

**Registration, Electors, Municipal Elections. Municipal
Elections, Registration For. Electors, Registration Of.**

Registration is required of electors who vote at the first election of an incorporated city or town.

November 21, 1911.

Board of County Commissioners,
Red Lodge, Montana.

Gentlemen:

I am in receipt of a letter from Mr. W. C. Rae, county clerk of your county, submitting for the consideration of this office the question whether registration is required of electors at an election to be held at Fromberg in your county at which is to be chosen the mayor and aldermen of said town of Fromberg, the same being the first election after the vote for incorporation of such town.

While this election is somewhat in the nature of a special election, yet, it is also a county election in the sense that it is under the jurisdiction of the county authorities although it is confined to that particular territory which will be the municipality of Fromberg when such officers have been chosen and have qualified.

Section 3210, Revised Codes, which authorizes such elections provides:

“At such election all the electors qualified by the general election laws of the state * * * * are qualified electors and may choose officers for the city or town.”

One of the necessary qualifications of an elector at a general election is registration. It is therefore my judgment that the electors voting at such election should be registered. A somewhat similar proposition to this was discussed by this office in an opinion rendered to the county attorney at Bozeman, Montana, and reported in Opinions Attorney General 1905-6 at page 314.

In the proceedings relative to registration and the closing of the polls, etc., the provisions of Sec. 18 of Chapter 113, Laws of 1911, should be followed rather than the provisions of Sec. 33 and 34 of that Act, whose constitutionality is seriously disputed and also rather than the provisions of Sec. 7 of that Chapter which conflicts with the provisions of Section 18.

Yours very truly,

ALBERT J. GALEN,

Attorney General.