

Form of Ballot and Stub. Ballots Containing Constitutional Amendments, Necessity for Having Stub Attached Thereto. Stub, Necessity for Having Attached to Ballots Containing Constitutional Amendments.

Section 545, Revised Codes, provides form of ballot and stub attached thereto.

Separate ballots containing constitutional amendments or

other questions must contain perforated stub as provided in said section.

Helena, Montana, September 22, 1908.

Hon. A. P. Heywood,
County Attorney,
Helena, Montana.

Dear Sir:—

We are in receipt of your letter of the 21st inst., requesting an opinion upon the following question:

“Under the new law relating to ballots, passed by the Tenth Legislative Assembly, is it necessary that the ballots containing a constitutional amendment and other questions to be submitted to a vote of the people, should have attached thereto a numbered stub?”

Section 545, Revised Codes (Chapter 88, Laws 1907), provides the form of ballot and for the stub attached thereto, and also provides that the following instructions shall be printed on the stub:

“This ballot should be marked with an “X” in the square before the name of each person or candidate for whom the elector intends to vote. In cases of a ballot containing a constitutional amendment, or other question to be submitted to a vote of the people by marking an “X” in the square before the answer of the question or amendment submitted. The elector may write in the blank spaces, or paste over another name, the name of any person for whom he wishes to vote, and vote for such person by marking an “X” in the square before such name.”

From the language of the above instructions it is apparent that the legislature intended that ballots containing constitutional amendments or other questions should have the stub attached to them. And all question as to the intention of the legislature is removed by the following sentence appearing in the same section, to-wit:

“Whenever the secretary of state has duly certified to the county clerk any questions to be submitted to the vote of the people, the county clerk must print the ballot in such form as will enable the electors to vote upon the questions so presented in the manner in this title provided.”

The manner provided in this title is that a stub must be attached to the ballot bearing a number and that a voter must be given a corresponding number on the poll list, and when the voter returns from the booth with his ballot, the judges must see that the number on the stub corresponds with the number given to the voter on the poll list before receiving the ballot.

You are therefore advised that separate ballots containing constitutional amendments or other questions must contain a perforated stub upon which is printed the instructions quoted above.

Very truly yours,

ALBERT J. GALEN,
Attorney General.