

Registration, of Electors. Electors, Registration Of. Special Elections, Registration of Electors.

It is not necessary that an elector be registered under the provisions of Chapter 113, Session Laws of 1911 in order to qualify him to vote at the special county election to be held on July 10th, 1911.

June 13, 1911.

Hon. Charles L. Crum,
County Attorney,
Forsyth, Montana.

Dear Sir:

I am in receipt of your letter of the 8th inst., submitting the question:

"Is it necessary that an elector be registered, under the provisions of Chapter 113, Session Laws 1911, in order to qualify him to vote at a special county election to be held on July 10th, 1911?"

The conclusion reached by you in your letter is to the effect that no such registration is required and that said Chapter 113 does not apply to such special election.

The chapter above noted which makes provisions for the registration of the qualified electors of the county, was approved March 6th, 1911, and by the provisions of Section 41 of the act it is in full force and effect from and after such approval. If the provisions of this chapter apply to such election, that is, if the act became operative as to all its provisions at that date to such an extent as to amend all previous laws, then there was no way by which an election, special or otherwise, could be held at any time subsequent to the approval of the act and for six months thereafter. In other words, the powers of the county authorities would be held in abeyance during that entire period of time, and that without any intimation in the act itself that such was the intention of the legislature.

The phrase "full force and effect," appearing in Section 41 of the act, I think means that the act is in effect from the date of its approval for the purpose of the doing of those things which are necessary to make the law fully operative, and until all those things are done, the old law continues in full force and effect. The new registry list must be complete before the new law can be in full force and effect to such an extent as to supersede the old law.

Furthermore, there is no intimation in the act that it was the intention of the legislature to in any manner amend Section 491 et seq., of the Revised Codes, which specify what registration shall be used in case of special elections.

I am of the opinion that your conclusion is correct, that the provisions of said section, Chapter 113, Session Laws of 1911, do not apply to the special election to be held in your county on July 10, 1911.

Yours very truly,

ALBERT J. GALEN,
Attorney General.