

number of applicants desiring to withdraw their names in the face of disclosure and stated "[i]t is not intuitively obvious that most well qualified applicants for positions of authority in municipal governments will be deterred from applying by a public selection process" *Id.* The *Kenai* decision underscores the necessity for a factual and not merely speculative basis to support non-disclosure in the public interest.

While the Alaska Supreme Court found insufficient facts to support a need to keep applicant names confidential to assure obtaining the best qualified applicants, the court found it proper to allow applicants to withdraw to avoid disclosure, because some believed their applications would be confidential and the court found little public interest in the names of withdrawn candidates. This is consistent with the letter opinion of this Office, issued April 30, 1986, wherein it was concluded that Nevada's public record law required the disclosure of the names and applications of all candidates for city manager of Carson City. *See* Letter of Scott W. Doyle to Noel S. Waters, April 30, 1986. We also concluded that candidates who had submitted their applications with the understanding that their names would not be disclosed should be given the opportunity to withdraw their applications.

CONCLUSION

After applying the balancing test to the facts before us, we conclude that the public interest outweighs any need for confidentiality in the process of selecting a university system chancellor. In addition, each candidate may be informed of the public records disclosure requirement and may expressly request that his or her name or application be withdrawn from consideration.

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OPINION NO. 94-17 CAMPAIGN CONTRIBUTIONS: A business entity may give the maximum campaign contribution allowed by statute irrespective of its relationship to other business organizations.

Carson City, January 18, 1994

The Honorable Darrel Daines, State Controller, Capitol Complex, Carson City, Nevada 89710

Dear Mr. Daines:

You have requested an opinion from this office regarding campaign contributions.

QUESTION

Does [NRS 294A.110](#) limit the contribution by a business organization which operates through two or more corporations to the maximum specified in the statute, or does the limitation apply only to the maximum amount each individual corporation can contribute irrespective of its relationship to other corporations?

ANALYSIS

Campaign contributions are limited in Nevada pursuant to [NRS 294A.110](#) which states:

1. A person, other than a natural person, political party or committee sponsored by a political party, shall not make a contribution or contributions to a candidate for:
 - (a) A city, county, state or judicial office in a total amount which exceeds \$10,000; or
 - (b) A statewide office in a total amount which exceeds \$20,000,during the period beginning on the day after the last general election for that office and ending on the day of the general election for that office.
2. A candidate shall not accept a contribution made in violation of subsection 1.
3. A person who violated any provision of this section is guilty of a misdemeanor.

[NRS 294A.009](#) defines "person" as being "limited to a natural person, any labor union, any business or voluntary association, any committee for political action or sponsored by a political party and any corporation."

Reading these two statutes together, the campaign limitations found in [NRS 294A.110](#) apply to any labor union, any business or voluntary association, any committee for political action, and any corporation.

Your concern is how the campaign contribution restrictions apply to corporations which may have a relationship to one another such as common ownership, parents and subsidiaries, and holding companies. The statute does not address this issue, and in Nevada corporate ownership is not a matter of public record, nor is any interrelationship between business associations. Nevada corporations only have to file an annual list of officers and directors pursuant to [NRS 78.150](#). Corporations that are qualified to do business in Nevada have the same requirement. [NRS 80.110](#). Nevada law does not require the names of stockholders of any corporation to be on file in the Secretary of State's office at any time.

Courts recognize that corporations solely owned or controlled by one or a few individuals or by other corporations do not, by virtue of such stock ownership alone, lose their identities as distinct legal entities. Just as a holding or parent corporation has a separate corporate existence and is to be treated as a separate entity, so, too, are subsidiary corporations ordinarily independent of each other. *Miller v. Robertson*, 266 U.S. 243, 254-55 (1924); *C M Corp. v. Oberer Development Co.*, 631 F.2d 536, 538-39 (1980).

The campaign contribution statute is not limited to Nevada corporations or to those corporations that are qualified to do business in Nevada. It applies to any corporation formed anywhere; however, the ownership and the interrelationship between any of these corporations is not required to be disclosed.

Every candidate must report campaign contributions, but only the name and address of each contributor of over \$500 is listed. [NRS 294A.120\(6\)](#).

CONCLUSION

[NRS 294A.110](#) limits the campaign contribution a labor union, business or voluntary association, committee for political action, and any corporation, subsidiary corporation, partnership, joint venture etc. can give to a candidate. Each business entity may give the maximum amount allowed in [NRS 294A.110](#) irrespective of its relationship to other business organizations.

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