

Notwithstanding the foregoing provision, the monthly retirement allowance shall not exceed two hundred dollars (\$200.)

None of the above sections or any other section limit the amount to \$400 as the maximum salary to be used in determining the average salary for the five years preceding retirement.

It is a general principle of law that where the meaning of a statute is clear, there is no occasion for construction. In *Re Hagarty's Estate*, [47 Nev. 369](#). The same principle being followed in *State v. Beemer*, [51 Nev. 192](#), wherein the Court said on page 199:

Where the language of a statute is plain, the intention of the legislature must be deduced from such language, and the Court has no authority to look beyond it, or behind it, or to the proceedings of the legislative body to ascertain its meaning.

In view of the above it is our opinion that sums received in any calendar month in excess of \$400 may be used to determine the average monthly salary.

The answer to your second inquiry is in the negative for the same reasons as set forth above.

It will be necessary that there be legislation in order to base the average salary on a maximum of \$400 per month.

Very truly yours,

ALAN BIBLE, *Attorney General*.

By ROBERT L. McDONALD, *Deputy Attorney General*.

B965. Elections—No Provision for Challenge of Absent Voter's Ballot on Day of Election.

CARSON CITY, November 6, 1950.

HON. GROVER KRICK, *District Attorney, Minden, Nevada*.

DEAR GROVER: This will confirm our telephone conversation as to the challenging of absent voters ballots on election day.

We have carefully studied the absent voters law, as well as other registration and general election laws, and we are unable to find therein any procedure by which an absent voters ballot can be challenged on the day of election.

The absent voters law specifically provides that upon receipt of an application for an absent voters ballot, "*if the county clerk shall determine that such applicant is entitled to vote at such election, the clerk shall immediately mail the official absent voters ballot to the applicant.*"

(Italics ours.)

It is clear from this law that a duty is placed upon the County Clerk to determine whether or not the applicant is entitled to vote at the election. In addition to this requirement, the same section of the absent voters law requires the applicant to swear to an affidavit likewise attesting to his residence.

Ample opportunity is afforded to those who desire to challenge any registered voters prior to the election day by following the provisions of subdivision 6, section 21 of the registration law. This subdivision of section 21 authorizes the filing of affidavits, questioning the residence of registered voters, and provides for personal notice to the challenged voter, with full opportunity given to him to file counter-affidavits, documentary evidence, or oral testimony under oath, in order to satisfy the County Clerk as to his residence.

This provision of the law should be followed prior to the election day if there are those registered whose residence is questioned.