

Bond Issues, Elections For. Qualified Electors At.

The question of issuing county bonds may be submitted at a general election.

No special registration of electors is necessary for such election.

The question must be submitted to the electors of the county and only those who are duly registered and qualified electors may vote upon such question. The question must be printed upon separate ballots than those containing the names of candidates to be voted for at such election.

Helena, Montana, October 9th, 1906.

William L. Murphy, Esq., County Attorney, Missoula, Montana.

Dear Sir:—Your letter of the 20th ult. inclosing copy of an opinion given by you to the chairman of your board of county commissioners and requesting an opinion of this office upon the questions therein discussed, received, the questions being as follows:

1. Will the matter of bonding the county have to be submitted at a special election?
2. Will it be necessary to have a special registration and provide separate ballots?
3. Are only taxpayers eligible to vote on this proposition?

In answer to question one you are advised that the board of county commissioners may submit the question of the issuing of bonds to the electors of the county at a general election.

In answer to question two you are advised that no special registration is required in order to vote upon the question of such bond issue.

In answer to question three you are advised that under Section 4270 of the Political Code, the commissioners must submit such question to the electors of the county, and not to the taxpayers, and the electors of

the county are only those who are qualified to register and vote at the general election and, of course, if such an elector has not been registered, as provided by law, he would have no right to vote upon such question.

You will notice, however, that Section 4273 of the Political Code, as construed by the Supreme Court in the case of *Tinkle v Griffin*, 26 Mont., p. 426, has been amended (Laws of 1901 p. 13). Under this section, as amended, whenever a question relating to the issuing of bonds is submitted to the electors of a county at a general or other election at which candidates for national, state or county offices are to be voted for, the question relating to the issuing of bonds must not be printed upon the official ballot containing the names of candidates for office, but should be printed upon separate ballots equal in number to the official ballots. Said ballots shall be white in color and of convenient size to contain the printing required to be placed thereon, and shall have printed thereon in fair sized, legible type, in black ink, in one or more lines, as required, the words "FOR" followed by a full statement of the proposition to be voted upon, and the word "AGAINST" followed by a statement of the proposition, and shall have a square to the left of each of said lines in which the elector can place a X. The manner of stamping and voting these ballots being fully provided for by said section as amended.

Very truly yours,

ALBERT J. GALEN,

Attorney General.