

**Registration Agents, duties Of. Places of Registration to be
Published. Precincts for Registration.**

It is the duty of every registry agent to publish a notice in some newspaper designating his home precinct, and also designating what places in which he will sit for registration in each election precinct not less than one day during the period of registration.

Every registry agent is charged with the duty of being present in such designated places at the times mentioned in the publication of notice and a failure to perform such duty is punishable under Section 8124 Revised Codes.

Helena, Montana, November 28, 1908.

Dr. O . M. Lanstrum,
Chairman Republican State Central Committee,
Helena, Montana.

Dear Sir:

We are in receipt of your communication enclosing letter of Mr. H. J. Thompson, addressed to you, regarding the registration of voters in upper Blacktail district of Madison County, in which Mr. Thompson makes inquiry as to whether there is any penalty for a violation of duty where

a registry agent publishes notice that he will have the registration books at a certain place on a certain date for the purpose of registering voters of that precinct, and then fails to attend at the date or place or at all.

Under Section 478 of the Rev. Codes it is made the duty of the registry agent on or before the first day on which he is required to commence registration to publish a notice in some newspaper in his county designating some place as his home office where he will be found when not sitting in other precincts and he shall also designate in such notice not less than one day on which he will sit within each precinct and name the exact place where he will be found.

When he has published such notice designating the place and date upon which he will register voters in a certain precinct it is his duty to be there at the time.

Title II, Part II of the Political Code relates to registration, voting and other matters pertaining to elections. Sec. 608 of said Title II reads as follows:

“Penalties for the violation of this Title are prescribed in Title IV, Part I of the Penal Code.

Section 8124, Rev. Codes, which is the first section of Title IV, Part I. of the Penal Code, provides as follows:

“Every person charged with the performance of any duty, under the provisions of any law of this state relating to elections, or the registration of the names of electors, or the canvassing of the returns of election, who wilfully neglects or refuses to perform such duty, or who in his official capacity, knowingly and fraudulently acts in contravention or violation of any of the provisions of such laws, is, unless a different punishment for such acts or omissions is prescribed by this Code, punishable by fine not exceeding one thousand dollars, or by imprisonment in the state prison not exceeding five years, or both.”

Under the above law it is apparent that if the registry agent, after duly publishing the date and place at which time he would register voters in a certain precinct within his district, wilfully neglects or refuses to perform such duty, that he would be liable to punishment under said Section 8124.

Very truly yours,

ALBERT J. GALLEN,

Attorney General.