By: George P. Annand
Deputy Attorney General

OPINION NO. 46-299 INSURANCE—Students engaged in athletics—Pro rata payment of proposed premiums in accordance with act.

Carson City, May 1, 1946

Hon. Mildred Bray, Superintendent of Public Instruction, and Hon. Henry C. Schmidt, Commissioner of Insurance, Carson City, Nevada

You have submitted to me a draft of proposal made by Western American Life Insurance Company to carry out the requirements of chapter 222, Statutes of 1945, relating to the insurance of students engaged in athletics.

Under this Act if this proposal "meets the requirements of the Act," you are empowered to certify that fact.

It is my opinion that the proposal, if accepted, would meet the test prescribed by the Legislature, as a matter of law. While my opinion does not control on matters of policy, it seems to me that considering that only one proposal has been offered since the Act was approved March 26, 1945, and this promises perhaps as much in the way of benefits compared to the amount appropriated as may be expected at this time, it should be accepted.

We have rewritten the draft to incorporate some suggestions developed in discussion with yourselves and representatives of the company and we inclose this draft in quadruplicate.

We are of the opinion that the pro rata payment of premiums for the period fixed in the proposal is in accordance with the Act.

For your information we inclose, in quadruplicate, certain suggestions considered at the conference, but these form no part of the proposal or contract.

Very truly yours,

ALAN BIBLE
Attorney General

OPINION NO. 46-300 ELECTIONS—Elector whose registration card shows no political affiliation and is registered nonpartisan may reregister since last general election and qualify to file declaration of candidacy for primary election.

Carson City, May 7, 1946

Hon. V. Gray Gubler, District Attorney Clark County, Las Vegas, Nevada

Dear Mr. Gubler:

The following is response to your request of May 2, 1946, for an opinion upon the question, may an elector whose registration card shows that his political affiliations are nonpartisan change such registration declaring his affiliations to be with the Democratic party and file as candidate for nomination for the office of Sheriff as a member of the Democratic party.

Chapter 110, Statutes of 1945, section 2, quoting that part deemed relevant, reads as follows: "The name of no candidate shall be printed on an official ballot to be used at a primary election, unless he shall qualify by filing a declaration of candidacy, * * * as provided in this act. * * * For the purpose of having may name placed on the official primary ballot as a candidate for nomination by the ..... party as its candidate for the office of ....., I the undersigned ....., do solemnly swear (or affirm) * * * that I am a member of the ..... party; that I have not registered and changed the designation of my political party affiliation or an official registration card since the last general election; * * * that I affiliated with such party at the last general election of this state, * * *."

The official registration card of an elector who registered as a nonpartisan would show that he was not a member of any political party.

Section 2404 N.C.L. 1929 defines a political party as an organization of voters qualified to participate in a primary election.

The statutes define all judicial offices and school offices to be nonpartisan. Section 3537 N.C.L. 1929 of the primary law provides that no words designating the party affiliation of any candidate for a judicial or school office shall be printed upon the ballot.

The elector, although not a member of a political party, may have affiliated with a political party and may desire to become a member of such party.

In the case of *Wolck v. Weedin*, 58 Fed. (2) 928, wherein the court construed the word "affiliated," it was held that a person need not be a member of a party, but if he sympathized with the party's aims and desired to join when allowed to do so, that was sufficient to show his affiliation with such party.

The nonpartisan elector would not, therefore, reregister for the purpose of changing his politics, but to become a member of his selected party.

Section 2380, 1929 N.C.L. 1941 Supp., designates when registry cards must be cancelled and provides when the elector may immediately reregister. Subdivision 5 uses the following language: "Upon the request of any elector who desires to change his politics, or to affiliate with any political party * * *."

An elector who did not belong to any organized political party could reregister in order to affiliate with a designated political party and such reregistration would not constitute a change of politics.

The registration card of such an elector would then declare his belief in the principles of the party selected and also his future intentions as provided in section 2368, 1929 N.C.L. 1941 Supp., which in this respect provides as follows: "I believe generally in the principles of the ..... party, and intend generally to support its principles and candidates at the ensuing general election; I have not affiliated or enrolled with or participated at any primary election or convention of any other political party since the first day of January last; and I register as a ..... in good faith and not for the purpose of merely aiding in the nomination of any particular candidates; so help me God."

Chapter 110, Statutes of 1945, contains, in addition to the language "that I have not reregistered and changed the designation of any political party affiliation," the words, "or an official registration card since the last general election * * *." The entire phrase deals with the subject of reregistering for the purpose of changing political party affiliations, and it follows that such change must be made on the official registration card. The conjunction "or" would not be interpreted to express something unlike that subject and mean the change of the registration card for any purpose.

The manifest purpose of the Legislature was to prevent the switching from one political party to another in order to become a candidate of that party at a primary election, and the changing of a registration card for any other reason would not do violence to such purpose.

Roney v. Buckland, 4 Nev. 45, contains a rule of construction on page 57 expressed in the following language: "Hence in the interpretation of any phrase, sentence, or section of a law, the first thing to be ascertained is the ultimate and general purpose of the Legislature in the enactment of the law. When this is known or ascertained, then every sentence and section of the entire law should be interpreted with reference to such general object, and with a view of giving

it full and complete effect, extending it to all its logical and legitimate results. That object must, of course, be ascertained from the Act itself. But the whole Act must be taken together, and when the general object is apparent, any fugitive expression, or any sentence which is impossible to so interpret as to make it accord with, and further such general object, must be ignored entirely."

In *Penrose v. Whitacre*, 61 Nev. on page 455, the court said: "The courts in each instance will endeavor to ascertain the true intent of the Legislature, resolving any doubt in favor of what is reasonable, against what is unreasonable."

The word "or" should, therefore, be construed as "on" and the phrase would read, "that I have not reregistered and changed the designation of my political party affiliation on an official registration card since the last general election."

For the foregoing reasons we are of the opinion that an elector whose registration card shows that he has no political affiliations, and is registered nonpartisan, may reregister since the last general election under the provisions of section 2, chapter 110, Statutes of 1945.

Very truly yours,

ALAN BIBLE
Attorney General

By: George P. Annand
Deputy Attorney General

OPINION NO. 46-301 PUBLIC SCHOOLS—Statute fixing salaries of deputy superintendents controls, notwithstanding deficiency in amount specified in appropriation act.

Carson City, May 21, 1946

Miss Mildred Bray, Superintendent of Public Instruction, Carson City, Nevada

Dear Miss Bray:

This will acknowledge receipt of your letter dated May 15, 1946, received in this office May 16, 1946, requesting an opinion as to whether the statute increasing the salaries of the Deputy Superintendents should control the payment of such salaries or should such payment be restricted to the amount specified in the appropriation Act which is insufficient for such increase.

We are of the opinion that chapter 231, Statutes of 1945, which fixes the salaries of the Deputy Superintendents controls, notwithstanding a deficiency in the amount specified in the appropriation under chapter 246, Statutes of 1945.

Section 13, chapter 231, Statutes of 1945, provides that the compensation of each Deputy Superintendent shall be fixed by the State Board of Education in an amount not to exceed the sum of three thousand three hundred dollars per annum, and shall be paid out of the State Distributive School Fund in the same manner as the salaries of other State officers are paid. The Legislature authorized the expenditure up to a certain amount and indicated the fund out of which it is to be paid.

In *State v. Eggers*, 29 Nev. page 475, the court said, "It is not necessary that all expenditures be authorized by the general appropriation bill. The language in any act which shows that the legislature intended to authorize the expenditure, and which fixes the amount and indicates the fund, is sufficient * * *."

See Attorney General's Opinion No. 176, Biennial Report 1925-1926, and Opinion No. 38, Biennial Report 1923-1924.