

Elections, Registration For. Special Elections, Registration For. Registration, Necessity For. Books of Registration, Closing Of. Sewer Elections, Registration For.

Chapter 113, Laws of 1911, does not apply to special elections nor does it apply to special city sewer elections.

October 31, 1911.

Hon. Board of County Commissioners,
Roundup, Montana.

Gentlemen:

I am in receipt of your letter of the 25th inst., submitting the following questions:

Do voters for special school bond elections and special city sewer elections have to be registered under the new registration law?

Are the registration books for the entire county closed for thirty days before any such election?

The provisions of Chap. 113, Laws of 1911, are in some respects very uncertain as to the real meaning intended and some of the provisions of said chapter are in direct conflict with other provisions of the same chapter, as the provisions of Sec. 7 and Sec. 18, relative to the time when the registration books must remain closed. Under the provisions of said Sec. 18, where the registration books are closed at all they are closed for the entire county. The clause "any elector offering to register who will not be entitled to vote at the particular election for which said books of registration are closed shall not be entitled to register" is a direct prohibition against anyone registering whenever the books are closed for any election whatsoever. This sentence appears to be rather peculiar in view of the preceding sentence, but an investigation of the history of the bill discloses the fact that it was in the original bill, as introduced, and was never amended. The act itself does not mention special elections except in Secs. 33 and 34 thereof, which relate to county elections, and would, of course, include the whole registration district. No other mention is made in the law of special elections, and it seems wholly unreasonable to say that it

was the intention of the legislature that the registration books of the entire county should be closed because some special election was held by some school district within the county.

The law relating to bond elections is a separate act.

Sec. 1003, et seq.

This special act does not appear to have been amended by Chapter 113 laws of 1911. Neither is the law relating to special elections in cities and towns directly amended by said Chapter 113.

Under the provisions of Sec. 18 of said Chap. 113, the county clerk is required to close the registration books for a certain period prior to an election, and also required to give notice of that closing, but, if the election is a special election whose date is not fixed by law, then the clerk can have no notice of such election unless it is a county election ordered by the county board, of which board he is the clerk, and there is no mention in the law of its being the duty or within the authority of any board or of any person whatsoever, to give him this information.

From these considerations we reach the conclusion that the provisions of said Chap. 113, Laws of 1911, do not apply to special elections, nor do they apply to special city sewer elections.

Very truly yours,

ALBERT J. GALEN,

Attorney General.