

Elector, Registration of. Registration, of Elector. Registration of Elector, Effect of Change of Residence of. Change of Residence of Elector, Effect of on Registration.

An elector who changes his residence after registering may not have his name transferred to his new residence unless he makes application therefor to the county clerk within thirty days or more before the election at which he desires to vote is held.

March 24th, 1914.

Hon. John L. Slattery,
County Attorney,
Glasgow, Montana.

Dear Sir:

I am in receipt of your letter of the 21st instant, as follows:

"Today I wired you as follows: 'Under what circumstances, if at all, may the county clerk transfer the name of an elector from one ward to another in the same city?' You replied as follows: 'County clerk may transfer registration from precinct to precinct as provided in Sec. 17, Chap. 74, Laws 1913.' My telegram was incomplete, and I 'acknowledge the corn.' What I desire to know is whether such transfer may be made **after** the registration books have closed. For instance: The books for the coming city election were closed on March 6th. An elector who was duly registered in one ward of the city at the last election, and who voted at such election, changed his residence to another ward shortly after last election. He has neglected to re-register, or to have a transfer made. Would it now be lawful for the county clerk to make the transfer? Under Sec. 7 of Chap. 113, Acts of 1911, such transfer was authorized. Sec. 7 of Chap. 74, Acts of 1913, seems to have such a transfer in view, but its language is too obscure in meaning to justify the conclusion that the certificate therein provided for applies to such a transfer as I have instanced above."

By reference to Sec. 17, Chap. 74, Session Laws of the Thirteenth Legislative Assembly, which section is referred to in my reply telegram, which you quote above. It is provided amongst other things that every elector on changing his residence after registering may within the time for registering cause his former registration to be cancelled by a request in writing to the county clerk, where he has registered. The procedure to be followed is outlined in the section, and when its provisions have been complied with, the elector may register in the same manner as if he were making an original registration. Sec. 18 of the act makes the duty of the county clerk mandatory to close all books of registration for the full period of thirty days prior to and before any election mentioned in the chapter, and when closed, he is required to write on the line below where the last elector registered the words: "Closed

on account of election to be held on” He is then required immediately to certify the numbers of electors registered in each precinct, and sign his name and title, and affix the seal of the county thereto. Sec. 7 of the act provides that during the period of thirty days immediately preceding any election mentioned in the chapter, registration shall be closed and no person during the period specified immediately preceding any election shall be permitted to register for such election.

Under the plain provisions of the section of the law here referred to, it is obvious that an elector having changed his residence after registering may not have his name transferred to his new residence unless he makes application therefor to the county clerk thirty days or more before the election at which he desires to vote, is held.

The provision of Sec. 7 of the act, relating to the certificate concerning which you inquire, has heretofore by this office been held to be void, and a copy of the opinion is hereto attached and for your information.

Yours very truly,

D. M. KELLY,

Attorney General.