

Special Election—Registry Agents—Appointment Of—Registration Law.

No authority of law exists for the appointment of special registry agents in case of a special election held in any county, but the official register and check list used at the next preceding general election, must be used and no new registration need be made.

Helena, Montana, June 6, 1905.

Hon. Phil. I. Cole, County Attorney, Teton County, Choteau, Montana:

Dear Sir:—It appears from your telephone message that a proposition to bond your county has been submitted to the qualified electors thereof, at a special meeting held during the month of May, 1905, and that at election "the official register and check list * * * used at the next preceding general election was used," and no new registration was made.

The question submitted is:

Should registry agents have been appointed for the purpose of giving transfers from one precinct to another for such election?

I am not aware of any law authorizing the appointment of special registry agents in such cases. Registry agents are appointed "at the regular June meeting of the Board of County Commissioners and hold their office for a period of two years, except, etc." Section 1201 Political Code as amended, 1903, page 3.

Section 1222 of the Political Code in providing that "at any special election, held for any purpose in any County, copies of the official register and check list, which were printed or written before and used at the next preceding general election, must be used and no new registration need be made," seems to be conclusive that no additional registration of any kind is required, and this construction is sustained by the provisions of the succeeding Section (1223) which provided "before the day on which such special election is appointed to be held, the County Clerk must furnish one of the judges in each election precinct at a time not later than one day next preceding the day the election is to be held, a copy of the official register and a check list, for his precinct, but no copies need be posted.

Under the provisions of this latter section, the County Clerk must furnish the list; the registry agents have nothing to do with it. It is, therefore, very clear that it was not the duty of the Board to appoint registry agents for this special election. See *Tinkel vs. Griffin*, 68 Pac. 859.

Respectfully submitted,

ALBERT J. GALEN,

Attorney General.