

Elections, Form of Ballot. Ballot, Size Of, Special Proposition. Ballot, When Printed.

The law does not contain any requirements as to the size of the ballots for voting on constitutional questions or other propositions submitted, except as contained in Section 545, Revised Codes. Such ballots may be printed as soon as certificate from secretary of state, provided for in Section 531, Revised Codes, is received by the county clerk.

Helena, Montana, September 29, 1908.

Hon. Board of County Commissioners,

Virginia City, Montana.

Gentlemen:—

I am in receipt of letter of date the 25th inst. from the Hon. J. C. Clem, county clerk of your county, requesting information from this office in regard to the size of the three sets of small ballots to be used in the coming general election, and also as to whether said tickets could be printed at this time.

The size and character of the ballots to be used at a general election is provided for in Section 545 of the Revised Codes. The instruction therein given with respect to the ballots containing the names of the candidates is applicable to the propositions and questions submitted, for which the three sets of separate ballots are required, except that there is no necessity of leaving on the ballots the blank space, for no propositions could be voted for except those that are named by law. Quoting from said Section 545 and changing the word "name" to the word "proposition," the law would read:

"There must be a margin on each side of the ballots half an inch in width, and a reasonable space between the propositions printed thereon, so that the voter may clearly indicate, in the way hereinafter provided, the proposition or propositions for

which he wishes to cast his ballot. The ballot shall be printed on the same leaf with a stub and separated therefrom by a perforated line. The part above the perforated line, designated as the stub, shall extend the entire width of the ballot, and shall be of sufficient depth to allow the following instructions to voters to be printed thereon. Such depth to be not less than two inches from the perforated line to the top thereof, upon the face of which stub shall be printed in type known as Brevier Capitals, the following: "This ballot should be marked with an "X" in the square before the proposition for which the elector intends to vote."

Aside from the general description of the ballot the law does not designate the size.

Section 531 of the Revised Codes provides that:

"Whenever a proposed constitution or constitutional amendment or other question is to be submitted to the people of the state for popular vote the secretary of state must duly, and not less than thirty days before election, certify the same to the clerk of each county." * * *

The ballots may therefore be printed as soon as the clerk has received this certificate from the secretary of state, which, in this case, must not be later than the 3rd of October.

Respectfully submitted,

ALBERT J. GALEN,

Attorney General.