

reaffirmed in your letter of October 1, 1946, is still absolutely correct and there is nothing in there which will in the slightest prevent you from cooperating with the County Clerks by sending them the certificates of nomination for the general election, with the express understanding that they will not be final until October 21, 1946.

If you so desire we see no reason at all why you cannot cooperate in this manner. We believe that if you will mail a copy of this opinion to each of the County Clerks that it will be of material assistance to them and that it will likewise very definitely conform with the former opinions both of this office and your office.

Very truly yours,
ALAN BIBLE, Attorney General

**OPINION NO. 46-376. Elections—Hospital Trustees Are Nonpartisan Officers—
Names Placed on Ballot Under Election Law Relating to Nonpartisan Offices.**

Carson City, October 7, 1946

HON. E.E. WINTERS, *District Attorney, Churchill County, Fallon, Nevada.*

DEAR JUDGE WINTERS: This will acknowledge receipt of your letter dated October 2, 1946, received in this office October 3, 1946

You state that after the approval at the election of the resolution by the county commissioners for a bond issue to establish a public hospital, the commissioners appointed a board of five trustees to carry out the establishment of such hospital. You refer to section 2226, 1919 N.C.L. 1941 Supp., which provides that such trustees shall hold their offices until the next general election.

(1) Does this section require the names be placed on the ballot for the offices of hospital trustees in the coming general election in November?

(2) If these offices must be filled by the next general election, what procedure is necessary to put their names on the ballot?

(a) Is it necessary for those desiring to run to obtain a petition signed by five percent of the total vote cast for representative in Congress at the last preceding general election in this county?; or

(b) If this not be necessary, is there any way in which the appointments by the County Commissioners may be construed as nominations of the prospective candidates?

(3) If it is necessary that these officers be chosen in the coming general election are they required to pay the filing fee necessary in filing nomination papers?

We are of the opinion that these officers come within the provisions of section 2429, N.C.L. 1929, which defines the procedure for the filling of vacancies in nonpartisan offices occurring after the primary election. Trustees of the hospital are declared in section 2226, 1929 N.C.L. 1941 Supp., to be nonpartisan officers.

There are no nominees for the office of hospital trustee and the vacancy may be filled as provided in section 2429, N.C.L. 1929, which requires a petition signed by qualified electors equal in number to five percent of total vote cast for representative in Congress at the last general election in the county.

Section 2227 N.C.L. 1929, provides that no trustee shall receive any compensation for his services, but he may be reimbursed for any compensation for his services, but he may be reimbursed for any cash expenditures actually made for personal expenses incurred as such trustee.

Section 2410, N.C.L. 1929, provides that no filing fee shall be required from a candidate for an office the holder of which receives no compensation.

Very truly yours,
ALAN BIBLE, Attorney General
By: George P. Annand, Deputy Attorney General