

Opinion No. 103**Elections—Counties—Creation of Levy,
Debt or Liability—Electors—
Qualifications—Constitution,
Article IX, Section 2.**

HELD: To entitle an elector to vote on the question of the purchase of a building for a court house and the creation of a levy to pay for same he must be a taxpayer and possess the qualifications named in Section 2, Article IX of the Montana Constitution.

July 24, 1939.

Mr. Norman R. Barncord
County Attorney
Harlowton, Montana

Dear Mr. Barncord:

You have asked my opinion on the question of qualifications of voters at a county election where the question submitted is the purchase of a building for a court house, requiring the making of a levy to pay the purchase price and whether such voters must be taxpayers.

Since the question submitted concerns the creation of a levy, debt or liability, it is my opinion that it is answered by Section 2, Article IX of the Montana Constitution, which reads:

“If the question submitted concerns the creation of any levy, debt or liability the person, in addition to possessing the qualifications above mentioned, must also be a taxpayer whose name appears upon the last preceding completed assessment roll, in order to entitle him to vote upon such question.”