

ALAN BIBLE, *Attorney-General*.
By W.T. MATHEWS, *Deputy Attorney-General*.

119. Elections—Supplementary Federal Ballots Not Authorized by Laws of Nevada.

CARSON CITY, March 17, 1944.

DEAR GOVERNOR CARVILLE: Reference is hereby made to the telegram of President Roosevelt to you dated March 15, 1944, with respect to the recent so-called Federal Soldiers' Vote Law enacted by Congress and submitted to the President for approval. The telegram in question being submitted to this office on March 17, 1944, for the purpose of ascertaining, by examination of the Nevada Election Laws, whether the use of the supplementary Federal ballots provided in said Act of Congress is now authorized by the laws of this State. In brief, whether under the election laws of Nevada such supplementary Federal ballots, which provide for the election only of Presidential, Senatorial, and Congressional elections, are or would be valid if voted by citizens of Nevada and cast in this State pursuant to the Federal Law.

In connection with the telegram so submitted, we have examined the report of the conference committee of the Senate and the House of Representatives entitled "Wartime Method of Voting by Members of the Armed Forces," which said report apparently was returned by such committee on March 9, 1944, and contains a draft of the bill proposed by such committee and which said draft of bill, as we understand it, was enacted by the Congress and is now the bill before the President for his approval.

Without going into a detailed analysis of the Federal bill, it is sufficient, we think, to point out that under the election laws of this State no ballots, other than those printed as provided in the election laws of Nevada shall be cast or counted in any election held in this State. Section 2472 Nevada Compiled Laws 1929. The Absent Voters' Law of this State requires the furnishing of the ballots printed according to the detailed requirements of the Nevada law. Again, the Nevada law requires the voting of the ballot to be done by a stamp marking a cross in the proper place, and the Nevada law does not countenance the writing in of names of candidates, which is the requirement of the Federal Act and leaves it to the voter to identify his or her ballot by writing in the names of the candidates.

Many other differences between the two Acts appear, but we think that it is not necessary to point them out at this time. Suffice it to say that in order to make the Federal supplementary ballot a legal ballot in this State it would require the Act of the Legislature, otherwise there is no statutory authority contained in the laws of Nevada which would empower any State or county officer to make use of such supplementary Federal ballot.

The question propounded by the President in his telegram is, in effect, as follows: Whether the use of supplementary Federal ballots provided for by this bill is, in your judgment, now authorized by the laws of Nevada. From our examination of the Nevada law and the Federal bill in question, we are constrained to answer such inquiry in the negative.

Respectfully submitted,
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By W.T. MATHEWS, *Deputy Attorney-General*.

120. Public Schools—Government Bond Deposited as Collateral Does Not Meet