

CARSON CITY, April 29, 1918.

HON. GEORGE A. COLE, State Controller, Carson City, Nevada.

My Dear Mr. Cole: I have gone over the correspondence between yourself and Mr. Greathouse. Recorder and Auditor of Elko County, and the correspondence between yourself and Major Miller, County Treasurer of Elko County. I have likewise gone over the statement that Elko County made to your office for the half-year ending January 17, 1918. It appears from these statements that Elko County neglected to collect a state tax of 5 mills for civic and physical-training instructors' fund, and that the county failed to account to the State for this amount.

The failure of Elko County officers to collect this tax does not relieve Elko County from the liability to pay it, and until Elko County does account to your office for the amount of the tax, which I understand is \$960.73. I would advise that you withhold Elko County's apportionment out of this fund until an adjustment can be made.

I am of the opinion that Elko County, through its Board of County Commissioners, can pay this amount out of its general fund and that Elko County should do so upon a showing of the Elko County officers to the Board of County Commissioners.

Yours very truly,

EDW. T. PATRICK, Deputy Attorney-General.

180. Electors--Nomination by Petition of Electors--Registration.

It is not necessary that a person be registered to qualify him or her as a signer of a nomination certificate of an independent candidate.

The same elector cannot sign two independent petitions for the nomination to the same office.

CARSON CITY, April 30, 1918.

MISS ANN MARTIN, 157 Mill Street, Reno, Nevada.

Dear Miss Martin: I am in receipt of yours of April 27, requesting an opinion upon three questions with reference to the Nevada election laws.

The first question is as follows:

The paragraph regarding the petitions of independents states that such petitions must

be signed by 10 per cent of the number of electors voting for the same office in the last election. It does not even state "qualified electors." Do electors have to be registered to make legal their signatures on an independent petition?

The nomination of independent candidates is governed by the provisions of section 31 of the Statutes of Nevada, 1917, pp. 276-289. "An Act regulating the nomination of candidates for public office in the State of Nevada," approved March 23, 1917.

Under the provisions of section 31 the certificate of nomination is required to be signed by electors. An elector, within the provisions of the Constitution of Nevada and of the Nevada Statutes, is "every citizen of the United States (not laboring under the disabilities named in the Constitution) of the age of twenty-one years and upward, who shall have actually and not constructively resided in the State six months and in the district or county thirty days preceding any election." Registration is not a qualification of an elector, but is merely a condition imposed by the Legislature. I am of the opinion, therefore, that it is not necessary that a person be registered in order to qualify him or her as a signer of a nomination certificate of an independent candidate. This answer to your first question answers your second also.

Your third question is as follows:

Can the same elector sign two independent petitions for the same office, in your opinion?

There is no direct prohibition in the primary law, or in section 31 thereof, which prohibits an elector from signing more than one certificate of nomination for the same office for independent candidates. However, sections 4 and 6 of "An Act relating to elections and to more fully secure the secrecy of the ballot," approved March 13, 1891 (Australian Ballot Law), prohibits any person from in any manner joining the nomination of more than one person for the same office. It is very doubtful whether or no these provisions have been repealed.

I hope this letter gives you the information that you desire. Should you desire any further information, I will be glad to give it.

Yours very truly,

GEO. B. THATCHER, Attorney-General.

181. State Labor Commissioner--District Attorney--Attorney-General.

The State Labor Commissioner is charged with the duty of enforcing labor laws relative to hours of employment in accordance with the hours of service for women. Upon the discovery of violation thereof the facts in connection therewith should be presented by the Labor Commissioner to the District Attorney of the county or to the Attorney-General, and thereupon it becomes the duty of either or both such officers to prosecute such violation.