this game there is a percentage in favor of the dealer, or else a player would not be willing to pay for the privilege of dealing. For this reason also this game is illegal and not sanctioned by the Act in question.

It is, therefore, the opinion of this office that parties playing the game of "black-jack" are violating our antigambling statute.

Yours very truly,
EDW. T. PATRICK, *Deputy Attorney-General*.

99. Elections—General Elections—Party Nominations.

A party nominee may withdraw as a candidate at any time. His resignation should be deposited with the chairman of the county central committee if a nominee for county office and with the chairman of the state central committee if a nominee for a state office.

CARSON CITY, October 6, 1916.

HON. ROBERT B. HUNTER, *County Clerk, Elko, Nevada*.

DEAR SIR: In answer to your favor of the 21st ultimo, and confirming further my telegram of this date, let me say as follows:

(1) There is no restriction upon a party nominee withdrawing as a candidate. The primary law required him to file a verified statement that if he received the nomination he would not withdraw, but this provision was dropped in the convention law. For this reason a candidate may withdraw at any time, and the law is silent as to the form which such withdrawal must take. I would suggest that the proper place for the deposit of his resignation would be with the chairman of the county central committee if a nominee for a county office, and with the chairman of the state central committee if a nominee for a state office.

(2) If the candidate intends to withdraw, he certainly should do so in time to prevent inconvenience in printing of ballots.

(3) The central committee can fill a vacancy at any time prior to election, but in case of a vacancy should do so promptly, so as not to delay the printing of the ballots.

(4) The printing of ballots should be delayed as long as possible, so as to provide for possible vacancies caused by either death or resignation.

Trusting this will give you the information desired, and regretting the delay in response, I am

Yours very truly,
EDW. T. PATRICK, *Deputy Attorney-General*.

100. Elections—General Elections—Party Candidates—Election Boards.

A Justice of the Peace is a nominee of the party, by which he was nominated at the convention, notwithstanding he has filed an independent petition; but, in view of the provisions of Section 82, Stats. 1915, p. 492, prohibiting political designation of candidates for judicial office, the question of party designation is not material.

As a matter of public policy a member of the election board, who is also a candidate for office, should not be permitted to serve on the election board.

CARSON CITY, October 9, 1916.

HON. J.E. CAMPBELL, *District Attorney, Yerington, Nevada*.

DEAR SIR: I am in receipt of your favor of the 7th instant, asking certain questions in regard to the election law of 1915.

You inquire first:

> What is the status under the election laws of a man who has filed a petition as an independent candidate for the office of Justice of the Peace and who later has been nominated as a regular party candidate by a party convention?

In my opinion the Justice of the Peace in question is a nominee of the party by which he was nominated at the convention, notwithstanding his independent petition; but in view of the provision of section 82, page 492, Statutes of 1915: "that the political designation of each candidate, except in the case of candidates for judicial offices, shall be printed opposite his name," the question of designation is not material, because upon the ballot the name of the party in question will appear without any political designation whatever.

Second: You inquire whether a candidate, who before his nomination had been appointed a member of the election board, is eligible to serve on such board.

There seems to be no provision in our statute stating the qualification of members of election boards, but the entire spirit of our laws is repugnant to the idea that a person may be permitted to sit in his own behalf or cause. During the counting of the votes many questions concerning ballots may arise, a decision of which by the party in question may control the election.

For this reason I am of the opinion that such person, as a matter of public policy, should not be permitted to serve on the election board, and should be removed by the County Commissioners therefrom, if he persists in so doing.

Yours very truly,

EDW. T. PATRICK, *Deputy Attorney-General*.

101. Public Schools—Joint School Districts—County Commissioners.

The Board of County Commissioners has no authority to abolish a joint school district unless it comes within the provision of section 3336, Rev. Laws, namely, that it has fewer than three resident children in actual school attendance.

CARSON CITY, October 16, 1916.

HON. JOHN EDWARDS BRAY, *Superintendent of Public Instruction, Carson City, Nevada*.

DEAR SIR: I am in receipt of your favor of the 14th instant, asking the opinion of this office as to the legality of the action of the Board of County Commissioners of Washoe county abolishing a part of the Derby Joint School District, that part thereof lying in Washoe County.

It appears that this district at the time of such abolishment was then maintaining a school with five or more census children in attendance, and that said joint school has been running continuously for the last eight years.

Section 3320, Revised Laws, provides for the formation of joint school districts upon petition and action by which boards of County Commissioners within the territory to be included in the district may establish such districts.

Section 3336, Revised Laws, points out the only reason for the abolishment of a district, namely, that it has fewer than three resident children in actual school attendance.