

**Amendment of Statutes. Repeal, Continuation of Old Law.
Election Judges, Appointment Of.**

The repeal of Chap. 99, Laws 1905, by Chap. 55, Laws 1907, does not affect the provisions of Section 1260, Political Code. The Board of County Commissioners in a county where the Primary Election Law was never put in operation, may appoint election judges as they always did.

Statutes copied without change are not to be considered as repealed and again enacted.

Helena, Montana. June 7, 1907.

Hon. James E. Murray,
County Attorney,
Butte, Montana.

Dear Sir:—

I am in receipt of your favor of the 4th inst., in which you submit for the consideration of this office the following question:

“Is the Board of County Commissioners of this county (Silver Bow) authorized legally to proceed to appoint judges of election for a special election, under Section 1260 of the Political Code?”

Said Section 1260 of the Political Code, by its terms, unless repealed or amended, gives to the Board of County Commissioners power to appoint judges of election.

The only subsequent legislation upon this subject is Chap. 99, Laws 1905, known as the Direct Primary Election Law, and Chap. 55 Laws 1907, which repeals Chap. 99 of the Laws of 1905.

This Act of 1905 could not become effective in any county of the State until it had been adopted by the qualified electors of such county in the manner provided in the Act. And as inasmuch as Silver Bow County never adopted the law, it never took effect in that county. Hence, Section 1260 of the Political Code is still the law to be followed by the County Commissioners in the appointment of judges in the same manner and to the same extent as though this Act of 1905 had never been enacted, and the Board of County Commissioners should therefore appoint judges of election as provided in said Section 1260 Political Code.

The application of this Direct Primary Election Law, as effecting registration in counties not adopting the same, was considered by this

department in a letter to County Attorney Walrath, dated June 27, 1906, reported in opinions of Attorney General, 1905-'06, page 353.

Yours very truly,

ALBERT J. GALEN,

Attorney General.