

Registration, of Voters. Books—Registration, Closing Of. Election, Registration For. School District Elections, Registration For.

There is a conflict between the provisions of Section 7 and Section 18, Chapter 113, Laws of 1911, relating to the time when registration books must be closed prior to an election. The provisions of Sec. 18 should be followed where they are in conflict with the provisions of Section 7.

The registration laws apply to the regular or annual school district elections in all school districts without regard to the class of the district.

September 18, 1911.

Honorable Board of County Commissioners,
Helena, Montana.

Gentlemen:

I am in receipt of your verbal inquiry through the county clerk of your county, submitting for the consideration of this office the following questions:

"1. What period of time must the registration books be closed prior to an election?"

"2. To what school district elections do the provisions of the registration law apply?"

In answer to your first question I will say that the provisions of Section 7, Chap. 113, Laws of 1911, are in apparent conflict with the provisions of Section 18 of said Chapter relating to the time during which the registration books must be closed prior to an election.

The rule of construction in case of conflicting sections is that "the provisions of the section last in numerical order must prevail, unless such construction is inconsistent with the meaning of such chapter or article.

Section 3558, Revised Codes.

In this case, therefore, the provisions of said Sec. 18 should be followed where those provisions conflict with the provisions of any prior section, for said Section 18 is "the last in numerical order."

In answer to your second question will say that repeated references are contained in the provisions of said Chap. 113 to school districts (Sec. 5) and school district elections (Secs. 7 and 18), and in Sec. 35 of the Act, it is provided:

"No person shall be entitled to vote at any election mentioned in this Act unless his name shall on the day of election appear in the copy of the official register or check list," etc.

The provisions of the act must, therefore, be held to apply to the regular, or annual, school district elections in all school districts without regard to whether the district is in the first, second, or third class, but the provisions of the act do not apply to special school district elections.

Yours very truly,

ALBERT J. GALEN,

Attorney General.