

## SYLLABUS

### 6. Election--Variation in Name on Ballot and in Certificate--Duty of Clerk to Correct.

(1) Sec. 1795, Rev. Laws (sec. 29, General Election Law): Where person is elected to an office, and, through error, Clerk issues certificate of election containing variations in name, he should issue corrected commission to conform to name on ballot.

## INQUIRY

CARSON CITY, January 16, 1923.

You advise me that Hon. J. A. Callahan, recently elected Judge of the Sixth Judicial District Court of the State of Nevada, has informed you that the commission issued recites his name as James A. Callahan, but that his name appeared on the ballot and he was elected under the name of J. A. Callahan. You request advice as to what action you should take in the premises.

## OPINION

Section 29, General Election Laws, provides:

When two or more counties are untied in one senatorial, representative, or judicial district for the election of any officers, the Board of County Commissioners of each county shall canvass the votes, according to law, of the voters of their respective counties for said officer or officers; and the Commissioners of the county whose initial is the lowest on the alphabet shall transmit to the Commissioners of the county of the highest initial a copy of the abstract of the votes for such officer or officers, when the said last Commissioners shall make a final abstract and aggregate of said votes, and shall proceed to cause to be issued certificates of election, and otherwise to act as is provided in this and the two preceding sections.

It appears, therefore, that the Clerk of the county of Humboldt has made a mistake in issuing the election certificate under the provisions of this Act, and his attention should be called to the error that the same might be corrected and a commission issued under the name as appearing on the ballot.

Respectfully submitted,

M. A. DISKIN, Attorney-General.

HON. W. G. GREATHOUSE, Secretary of State, Carson City, Nevada.