

Initiative; Petitions for. Petitions, Initiative, Signatures Upon. Signatures, Comparison With Original Registration Books.

The comparison of signatures provided for by the law concerning initiative petitions means a comparison with the original registration books, and not with a copy thereof.

January 19th, 1914.

Hon. A. M. Alderson,
Secretary of State,
Helena, Montana.

Dear Sir:

I am in receipt of your request, under date of the 14th instant, for my opinion upon the question as to

“Whether a comparison of the signatures on an initiative petition with a certified transcript of the original registration books and the certificate of the county clerk to the effect that he has compared the signatures with the said certified transcript of the original registration, is sufficient to comply with the statute?”

I have examined the statute in question, and find that the provision there contemplates a comparison of the signatures of the electors signing the same with their signatures on the registration books. The word “signature” means a man’s sign or name, written

by himself, except in those rare cases where it may be done by an amenuensis under the immediate direction of the signer, for instance in signing a will. The whole object of this provision is that a comparison of the signatures of those signing a petition may be made with the signatures appearing upon the registration books, in order that it may be known whether the persons signing the petition are actually entitled to do so. The certificate of the county clerk in this matter requires him to certify as to the genuineness of the signatures. Obviously a comparison with a certified copy of the registration list, no matter how correctly or accurately done, would give no proof that the names appearing upon the petition were signed by the same persons who signed the registration book.

You are, therefore, advised that the method of comparison suggested by your letter would not be a compliance with the statute.

Yours very truly,

D. M. KELLY,
Attorney General.