

School Trustees, Qualifications Of. Trustees of School Districts, Qualifications Of. Registration, Not a Qualification to Hold Office. Office, Registration Not a Qualification to Hold Office.

Any person 21 years of age, a citizen of the United States and who has resided in the State of Montana for one year and in the school district for 30 days next preceding the day of election and who has received a majority of the votes cast at such election, is entitled to hold the office of school trustee, notwithstanding the fact that she has not registered.

Statutory provisions requiring registration does not add to the qualifications required of an elector but are only reasonable regulations for the purpose of ascertaining who are qualified electors and to prevent persons who are not such electors from voting.

April 13, 1912.

Hon. Justin M. Smith,
County Attorney,
Bozeman, Montana.

Dear Sir:

I acknowledge receipt of your letter of April 10th requesting my official opinion upon the following question:

"Mrs. J. N. Kelly received a majority of the votes cast at the recent election for a member of the board of school trustees of school district No. 7. She is otherwise qualified but was not registered. Is she qualified to act as trustee within the provisions of our constitution and laws defining a 'qualified voter'?"

Sec. 10, Art. IX, of the state constitution provides that women

shall be eligible to hold office of county superintendent of schools or any school district office, and shall have the right to vote at any school district election. Sec. 7, of Art. IX, provides that no person shall be elected or appointed to any office in this state who is not a citizen of the United States and who shall not have resided in this State at least one year next preceding the election or appointment.

Sec. 857, Revised Codes, provides that women of the age of 21 years and upwards, who are citizens of the United States and who have resided in the State of Montana one year, and in the school district for 30 days preceding the day of election, may vote thereat.

Sec. 863, Revised Codes, provides that any person, male or female, who is a qualified voter at any election under this Act, shall be eligible to the office of school trustee in such district.

By the provisions of Chap. 113, Session Laws of 1911, electors must be registered before they are entitled to vote in school district elections.

Sec. 9, Art. IX, of the State Constitution, provides that the Legislative Assembly shall have power to pass a registration and such other laws as may be necessary to secure the purity of elections and guard against abuses of the elective franchise. This is the only purpose of the registration laws under our constitution. Statutory provisions requiring registration do not add to the qualifications required of an elector, nor abridge the right of voting, but are only reasonable regulations for the purpose of ascertaining who are qualified electors, and to prevent persons who are not such electors from voting.

Bergevin v. Curtz, 59 Pc. 312.

You are, therefore, advised that if Mrs. Kelly is 21 years of age, a citizen of the United States, and has resided in the State of Montana one year and in the school district for 30 days next preceding the day of election, and has received a majority of the votes cast at such election, she is entitled to hold the office of school trustee of the district notwithstanding the fact that she was not registered.

Yours very truly,

ALBERT J. GALEN,

Attorney General.