

Opinion No. 604

Elections—Candidates—Filing Fees.

HELD: When a candidate has paid one filing fee and, in any manner whatever, becomes entitled to have his name placed upon the general election ballot as a candidate for the office he filed

for, it is not necessary that he pay another filing fee.

August 31, 1934.

You ask for an interpretation of Section 618A, Chapter 28, Laws of 1933. You particularly inquire whether or not a person who has sought a nomination as a party candidate and was defeated in the primary and thereafter files as an independent candidate, should pay one or two filing fees. The statute provides: " * * * and such filing fee shall be paid by every person whose name appears upon the ballot at any general election regardless of the method pursued to secure the nomination, provided, however, that only one filing fee shall be required from any candidate regardless of the method used in having his name placed upon such general election ballot."

In the last clause of this Section it is clearly stated "that only one filing fee should be required from any candidate regardless of the method used in having his name placed upon such general election ballot." I can find no logical interpretation of such language save as follows: When a candidate has paid one filing fee and, in any manner whatever, becomes entitled to have his name placed upon the general election ballot, it is not necessary that he pay another filing fee.

This opinion is limited to the case of nominations or filings by petition for the same office. It does not apply to a case where a candidate pays a fee for filing for one office and later seeks a place on the ballot for an entirely different office.