

Candidates—Withdrawals—Elections—Primary Elections.

A candidate for office at the primary election may withdraw at any time before the election.

May 19, 1928.

Howard A. Johnson, Esq.,
County Attorney,
Boulder, Montana.

My dear Mr. Johnson:

You have requested my opinion whether a candidate for office may withdraw before the primary election.

You have called my attention to the opinion rendered by former Attorney General Ford appearing in volume 7, page 253, wherein he held that a candidate may not withdraw before the primary election.

I have studied that opinion and the statutes therein cited and must say that I am not able to agree with the conclusion therein stated under

our present system of nominating candidates for office. I do not find any statutory provision that in any way attempts to prohibit a candidate from withdrawing before the primary election.

If section 647 R. C. M. 1921 limits the application of sections 620 and 621 R. C. M. 1921, as amended, to cases of death or removal from the electoral district, still these sections have application only to withdrawal after a candidate has been nominated. None of them attempt to prohibit a candidate from withdrawing before nomination.

It is therefore my opinion that a candidate for office has the right to withdraw at any time before the primary election.

Very truly yours,

L. A. FOOT,
Attorney General.