

Electors, Qualification of to Register and Vote.

An elector, in order to either register or vote, must be a male citizen of the United States, over 21 years of age, and have resided in the state one year and in the county thirty days. No requirement is made of residence for any length of time in the precinct further than that the elector shall be an actual resident of the precinct.

Helena, Montana, October 15th, 1906.

Hon. A. N. Yoder, Secretary of State, Helena, Montana.

Dear Sir:—Pursuant to your request for an official opinion from this office respecting the necessary qualification for electors to register and vote, I give you the following opinion concerning the subject of your inquiry.

First, as to the qualification of electors.

Sec. 2 of Art. 9 of our state constitution provides that "every male person of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all general elections and for all offices that now are, or hereafter may be elective by the people and upon all questions which may be submitted to the vote of the people

First; he shall be a citizen of the United States,

Second; he shall have resided in the state one year immediately preceding the election at which he offers to vote, and in the town, county,

or precinct, such time as may be prescribed by law, provided * * * that no person convicted of a felony shall have the right to vote unless he has been pardoned."

And by Sec. 1181 of the Political Code, it is provided that the elector must have resided thirty days in the county immediately preceding the election at which he offers to vote. There is no requirement prescribed by law regulating the time of residence in a precinct, further than that the elector must be a resident of the precinct before he is entitled to be registered therein.

Second; As to the necessary qualifications to register.

Sec. 9 of Art. 9 of our constitution provides that "the legislative assembly shall have the power to pass registration and such other laws as may be necessary to secure the purity of elections, to guard against abuses of the elective franchise"

Pursuant to this power conferred upon it, the legislature has provided that every person who presents himself for registration must take the following oath:

"I do solemnly swear (or affirm,) that I am a citizen of the United States, of the age of twenty-one years and will have been a resident of Montana one year, and of this county thirty days, on the day next preceding the day of the next ensuing election, and that I am not registered elsewhere in Montana for this electoral year, so help me God"; and it is further provided by law that if the registry agent does not know the applicant to be qualified to have his name registered and to be a resident of the precinct, or in the event that he is challenged by a qualified elector, then the applicant must answer affirmatively, under oath, the following questions:

1. Are you a citizen of the United States?
2. Are you now, or will you be twenty-one years of age prior to the day of the next ensuing election?
3. On the day of the next ensuing election, will you have resided in Montana one year, and in this county thirty days next preceding the day of said election?
4. Are you now a resident of the registration district in which you propose to be registered?
5. Are you registered for this electoral year in any other registration district in the name you have now given, or in any other name?

It is noted that no time of residence is prescribed in a precinct before the elector can either register or vote; it is only necessary that he be an actual resident of the precinct at the time he offers to register or vote. In the event an elector residing in one precinct, after having registered therein, moves to another precinct in the same county before the period of registration is closed, he is entitled upon application to have his name cancelled and certificate to that effect issued to him by the registry agent of the precinct in which he first registered, and to thereupon have his name entered upon the registry books of the precinct to which he has moved, upon presentation of such certificate of cancellation. In this connection it may be well to again call your attention

to the fact that under our law, no person will be permitted to vote this year unless he shall first register. Registration of all electors must be had generally throughout the state this year

Respectfully submitted,

ALBERT J. GALEN,

Attorney General.