

**Registration Law, Construed. Election Returns, School District. Election Returns, Municipal Elections. School District Elections, Returns Of. Municipal Elections, Returns Of.**

In municipal elections and in school district elections in districts of the second and third class the judges of elections should make return to the respective board of trustees or municipal councils and not to the county clerk as such boards are charged with the duty of canvassing returns.

February 17th, 1912.

Mr. M. H. Morgan,  
County Clerk,  
Thompson, Montana.

Dear Sir:

I acknowledge receipt of your letter of the 17th inst., in which you ask whether in the operation of the registration law a judge of election at school district and municipal elections should make return to the office of the county clerk.

Under the provisions of Sec. 861, Revised Codes, relating to school district elections in school districts of the first class, the returns are canvassed by the board of county commissioners, but in districts of the 2nd and 3rd class by the board of school trustees. By the provisions of Sec. 3233, Revised Codes, canvass of the municipal elections is made by the city or town council. It would, therefore, be necessary in school districts of the 2nd and 3rd class and in municipal elections for the judges of such elections to make the return to the respective board of trustees or municipal councils and not to the county clerk. The copies of precinct registers to be supplied by your office for school district elections and municipal elections are not to be delivered as in the case of general elections to the judge of the election, but in accordance with the provisions of Sec. 25 of the registration law. Such copies are to be furnished by you to the city or town clerk or the clerk of the school board and that thereupon it is made the duty of such city or town clerk or clerk of the school board to deliver to the judges of election such copies as certified to them by your office. Sec. 26 of the Act relates to general elections and this procedure is undoubtedly provided to enable the county clerk to check the names of those electors who have voted at the general election in order that he may enter the proper names in the new great register prepared by him following each general election.

Yours very truly,

ALBERT J. GALEN,  
Attorney General.