

General Elections, What Are. Primary Nominating Elections Are General Elections. Aliens, Naturalization of. Naturalization, of Aliens.

Primary nominating elections are generally elections as contemplated by Sec. 6 of the Act of Congress (Naturalization) of June 29th, 1906, hence no alien should be naturalized within the period of thirty days prior to the holding of such election.

March 25th, 1914.

Hon. John Speed Smith,
Chief Naturalization Examiner,
Seattle, Washington.

Dear Sir:

I am in receipt of your letter of the 20th instant, wherein you inquire as to whether the general primary election to be held in this state on August 24th next is "a general election" as contemplated by Sec. 6 of the Naturalization Act of Congress of June 29th, 1906.

The primary law (Session Laws of the Thirteenth Legislative Assembly, Sec. 2, p. 570) provides:

"On the seventieth (70) day preceding any general election (not including special elections to fill vacancies, municipal elections in towns and cities, irrigation district and school elections) at which public officers in this state and in any district or county are to be elected, a primary nominating election shall be held in accordance with this law in the several election precincts comprised within the territory for which

such officers are to be elected at the ensuing election, which shall be known as the primary nominating election, for the purpose of choosing candidates by the political parties, subject to the provisions of this law for senator in congress, and all other elective state, district and county officers, and delegates to any constitutional convention or conventions that may hereafter be called, who are to be chosen at the ensuing election wholly by electors within this state, or any subdivision of this state, and also for choosing and electing county central committeemen by the several parties subject to the provisions of this law."

It will be noted that when an election is held pursuant to the act, it "shall be known as the primary nominating election," and is to be held on the seventieth day preceding any "general election." The term "general election" is referred to in our codes. Sec. 450, Revised Codes of 1907, provides:

"There must be held throughout the state, on the first Tuesday after the first Monday of November, in the year eighteen hundred and ninety-four, and in every second year thereafter, an election to be known as the general election."

We, of course, had no primary nominating law when this section was enacted, hence the phrase "to be known as the general election" must be understood in the light of the then existing conditions. With the enactment of the primary nominating law there was provision made for another election, coextensive with the state, to be held as often as and seventy days preceding the general election, referred to in Sec. 450, supra, and at which the same qualifications, restrictions and provisions regarding registration of electors, and their right to vote thereat, were made to apply, as are required of electors who vote at the following general election. Our code defines special elections. Sec. 451 provides:

"Special elections are such as are held to supply vacancies in any office, and are held at such times as may be designated by the proper officer or authority."

According to this definition a primary nominating election is not to be considered as a special election. Webster defines the term "general" as:

"Pertaining in common to all; common to the greatest number, but not to all; large or unlimited in scope, meaning, or contents; not restricted in application or jurisdiction; opposed to particular or special.

Sec. 6 of the Federal Naturalization Laws, referred to by you, provides:

"That no person shall be naturalized, nor shall any certificate of naturalization be issued in any court within thirty days preceding the holding of any general election within its territorial jurisdiction."

Since primary nominating elections cannot, in the light of our code provisions, be considered as special elections, I am of the opinion

that they are such general elections as are contemplated by the act of congress referred to.

Yours very truly,

D. M. KELLY,
Attorney General.