

Registration, When Effective. County Clerk, Duties Relative to Registration. Registration, Closing of Books.

When a person has executed the required affidavit for registration before a notary public prior to the time of closing of the registration book for any given election, the county clerk may enter such name upon the Great Register even though not received by him until after the Great Register has been closed.

March 29, 1912.

Honorable Julian A. Knight,
County Attorney,
Virginia City, Montana.

Dear Sir:

On yesterday I received from you the following message:

"A number of electors at Sheridan, in Madison county, registered before a notary public on March 18th, and the notary public failed to mail the certificate to the county clerk until the 25th; their names were then, I presume, by the county clerk, left off the list. Under Sec. 18, of the Registration Act, the books must be closed ten days before the election, and under Sec. 24, the list of the names must be printed by the recorder, and also eight days before the election he must post notices in the precinct, and under Sec. 35, no one whose name does not appear on the list can vote.

QUESTION: Whether or not, these parties having so registered on the 18th should be disfranchised?"
and in reply to same I wired you as follows:

"If county clerk has not completed his lists and entries, names may be entered—otherwise parties not entitled to vote."

I address this communication to you to confirm said message.

The question involved in your inquiry has been heretofore passed upon by this office in a general opinion construing Chapter 113, Laws of 1911, a copy of which opinion I am today mailing you under separate cover. The particular question involved in your inquiry may be found on page 13 of said opinion.

Yours very truly,

ALBERT J. GALEN,

Attorney General.