

Elections, Registration.

A person whose name does not appear upon the Great Register is not entitled to a vote where he failed to register with the county clerk and his registration affidavit was not delivered on time to the county clerk.

For the purpose of voting an elector who has registered as a resident of one precinct in the county does not lose his right to vote in such precinct even though he may have moved his residence from one precinct to another in the county.

October 28th, 1912.

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

Dear Sir:

I am in receipt of your favor of the 26th inst., asking my opinion concerning two questions which have arisen over the registration law respecting right of electors to vote. The first question is as follows:

1. Can an otherwise qualified elector vote at the general election, whose name does not appear on the Great Register, nor on the certified copies, that are sent out by the clerks of their respective counties?

I affirm your opinion given the county clerk in answer to this question to the effect that a person, even though qualified to vote whose name does not appear upon the Great Register, or on the certified copy thereof, is not entitled to vote, the elector not having registered with the county clerk and his registration affidavit not having been delivered to the county clerk in time.

The second question presented is:

2. Can an elector who is on the Great Register and on the copies thereof, vote in the precinct where he is registered, even though he has resided for more than thirty days in another precinct?

I affirm in part your advice given the county clerk in answer to this question. My opinion upon this subject being that for the purpose of voting under the registration law the elector does not lose his residence in the election precinct from which he registered until he obtains a transfer from such election precinct to another election precinct within the county so long as he is a qualified elector and has registered. He cannot be disfranchised merely because of the fact that

since the date of his registration he has actually moved his residence from one precinct to another precinct in the same county.

Yours very truly,

ALBERT J. GALEN,

Attorney General.