

Election Precincts, How Established in Incorporated City or Town. Cities or Towns, Election Precinct How Established In.

Under the provisions of Sec. 2, Chap. 113, Session Laws of 1911, the board of county commissioners in establishing election precincts in incorporated cities or towns must do so in conformity with the boundaries of ward lines, but if the city or town does not contain more than 300 electors the board may include additional contiguous outlying territory within the boundaries of such precinct in addition to the boundaries of the ward.

May 23, 1911.

Mr. H. S. Greene,
County Attorney, Cascade County,
Great Falls, Montana.

Dear Sir:

I am in receipt of your letter of May 13th, requesting my opinion as to the proper construction to be placed upon Section 2, Chapter 113, Session Laws of 1911, as to whether or not the county commissioners in establishing election precincts in incorporated cities or towns which do not contain more than 300 electors must establish such precincts in conformity to the boundaries of the ward lines.

In reply I will say that Section 2, Chapter 113, reads as follows:

"The board of county commissioners of each county shall establish a convenient number of election precincts therein, not later than the fifteenth day of June, 1911, and in the order establishing such precincts, the boundaries thereof must be defined with as much accuracy as practicable. The board of county commissioners, in establishing election precincts, as herein provided, shall, in all incorporated cities or towns, establish such precincts in conformity with the boundaries of the ward lines of the wards of the city or town as established by the city council thereof, provided that the board of county commissioners may establish two or more precincts within the boundaries of any one ward; and provided further, that if the city or town does not contain more than 300 elec-

tors, the board of county commissioners may include additional territory in connection with the precinct or precincts in such city or town, and providing that the board of county commissioners or the city council, or the board of school trustees may at any time before the closing of the great register, as hereinafter provided, establish two (2) or more polling places in any election precinct established in accordance with the provisions of this Act, and shall define the boundaries of each of said polling places."

It will be noticed from the above section that the board of county commissioners in establishing election precincts shall, in all incorporated cities or towns, establish such precincts in conformity with the boundaries of the ward lines of the wards of the city or town as established by the city council thereof; provided, that if the city or town does not contain more than 300 electors, the board of county commissioners may include additional territory in connection with the precinct or precincts in such city or town. It seems clear to me that the intention of this section is to require the county commissioners to establish all election precincts in incorporated cities or towns in conformity with the boundaries of ward lines, but if the city or town does not contain more than 300 electors the county commissioners may include within the boundaries of such precinct territory in addition to the boundaries of that ward. For instance if the town of Cascade is an incorporated town having three wards and does not contain more than 300 electors the board of county commissioners would be required to establish at least one election precinct in each ward in that town in conformity with the ward lines, but they also may include additional contiguous outlying territory in connection with the precinct so established.

You are advised that your opinion addressed to the board of county commissioners upon this subject conforms to my views as to the proper construction of this section as herein expressed.

Yours very truly,

ALBERT J. GALEN,
Attorney General.