

66. Elections--Nomination by Petition--Political Parties--Registration.

Any party which goes on the ballot by petition cannot use the name of any party already officially recognized, or take such name as would be liable to be misleading or confusing with any other existing parties.

An old party already officially recognized in this State on change of its name could get its candidates on the ballot by petition only.

Said change of name could be made by the state committee or state convention or by petition filed with the Secretary of State.

The law (Stats. 1917, p. 438) allows three months within which members of a new party may register their party affiliations for the primary election.

No person would be allowed to vote at a primary election unless registered and party affiliation designated.

The organization of a new party includes the necessity of registration of voters as members of such new party, if they wish to participate in the primary election.

Two parties cannot nominate by primary the same man for the same office.

A fusion cannot be effected in this State by nominating the same man for the same office, because a nomination by petition of electors must be filed at least ten days before the primary election is held.

CARSON CITY, July 21, 1917.

MR. LEONARD D. FLACKER, Office Secretary, National Prohibition Committee, 326 W. Madison Street, Chicago, Ill.

Dear Sir: Owing to the absence of the writer from the city, answer to your favor of the 5th instant, asking further information in regard to the election laws of Nevada, has been delayed until now. You are correct in assuming that any party which goes on the ballot by petition cannot use the name of any party already officially recognized, or take such name as would be liable to be misleading or confusing with any other parties named. You inquire:

Suppose an old party, as the Democrat or Republican, should desire to change its name, could it do so in Nevada without losing its present status, or would it have to become a new party and get on the ballot by petition?

In my opinion, any old party already officially recognized in this State, on change of its

name, could get its candidates on the ballot by petition only.

The change of name could be made by the state committee or state convention or by petition filed with the Secretary of State. You further inquire:

Assuming that the Prohibition Party would be organized in Nevada, file the proper petition sixty days before the primary with the required number of signatures and have a place upon the primary ballot. But as no one had a chance to register as a Prohibitionist in the previous registration period, who would be allowed to vote the Prohibition Party at such a primary? In other words, could a party organize and have its supporters vote its ticket in the primary without so registering as being of that party affiliation? Does the organization of a new party include of necessity the registration of voters as members of a new party which may at that time (the time of registering) be unorganized?

In response to that inquiry, I would point out to you that the registration in this State opens on the 1st day of June in any general election years (Stats 1917, p. 428), while the primary election is held on the first Tuesday in September (Stats. 1917, p. 277). This would allow a period of three months within which members of the Prohibition Party could register and designate their affiliation with such party. At the primary election no person would be allowed to vote the Prohibition Party ticket unless registered and affiliation designated. The organization of a new party does include the necessity of registration of voters as members of such new party, if they wish to participate in the primary.

In answer to your third inquiry, let me say that, in my opinion, two parties cannot nominate by primary the same man for the same office. The objection to this procedure lies in that portion of section 5 of the Act regulating the nomination of candidates, appearing on pages 277 and 278 of Statutes of 1917. The statement required in such section of any prospective nominee for any elective office must recite that: "I am a member of the ..... Party; that I believe in and intend to support the principles and policies of such political party in the coming election; that I affiliated with such party at the last general election of this State, and I voted for a majority of the candidates of such party at the last general election; that I intend to vote for a majority of the candidates of such party at the ensuing election for which I seek to be a candidate."

From the above you will see that it is impossible for two parties to nominate by a primary the same man for the same office, and, therefore, no fusion could be had in such manner. Further answering your third inquiry, I think it would be almost impossible to effect a fusion in this State, for the reason that section 31 of the Act above mentioned provides:

In the case of nomination by petition of electors, such certificate of nomination shall be filed at least ten days before the primary election.

The nomination by petition of electors must, therefore, be made before the primary election is held.

Trusting this will answer your inquiries in full, I am,  
Yours very truly,

EDW. T. PATRICK, Deputy Attorney-General

67. Water--Watercourses--State Engineer--Water Permit.

Under the provisions of section 65 of the water law (Stats. 1913, p. 212), the State Engineer has no authority to set the time prior to which actual construction work shall begin at more than one year from the date of approval.

The extension of time further provided for is entirely within the discretion of the State Engineer.

If good cause is shown therefor, the State Engineer may extend the time of such period as he wishes.

CARSON CITY, July 21, 1917.

HON. J. G. SCRUGHAM, State Engineer, Carson City, Nevada.

Dear Sir: I am in receipt of your favor of the 19th instant, asking an interpretation of section 65 of the water law (Stats. 1913, p. 212). Such section provides:

The State Engineer shall set a time prior to which actual construction work shall begin.

And, also,

The State Engineer shall have authority, for good cause shown, to extend the time within which construction work shall begin.

I am of the opinion that, under the section first above quoted, you have no authority to set the time prior to which actual construction work shall begin at more than one year from the date of approval. The extension of time further provided for is entirely within your discretion, and, if good cause is shown therefor, you may extend the same for such period as you wish.

Yours very truly,

EDW. T. PATRICK, Deputy Attorney-General.

68. Public School Districts--School Funds--Corporations.

A corporation has no power outside of that granted to it by law.