

Poll Book, Defined. Precinct Register, What is. Elections, Supplies to be Furnished. Election Officers, Duties Defined.

For above definitions, see opinion.

The law does not require any check list other than the copy of precinct register.

February 25, 1916.

Hon. Frank Hunter,
County Attorney,
Miles City, Montana.

Dear Sir:

I am in receipt of your letter requesting an opinion upon the following propositions relating to elections:

1. Should not the words "poll book" in Section 29, Chapter 122, Laws of 1915, be understood to mean precinct register?
2. What election supplies shall be furnished to the judges of election in the various precincts?
3. What duties are to be performed by election officers as electors appear for voting?
4. Does the law require any check list other than the poll book?

1. I am of the opinion that the use of the words "precinct poll book" is due to a confusion of terms. Poll books, as prescribed in Section 518, Revised Codes, and the duties of the clerks of election in relation thereto, as specified in Section 561, Revised Codes, are blank books in which are entered the numbers and names of the electors in the order they vote. The precinct register which the county clerk is required to furnish, is clearly the book the legislature had in mind in enacting this section of the law, it being the same character of book as is mentioned in the preceding section. However, by the express terms of Section 18 of the Act, the official designation of the precinct register seems now to be poll book. The same book is referred to in Sections 21 and 29 as poll book, and in Sections 22, 23, 27 and 28 as precinct register, while in Section 26, the terms "precinct register" and "poll book" refer to two distinct kinds of books thus indicating that the real distinction between the two is still preserved, though the precinct register is indiscriminately referred to as poll book. A comparison of Section 21 and 22, and of 28 and 29 clearly demonstrates this indiscriminate use of terms. Furthermore, if Section 21 be compared with Section 29 of Chapter 74, Laws of 1913, it will be found that the term "poll book" in Section 21 is none other than the precinct register.

2. There is no specific legislative direction as to what election supplies are to be furnished the judges of election. Various sections of the law, however, shed light upon the subject (See generally, Revised Codes, Sections 506, 510, 513, 518, 561, 540, 546, 548, 577, 580, the Primary Law, Laws of 1913, page 570, Sections 3, 6, 7, and 21 of Chapter 122, Laws of 1915). I gather from these sections that the election officers in each precinct must be furnished with notices of election, ballot boxes (where voting machines are not in use), cards of

instructions to voters, official and sample ballots, official rubber stamp, two blank poll books, two precinct registers, one of which is a check list, challenge list, tally sheets, blank returns, official oaths, absent voters' ballots, envelopes, pens, ink, ink pads, pasters where a vacancy occurs and is filled after printing of the official ballots, and before election, voting booths, chairs and tables and guard rails.

3. When an elector appears for voting, he is required by the judges to write his name in one of the precinct registers designated by the county clerk for the purpose. If he is unable to write, two freeholders must vouch for him, as provided in Section 26. Simultaneously, one of the judges must mark an (X) upon the line opposite the name of the elector in the other precinct register or check list. The elector is then entitled to his ballot officially stamped, which after being marked, is voted by detaching the stub and depositing the ballot in one box, and the stub in another; or at a primary election, by depositing the ballot marked by the elector in one ballot box, and the unused ballot in the blank ballot box. Before depositing the ballot in the box one of the judges must announce the voter's name, and in incorporated cities and towns, his residence in an audible voice. The voter's name and number are then entered in the two poll books kept by the clerks. This completes the process of voting unless the elector is challenged, in which case the procedure outlined in Section 23 is to be followed. See generally, Sections 541 to 571, Revised Codes, as to duties of election officers.

4. The answer to the fourth question is, that the check list is the copy of the official precinct register in which the judges mark the cross, as designated in Section 26.

Yours very truly,

J. B. POINDEXTER,

Attorney General.