

**Judicial Officers, Place Upon Ballot. Ballot, Separate Column
for Judicial Offices.**

All judicial nominations should be placed in a separate column under appropriate heads, and preferably in the order in which the nominations are certified to the county clerk.

October 14, 1910.

Mr. Fred P. Leiper,
County Attorney,
Glendive, Montana.

Dear Sir:—

Replying to your letter of October 10th requesting my opinion as to the manner in which the names of candidates for the several judicial offices of the state and county should appear on the official ballot, I will say:

Section 542, Revised Codes, provides that it is the duty of the county clerk of each county to provide printed ballots for every election for public officers in which the electors within the county participate. And Section 545 provides that the list of candidates of the several parties shall be placed in separate columns of the ballot, in such order as the authorities charged with the printing of the ballots shall decide.

All judicial nominations are by Chapter 113, Session Laws of 1909, required to be made as provided by Section 524, Revised Codes, and consequently are not the nominees of any particular party, but of the electors residing within the state or district for which the candidate is nominated, and therefore, their names should not appear under any particular party designation.

The arrangement of the ballot as suggested by you, I think is all right, but I would suggest that all judicial nominations be placed in a separate column under appropriate heads, and that they be placed on the ballot in the order in which the certificates of nomination were certified, and above the official designation of the officer for which the candidate is nominated, the phrase, "Nominations for Judicial Offices." However, it is the duty of the clerk to arrange the ballot and he may use his discretion in the performance of this duty so long as he does not violate any provision of the law in the exercise of such discretion. I would suggest the following form of arrangement in the event it meets with your approval and that of the county clerk:

NOMINATIONS FOR JUDICIAL OFFICES.

For Chief Justice of the Supreme Court:

(Vote for one)

FOR DISTRICT JUDGE:

For Justice of the Peace, _____ Township.

Yours very truly,

ALBERT J. GALEN,

Attorney General.