

Election Precincts, Establishment Of. County Commissioners, Authority to Establish Precincts. Petition for Change Of, When Required.

The board of county commissioners have authority, without petition, to create new, or change boundaries of established election precincts at the regular meeting next preceding the general or special election. If changed subsequent to that time petition should be filed therefor.

Helena, Montana, June 17, 1908.

Hon. John L. Slattery,
County Attorney,
Glasgow, Montana.

Dear Sir:—

I am in receipt of your favor of June 9th, submitting the proposition:

Has the board of county commissioners authority to establish a voting precinct without a petition having been previously filed therefor?

Under the provisions of Sections 1240, 1241 and 1242, and Subdivision III of Section 4230 of the Political Code, the board of commissioners has authority "at a regular session next preceding a general or special election" to create new or change the boundaries of established precincts, without any petition having been filed therefor. This is a direct power and authority that is given to the board. After this has been done the board may then at any time change the boundaries of any precinct prior to the first day of registration and subject to the restriction contained in the latter part of said Section 1242 respecting the number of voters. But this change should be made upon petition filed, and while the board may have the power to make a change in the boundaries of a precinct established at a regular meeting, without petition having been filed therefor, yet the statute says that the change may be made on "petition," etc. It is therefore advisable that the petition be first filed.

Very truly yours,

ALBERT J. GALEN,
Attorney General.