

Elections, Registration for. Registration, of Electors. Residence, for Registration.

Any elector who is a citizen of the United States, and has resided one year in the state and thirty days in the county, is entitled to be registered although he may not have resided six months within the city where he is living at the time of registration.

June 9, 1914.

Hon Martin Flasted,
County Attorney,
Ekalaka, Montana.

Dear Sir:

I am in receipt of your letter of the 29th ultimo, submitting the question:

“What is the period of residence required prior to registration of an elector under the provisions of Chapter 74, Laws 1913?”

The qualification of a voter, as prescribed by the general law of the state is citizenship of the United States; one year residence in the state and thirty days in the county. Sec. 462, R. C. To this may be added legal registration.

For city elections six months residence is required. Sec. 3231, R. C. The form of oath to which you call attention, found in Section 11 of

said Chapter 74, requires the elector to state that he has resided in the state one year, in the county thirty days and in the city six months. The form given appears to be an entirety without any intent that it should be segregated. Hence to follow it literally, the elector who resided in the country never could register at all, for he could not take the oath that he was a resident of a city. This, of course, would be a discrimination that would render the act void. And, on the other hand, if the elector residing in the county may vote for county and state officers on a residence of thirty days, and the elector in the city is prohibited from voting for the same officers, unless he has resided in the city for six months, it would again be a discrimination fatal to the law. It was not the intent that such construction should be placed upon the act, although the form of oath given, if literally followed, would have that effect. The six months residence in the city has reference only to city elections, hence, any elector residing outside of a city, who takes the oath that he has resided within the county thirty days is entitled to be registered, and any elector residing within the city, who can take the oath that he has resided within the county thirty days, although his residence within the city may only be one day, is entitled to register, and if such elector should attempt to vote at a city election, he would be subject to challenge. To state a concrete case: A person residing in the country may register on taking the oath as to thirty days' residence in the county, and he is not called upon to subscribe to that part of the oath relating to six months' residence in the city; B, residing in the city, upon taking that part of the oath, wherein he states that he has resided thirty days within the county, may also be permitted to register, although, if he is a resident of the city, he should fill out that part of the oath relating to his residence in the city, but his residence in the city does not need to cover a period of six months in order to entitle him to register, for the city is located within the county.

Section 12 of this Act would seem to give authority to register electors who have not resided even within the state for one year. Construing these two sections together, any elector who will have resided for the required time at the time the election is held, should be permitted to register, and thirty days residence is all that can be required of him within the county, although he may be within the city for the city is a part of the county.

Yours very truly,

D. M. KELLY,
Attorney General.