

Registration of Electors, Before Notary Public. Notary Public, Who May Make Affidavit of Registration. Electors, in What County May Affidavit of Registration Be Made.

A notary resident of a county other than the residence of the elector may take the affidavit of such elector provided the affidavit is taken within the county of the residence of the elector.

A notary public should keep a separate record of each county for which he registers electors.

February 8, 1912.

Hon. J. E. Kelly,
County Attorney,
Boulder, Montana.

Dear Sir:

I acknowledge receipt of your letter of February 7th, requesting my official opinion upon the following question:

“May an elector register before a Notary Public who resides outside of the county in which the elector resides; and if so may the notary public administer the oath outside of the county where in the elector resides?”

In reply I will say that under the provisions of Sec. 15, Chapter 113, Laws of 1911, any elector entitled to register, who resides more than ten miles distant from the court house of said county, or if said elector is unable for any reason to conveniently register by appearing personally before the clerk, he may register before a notary public or a justice of the peace of the county in which he resides by making the affidavit prescribed by this section.

While it is true that notaries public are under the present law

notaries for the entire state and may take the acknowledgement in any part of the state, yet, under the provisions of this section it is my opinion that the elector must swear to the affidavit before some notary public in the county where the elector resides. The notary public may reside in any county of the state but the elector's affidavit must be made in the county where the elector resides.

Sec. 16 of this act requires the notary to keep a record of the parties whom he registered, and as this book may be called in evidence in the county where the voter resides, it is probable that a separate book should be kept where the notary registers electors in more than one county.

Very truly yours,

ALBERT J. GALEN,

Attorney General.