

Constitutional Amendment. Direct Legislation. Form of Ballot.

The proposed Constitutional Amendment with reference to direct legislation and reference of laws must be voted for on separate official ballots to be provided by the County Clerk.

Form of ballot set forth.

Helena, Mont., August 21, 1906.

Roy E. Ayers, Esq., County Attorney, Lewistown, Mont.:

Dear Sir—I am in receipt of your favor of the 10th inst. asking opinion from my office respecting the official ballot to be used at the next general election for voting upon the adoption of the constitutional amendment, with reference to the initiative and referendum.

The particular matters concerning which you seem to desire advice and direction relate to the form of the ballot and the printing thereof.

Section 2, of Chap. 61, Laws 1905, page 139, providing for the submission of the question of such constitutional amendment to the electors for their adoption or rejection requires "that separate official ballots be used at the general election, to be held in November, 1906, and shall have printed thereon the words 'Amendment to the Constitution providing for Direct Legislation and Reference of Laws,' and the words

'Against the Amendment to the Constitution providing for Direct Legislation and Reference of Laws.'” This law changes the procedure for the adoption of such an amendment from that which is prescribed generally on the subject by Section 1354 of the Political Code. It is, therefore, necessary to comply as near as may be to the legislative direction with regard to the particular method of submitting and voting upon such constitutional amendment.

Accordingly, I am of the opinion, and advise you that separate ballots should be provided by the County Clerk for each election precinct in the county, in accordance with Section 1355 of the Political Code, which ballots should be of uniform size, white in color, of good quality of paper, and in the form following, printed in black ink, to-wit:

OFFICIAL BALLOT	
CONSTITUTIONAL AMENDMENT.	
<input type="checkbox"/>	For the Amendment to the Constitution providing for Direct Legislation and Reference of Laws.
<input type="checkbox"/>	Against the Amendment to the Constitution providing for Direct Legislation and Reference of Laws.

Your question with reference to the application of the retail liquor dealers' license law will receive my consideration and attention as soon as other work will permit.

Yours Very Truly,

ALBERT J. GALEN,

Attorney General.