

section 20, to change the sagehen season to any period other than between August 16 and August 31.

### OPINION

Under section 20, the Board of County Commissioners is authorized "to lengthen the time of the closed season or fix the dates of the open season within the limits hereinbefore prescribed, for any species of game mentioned in this Act."

This authority is given to the Board of County commissioners upon petition of not less than fifty resident electors of said county. The Act specifically recites that the Board of County Commissioners must adopt an ordinance, and publish the same when it is desired to exercise authority under said section. It will be noted that the power and authority thus given to the Board of County Commissioners is limited in this respect:

That in no event shall the County Commissioners of any county \* \* \* extend the open season or shorten the closed season for any species of game whatsoever.

It is my opinion that the Board of County Commissioners, under the provisions of section 20, may change the sagehen season to any period which it may desire, upon petition, but in making said change it must comply with that portion of the provision of section 20, which limits the right to extend the open season or shorten the closed season.

Respectfully submitted,

M.A. DISKIN, *Attorney-General.*

HON. HOWARD E. BROWNE, *District Attorney, Austin, Nevada.*

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### SYLLABUS

#### **145. Election—Election Precincts Created and Abolished—Mailing Precincts.**

Stats. 1923, c. 207: Precincts containing not over twenty electors registered at last preceding election are automatically abolished.

Same, sections 1 and 6: Mailing precincts may be established by County Commissioners where there are not more than twenty votes registered for the last preceding general election, without petition. Where there are not more than twenty qualified electors, the showing is made by petition. The only limitation prescribed is "not more than twenty."

### INQUIRY

CARSON CITY, July 16, 1924.

You submit the following questions and request an official opinion:

- (1) Is an election precinct where there were not at least ten qualified electors at the preceding election automatically abolished by Statutes 1923, chapter 207?
- (2) If so, for the reestablishment of that precinct even for a mailing precinct,

would it not be necessary to present another petition signed by ten or more qualified electors, permanently residing in said precinct?

(3) How many qualified electors are necessary for the creation or establishment of a mailing precinct under section 6, chapter 207, Statutes 1923?

An opinion is requested, first, as to whether or not under the above provisions of law, election precincts, where there were not at least ten qualified electors at the preceding election, are automatically abolished. Second, if so, for the establishment of a mailing precinct, will it not be necessary to present another petition signed by ten or more qualified electors permanently residing in said precinct. Third, how many qualified electors are necessary for the creation or establishment of a mailing precinct, under section 6, chapter 207, Statutes 1923?

#### OPINION

Replying to your first interrogatory you are advised that under Statutes of 1923, supra, election precincts for voting purposes containing not more than twenty qualified electors at the last preceding election, are automatically abolished.

Under section 6, Statutes 1923, p. 373, it is the "duty of the Board of County Commissioners." at their regular meeting in the month preceding any election, to establish mailing precincts in accordance with this Act, and forthwith mail notification to the registration agent in each precinct so designated.

The mailing precincts that may be established by the Board of County Commissioners under the provisions of section 1 of said Act are defined as follows:

An election precinct where there were not more than twenty votes registered for the last preceding general election.

Under this classification, the Board of County Commissioners may establish a mailing precinct at such point without the presentation of a petition.

Section 1 defines the other mailing precinct to be "where it shall appear to the satisfaction of the Board of County Commissioners that there are not more than twenty qualified electors."

This showing may be made by petition.

Replying to your third interrogatory, you are advised that section 6, chapter 207, Statutes 1923, leaves the matter of establishing mailing precincts to the discretion of the board of County Commissioners. No statement is contained in the Act as to how many voters must be in the precinct thus established. The only provision is that the precinct shall contain not more than twenty votes.

Respectfully submitted,

M.A. DISKIN, *Attorney-General*.

HON. HOWARD E. BROWNE, *District Attorney, Austin, Nevada*.

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#### SYLLABUS

#### **146. Nevada Industrial Commission—Lump-Sum Payments, When Allowed.**