

Legislative Assembly, Duties of Governor When Vacancy Occurs. Governor, Duties of When Vacancy Occurs in Legislative Assembly. Vacancy, In Legislative Assembly How Filled.

When vacancies occur in either house, the governor, or the person exercising the functions of the governor, shall at once issue a writ of election to fill the same. Whenever the governor orders a special election for such purpose, at least ten days before such special election, the governor must issue an election proclamation under his hand and the great seal of the state of Montana, and transmit a copy thereof to the board of county commissioners of the county in which such election is to be held.

January 18th, 1911.

Hon. Edwin L. Norris,
Governor,
Helena, Montana.

Dear Sir:

Replying to your oral inquiry, as to what is your duty when a vacancy occurs in the house of representatives by reason of the death of a member, I will say, that Section 45, Article V, of the Constitution of Montana, provides as follows:

"When vacancies occur in either house, the governor, or the person exercising the functions of the governor, shall issue a writs of election to fill the same."

Section 422 of the Revised Codes of 1907, provides:

"Whenever a vacancy, or failure to elect by reason of a tie vote, occurs in either house of the legislative assembly, the governor must at once issue a writ of election to fill such vacancy."

By the provisions of Section 452, Revised Codes of 1907, whenever the governor orders a special election to fill a vacancy in the office of state senator or member of the house of representatives, at least ten days before such special election, the governor must issue an election proclamation under his hand and the great seal of the state, and transmit a copy thereof to the board of county commissioners of the county in which such election is to be held.

It therefore becomes your duty as governor to at once issue a proclamation for a special election in the county of which the deceased member was a representative, to fill the vacancy occasioned by his death, and fixing the date of such special election and to forward to the board of county commissioners of that county a copy of this proclamation, at least ten days before the date fixed by you for such special election.

Yours very truly,

ALBERT J. GALEN,

Attorney General.