

Election Precincts, Establishment Of. Voters, Distance From Registry Agent. Registry Agent, Distance From Voting Precinct.

Voting precincts must not be established at a greater distance than ten miles from the office of the registry agent or the county commissioners may designate more than one place in a voting precinct in which the registry agent may register voters so as to give each voter an opportunity to register without traveling more than ten miles.

Helena, Montana, August 7, 1908.

Hon. William A. Beebe,
Chairman Board County Commissioners,
Thompson, Montana.

Dear Sir:—

Yours of the 5th inst. received, in which you request an opinion upon the following questions, to-wit:

Section 1200 of the Political Code of Montana reads in part as follows:

'The precincts must be established as provided by law, and no precinct must be established at a greater distance than ten miles from the office of registry agent.'

What is the meaning of the foregoing provision? Does it mean that the registered voters cannot be required to travel more than ten miles to a place at which they may vote on election day?

It seems certain that the word **election** or **voting** may be inserted before the word 'precincts' and 'precinct.'

You will notice that the paragraph of said Section 1200, preceding the one quoted in your request for an opinion, provides that "the county commissioners must, in creating and establishing said registration district, include in the district as many polling precincts as are necessary and convenient for the voters of said registration district where such precincts may be established."

The word "polling" as used in this paragraph is synonymous with the word "election" or voting," and the words "precincts" and "precinct," as used in the last paragraph of said Section 1200, refer back to the "polling precincts" mentioned in the preceding paragraph. Therefore, the last paragraph of Section 1200 must be construed to read: "No

(voting) precinct must be established at a greater distance than ten miles from the office of the registry agent."

Your attention is called to the fact that Sections 1200 and 1206 of the Political Code were adopted by the code commission in drafting the original codes, and that, under Section 1206, as so adopted, the registry agent could register votes only when "called upon to do so at their respective offices, and not elsewhere;" and Section 1206, as re-enacted by the Laws of 1897, page 113, contains the same provision.

The practical result of the provisions of the above sections, as drafted by the code commission, was that each precinct outside of the town or city, is almost of necessity a separate registration district; but to remedy this provision of the law, Section 1206 was amended again in 1899, page 54, by inserting after the word "elsewhere," in the second line of the section, the following:

"Provided that the board of county commissioners may designate places for registration within any registry district, in addition to the home office." Therefore, under the laws as thus amended, registry districts may be established, containing several voting precincts, and the registry agent of such district may register votes at the places designated by the commissioners in each precinct, and, of course, the commissioners should, if possible, in designating the places of registration in each precinct, see that the same are not more than ten miles distant from any of the voters of that precinct, and in doing this they may designate more than one place for registration in a voting precinct.

You will also notice that by Section 1242 of the Political Code, the board has the authority to change the boundaries, or create new, or consolidate established precincts, at the regular session next preceding the general election.

Yours very truly,

ALBERT J. GALEN,

Attorney General.