

offices of Judges of the Supreme Court and of the District Courts, and a person so nominated may qualify and become a candidate at the general election.

June 25, 1936.

Hon. Sam W. Mitchell
Secretary of State
The Capitol

You inquire in relation to Chapter 182 of the Laws of 1935, Sections 812.1 to 812.15, R. C. M. 1935, whether or not a person's name can be written in on a primary election ballot for a Supreme Court Judge or a District Court Judge, and if a person whose name is so written in is nominated and qualifies, may his name appear on the non-partisan ballot in the November election?

Section 2 of said Act provides that all laws relating to primaries shall continue to be in force and to be applicable to the said offices in so far as may be consistent with the provisions of said Act. As the primary election law (R. C. 640 and R. C. 651), indicates the right of a voter to vote for in a primary election a person whose name is not upon such primary ballot, this privilege would also exist under the non-political primary nomination law relative to judges of the supreme court and district court. A person whose name is not upon the ballot and who is nominated in accordance with the provisions of the Act should comply with Section 640 R. C., and his name should then be printed upon the final judicial ballot as a candidate for the office for which he is so nominated.

Opinion No. 304.

**Elections—Courts—Nominations—
Ballot, Names Written In
On Non-Partisan.**

HELD: A voter may write in names on the primary election ballot for the