

Registration, County Division Election. Elections, County Division. County Division, Registration of Elections. New Counties, Elections For.

Under the provisions of Chap. 112, Laws of 1911, at the election provided for in said act, those electors whose names appear on the official registration list at last general election or who may register under existing registration laws, are entitled to vote. Said act contemplates two registration lists.

September 6, 1911.

Hon. O. G. Skylstead, Chairman,
Board of County Commissioners,
Havre, Montana.

Dear Sir:

I acknowledge receipt of your letter of recent date in which you request my opinion upon the following question:

"Must every voter register for the special election for the creation of Hill county or does the registration list used at the last general election hold good, in addition to those who are now entitled to register who are not on the old list?"

Although your letter does not state the fact, I am, however, aware that a special election has been called by the board of county commissioners of Chouteau county for the purpose of submitting to the electors of a portion of said Chouteau county, the question whether a new county to be called Hill county, be created.

This proceeding is had under Chapter 112, Laws of 1911. That portion of Section 3, of said act, which is found at the top of page 212, Session Laws of 1911, provides:

"All qualified electors resident within the proposed new county who are qualified electors of the county or counties

from which territory is taken to form such proposed new county, and who have resided within the limits of the proposed county for a period of more than six months next preceding the day of election, and who were on the official registration list at last general election or who are entitled to be registered for said special election under the provisions of this act shall be entitled to vote at said election."

It will be seen from this provision that all electors resident within the proposed new county are entitled to vote, but that the presence of their names upon the registration list of the county is contemplated. There are two registration lists contemplated by the act: First, the registration list used at the last preceding general election, and second, a registration list to be made in accordance with the general law.

Said section further provides:

"Registration and transfers of registration shall be made and shall close in the manner and at a time provided by law for registration and transfers of registrations for a general election in the state of Montana."

It is true that by the provisions of Section 33, of Chapter 113, Session Laws of 1911, which is known as the general registration law, no new registration need be made at any special election held for any purpose in any county, but these provisions would not apply to the election in question but would apply to such special elections as are provided by law but for which no provision is made for registration. Chapter 112, the new county act, makes provision for registration as above indicated, and for that reason Section 33, of Chapter 113, (the registration act) would not apply.

It is therefore my opinion that all qualified electors resident within the proposed new county are entitled to vote at said election and are entitled to be registered, but that those of such qualified electors whose names appear upon the official registration list used at the last general election would not be required to register but would be entitled to vote by virtue of their names appearing upon the official registration list of the last general election, provided, of course, they still continue to be or are qualified electors of the proposed new county. However, as to those qualified electors of the proposed new county who are entitled to be registered, they would be required to register under the general registration law now in existence, being Chapter 113, Laws of 1911, and for the reason above stated, it is my opinion that the registration law used at the last general election and in addition, the new registration list now being made by the county clerk, would be used at the coming special election for the creation of Hill county.

Very truly yours,

ALBERT J. GALEN,

Attorney General.