

213. Elections—Ballots—Nonpartisan Ballot.

No elector can be denied to vote a nonpartisan ballot for judicial and school offices.

If an elector who has registered his political party and in that political party there is no contest, and, therefore, no ballot printed, he is not thereby deprived of the right to vote a nonpartisan ballot.

CARSON CITY, August 2, 1918.

MR. AUSTIN JACKSON, *Reno, Nevada.*

DEAR SIR: I am in receipt of your request for an opinion upon the following questions:

(a) In the event that there is no contest in any particular party (referring particularly to the Socialist Party) is it necessary to print ballots for the Socialist Party Containing only the name of the nonpartisan nominees?

(b) In the event that no such ballots are printed, may a person registered as a member of a political party vote a nonpartisan ballot?

Subdivision h of section 12 of the Primary Act of 1917 (Stats. 1917, p. 282) provides:

(h) 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.

The manifest intention of this provision was to save the expense of preparing, printing and distributing ballots and counting and returning the same where there is no primary contest, and I am of opinion that where there is no contest of the party at all no ballots for that particular party shall be printed and the candidate of such party stands nominated immediately upon the closing of the last day for filing nomination papers.

The last paragraph of section 16 of the Primary Act above referred to provides:

No elector shall be entitled to vote a party ballot at the primary election unless he has theretofore designated to the registry agents his politics or political party to which he belongs and has caused the same to be entered upon the register by such registry agents; *provided, however, that no elector shall be denied the right to a vote a nonpartisan ballot for judicial and school offices at such primaries.*

The provision of the foregoing is clear and conclusive. No elector shall be denied the right to vote a nonpartisan ballot for judicial and school offices. If an elector who has registered his political party, and in that political party there is no contest and, therefore, no ballot printed, he is not thereby deprived of the right to vote a nonpartisan ballot. On the contrary, this right is specifically reserved and, regardless of the registrant declaring his political party, he may demand and vote a nonpartisan primary ballot at the primary election.

Yours very truly,

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

214. Elections—Candidates—Secretary of State.

It is not necessary for the Secretary of State to certify to the various County Clerks the names of the applicants for the nomination in a case where only two candidates file nomination papers for the same nonpartisan office. Such persons stand as the nonpartisan nominees at the general election and at the proper time their names should be certified to the various County Clerks to be placed upon the ballot for such general elections.

CARSON CITY, August 3, 1918.

HON. GEORGE BRODIGAN, *Secretary of State, Carson City, Nevada.*

DEAR SIR: I am in receipt of your favor of the 2d instant, requesting opinion “as to whether in the case wherein two candidates file nomination papers for a nonpartisan office, to which only one person can be elected, the names of such candidates should be certified by your office to the various County Clerks.”

The purpose of the primary election is to select candidates whose names will appear upon the general election ballot. Efforts have constantly been made to lessen the expense of this election as much as possible. Such is the provision that where there is no party contest for an office the name of the applicant for the nomination shall not be printed upon the primary ballot.

At present Hon. P.A. McCarran and Hon. Edward A. Ducker are the only ones who have filed as nonpartisan candidates for Justice of the Supreme Court, and Hon. John Edwards Bray and W.J. Hunting are the only persons who have filed as nonpartisan candidates for Superintendent of Public Instruction. Between these two sets of candidates there is no contest at present, and it would be an unnecessary expense to place their names upon the ballot at the primary election.

It is, therefore, the opinion of this office that it is not necessary for your office to certify to the various County Clerks the names of the applicants for nomination in a case where only two candidates file nomination papers for the same nonpartisan office. Such persons stand as the nonpartisan nominees at the general election and at the proper time their names should be certified to the various County Clerks to be placed upon the ballot for the general election.

Yours very truly,

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

BY EDW. T. PATRICK, *Deputy.*

215. Elections—Nomination by Petition of Electors—Judicial Officers—Justices of the Peace.

The prohibition in section 31, Stats. 1917, p. 288, against incorporating in the same petition more than one nomination for the same office does not prevent other candidates from being nominated for the same office by petition.

Any number of persons may be nominated for the same office by separate and distinct petitions.

Justices of the Peace are judicial officers.

Candidates for Justice of the Peace can be nominated only in the primary election and may not be nominated by petition.

CARSON CITY, August 5, 1918.

MR. W.H. FRYE, *Attorney at Law, Lovelock, Nevada.*

MY DEAR MR. FRYE: I am in receipt of yours of August 4th, requesting my opinion upon several questions.

As to your first question, the prohibition in Stats. 1917, p. 288, sec. 31, is against incorporating in the same petition more than one nomination for the same office. This does not prevent other candidates from being nominated for the same office by petition. Any number of persons can be nominated for the same office by separate and distinct petitions.