

Registration, Upon Establishment of Additional Polling Places. Polling Places, Establishment Of. Precincts, Divided Into Polling Places. County Clerk, Duties Of Upon Establishment of Polling Places.

When two or more polling places are established by the county commissioners pursuant to Sec. 2, Chap. 113, Laws of 1911, it is the duty of the clerk in furnishing copies to the Judges of election to include only the names of those voters who reside within the boundaries of the particular polling place.

Additional polling places may be established by the county commissioners at anytime prior to the closing of the Great Register.

May 22 1912.

Mr. F. R. Cunningham,  
County Clerk,  
Lewistown, Montana.

Dear Sir:

I acknowledge receipt of your letter of April 29th. This letter was mislaid in the office, hence, the delay in answering the same.

You ask for an official opinion of this Department as to the duties of the county clerk upon the establishment of two or more polling places within any one election precinct, and you submit the following question:

"In case two or more polling places are established in any one election precinct is it the duty of the clerk to include only, in the copies furnished the judges of election, the names of those voters who reside within the boundaries of the particular polling place, or is it his duty to furnish the judges of

election in each polling place two copies of all the voters registered for the election precinct in which the particular polling place is situated?"

Section 3, Chapter 113, Laws of 1911, provides that no new precinct must be changed, altered, located or established between the first day of January and the first day of December in and during the year in which a general election is held. However, Section 2 of said chapter provides that at anytime before the closing of the Great Register the county commissioners may establish two or more polling places in any election precinct and that they shall define the boundaries of each of said polling places.

The establishment of a polling place is for the convenience of electors of the District. An election precinct is a political subdivision of the county for certain purposes. The electors are entitled to representation upon the various political committees and within the boundaries party caucuses and primaries are held and all electors residing within such boundaries as established are entitled to participate in such caucuses or primaries as a unit.

And this is the sub-division that is prohibited from being changed or altered between the first day of January and the first day of December in and during a year in which a general election is held. This provision, however, is not inconsistent or in conflict with the provisions of Sec. 2, of the Chapter which provides for the establishment of two or more polling places within a given precinct, and the commissioners are given authority by Section 2, of establishing such additional polling places. In the event such additional polling places are established, the commissioners shall define the boundaries of each of said polling places and upon the establishment of each additional polling place, as in Sec. 2 provided, all electors residing within a given polling place as defined by the order of the commissioners are required to vote in that particular polling place and would not be entitled to vote in any polling place within the precinct that happened to be most convenient to the elector. In the event then of the establishment of additional polling places within a given precinct it would be the duty of the clerk as registrar of electors to assign the elector to the particular polling place within his precinct at which he would be required to vote and in preparing the certified copy of the precinct register for the use of the judges of election you should make separate copies for each polling place within the precinct and such list should contain the names only of those electors who are entitled to vote at the particular polling place and should not contain the names of the electors within the precinct who are required to vote at the other polling places. This is the only method that could be followed by you that would safeguard the election and prevent illegal voting. If the check lists furnished by you to each polling place contained the names of all the electors of the precinct there would be no way of determining whether or not a given elector had already cast his ballot, until after the election had closed and the votes had been canvassed.

It is, therefore, my opinion that in the event of two or more polling places being established in any one election precinct within your

county it is your duty to include only, in the copies of the precinct register furnished by you to the judges of election, the names of those electors who reside within the boundaries of the particular polling place as established.

Yours very truly,

ALBERT J. GALEN,

Attorney General.