGI JOHANNESON

Attorney General