

hundred words, may state any measure or principles he especially advocates, **and the form in which he wishes it printed after his name on the nominating ballot, in not exceeding twelve words .**" (Emphasis supplied.)

Section 23-913 R. C. M., 1947, prior to its amendment in 1953, provided:

"Register Of Candidates. The secretary of state, county clerk and city clerk shall keep a book entitled "Register of Candidates for Nomination at the Primary Nominating Election," and shall enter thereon on different pages of the book for different political parties subject to the provisions of this law, the title of the office sought and the name and residence of each candidate for nomination at the primary election; the name of his political party; the date of receiving the petition for nomination signed by the candidate; **the words he wishes printed after his name on the nominating ballot, if any;** and such other information as may aid him in arranging his official ballot for said primary nominating election. Immediately after the canvass of votes cast at a primary nominating election is completed, the county clerk, secretary of state or city clerk, as the case may be, shall enter in his book marked "Register of Nominations," the date of such entry, the name of each candidate nominated, the office for which he is nominated, and the name of the party making the nomination." (Emphasis supplied.)

Chapter 6, Laws of 1953, amended Sections 23-911 and 23-913, *supra*, and removed all reference to the printing of a statement by the candidate of the measures or principles he advocates on the ballot. Section 23-911, *supra*, was amended to read as follows:

"Form Of Petition For Nomination. The petition for nomination required by the preceding section shall be substantially in the following form:

"* * * * *

"If I am nominated and elected I will, during my term of office (here the candidate, in not exceeding one

Opinion No. 78.

Elections—Ballots, Form of.

HELD: A candidate for office is not entitled to have the measure or principles he advocates printed after his name on the primary election ballot.

May 22, 1954.

Mr. Robert F. Conwell
County Attorney
Carbon County
Red Lodge, Montana

Dear Mr. Conwell:

You have requested my opinion upon the following question:

"Is a candidate for office at a primary election entitled to have the measure or principles he advocates printed after his name on the nominating ballot?"

Prior to 1953, provision was made for the placing of a statement of principles on the ballot with the candidate's name. Section 23-911, R. C. M., 1947, prior to 1953 provided in part:

"Form Of Petition for Nomination. The petition for nomination required by the preceding section shall be substantially in the following form:

"* * * * *

"If I am nominated and elected I will, during my term of office (here the candidate, in not exceeding one

hundred words, may state any measure or principles he especially advocates)."

Section 23-913, *supra*, was amended to read as follows:

"Register Of Candidates. The secretary of state, county clerk and city clerk shall keep a book entitled "Register of Candidates for Nomination at the Primary Nominating Election," and shall enter thereon on different pages of the book for different political parties subject to the provisions of this law, the title of the office sought and the name and residence of each candidate for nomination at the primary election; the name of his political party; the date of receiving the petition for nomination signed by the candidate; and such other information as may aid him in arranging his official ballot for said primary nominating election. Immediately after the canvass of votes cast at a primary nominating election is completed, the county clerk, secretary of state or city clerk, as the case may be, shall enter in his book marked "Register of Nominations," the date of such entry, the name of each candidate nominated, the office for which he is nominated, and the name of the party making the nomination."

The only change made in either of these sections was the deletion of all the language which permitted the placing of a statement of principles on the ballot. All the other provisions of these two Acts were re-enacted in precisely the fashion in which they have previously existed. When the legislature makes a change in the existing law, it is presumed that a change in the meaning of that law was intended. In the case of *Nichols v. School District No. 3, et al.*, 87 Mont. 181, 287 Pac. 624, the court said:

"In the construction of an amendatory Act it will be presumed that the legislature, in adopting it, intended to make some change in the existing law (*State ex rel. Public Service Com. v. Brannon*, 86 Mont. 200, 283 Pac. 202), and the courts will endeavor to give some effect to the

amendment. (*State ex rel. Bank v. Hays, supra*, 36 Cyc. 166.) . . . When changes have been introduced by amendment, whether by omission, addition, or substitution of words, it is not to be assumed that they are without design. (2 *Lewis' Sutherland on Statutory Construction* 2d ed., 777.)"

It is, therefore, my opinion that a candidate for office is not entitled to have the measure or principles he advocates printed after his name on the primary election ballot.