You inquire whether chapter 127, page 205, Statutes of 1945, repeals section 3 of the Act apportioning the Senators and Assemblymen of the several counties to the Legislature of this State.

The present Act apportioning Senators and Assemblymen to the Legislature was enacted in 1927, and is now found at sections 7280-7282, Nevada Compiled Laws 1929. This Act contained three sections, *i.e.*, sections 1, 2, and 3, section 3 being the general repealing clause. In 1931, section 1, the apportioning section, was amended and a new section 3 inserted in the Act. *See* 1931 Statutes, 439. The section 3 so inserted divided Washoe County into assembly districts.

In 1945 the Legislature again amended the apportioning Act, by amending section 1, apportioning to Clark County five Assemblymen and inserting a new section 2 dividing Clark County into assembly districts. 1945 Statutes, 205. Section 3 of the Act inserted in 1931 was not amended or changed in any manner by the 1945 amendments. Whether the insertion of the new section 2 in the 1945 Act amends or repeals the original section 2 of the 1927 Act is immaterial. The original section 2 simply provided that nothing in the Act shall be construed to affect the term of office of Senators and Assemblymen then in office. It is clear that nothing in the 1945 Act affects the term of office of any Assemblyman then in office, and the new section 2 does not relate to State Senators.

One of the well-settled canons of statutory construction in this State is that repeals by implication are not favored. Our Supreme Court has so declared in so many cases that the rule is now axiomatic. To effect a repeal of a statute or a section of a statute there must appear the most evident intention on the part of the Legislature to so repeal. And with respect to repugnancy or inconsistency of the later Act with the provisions of the earlier Act, such repugnancy or inconsistency must clearly appear and be of such nature as to prevent the Acts from being construed in pari materia.

No express repeal of section 3 providing assembly districts for Washoe County is contained in the 1945 Act. Section 3 of the 1945 Act is simply a repealing clause of a general nature, providing that all the provisions of the 1945 Act are repealed. Certainly the dividing of Clark County into assembly districts cannot be said to conflict with the provisions of the Act of 1931 providing assembly districts for Washoe County. Each county is a separate entity insofar as the election of representatives to the Legislature is concerned. The mere fact that the Legislature provided Clark County with assembly districts has no effect upon the prior Act of the Legislature providing assembly districts for Washoe County.

We conclude that no provision in the 1945 Act amends or repeals section 3 of the Apportionment Act providing assembly districts for Washoe County.

Very truly yours,

ALAN BIBLE
Attorney General

By: W.T. Mathews
Special Assistant Attorney General

OPINION NO. 46-316 ELECTIONS—Petition offered for filing designating candidate at primary reviewed and found proper in form and circumstances—Not required to be verified.

Carson City, June 26, 1946

Hon. Malcolm Mceachin, Secretary of State, Carson City, Nevada

DEAR MR. McEACHIN:

On June 25, 1946, you handed us your letter of that date inquiring as to the sufficiency in form and substance of the original petition submitted with the letter which has been presented to you for filing.

The petition is headed "Designation of Nomination of Morley Griswold for United States Senator from Nevada." Immediately after the heading is the following:

> We, the undersigned, residents and qualified electors of the Republican Party of the state of Nevada, hereby designate Morley Griswold, a resident and qualified elector of the county of Washoe, state of Nevada, as a candidate for the Republican nomination as United States Senator from Nevada at the September primary election of 1946.

Immediately following the foregoing appear 131 signatures followed by Nevada addresses written in ink on six sheets of legal cap paper bound together firmly by three staples. There is nothing about the petition to establish, or even suggest, that the petition is not entirely genuine, or true, or that the signatures thereon are not authentic.

You advise that this petition has been offered to you for filing by Mr. Carl F. Doge of Fallon, Nevada, whose name appears upon the petition.

The petition contains no certificate, verification, or other writing other than above described.

It is the opinion of this office that the petition conforms to the governing statute and that it is your plain ministerial duty to file it and notify the Hon. Morley Griswold, designated therein, of the fact without delay.

Section 5 of the primary election law, as amended by chapter 110, Statutes of 1945, page 172, provides in subdivision (b) thereof:

> Ten or more qualified electors may, not more than eighty nor less than fifty days prior to the September primary, file a designation of nomination designating any qualified elector as a candidate for the nomination for any elective office. When such designation shall have been filed it shall be the duty of the officer in whose office it is filed to notify the elector named in such designation thereof. If the elector named in the designation shall, not less than forty-five days prior to the primary, file an acceptance of such nomination and pay the required fee, he shall be a candidate before the primary in like manner as if he had filed a declaration of candidacy. If any such designation of nomination shall relate to a judicial or school office it may be signed by electors of any or all parties, but if it shall relate to any other office the signers shall be of the same political party as the candidate so designated. The acceptance shall be in a form similar to that used by a candidate who files a declaration of candidacy.

It will be observed that such petition may be filed this year not later than July 15, 1946. Thus, it is in ample time. The offer of filing by Mr. Dodge may be considered equivalent to a filing by ten or more of the petitioners since he obviously acts for them.

No certificate or verification is required by the law. Neither does the statute relating to initiative petitions, N.C.L. 1929, sections 2570-2580. To the contrary—the statute on referendum petitions, N.C.L. 1929, section 2582. It would seem the Legislature deliberately refrained from requiring a verification on petitions such as the one submitted to us.

Very truly yours,

ALAN BIBLE
Attorney General