

he would be held to have complied with the law, notwithstanding the fact that his statement was never filed, with the result that no one could know what amount had been expended by him or in his behalf or for what purpose money had been used in the furtherance of his candidacy.

In this case I would be glad to be able to relieve the candidate of the penalties which the law visits upon him because of his failure to file his statement as the statute requires. I am convinced of his good faith and I have no doubt that he actually deposited his statement in a post-office as he avers, but it has not been received and filed in the office of the Secretary of State and nothing less than this meets the clear and unequivocal demands of the statute.

Valid statutes are binding upon officers and citizens alike. I assume that the statute involved here is valid. Your action, therefore, in certifying that Mr. Angle has failed to file his expenses statement as required by the statute was, in my opinion, proper.

Very respectfully,

T. F. WEST,
Attorney General.

PRIMARY ELECTIONS—REGISTRATION, SUFFICIENCY FOR GENERAL ELECTIONS.

Tallahassee, Fla., August 17, 1916.

Honorable H. Clay Crawford,
Secretary of State,
Capitol.

Dear Sir:—

I am in receipt of your communication containing the following inquiry:—

"The question as to what the legislature intended

should be done by the Supervisors of Registration in making the registration for the primary election a substitute for registration for the general election has been repeatedly asked this department.

"The particular statute requiring a construction is the second and fourth paragraphs of Section 9 of Chapter 6469 Laws of Florida as amended by Section 1, Chapter 6874, which read as follows:

"That all persons who have heretofore registered or who may hereafter register under the provisions of Chapter 6469 of the Laws of Florida, Acts of 1913, in election precincts which are not located wholly or in part within a city of more than twenty thousand population shall be deemed duly registered for all general primary elections and all general and special elections so long as they continue to reside in the election precinct in which they so registered and their names shall be carried upon the registration books as electors duly registered for such elections.'

"That in all election precincts located wholly or in part within a city of more than twenty thousand population biennial registration shall be required, as provided by the provisions of Chapter 6469, of the Laws of Florida, Acts of 1913, and all persons so registering shall be deemed duly registered electors for the general election next following the primary for which they registered, and for any special election held subsequent to the general primary for which they registered and prior to the next following general primary, and their names shall be carried on the registration books as duly registered electors for such elections.'

"The problem confronting the Supervisors of Registration, as they seem to see it, is (1) whether they should substitute the primary registration books for the general election or transcribe the names from the primary books to the general election books, and (2) if the latter construction prevail, whether under such construction the

electors who have registered for the primary, but whose names are not registered in the general election books, should be required to make a separate and independent registration for the general election; in other words, would the transcription from the primary books to the general election books be a sufficient registration for the general election?

"I would be pleased for you to give me your opinion as to a proper construction of the statute above quoted."

Under existing statutes there are two systems of registration as a prerequisite to voting in this State, one for the registration of electors in primary elections, the other for the registration of electors in general elections, and two separate and independent sets of registration books are kept in each county for this purpose.

If the provisions of the Statute quoted in your letter are valid, I think the registration officer of the county would be warranted in transcribing the names of electors appearing upon the registration books for primary elections upon the registration books for general elections, having in mind always, of course, that each elector should be registered in the precinct of his residence.

There is, however, in my opinion, some doubt of the constitutional validity of that provision of the statute making the registration of an elector under this statute for primary elections sufficient registration of such elector for general elections.

This doubt arises because of this situation: by Section 16 of Article III of the Constitution it is provided that:

"Each law enacted in the legislature shall embrace but one subject and matter properly connected therewith which subject shall be briefly expressed in the title," etc.

The title to the primary election law as originally passed in 1913 is as follows:

"An Act to Provide for and Regulate Primary Elections."

And the title to the amendatory act of 1915 is:
 "An Act to Amend Sections 9, 10, 11, 12, 40, 44, 52, 55 and 63, and to Repeal Sections 64 and 65 of Chapter 6469 of the Laws of Florida entitled 'An Act to Provide for and Regulate Primary Elections,' approved June 3, 1913."

The quoted section of the Constitution requires that the "subject" of the act shall be briefly expressed in the title. The subject of the statutes referred to is "primary elections." There is no reference in the title of either of the acts to "general elections." A "primary election" is a substitute for a convention and is simply a method of selecting party candidates. A "general election" is an election of officers. They are not synonymous terms, nor is one comprehended in the other. They are employed for distinct purposes and different results are accomplished by them.

By the title the legislature expressly limited the scope of this legislation to providing for and regulating "primary elections." There is no reference in the title of either of the acts to the "subject" of "general elections" and it is not clear that the qualification of electors for general elections can be regarded as "matter *property* connected" with the "subject" of this legislation and so related to such subject as to render unnecessary a reference to it in the title of the statute. In this situation there is, I think, sufficient doubt of the validity of that provision of these statutes making the registration for primary elections a registration also for general elections to have attention called to it and to suggest to the registration officers that all electors who have not heretofore registered in the registration books for general elections do so while the books are open, in order that no question may arise as to the regularity and validity of their registration.

Of course I do not say that this provision of the statute is invalid. I only undertake to demonstrate that it may be so held by the courts, and I do say that there is room

for doubt of its validity and that since this is true the safe course for an elector is to see to it that he is duly registered upon the registration books for general elections so that if it should be held that the registration for primary elections is not a sufficient registration for general elections, he would not be denied the right to vote in the general election.

This is advisable for another reason, namely; if, after the general election is held, the question of whether or not electors who had registered on the registration books for primary elections but had not registered on the registration books for general elections were qualified to vote in the general election, was raised and it should be held that such registration was not sufficient, great uncertainty and dissatisfaction would probably follow.

For this reason I am suggesting that all electors register just as if the registration books for primary elections were not in existence. Of course if an elector has heretofore registered in the registration books for general elections, it will not be necessary to do so again.

Respectfully,

T. F. WEST,
Attorney General.