

New Counties, Registration For. Registration, Election for Creation of New Counties. Election, to Create County, Registration for.

At an election held for the purpose of creating a new county under the provisions of Chap. 112, Laws of 1911, those electors

resident within the proposed new county whose names appear on the official registration list used at the last general election and those who may be registered subsequent to the last general election are entitled to vote.

November 25, 1912.

Hon. C. L. Crum,
County Attorney,
Forsyth, Montana.

Dear Sir:

I acknowledge receipt of your letter of the 21st inst., with reference to the registration list to be used at a special election to be called in a portion of your county for the purpose of voting upon the question of the creation of a new county. In your communication you call attention to the several provisions of the registration law (Chap. 113, Laws of 1911) relative to the cancelling of the name of any elector who fails to vote at any general election. You also state that you have advised the authorities of your county,

"That the county clerk shall furnish every board of election within the proposed new county with a list of the voters who were registered at the last general election and that the report should be modified and made to show the names of those who did not vote at the last general election and that unless those who did not vote at the last general election and who wish to vote at the special election should again register."

In an opinion of this office under date of September 6th, 1911, addressed to the board of county commissioners of Chouteau county, this question was passed upon. That portion of Section 3, Chapter 112, Laws of 1911, which is found at the top of page 212, provides:

"All qualified electors resident within the proposed new county who are qualified electors of the county or counties from which territory is taken to form such new county, and who have resided within the limits of the proposed county for a period of more than six months next preceding the day of election, and who were on the official registration list at the last general election, or who are entitled to be registered for said special election under the provisions of this act shall be entitled to vote at said election."

It will be seen from this provision that all electors resident within the proposed new county are entitled to vote, but that the presence of their names upon the registration list of the county is contemplated, and therefore two registration lists are contemplated by the act: (1) the registration list used at the last preceding general election; and (2) a registration list to be made in accordance with general law.

Said section further provides:

"Registration and transfers of registration shall be made and closed in the manner and at a time provided by law for registration and transfers of registration for a general election in the State of Montana."

It is therefore my opinion that all qualified electors resident within a proposed new county are entitled to vote at said election and are entitled to be registered, but that those of such qualified electors whose names appear upon the official registration list used at the last general election would not be required to re-register, but would be entitled to vote by virtue of their names appearing upon the official registration list of the last general election; provided, of course, that they still continued to be and are qualified electors of the proposed new county. However, as to those qualified electors of the proposed new county who are entitled to be registered and whose names do not appear upon the list used at the last preceding election they would be required to register under the registration law. So the county clerk in supplying the judges of election with lists of the electors to vote at the coming special election should provide a list of the registered electors in accordance with the registration list used at the last general election and in addition thereto should supply the election officials with a list of those electors within the proposed new county who may have registered between the last general election and the time of closing of the Great Register prior to the said special election.

Yours very truly,

ALBERT J. GALEN,

Attorney General.