

Public Printing Contract, What Included In. Election Supplies, As Classed in Printing Contract.

Election supplies including poll books, tally sheets, check lists, though bound in book form are printed blanks and should be paid for as such and are not considered as books.

February 14, 1911.

Hon. John Hurly,
County Attorney,
Glasgow, Montana.

Dear Sir:

I am in receipt of your letter of the 11th inst., requesting an opinion upon the following state of facts:

"Poll books, tally lists, check lists, and other similar election supplies are composed of a number of sheets printed and ruled with a cover and stapled through the middle, so as to open and close like a book. I would be glad to have your office

advise whether in your opinion such supplies as I have above mentioned should be paid for as books or as printed blanks bound."

As to this matter a great deal would depend upon the contract as entered into between your board of county commissioners and your county printer, but if based entirely upon the statute itself it is my opinion that the proper construction of the statute would place the supplies mentioned in your letter within the class of printed blanks bound. In view of the prices mentioned in the statute, that is Section 2997, Revised Codes, it is apparent that the "books" refers to the larger well bound books necessary for recording purposes. This question has never been passed upon as far as I am able to discover, except in the case of Stevens vs Ravalli county, 25 Mont. 311, in which the court held that the printing of tax receipts which were bound in book form were considered as blanks and that the printer would receive the compensation allowable for the printing of blanks, with an additional compensation for the perforation and numbering.

Yours very truly,

ALBERT J. GALLEN,

Attorney General.