

204. Elections—Registration—Deputy Registrar.

A Deputy Registrar cannot appoint his wife to serve for him during his absence from his post of duty.

CARSON CITY, July 3, 1918.

MR. HARRY DUNSEATH, *Justice of the Peace, Tonopah, Nevada.*

MY DEAR SIR: Your letter of the 30th ultimo, wherein you state that you shall likely be called away from Tonopah for a few days and desire to know whether or not your wife can be appointed a deputy registrar during your absence, duly received.

The law applicable to this matter is found in section 10 of the Act regulating the registration of electors (Stats. 1917, p. 428), which reads as follows:

All Justices of the Peace are hereby designated as deputy registrars for the purpose of carrying out the provisions of this Act. The County Clerk of each county shall appoint deputy registrars, who shall have the power to administer oaths, in each precinct of such county distant more than five miles from the county courthouse and wherein no Justice of the Peace resides.

No deputy registrar can be appointed in any precinct in which a Justice of the Peace resides nor in any precinct which is within five miles of the county courthouse.

In view of this statute, it is our opinion that your wife cannot be appointed a deputy registrar during your absence.

Yours very truly,

GEO. B. THATCHER, *Attorney-General.*

BY WM. McKNIGHT, *Deputy.*

205. Elections—Sample Ballots—Independent Candidates.

The sample ballot required in Stats. 1917, p. 282, need not contain the names of independent candidates as the ballot must contain the names only of all party candidates who have opposition for the party nomination.

CARSON CITY, July 6, 1918.

MR. H.L. COX, *Deputy District Attorney, Austin, Nevada.*

DEAR MR. COX: We wish to acknowledge the receipt of your recent letter, in which you ask:

Can the names of persons nominated as independent candidates be placed on the sample ballots to be prepared by the County Clerk and mailed as provided in section 13 of the primary election law of 1917?

The portion of the section in question (Stats. 1917, p. 282) applicable to this matter reads as follows:

Not less than twenty-five days before the September primary each County Clerk shall prepare sample ballots for such primary, which sample ballots may be smaller in dimensions, but shall be otherwise exact copies of the official ballot to be used at the primary.

Independent candidates are not nominated at the primary, but secure their nominations by filing the necessary certificate of nomination and by paying the prescribed fees. (Stats. 1917, p. 287, sec. 31.)

The primary election law contemplates the nomination at the primary of party candidates where there is a party contest and the nomination of nonpartisan candidates.

The official party ballot shall contain the names of all party candidates only who have opposition for the party nomination (Stats. 1917, p. 282, sec. 12h). The official nonpartisan ballot shall contain the names of all nonpartisan candidates.

As the sample ballot must be an exact copy of the official ballot, it naturally follows that the names of no independent candidates should be placed thereon.

Yours very truly,

GEO. B. THATCHER, *Attorney-General*.

BY WM. McKNIGHT, *Deputy*.

206. Mothers' Pension Act—Divorced Women.

A woman who has children under 15 years of age not supported by their father is within the provisions of the Mothers' Pension Act (Stats. 1915, p. 151), even though she is divorced from her husband.

CARSON CITY, July 16, 1918.

HON. THOMAS E. POWELL, *District Attorney, Winnemucca, Nevada*.

DEAR MR. POWELL: I am in receipt of your favor of the 10th instant, asking what is the status of a mother of children under the age of 15 years who has been divorced from her husband on the grounds of cruelty and who is dependent upon her own efforts for the support and maintenance of her children, with reference to receiving an allowance for the partial support of her children under the provision of chapter 131, Stats. 1915, p. 151.

It seems that in this case a divorce was granted and alimony allowed the wife, but never paid by her divorced husband. You inquire whether the woman is, for the purposes of the above-mentioned Act, "abandoned" when a decree of divorce is entered.

The first section of the Act in question provides:

It shall be the duty of the County Commissioners of each county in this State, and they are hereby empowered and authorized, to provide funds in an amount sufficient to meet the purposes and requirements of this law, for the support of women whose husbands are dead or are inmates of a penal institution or an insane asylum, or who are abandoned by their husbands, and such abandonment has continued for more than one year, or because of the total disability of their husbands, and who are unable to support their children, when such women are destitute or are dependent upon their own efforts for the maintenance of their children and are mothers of children under the age of 15 years, and such mothers and children reside in such counties in the State.

It will be necessary in the determination of this matter to define the word "abandon." In the case of *Pidge v. Pidge*, 44 Mass. 257, it is said "to abandon is wholly to withdraw; to lay aside all care of it; to leave it altogether to itself."

In the case of *Gay v. State*, 105 Ga. 599, the court said: "'Abandon,' in its ordinary sense, means to forsake entirely." When referring to a desertion of a wife by her husband, it has been defined to mean the act of the husband in voluntarily leaving his wife with the intention to