

**Primary Election, Nominating. Petition for Nomination, Form of. Form, of Petition for Nomination. Nominating Petition, Time of Filing. Petition, Circulation of.**

Before or at the time of beginning to circulate a petition for nomination, a person intending to be a candidate for public office should prepare, sign and file with the proper officer a petition in form as outlined. After filing it is necessary to procure the signatures of at least two per cent of the party vote cast for representative in congress at last preceding general election in at least one-fifth of the voting precincts of the county, for county office, and for each precinct a duplicate petition must be signed by the candidate, following which electors sign. Duplicate petitions may be circulated in different precincts at the same time for the nomination of the person for office, but all must be joined into one petition before being filed.

May 4, 1914.

Hon. Vard Smith,  
County Attorney,  
Livingston, Montana.

Dear Sir:

I am in receipt of your request for an opinion as follows:

"As the time draws near for the filing of petitions for nominations to public office, the question of the proper construction to be placed upon the initiative measure known as 'The Direct Primary Law', has arisen, for various sorts of petitions are being filed, and we would like to have your opinion on the proposition so that one uniform style of petition will be filed in all cases.

"Section 9 of this Act provides that before or at the time of beginning to circulate a petition for nomination, the person who is to be a candidate shall send to the proper official, a copy of his petition for nomination, signed by himself. This petition, for the purposes of this inquiry we may call the 'preliminary petition.' Section 10 of the Act provides two forms of petition for nomination, one of which is to be signed by the candidate and the other to be signed by the electors of the various precincts. The questions which have arisen so far are these:

"First: Should the petition, the form of which is given after statement No. 2 in Section 10 of the Act accompany the preliminary petition which is given in the fore part of Section 10 and which is signed by the candidate, when the latter is filed in the office of the proper official as required by Section 9 of the Act?

"Second: Is it necessary that a copy of the preliminary petition, or the first form of petition prescribed in Section 10, precede the petition signed by the electors of each precinct and be filed with it, where the petition of electors is circulated in the various precincts as one petition, or is it sufficient that just one of the preliminary petitions should be attached to the entire nominating petition as signed by the electors when the same is filed in the proper office?

"Third: Would it be proper for several petitions to be circulated in several voting precincts for the nomination of the same person for the same office at the same time, provided these several petitions were joined in one nominating petition before being filed in the proper office?"

You are advised that before or at the time of beginning to circulate a petition for nomination, the person intending to be a candidate for public office should prepare and sign a copy of his petition for nomination, substantially in the following form, and send the same by registered mail, or otherwise, to the county clerk, where such copy shall be filed, and be deemed conclusive evidence, for the purposes of the primary law, that such elector is a candidate for nomination by his party:

"To .....County Clerk and Recorder,  
and to the members of the .....party and the  
electors of.....County, in the State of Montana;

"I, ....., reside at .....  
and my postoffice address is ..... If I am  
nominated for the office of..... at the  
primary nominating election to be held in the county of  
..... the .....day of....., 191...  
I will accept the nomination and will not withdraw, and if I  
am elected I will qualify as such officer.

"If I am nominated and elected I will, during my term of  
office .....  
(Above in not exceeding one hundred words, candidate may  
state any measure or principles he especially advocates.)  
.....

"In not exceeding twelve words, the words to be printed after  
his name on nominating ballot, if any).  
.....

"Signature of Candidate for Nomination."

After filing a copy of the foregoing, duly signed by the party  
seeking a nomination, it is necessary for the person seeking a county  
office to procure the signatures of at least two per cent of the  
party vote in the county at the last preceding general election, and  
the party vote for representative in congress is the basis on which  
the percentage for petitions shall be counted. The necessary signa-  
tures must be procured in at least one-fifth of the precincts of the  
county, and for each precinct, a duplicate petition conforming to the  
foregoing must be prepared and signed by the candidate for nomina-  
tion, the law expressly providing:

"There shall be a separate leaf or sheet, signed as above  
on every such petition for each precinct in which it is  
circulated. After the above, and on a separate sheet or sheets,  
shall be the following petition:

"To ....., the County Clerk and Re-  
corder for the county of ....., Montana:

"We, the undersigned members of the .....  
party and qualified electors and residents of.....  
precinct in the county of ....., State of  
Montana, respectfully request that you will cause to be printed  
on the official nominating ballot for the .....  
party, at the aforesaid primary nominating election, the name  
of the above signed ..... as a can-  
didate for nomination to the office of .....  
by said ..... party.

Name            Postoffice Address    St. and No. if any.    Precinct  
.....  
.....

State of Montana,                    )  
  ) ss  
County of .....

"I, ....., being first duly sworn, say: I am personally acquainted with all the persons who have signed this sheet of the foregoing petition, and I personally know that their signatures thereon are genuine; and I believe that their postoffice address and residence are correctly stated and that they are qualified electors and members of the .....party.

.....  
(Signature of Affiant.)

"Subscribed and sworn to before me this.....day of ....., 191...

.....  
(Signature and title of officer before whom oath is made.)

The fact must not be overlooked that it is necessary not only that for each precinct in which a petition duly signed by the candidate for nomination, but that it must be attached to the petition to be signed by the qualified electors of the precinct, and after being signed must be duly verified.

It is proper under the law for several petitions to be circulated in different voting precincts for the nomination of the same person for the same office at the same time, provided they be joined in one nominating petition before being filed in the proper office.

Yours very truly,  
D. M. KELLY,  
Attorney General.