

129. Election--Primary Elections--Primary Ballots--Judicial Districts, Nominations In.

1. Where there is no contest in the party primary no ballots need be printed.

2. In the event of a candidate running as an independent for the office of District Judge in a district composed of two or more counties, it is necessary for him to file his petitions with the County Clerk of each county, and pay each Clerk a proportionate share of the fee of \$100. The petition should be in duplicate or triplicate, as the case may be, so that a complete petition is filed with each Clerk.

Carson City, July 19, 1914.

HON. N. W. WILLIS, District Attorney Lyon County, Yerington, Nevada.

DEAR SIR: I am in receipt of yours of the 17th instant, requesting an opinion concerning certain phases of the election law.

The questions presented by your letter are:

1. In the event of no contest in the Socialist Party in the primary election, is it necessary to print Socialist primary ballots?
2. Now, where, and what filing fees must be paid by an independent candidate nominated by petition for District Judge in the counties of Lyon and Churchill?

I will answer your questions in the order named:

1. Subdivision 9 of section 14 of chapter 3 of "An Act relating to elections and removals from office" provides that where there is no party contest for any office the name of the candidate for party nomination shall be omitted from the ballot, and shall be certified by the proper officer as a nominee of his party for such office. Section 15 of the same chapter provides, inter alia, for distribution of sample ballots to each voter at least ten days before each primary election, and for the correction of errors in the sample ballot. It will be observed that section 7 of chapter 3 provides that nomination papers for the September primary election shall be filed at least thirty days prior to the date of the primary election, and the proper officers have twenty days thereafter in which to prepare and distribute samples of the primary ballot. It seems to me to be quite clear that it is the intent of the Legislature, when there is no contest in the party primary, that no ballots need be printed. I am, therefore, of the opinion that, if there is no contest in the Socialist Party for state or county offices, it will be unnecessary to prepare any ballots whatsoever for the Socialist Party.

2. In answer to your second question, let me say that in my opinion in the event of a candidate running independent for the office of District Judge, it will be necessary for him to

file his nomination papers--to wit, his petitions--with the County Clerk of Lyon County and the Count Clerk of Churchill County, and pay each County Clerk a fee of \$50. This will necessitate the obtaining of duplicate petitions by independent candidates running by petition for the office of District Judge in your district.

Respectfully submitted,

GEO. B. THATCHER, Attorney-General.

130. Elections--Nomination by Petition of Electors.

Sections 3 to 7, pp. 549-50, Stats. 1913, provide means for independent nomination by petition of electors. Any elector may lawfully run as an independent candidate by a petition for any office, unless such person was defeated at a primary election for the same office.

Carson City, July 23, 1914.

HON. J. M. REQUA, Justice of the Peace, Palisade, Nevada.

DEAR SIR: I am in receipt of your favor of the 22d instant, inquiring: "Will it be legal fora person to run as an independent candidate by petition at the coming general election?"

In answer thereto let me say section 7, Statutes of 1913, p. 513, concerning the primary law, provides:

Nothing shall be construed as prohibiting the independent nomination of candidates to be voted for at any general election by electors of bodies of electors as now provided by law, but a candidate defeated at a primary election held under the provisions of this Act shall be ineligible for nomination to the same office at the same election.

Sections 3 to 7, on pages 549-50, Statutes of 1913, provide a means for independent nomination by petitions of electors. These sections provide briefly that a certificate of nomination signed by electors residing within the district or political division for which the nomination is to be made. Such certificate shall state the name of the party or principle which the person nominated by petition of electors represents, but in so doing the name of no political party existing at the last preceding election shall be used. For offices to be voted for by electors of the whole State, such certificate shall be filed with the Secretary of State. Certificates for all other political offices shall be filed with the Clerks of the respective counties for any officers to be voted for, and where the district embraces more than one county the certificate shall be filed with the Clerk of each county. No certificate of nomination shall contain the name of more than one candidate for each office to be filled. No person shall join in nominating more than one nominee for each office to be filled, and no person who has voted in a convention for or against a candidate for any office shall join in naming any other candidate for that office, and no person