

Candidates—Vacancies—Nominations—Counties—Central Committee.

The county central committee may fill vacancies occurring among candidates nominated for office but not when no candidate was nominated.

August 2, 1928.

E. H. Weimer, Esq.,
County Treasurer,
Jordan, Montana.

My dear Mr. Weimer:

You have requested my interpretation of chapter 98 of the laws of 1927, and particularly as to whether the county central committee has the power to nominate to fill vacancies on the respective tickets after the primary election where the vacancies have not been caused by death or removal from the electoral district.

The particular language appearing in chapter 98, supra, relating to this matter is as follows:

“Said county and city central committees shall have the power to make nominations to fill vacancies occurring among the candidates of their respective parties nominated for city or county offices by the primary nominating election where such vacancy is caused by death or removal from the electoral district, or otherwise.”

It is my opinion that by this statute the power to fill vacancies is not limited to those occasioned by death or removal from the electoral district. It apparently authorizes the filling of vacancies arising from any cause whatsoever.

However, the power is limited to make nominations to fill vacancies occurring among the candidates of their respective parties nominated for city or county offices by the primary nominating election. In other words, if no candidates were nominated for a particular office at the primary nominating election, then I do not believe that the county or city central committee has authority to make such nomination. In such a case the vacancy is not occurring among the candidates nominated by the primary nominating election.

Very truly yours,

L. A. FOOT,

Attorney General.