

N.D.A.G. Letter to Larson (Nov. 20, 1986)

November 20, 1986

Mr. Stuart A. Larson
Traill County State's Attorney
P.O. Box 188
Hillsboro, ND 58045

Dear Mr. Larson:

Thank you for your letter of November 10, 1986, requesting our review of a particular fact situation and the possible applicability of N.D.C.C. § 16.1-10-04.

According to your letter, this particular factual situation involves a political party telephone volunteer and the oral statements made by the volunteer to a voter that the voter must vote for two candidates and both must be of the same political party in order for the votes to be counted. The statute in question, N.D.C.C. §16.1-10-04, prohibits a person from knowingly sponsoring any political advertisement or news release containing deliberately calculated falsehoods.

The fact situation as described in your letter does not mention the use of a political advertisement or news release by the person who communicated an apparent falsehood. Based upon this initial determination of a lack of a political advertisement or news release, it is our interpretation that N.D.C.C. §16.1-10-04 is inapplicable to the factual situation described in your letter. This statute does not prohibit the making of false statements as part of any political campaign. Instead, the very words of the statute restrict its applicability to one who knowingly sponsors a political advertisement or news release containing deliberately calculated falsehoods.

Sincerely,

Nicholas J. Spaeth

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