

Initiative and Referendum, Petitions for. Petitions, for Initiative and Referendum. Names Upon Petition, Comparison of. Registration Books, Etc., Comparison of Names With. Cancellation, of Registration.

The law relating to the Initiative and Referendum requires that the signatures upon such petition shall be compared with the Registration books and blanks, for the last preceding election. Therefore, a comparison with a certified typewritten copy would not be a sufficient comparison, nor would a comparison with a new registration list, be sufficient, provided it was possible to make up such a new list.

July 7, 1914.

Hon D. L. Blackstone,
County Attorney,
Chinook, Montana.

Dear Sir:

I am in receipt of your communication under date the 20th ultimo, concerning a comparison of signatures upon initiative or referendum petitions with the original records. I note that you have advised the county clerk that a comparison with a transcribed copy of the great register of the county to which Blaine county formerly belonged, is not sufficient. In this you have reached the correct conclusion, this office having held to the same effect in an opinion to Hon. A. M. Alderson, Secretary of State, copy of which is herewith enclosed.

As to the further question put by you:

"Is there any way in which the electors of Blaine county can get their names upon the registration lists so that they can sign initiative petitions and have the signatures compared with the signatures in the county clerk's office,"

The provisions for the comparison of signatures upon initiative petitions with the original records, is found in Section 108, Revised Codes of Montana, 1907, which is as follows:

"The county clerk of each county in which any such petition shall be signed, shall compare the signatures of the electors signing the same with their signatures on the registration books and blanks on file in his office for the preceding general election * * *."

It is to be noted that the law requires comparison to be made in a certain manner. A particular record is named as the test of the genuineness of the signatures upon the petition. The only place where this record can be found is in the office of the county clerk, who has the registration books and blanks for the last general election. Leaving aside the question of the authority of an elector or a county clerk to cancel a voter's registration for any cause other than that named in Section 17, Chapter 74, Session Laws of the 13th Legislative Assembly, it is doubtful whether a comparison with any record other than that named in Section 108, Revised Codes of Montana of 1907, could be

held sufficient under the requirements of the law relating to initiative and referendum petitions.

I am, therefore, of the opinion that the comparison required by Section 108 would have to be made with the registration books and blanks on file in the office of the county clerk who had charge and jurisdiction of them at the last general election.

Yours very truly,

D. M. KELLY,
Attorney General.