

WHEN CANDIDATE IN A GROUP NOMINATED  
WITHOUT OPPOSITION.

Tallahassee, Fla., June 21, 1916.

My dear Sir:

Yours of the 17 instant has been received and noted.

By Section 52 of the Primary Election Law of 1913 as amended by Section 8 of the amendatory act of 1915, it is provided that:

"In the event more than one candidate is to be nominated for the same office and there are more candidates than should be nominated therefor, there shall be as many groups of candidates for that particular office as there are candidates to be nominated, and each candidate for such office, in addition to the sworn statement required by Section 22 hereof, shall indicate therein the group in which he desires his name to appear on the ballot, and said groups shall be numerically designated. Provided, however, that candidates for delegates to national conventions shall not be nominated by groups, but by a plurality vote."

By Section 27 of the same statute it is provided that:

"Each person who shall have filed his sworn statement and paid his filing fee and committee assessment, if any, as herein required, shall be entitled to have his name printed on the official primary election ballot; Provided, That whenever the number of candidates of any political party for any office or position shall not exceed the number required to be nominated or elected to said office or position, the names of such candidates shall not be printed on the official primary election ballot, but such candidates are hereby declared to be nominated for such office, or elected to such position."

The effect of these two statutes is that each candidate for the legislature from counties having two representatives shall indicate the "group" in which he desires his name to appear. In your county it appears that there were two candidates in one group and only one candidate

in the other group. The result of this situation is that, under the provisions of Section 27 as quoted herein, the candidate running alone in one group was without opposition and was nominated without having his name placed on the ticket.

Yours very truly,

T. F. WEST,

Attorney General.

**NO AUTHORITY VESTED IN TRUSTEES OF SPECIAL TAX SCHOOL DISTRICT TO CONTRACT A DEBT WITHOUT APPROVAL OF SCHOOL BOARD.**

Tallahassee, Fla., June 30, 1916.

My dear Sir:

Yours of the 26th instant has been received and noted.

In reply to your inquiry, I beg to advise that Section 414 of the General Statutes of Florida provides that no debt shall be created against any Special Tax School District in this State without the approval of the County Board of Public Instruction. Our Supreme Court, in the case of *Pinock v. State*, 61 Fla. 383, has upheld this provision. You can read this decision by calling on your County Judge, who has this book in his office.

The Supreme Court has also held, in the case of *Trustees v. Lewis*, 63 Fla. 691, that "the statutory authority of the Trustees of Special Tax school Districts is not of control, but of supervision only."

You might also read the case of *McKinnon v. State*, 70 Southern Reporter, 567, which you can see in the office of any lawyer in your county.

If this office can be of any further service to you at any time, it will be cheerfully rendered.

Yours very truly,

T. F. WEST,

Attorney General.