

Indian Reservations, Voting Precincts Upon. Wards of the Government Residence for Voting Purposes.

1. Indian Reservations should not be included in a voting precinct.
2. Wards of the Government are not entitled to be registered or to vote in a county in which the reservation is situated or elsewhere.
3. Persons who are not Wards of the Government residing upon an Indian Reservation and who have not established a residence elsewhere in the county have no right to be registered or to vote in such county.
4. If a person, not a ward of the government, has established a residence in the county before moving onto the reservation, he has a right to be registered and to vote in the precinct embracing the place where he had thus established his residence, but not elsewhere.

Helena, Montana, June 21st, 1906.

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

Dear Sir Your letter of the 8th inst., in which you submit the following questions, received.

I. "Should an Indian Reservation be included in and made a part of a voting precinct?"

II. "Are wards of the government entitled to be registered by the registration agent and should they be permitted to vote in the county in which the reservation is situated?"

III. "Should a person who is not a ward of the government and who has not established a residence elsewhere in the county, residing on an Indian Reservation be registered by the registration agent and permitted to vote in the county in which the reservation is situated?"

IV. "Should a person, who is not a ward of the government and who has established a residence in the county before moving on an Indian Reservation, be registered in the precinct nearest his present place of residence or be required to register and vote in the precinct where he resided before moving on the reservation?"

1. Indian Reservations should not be included in and made a part of voting precincts.

Sec. 1245 of the Pol. Code prohibits the establishment of voting precincts upon Indian Reservations and, therefore, to establish a voting precinct, a part of which was on an Indian Reservation would, to the extent of the area of such reservation covered thereby, be establishing a precinct on an Indian Reservation.

Furthermore, under the provisions of Sec. 1211 of the Pol. Code, Subdivisions two and eleven, nothing would be accomplished by including an Indian Reservation in a voting precinct, as a person could not gain a residence in such precinct so long as he lived on the part thereof embraced in the reservation. His residence for voting purposes would be where it was last established before moving onto the reservation, and before he could acquire the right to vote in a precinct which attempted to include within its boundaries an Indian Reservation, he would have to establish his residence in that part of the precinct not covered by the reservation. This he could do if the reservation was not included within the boundaries of the precinct, so there is no authority or justification for attempting to include an Indian Reservation in a voting precinct.

2. Wards of the government are not entitled to be registered or to vote in the county in which the reservation is situated, or elsewhere.

3. A person, not a ward of the government, residing upon an Indian Reservation and who has not established a residence off the reservation at some place in the county in which such reservation is situated, is not entitled to register and vote in any precinct in the county.

4. If a person, not a ward of the government, has established a residence at some place in the county before moving onto the reservation, he has a right to register and vote only in the precinct embracing the place where he has established such residence before moving onto the reservation, for the reason that, under Div. 2 of Sec. 1211, he cannot lose the residence he has thus established or gain another so long as he lives upon the reservation.

Very truly yours,

ALBERT J. GALEN,

Attorney General.