

Registration, Law Construed. Official Register, What to Contain. County Clerk, Duties Of in Registration. School Elections, Registration For. Women, Must Register to Vote.

By the provisions of Chap. 113, Laws of 1911, voters in all elections, including school district elections, must register; this includes women.

The county clerk must furnish copies of official precinct register to the judges of election in each precinct. The great register must contain the names of women who register for school elections.

May 6, 1911.

Mr. F. W. Kuphal,  
County Clerk and Recorder,  
Missoula, Montana.

Dear Sir:

I acknowledge receipt of your request of the 2nd ult., in which you ask my opinion upon the following questions in connection with and in construction of substitute for Senate Bill No. 68, now Chapter

113, Laws of 1911, known as Registration Act, your request being as follows:

"1. Will voters in other than school districts of the first class be required to register in order to vote at school election?

"2. The specifications provide for a precinct register for each precinct also provides that election judges shall be furnished with two copies of precinct register. Also provides (by inference) that election judges shall be furnished with a check list. Is it contemplated that the original precinct registers shall be at all times retained in the county clerk's office, and two copies taken of the same for the judges, or may the original and one copy be used; also shall there be two copies of the register and one check list, or may one copy of register be designated and used as a check list?

"3. The specifications for a great register provide for its being indexed by precincts only. The school election laws provide that women may vote at school elections. In school elections of the first class all voters are required to be registered. How can a woman voter's name be legally placed on the great register; and if such name cannot legally appear on the great register, how can it be made to appear legally on the school district register?"

As stated in the title of this act, its object is to provide for the creation of election precincts, and for the registration of electors in county, cities, towns and school districts and throughout each of its sections reference is made to the three classes of elections, that is, county (or general), city and school districts, so that from a careful reading of the act there can be no question but what it was the intention of the legislature to provide that the electors or voters at every election must be registered in the manner provided by this act. In fact, Section 35 of the act provides:

"No person shall be entitled to vote at any election mentioned in this act unless his name shall on the day of election appear in the copy of the official register or check list furnished by the county clerk to the judges of the election at the precinct at which he offers to vote."

In view then of the provisions of the act being applicable to all elections mentioned in the act, in answer to your first question it is my opinion that voters in all school districts, irrespective of the class of such district, are required to register in order to vote at school elections.

In answer to your third inquiry, that is, relative to the registration of women, who by the provisions of Section 857, Revised Codes of 1907, are entitled to vote at school elections, if they have the qualifications mentioned in said Section 857. The "Great Register" mentioned in the act must in my opinion contain the name of every elector within the county, and this would necessarily include the names of all women who are entitled to vote at school elections. By the provisions of Section 14 of the act the county clerk enters the name of the applicant in the great register and a similar entry is thereupon made

by the county clerk in the "precinct register" for county and state elections, the "city register" for municipal elections, and the "school district register" for school district elections. Women not being eligible to vote at other than school district elections the county clerk should not enter the name of such women in any other than the great register, which as stated above contains the name of all the electors of the county, and in the school district register which contains the names of the electors entitled to vote at the school elections. In view of the foregoing suggestions then, it is my opinion that the name of the women voters of the respective school districts could be entered by the county clerk upon the great register the same as other electors, but that the name should be transferred by the county clerk to no other than the school district precinct register and should not appear in the regular precinct register or municipal precinct register.

With reference to your second inquiry, by the provisions of Section 23 of the act it is made the duty of the county clerk during the time intervening between the closing of the registration and the day of election, "to carefully copy from the official register into suitable books, two for each election precinct within his district, the names of electors registered for such election precinct, etc.," and by the provisions of Section 25 of said act, prior to any school district or town election the clerk must forward to the city or town clerk or the clerk of the school board, two copies of the precinct register for each precinct, and by the provisions of Section 26 of said act at the conclusion of the election it is made the duty of the judges of the election to deliver to the county clerk one copy of the official precinct register and to seal the other copy and return with the election returns and poll books. From these several provisions it is clear that the original great register and the original precinct, school district, and municipal registers must remain at all times in the office of the county clerk, but that the county clerk shall prepare certified copies thereof for use by the judges at the respective elections, and that the judges by the provisions of Section 26 of the act shall upon each of said copies check the name of the elector voting at any such election, one of which copies is to be returned, as stated above, to the county clerk and by him used in rechecking and relisting the electors of the respective precinct or district; and the other checked in the same manner is to be sealed and returned with the election returns. And it is further my opinion that each of the copies so furnished by the county clerk to the judges of election are in fact a check list for such election and no further copies thereof or check list is required.

Yours very truly,

ALBERT J. GALEN,

Attorney General.