aurhorizing the particular bond issue. This requirement must be met as the time of notice in each case is not the same and the full period of notice in each case is not the same and the full period of notice in each particuarl instance must be had when several propositions are to be placed on the same ballot and voted on at the same election.

2. That each proposition for a bond issue shall be stated clearly on the ballot and so segregated from each of the other propositions that the voter will not be confused and that he be enabled to vote his ballot on each proposition as though submitted to him on a separate ballot.

Very truly yours,

ALAN BIBLE
Attorney General

By: W.T. Mathews
Special Assistant Attorney General

OPINION NO. 46-281 ELECTIONS—Hawthorne Naval Ammunition Depot—Civil service employees entitled to vote in Nevada if requirements for residence have been met—Officers and enlisted men not eligible to vote unless qualified to do so at the time of induction.

Carson City, March 29, 1946

Hon. Martin G. Evansen, District Attorney, Hawthorne, Nevada

Dear Mr. Evansen:

You request the opinion of this office in answer to the following queries:

Query No. 1—Do all Civil Services employees, at the Hawthorne Naval Ammunition Depot, who have their residence in the State of Nevada, but who are employed by the United States government, have the right to vote in this State at the coming election?

Query No. 2—Are there any restrictions relative to voting by other persons residing on the Naval Reservation?

Answering Query No. 1—This same question was submitted to this office for an opinion in 1932. In Opinion No. 90, dated August 9, 1932, reported at pages 34, 35, Report of Attorney General, July 1, 1932-June 30, 1934, former Attorney General Mashburn ruled that civil attachés employed by the Federal Government at the Hawthorne Naval Depot were legally entitled to vote in Nevada elections provided they met all of the requirements of the Nevada law as to residence.

This Opinion No. 90 was premised upon and followed the Opinion of Attorney General Diskin, No. 316, reported at pages 71-76, Report of the Attorney General, 1927-1928, which opinion dealt with the question of the right of U.S. Government employees residing upon Indian Reservations in this State to vote at Nevada elections. In such opinion the Attorney General exhaustively discussed the question in view of section 2 of article II of the Nevada constitution, which provides:

> For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum, at public expense; nor while confined at any public prison.

After discussing cases in other States, dealing with similar constitutional provisions, there being no determination of the question by the Supreme Court of this State (and such question has not as yet reached such court) some of which cases strictly construed such provisions and denied the right of suffrage, while other cases gave liberal interpretations thereon and permitted the right to vote, the Attorney General referring to a Colorado case, rendered his opinion as follows:

> The Supreme Court of Colorado has ruled in a recent case that a Government employee cannot successfully establish a residence at a United States Government Hospital for voting purposes, because the residence of such person therein cannot be permanent in character for the reason that the employment period and, hence, the residence period is at the will and whim of the employer.
>
> If the Colorado decision is accepted as declaring the correct rule in the matter establishing residence for Government employees, it would follow that they cannot establish a residence upon Indian Reservations, for, no matter what the intent may be to claim permanency of residence thereon, the uncertainty of their tenure of office makes such intent impossible of fulfillment.
>
> I am of opinion that the mere fact of residence upon a reservation for the statutory period is not, in itself, to be considered as sufficient to constitute a residence to authorize registration and voting, but that such residence must concur with and be manifested by the resultant acts which are dependent of the presence of the reservation.
>
> Where an individual, whether an officer in Government service or a student in a seminary or an inmate of an asylum by acts and declaration makes manifest his intention of claiming a residence at a particular place and, to that end, complies fully with the requirements of law, the theory of which is advanced to deprive the right of such an individual to vote, because of intervening eventualities over which he has no control, seems to me to be too finely spun. If this theory were forced to its logical conclusion, then permanency of residence as affecting all individuals is impossible of attainment, because of the uncertainty of conditions surrounding ones domicile as evidenced by the happening of conditions causing change in domicile over which the individual has no control, and, finally, by the uncertainty of life itself.
>
> I conclude, therefore, that there exists no legal reason which would prohibit an officer or employee of the Government from establishing a residence upon a Government Reservation.

We concur in the foregoing stated Opinions Nos. 90 and 316, we think there has been no change in the law or conditions since the rendition of such opinions as would operate to cause an overruling thereof.

We are not unmindful of the fact that in 1935 the Legislature of this State ceded jurisdiction to the United States upon and over the land comprising the "U.S.N. Ammunition Depot Near Hawthorne, in Mineral County, State of Nevada, 1935 Stats. 311." But the jurisdiction so ceded was of limited jurisdiction and, we think, carried with it no abrogation of the rights of citizens, and of civilian employees of the Federal Government residing therein to vote at Nevada elections, providing the necessary residential qualifications were and are present.

We call attention to the opinion of this office, No. 43, reported at pages 65-78, Report of the Attorney General, January 1, 1931-June 30, 1932, dealing with the application of the civil laws of this State to and in the so-called Boulder Canyon Federal Reservation, we there held, as follows:

> That the law is well established in the United States that the laws regulating the intercourse and general conduct of individuals in force in a sovereignty at the time of cession of territory and jurisdiction thereon from that sovereignty to another remain in full force and effect until altered by the newly created sovereignty, is fully

sustained in *The American Insurance Co. v. 356 Bales of Cotton and David Canter* (U.S.), 7 Law Ed. 242; *Chicago, Rock Island and Pacific R.R. Co. v. McGlinn* (U.S.), 29 Law Ed. 270; *In Re* O'Connor, 19 Am. Rep. 765.

That all State laws relating to civil rights and intercourse of individuals in force and effect upon Federal reservations at the time of the establishment thereof remain in full force and effect and are enforceable thereon until supersede by some legislation on the part of the Federal Congress, is well established and the law well settled, is shown by: *Chicago, Rock Island and Pacific R.R. Co. v. McGlinn* (U.S.), 29 Law Ed. 270; *Barrett v. Palmer*, 31 N.E. 1017; *Crook-Horner & Co., v. Old Point Comfort Hotel Company*, 54 Fed. 604; *Gill v. State*, 210 S.W. 637; *Steele v. Halligan*, 229 Fed. 1011.

With reference to the last-stated proposition, it is held in *People v. Lent*, 2 Wheeler Criminal Cases (N.Y.), 548, with respect to the exercising of jurisdiction by the Federal Government that legislation is first needed before jurisdiction can be exercised.

And see Danielson v. Conmopray et al., 57 Fed. (2d) 656.

We find no Act of Congress legislating upon the residential qualifications and right to vote of the civilian attachés and employees residing at the Hawthorne Naval Ammunition Depot or reservation. We conclude that all civil service employees, civilian attachés, and employees possessing the qualified elector's qualifications set forth in section 1 of article II of the Constitution of Nevada, who by acts and declarations make manifest their intentions of claiming residence at that place, and who have complied fully with the registration laws of this State are entitled to vote at elections held therein.

Answering Query No. 2—It is our opinion that officers and enlisted men of the Naval and/or Marine Corps stationed at the time Ammunition Depot are not eligible to vote at Nevada elections, unless any such officers and men were qualified to vote in this State at the time of their commissioning, enlistment, or induction into the armed service of the United States. It seems that the universal interpretation of constitutional provisions similar or identical with the Nevada constitutional provision, hereinabove quoted, is to the effect that there can be and is no such permanency even of an indefinite duration or the exercise of individual will with respect to residence as will permit of the establishment of legal residence within a State for the purpose of voting therein. Officers and enlisted men in the armed forces of this country may not resist or ignore orders to remove to some other location. Civilian employees, so we are advised, may resign their employment at will thus proving the distinction between them and those in actual military service with respect to the declarations of intention as to residence for voting purposes.

Such is the effect of Opinion No. 220 of this office, dated July 22, 1936, and Opinions "P" and "Q." dated June 3 and June 8, 1938, reported at pages 40, 41, 154, 155, respectively, Report of Attorney General, July 1, 1936-June 30, 1938.

Very truly yours,

ALAN BIBLE
Attorney General

By: W.T. Mathews
Special Assistant Attorney General

OPINION NO. 46-282 FISH AND GAME—Law construed—Limitation of method of hunting—Limitation on open season for muskrats.