

Opinion No. 287.

**Elections—Courts—Non-Partisan
Ballot — Ballots — Parties —
Conventions—Nominations.**

HELD: Under the provisions of Chapter 182, Laws of 1935, no party, including parties entitled to nominate candidates by convention, may nomi-

nate a candidate for the office of judge of the Supreme Court or judge of the District Court.

for such offices who are nominated under the provisions of said Chapter 182.

May 21, 1936.

Hon. Sam W. Mitchell
Secretary of State
The Capitol

You ask for an interpretation of Chapter 182 of the Laws of 1935, in relation to the nomination and election of Judges of the Supreme Court and Judges of the District Court of the State of Montana. In particular, your question is this: Where a political party is entitled to nominate its candidates by convention, as provided by Section 639, R. C. M. 1921, as amended by Chapter 7 of the Laws of 1927, may such political party nominate a candidate for a judicial office in accordance with Chapter 51 of the Political Code of Montana, Section 612 et seq., as amended?

It is clear that this question must be answered in the negative. Section 1 of Chapter 182, Laws of 1935, expressly provides: "That hereafter all candidates for the office of Justice of the Supreme Court of the State of Montana or Judge of the District Court in any judicial district of the State of Montana, shall be nominated and elected in accordance with the provisions of this Act and in no other manner."

Section 15 of the Act provides as follows: "All acts and parts of acts in conflict herewith are hereby repealed, and all laws pertaining to elections, both primary and general, and to special elections, not in conflict herewith are hereby declared applicable to the nomination and election of the officers herein referred to."

It is impossible to reconcile any method of party nomination for the judicial offices with the provisions of this law. It is not possible that there should be two methods of nominating these judicial officers, one by political party and the other on a non-partisan ballot. You will therefore refuse to accept any party nomination for the offices of Judges of the Supreme Court or Judges of the District Court; and only those persons are nominated