

**Election, Special Registration at. Registration, at Special Election.**

No provision is made for registration at special elections. The old registration and check lists must be furnished by the county clerk to at least one of the judges of election in each precinct, and residents of one precinct who have moved into another precinct in the interim between the regular and special election are not entitled to vote in the latter precinct.

Helna, Montana, April 30, 1910.

Hon. C. H. Doenges,  
Chairman, Board of County Commissioners,  
Thompson Falls, Montana.

Dear Sir:—

I am in receipt of your letter of April 23, wherein you ask my opinion upon the following question:

Have the electors of Sanders county, who were regularly and legally registered, and, therefore, voted at Trout Creek, in

this county, at the last general election, the right to vote at Paradise, in this county, a different election precinct, at a special election to be held May 24, 1910?

Section 491, revised codes, provides that at any special election held for any purpose in any county, copies of the official register and check lists, which are printed or written before, and used at the next preceding general election, must be used, and no new registration need be made.

The following section makes it the duty of the county clerk to furnish to one of the judges in each election precinct a copy of the official register and a check list for his precinct.

It appears from these two sections that no new registration can be had for the registration of voters at a special election. It also appears that the only duty imposed upon the county clerk is that of furnishing a copy of the registry and check lists of each precinct to that particular precinct for purposes of special election.

The voters who now reside at Paradise, and who, at the last general election registered and voted at Trout Creek, are entitled to vote at the special election to be held May 24, 1910, in all respects except that there is no provision in the law whereby they may be transferred from the voting precinct of Trout Creek to that of Paradise.

Section 493 is positive in its terms, that no person shall be entitled to vote at any election unless his name shall, on the day of election, appear on the copy of the official register or check list furnished by the registry agents to the judges of election.

The general registration law makes provision for the transfer of names from one precinct to another in the cases of general elections, but does not make any such provision in the matter of special elections.

Section 480 provides that if any person who has been registered shall change his residence before the period of registration closes, he shall notify the registry agent with whom he registered of such change and request him to cancel such registration, and he shall obtain a certificate of this fact, under the head and seal of the registry agent, and is then, upon registration, entitled to vote at the place of his new residence. This cannot be done in the case of special election, as the law provides that there shall be no new registration and registration offices are not open to afford this procedure.

If duplicate lists of the Trout Creek registration were furnished the judges of the Paradise precinct, it would be an irregularity, in view of the fact that the entire Trout Creek list would have to be furnished to the Paradise precinct, which would result in rendering the election officials powerless to prevent repeating at the polls.

You are therefore advised that, in my opinion, those residents of Paradise who were registered in the precinct of Trout Creek at the last general election are not entitled to vote in the precinct of Paradise at the special election upon the former registration.

Very truly yours,

ALBERT J. GALEN,

Attorney General.