

Registration of Votes, Claims of Justices and Notaries for.
Claims, of Justices and Notaries for Registration of Voters.
Board of County Commissioners, Authority of to Audit and
Pay Claims for Registration.

It is the plain direction of the statute that claims of justices and notaries for registration of voters should be paid after each general election.

February 7th, 1913.

Hon. Dan Heyfron,
County Attorney,
Missoula, Montana.

Dear Sir:

I am in receipt of your request for an opinion upon the question as follows:

“Under Sec. 16 of Chap. 113 of the Laws of the Twelfth Legislative Assembly, relating to registration of voters, may the board of county commissioners audit and pay the claims of justices and notaries, for the registration of voters after the school election or wait until after the general election to make payment of such claims?”

The portion of Sec. 16 to which you refer reads:

“After each general election, the county commissioners shall audit such bills and order payment in accordance therewith.”

The term “general election” as used throughout the act in reference to the registration of voters is intended to apply to the bi-ennial election of November. The distinction between the general election and school elections seems to have been maintained throughout the act. See Secs. 7, 18, 20, 26, 27 and 28. In so far as the courts have construed the term “general election” they have quite uniformly held the term to apply to the general bi-ennial election.

Edgar v. Board of Election Commissioners (Mich.) 76
N. W. 972.

Westinghouse v. People (Mich.) 6 N. W. 641.

McIntyre v. Iliff, 68 Pac. 633.

Wilson v. Clark, 65 Pac. 705.

See also Sec. 450, H. S.

In my opinion this was the sense in which the term was used in above Sec. 16.

According to the plain wording of this section, the board of county commissioners are directed to pay the claims in question after each general election and this would imply that they ought not to take up these claims for the purpose of auditing or paying the same at other times. I don't know that there is any particular reason why this should be the case, but it is plainly the direction of the Legislature and should be followed. It applies not only to the registration of women for school elections, but to all voters who may be registered, either for school elections or for the general election. Under the registration act, claims of this kind may be incurred during many months of the year and it may be that the Legislature considered it good policy to not require the county commissioners to be taking up a portion of their time at each session for the consideration of these claims, but that they might all be considered at one sitting. Whatever the purpose was, such is the plain direction of the statute and in my opinion it should be followed.

Very truly yours,

D. M. KELLY,

Attorney General.