

LETTER OPINION
96-L-32

March 4, 1996

Honorable Ray Holmberg
State Senator
621 High Plains Court
Grand Forks, ND 58201-7717

Dear Senator Holmberg:

Thank you for your February 26, 1996, memo asking whether a candidate for municipal office falls under the reporting requirements of N.D.C.C. § 16.1-08.1-02. That statute provides, in part, that "[a]ny candidate who is soliciting or accepting contributions for any political purpose, shall make and file a statement in accordance with this section." The term "candidate" is defined in N.D.C.C. § 16.1-08.1-01(2) as "an individual who seeks nomination for election or election to public office." Public office is further defined as meaning "every statewide or legislative office to which persons can be elected by vote of the people under the laws of this state." N.D.C.C. § 16.1-08.1-01(11).

Thus, the reporting requirements of N.D.C.C. § 16.1-08.1-02 only apply to candidates for statewide or legislative office which would, of course, exclude candidates for municipal office.

You also asked whether there were any other applicable reporting requirements under state law. N.D.C.C. ch. 16.1-09 requires candidates for elective office to file a statement of financial and other interests. However, there is no state law that requires candidates for municipal office to make campaign contribution statements.

Home rule cities, however, may have the authority, under N.D.C.C. § 40-05.1-06(6) to "provide for all matters pertaining to city elections. . ." if contained in the home rule charter and properly implemented by ordinance. Consequently, if the municipality is a home rule city, the charter and ordinances should be checked to determine if any campaign contribution statements are required.

Sincerely,

Heidi Heitkamp
ATTORNEY GENERAL

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