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24-hour period. It is reasonable to assume that a claim based on an injury within the 24-hour period would be considered in a more favorable light than one incurred without the period. Nevertheless, as pointed out above, the determination of whether or not the guardsman was performing any actual service of the state is of paramount importance.

It must be emphasized that this opinion pertains only to the guardsman on State Active Duty orders, as distinguished from armory and field training and federal service.

CONCLUSION

This opinion has attempted to expose some of the many and varied problems arising from the use of troops to quell public disorders. Needless to say it is not possible to foresee every possible legal question that can arise. It is hoped that it will provide a nucleus for guidance in answering future questions as well as providing guidance on recurring ones.

OFFICIAL OPINION NO. 67

ELECTIONS—Voters Registration—Length of Term of Deputy Registration Officer.

Opinion Requested by Mr. John R. Maze, Member, Board of Voters Registration of Marion County

You have requested my opinion concerning the length of the term of your deputy registration officers appointed pursuant to statute after the primary election in May, 1966. Although your request was made informally and answered in that manner in August of this year, the same question has arisen since in so many different sections of the state that I have decided that it should be answered in an Official Opinion.

The statute in question is Acts 1965, ch. 261, § 9, amending Acts 1945, ch. 208, § 50, as amended, Burns § 29-3406. Chapter 208 of the 1945 Acts, as amended, is the Indiana Election Code. The said section 50 of the Code, as amended in 1965, provides that precinct committeemen and vice-committeemen of two political parties shall be ex officio deputy registration officers of a county. Four other deputy registration officers may be appointed in each precinct. The statute specifies "The term of each deputy registration officer shall expire on the date of *the following primary election.*" (Emphasis added.)

Precinct committeemen are elected at the primary election held in the year of a general election, and are required to certify the appointment of vice-committeemen to their county chairmen by six o'clock p.m. on the Friday immediately succeeding, Code, § 86, Burns § 29-3604. General elections are defined in § 2 of the Code, as amended by Acts 1965, ch. 261, § 1, Burns § 29-2802, as

"the election provided to be held in the state . . . [in] November in every even-numbered year."

That section further provides

"The words 'primary' or 'Primary election' shall mean an election held for the purpose of deciding by ballot who shall be the nominees *for the offices named in this act*, or for the election by ballot of delegates to political conventions." (Emphasis added.)

As previously indicated, a general election was held in 1966. City primaries and elections were held in 1967. Another general election will be held in 1968, preceded by a primary in May of that year. The question is whether the terms of deputy registration officers appointed after the primary election in 1966 continue until the primary election in 1968, or terminated on the date of the city primary in 1967. For two reasons, it is my opinion that the term of office of deputy registration officers is two years, running from one primary preceding a general election to the next primary preceding a general election.

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The first reason is that the 1965 amendment to section 50 of the Code not only provides that precinct committeemen and vice-committeemen serve *ex officio* as deputy registration officers, but places the tenure of the additional permitted deputy registration officers at the pleasure of the appointing county chairmen. Thus, the committeemen and vice-committeemen cannot be removed without cause as deputy registration officers during the tenure of their offices as committeemen or vice-committeemen, while other deputy registration officers can be removed at the will of the appointing county chairman. Reappointment of committeemen and vice-committeemen as deputy registration officers during the continuance of their terms as committeemen or vice-committeemen would be a useless act, and cannot be assumed to have been intended by the General Assembly. County chairmen would not be handicapped in registration procedures during a city election by the continuance of the term of the optional deputy registration officers because the chairman may discharge such officers if they so desire.

Secondly, the definition of "primary election" in the Indiana Election Code, as previously set out, includes elections for "nominees for the offices named in this act" only. As I explained in my Official Opinion No. 10 of 1967, 1967 O.A.G. 50, *supra*, the Indiana Election Code originally applied to city elections and city primary elections. However, the "Second Skip Election Law," Acts 1945, ch. 229, Burns §§ 29-4312 to 29-4317, was enacted the day after the Indiana Election Code, and, to the extent to which they conflict, the Second Skip Election Law, as it has been amended, governs city primaries. Although this statute incorporates the Indiana Election Code to the extent to which there is no conflict, Acts 1945, ch. 229, § 3, as amended by Acts 1947, ch. 29, § 2, Burns § 29-4314, the Second Skip Election Law is not incorporated into the Indiana Election Code. Therefore, in my opinion, city primaries are no longer primary elections for nominees for offices named in the Indiana Election Code, and the words "the following primary election" as used in section 50 of the Code, as amended in 1965, means the "following primary election subject to this act" — *i.e.*, the following primary which precedes a general election.