

## CONCLUSION

It is therefore the opinion of this office that an employee of the State who holds a position in the classified service and who is an active member of the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marines Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve, or the Nevada National Guard, who receives orders to report for service from a responsible authority within those services, must be granted leave, subject to the rule concerning compensation set forth in [NRS 284.370](#).

Respectfully submitted,  
HARVEY DICKERSON, *Attorney General*

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**182 Elections—One who is a qualified elector, who has not been affiliated with one of the major political parties, who affiliates by registration with one of such parties prior to a primary election, but subsequent to a preceding primary election, is not disqualified to file as a candidate for election as a member of one of the major political parties.**

CARSON CITY, October 29, 1964

HON. THEODORE H. STOKES, *District Attorney, Ormsby County, Carson City, Nevada*

DEAR MR. STOKES: You have requested an opinion from this office as to whether one who has had no party affiliation but has been a qualified elector since 1958, can, prior to the 1964 primary election but subsequent to the preceding primary election, affiliate with one of the major political parties and file as a candidate of said party for political office.

## ANALYSIS

While this question or questions of similar import have not reached the Supreme Court of Nevada, the district courts have held in two instances that to deny a person who files as an independent candidate for public office prior to the forthcoming primary but subsequent to the preceding, the right to so file because he was previously registered as a Democrat or Republican is unconstitutional. This would seem to indicate that the 1965 Legislature must change [NRS 293.176](#) and this office will so recommend.

The case cited by your office, in view of the attitude of our State courts, would be even stronger in favor of the candidate than those decided heretofore. If a candidate has had no prior political party affiliation, it is difficult to arrive at a determination that he has changed his party affiliation in contravention of the statute.

## CONCLUSION

It is the opinion of this office that one who is a qualified elector, who has not been affiliated with one of the major political parties, who affiliates by registration with one of such parties prior to a primary election, but subsequent to a preceding primary election, is not disqualified to file as a candidate for election as a member of one of the major political parties.

Respectfully submitted,  
HARVEY DICKERSON, *Attorney General*