

OPINION  
68-70

January 18, 1968 (OPINION)

Mr. Robert Q. Price, State's Attorney

Cavalier County

RE: Elections - Notice - Publication

This is in response to your letter in which you make reference to Section 16-06-02, which was amended by two bills - House Bill No. 736, Chapter 159 of the 1967 Session Laws, and House Bill No. 533, Chapter 158 of the 1967 Session Laws. The amended version as amended by Chapter 159 and as appearing in the Session Laws does not change the publishing requirement and provides as follows:

" \* \* \* once each week for two consecutive weeks next preceding such election."

However, the same section as amended by House Bill No. 533, Chapter 158, and as appearing in the 1967 Session Laws, provides as follows:

" \* \* \* no later than one week, and no earlier than two weeks next preceding such election."

This language is substantially different than as it appears in the amended version of Chapter 159. It also appears that Chapter 158 was passed later in time by the Legislature. Nevertheless, a conflict does exist between these two versions.

In examining the Journal, we find that a conference committee was appointed which proposed amendments to House Bill No. 533, which amendments were adopted by both the House and the Senate. (See House Journal, P. 1213, and Senate Journal, P. 1004 and 984.)

For some unknown reason the amendments adopted were not incorporated in the bill as finally passed by the Senate and the House. Nevertheless, the Journal entries clearly show that amendments were adopted and should have been incorporated in the bill as finally passed. By incorporating into the bill those amendments, which were adopted but inadvertently left out of the final bill, the bill in the pertinent parts would read as follows:

" \* \* \* once each week for two consecutive weeks next preceding such election."

The language pertaining to the duties of the county auditor, by recognizing the amendments which were adopted but not incorporated in the bill, would read as follows:

" \* \* \* The county auditor shall publish for two consecutive weeks prior to the election in the official county newspaper \*  
\* \* ."

By recognizing the amendments proposed by the joint conference

committee and adopted by the Senate and House, as shown in Senate Journal, P. 1004, and House Journal, P. 1213, no conflict exists between Section 16-06-02, as amended by Chapter 159 and as amended by Chapter 158 of the 1967 Session Laws. We are also aware that in North Dakota where a conflict exists or where the language is ambiguous, resort to the Journal may be had for purposes of resolving a conflict or ambiguity.

It is, therefore, our opinion that Section 16-06-02, as corrected by giving effect to the amendments proposed by the joint conference committee and adopted by the House and Senate, in effect, provides that the publication shall be " \* \* \* once each week for two consecutive weeks next preceding such election", which means that publications shall be for two weeks instead of one week.

HELGI JOHANNESON

Attorney General