

Registration, of Electors. Electors, Registration Of.

An elector who resides within a radius of ten miles from the county court house must appear personally before the county clerk to be registered.

August 26th, 1911.

Mr. Justin M. Smith,
County Attorney,
Bozeman, Montana.

Dear Sir:

I acknowledge receipt of your letter of the 16th inst., in which you ask my construction of Sec. 15, Chap. 113, Laws of 1911, wherein provision is made for the registration of electors who reside "more than ten miles distant from the court house" and in which you ask whether such section means within a radius of ten miles by direct line, or whether it means within ten miles by the usually travelled road. It is my opinion that the meaning of the section is that all electors residing within a radius of ten miles of the court house must appear personally before the county clerk to be registered. It may be that although the elector resides within such radius of ten miles that in order to appear at the court house it would be necessary for him to travel more than ten miles but I do not think that the legislature in making the enactment contemplated the distance to be traveled, but rather arbitrarily fixed a given radius within which the elector shall appear in person. However, in the same section there is ample protection given to the elector by the following provision:

"If said elector is unable for any reason to conveniently register as aforesaid, he may register without charge before a notary public, etc."

Yours very truly,
ALBERT J. GALEN,
Attorney General.