

**Primary Election, Conduct of. Election, Primary, General  
Laws Apply to. Elector, Must Sign Register Book.**

The provisions of Section 26, Chapter 74, Laws of 1913, apply to Primary Nominating Election.

July 27, 1914.

Hon. Robert C. Stong,  
County Attorney,  
Billings, Montana.

Dear Sir:

I am in receipt of a letter from Mr. E. Collins, Deputy County Attorney, submitting for the consideration of this office, the question:

"Do the provisions of Section 26, Chap. 74, Laws 1911, apply to the primary election, and is this primary nominating election a general or special election?"

Under the provisions of Section 1 of the Primary Law, giving rules for the construction of that law, it is provided in effect that the general election laws of the state, both as to form, practice, usage and procedure, shall apply to the primary nominating election, unless otherwise indicated or provided in the primary law.

Section 26, Chapter 74 of the Laws of 1913, gives certain directions relating to the conduct of the election, among them, being that the elector must sign his name upon one of the precinct register books. In view of the directions given in Section 1 of the primary law, and their being no provision in the primary law indicating that the provisions of Section 26 of Chapter 74, should not apply, I am of the opinion that the provisions of that section do apply to the primary nominating election. And the provisions of said Section 26 by positive terms apply to both general and special elections.

The primary nominating election may not be a general election for all purposes, but as the provisions of said Section 26, Chapter 74, apply to every general or special election, and has reference only to

methods of procedure in the conduct of the election, it has application to the primary nominating election.

Yours very truly,

D. M. KELLY,  
Attorney General.