

We are, therefore, of the opinion that a party having filed one nomination paper setting out, under oath, the matters hereinbefore quoted, cannot file for an office of another political party at the same election.

III.

The officers filing the nomination papers of a person have performed the ministerial duty for which the fee was paid, *i.e.*, the filing of the paper, and there cannot, therefore, be any return of the fee even though the candidate may afterwards withdraw. *State v. Brodigan*, *supra*.

Respectfully submitted for the Attorney-General,

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

By WM. J. FORMAN, *Deputy Attorney-General*.

HON. J.H. WHITE, *District Attorney, Mineral County, Hawthorne, Nevada*.

**244. Election—Duty of Secretary of State in Certifying List of County Clerks—
Certify Names only of Those Candidates Having Opposition at
Primary Election.**

Election.

INQUIRY

CARSON CITY, August 9, 1926.

You call my attention to section 10 of the Primary Election Law and request an opinion concerning your duty in certifying a list to the respective County Clerks of the State of Nevada, and whether such list so certified should contain the names of parties who have filed their declaration of candidacy with you and have no opposition for the respective positions.

OPINION

Section 10, referred to, reads as follows:

At least thirty days before any September primary election preceding a November election the Secretary of State shall transmit to each County Clerk of any county a certified list containing the names and post-office address of each person for whom nomination papers have been filed in the office of such Secretary of State, and who is entitled to be voted for in such county at such primary election, together with a designation of the office for which such person is a candidate and of the party or principles he represents; *provided*, that there shall be no party designation for candidates for judicial or school offices.

It will be noted from reading this section that you are to certify a list containing the names of those *who have filed in the office of the Secretary of State and who are entitled to be voted for in such county at such primary election*. This provision clearly indicates that it is not the names of those who have filed nomination papers in your office that are to be certified, but, in addition to those, it is each person who is entitled to be voted for in such county at such primary election.

Under subdivision "h," section 12, of the Primary Law it is provided:

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.

It must follow, therefore, that where there is no party contest for an office the names of the candidates will not be voted for in the county at the primary election, and no necessity exists for your certifying the names of any such candidates.

Respectfully submitted,

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

HON. W.G. GREATHOUSE, *Secretary of State, Carson City, Nevada*.

245. Nevada Industrial Commission—Appealing to Supreme Court from Judgment of Lower Court—When Question for Review Is One of Fact, Doubts Should Be Resolved In Favor of Claimant.

Where claimant secures a judgment in lower court against Commission and an appeal to Supreme Court would determine only disputed facts, doubts should be resolved in favor of claimant and no appeal should be taken.

INQUIRY

CARSON CITY, August 17, 1926.

On the 10th day of April, 1924, August Speker, while working for the United Comstock Mines Company in Storey County, Nevada, received an injury to his left shoulder. The Commission, after an examination, sent Mr. Speker to Dr. McChesney, San Francisco, California, for an operation. Thereafter, Mr. Speker returned and in April, 1925, upon the advice of Dr. Maclean, Speker was allowed twelve months temporary total disability and his permanent partial disability was fixed at twenty per cent. On November 10, 1925, being dissatisfied with the award made by the Commission, Speker instituted suit in the District Court of Storey County, claiming compensation as follows: Temporary total disability compensation for a period of seven months in addition to the period allowed by the Commission, or five hundred seventy-four dollars; permanent partial disability in the sum of one hundred per cent of bodily functions, or the total sum of six thousand dollars, less six hundred dollars awarded by the Commission. After the institution of this suit, the Commission made a further allowance of twenty per cent of the use of the functions of the left arm and, upon filing an answer in the District Court, tendered the sum of six hundred dollars to the plaintiff, making a total allowance for