

Opinion No. 257

**Elections—Poll Books, Carbon Copy of
—County Clerk—Cities and Towns
—Counties.**

HELD: The county, through its clerk, is entitled to receive the sum of five cents for each name in the poll books furnished the city for both the primary and the final election, even though a carbon copy of the books prepared for the primary election is furnished with the additional names added for the general election. (But see: Chap. 71, Laws of 1935,—3c per name.)

June 29, 1933.

You advise that on March 20 a primary election was held for the nomina-

tion of a city commissioner. Prior to the election, in compliance with Section 568, R. C. M. 1921, the County Clerk furnished to the city poll books for use at such primary election. A final election was held on April 3rd and prior to that final election the county clerk likewise furnished poll books to the city for use in the final election.

Apparently in making up the poll books the county clerk ran off the poll books for the primary election in duplicate, using a carbon paper to make the second copy. When he came to make up the poll books for the final election, apparently he utilized the carbon copy and simply added the additional registrations which had occurred in the meantime. The city takes the position that under the provisions of Section 571, R. C. M. 1921, it is obliged to pay only five cents per name for the book having the greatest number of names, which would have been in this case the books for the final election.

Section 568, R. C. M. 1921, considered with section 567, requires the county clerk to furnish poll books for "any election," both primary and general. Section 571 states that he shall receive for the use of the county five cents "for each and every name entered in such poll books * * *." We think the phrase construes itself and that the county, through its clerk, is entitled to receive the sum of five cents for each name in the poll books furnished for both the primary and the final election.

If, instead of using a carbon paper, the county clerk had made an original for each election no objection would have been made. It occurs to us that if the county clerk can discover any satisfactory means of lessening the labor required to make these books, that fact would not alter the rate fixed by statute.

Whether carbon copies are satisfactory and whether or not the city might decline to accept them it is unnecessary to determine. That would rest upon the facts in each case.

Note: See Sec. 571, R. C. M. 1921, as amended by Chapter 71, Laws of 1935, providing for payment of three cents (3c) per name.