

OPINION
54-35

May 24, 1954 (OPINION)

ELECTIONS

RE: Filing for Two Offices

This is in reply to a telephone conversation of May twelfth, your letter dated May eleventh and subsequent conferences with Mr. Feidler, your state's attorney, in regard to whether or not a person can file a nominating petition for the office of Justice of the Peace and at the same time for the office of Assessor, and whether a person can file a nomination petition for the office of Justice of the Peace and at the same time for the office of County Coroner, all of which offices are to be voted on at the Primary Election on June 29, 1954.

Section 16-0502, to which you refer, states in so far as applicable here, "* * * no person shall accept a nomination for more than one office.* * * " This part of the statute is by its terms limited in operation to acceptance of nominations. Therefore, we are unable to construe it as preventing the persons mentioned from filing nominating petitions or as authorizing the county auditor to refuse to accept such nominating petitions.

Another statute, which should be called to the attention of these candidates is section 16-2021 of the North Dakota Revised Code of 1943, which provides: "No person, by himself or in combination with any other person or persons, without a bona fide intent of obtaining the office, shall accept or receive or refrain from accepting the candidacy for nomination or election to an office for the purpose of defeating the nomination or election of any other person."

However, this statute does not authorize the county auditor to inquire into the motives of the candidates in filing such petitions nor to refuse to accept such petitions.

LESLIE R. BURGUM

Attorney General