

shall have been first filed shall fail of nomination upon the ticket upon which his name is so printed, his name shall not be printed upon any ballot under any party designation."

This candidate having failed of nomination upon the Democratic party ticket may not have her name printed upon the general election ballot under any party designation.

**Opinion No. 254.**

**Elections—Candidates, Defeated at Primary May Not Have Name Printed on General Election Ballot.**

HELD: A candidate at primary election who was defeated may not have his name written on ballot under any party designation.

September 3, 1940.

Mr. Clyde Hayden  
County Attorney  
Hamilton, Montana

Dear Sir:

A defeated candidate for the Democratic nomination for County Superintendent of Public Instruction had her name written in on the Republican ticket and received the highest number of votes for the Republican nomination for that office. You have asked if she may have her name printed on the general election ballot as the Republican nominee.

This situation is expressly covered by Section 651, Revised Codes of Montana, 1935, which provides for the arrangement of the ballots, their printing, etc., and includes the following:

"Provided, however, that in the event a candidate whose name has been printed upon the party ticket for which his nominating petition