

Registration, Requirement of Where Former Precinct Divided. Registration Agent, Duty of in Assigning Elector to Proper Precinct. Residence of Elector, Requirement for Particular Description of Same in Official Register.

Upon division of an election precinct containing less than one thousand electors, no new registration is required where a particular description of the house, building or room in which the elector resides is contained in the official register.

Where no particular description of the house, building or room

in which the elector resides appears upon the official register, he was not properly registered and is required to re-register.

It is the duty of the registry agent to assign an elector to the proper precinct within his district where the proper description of his residence in the official register indicates he is entitled to vote.

Helena, Montana, October 21, 1910.

Hon. F. N. Utter,
County Attorney,
Havre, Montana.

Dear Sir:—

I am in receipt of your letter of October 15th in which you ask for an official opinion upon the following statement of facts:

In September, 1910, the Havre voting precinct was divided into three separate precincts, one registration agent has been appointed for the three precincts. Are the persons who registered four years ago in the then Havre precinct required to register in the particular one of the new three precincts, where they respectively belong, in order to vote at the next general election?

Before answering your question it may be well to state that from your letter it is to be presumed that the Havre registration district being included within an incorporated city, did not at the last preceding state election contain over 1000 registered voters.

Section 477 of the Revised Codes of 1907 provides:

Registry agents must enter on the official register, under the proper heading * * * a particular description of the house, building or room, in which he (the elector) resides, such as will enable a person of common understanding to find the same without difficulty. If any person fails or refuses to give his residence with the particularity required in this section he must not be registered."

It will be presumed then, that the registry agent who performed the duty of that office two and four years ago, complied with the provisions of said Section 477, and did not include in said list any person who had failed or refused to give his residence with the particularity required above. If he did fail or refuse, then it is our opinion that the person was not properly registered and would necessarily have to re-register for this coming general election. If then the former registration shows with the necessary particularity, the description of the place of residence of the elector, it would be and was matter for the registry agent to determine the precinct within his respective district wherein the elector would rightfully vote.

Section 485 of the Revised Codes provides, with reference to the duty of registry agent, that:

"He must carefully copy from the official register into suitable books, one for each election precinct within

his district, the names of the electors registered for such election precinct, alphabetically arranged, etc." * * *

It then becomes the duty of the registry agent to assign the elector to the proper precinct, within his district, where the particular description of his residence contained in the official register would indicate he was entitled to vote; the registry agent, of course, having knowledge of the boundaries of the respective precincts comprising his registry district.

In view of the foregoing sections and of the information contained in your letter, it is our advice that those who have registered in the Havre voting precinct for the general election of two and four years ago, and who in such registration described their places of residence with the particularity required by Section 477 above mentioned, that it then becomes the duty of the registry agent to assign such elector to the proper precinct within his district as is indicated by such description of residence, and that no further registration would at this time be required of such elector. But, on the other hand, if the name of the elector appears upon the registry lists of two and four years ago, and such name is not accompanied by a description of the residence with the particularity required in Section 477, such registration would be of no effect and the elector, before being entitled to vote at the coming general election, would be required to re-register.

Yours very truly,

ALBERT J. GALEN,
Attorney General.