

**Corrupt Practice Act, What Forbidden By. Election Day, Use of Automobiles on. Voters, Transportation of to Polls. Polls, Transportation of Voters to.**

The Corrupt Practice Act forbids any person to pay another for the expense of transporting voters to and from the polls. There is also a prohibition against inducing or persuading any voter on election day to vote or refrain from voting for any candidate or the candidates or ticket of any political party, or any measure submitted to the people. Facts are considered and it is held that the gratuitous use of automobiles on election day by voters is not unlawful.

September 19th, 1914.

Mr. Frank Hunter,  
Miles City, Montana.

Dear Sir:

I am in receipt of your letter of the 14th instant, in part as follows:

"I have been asked to answer a question regarding the use of automobiles on election day. Particularly, the shop men employed in the C. M. & St. P. Ry. Co. shops at this place declare they would like to ride back and forth from the polls. They have been offered the use of ten or a dozen cars for such purpose. The offer comes from men employed as foremen, conductors, shopmen and others who happen to own cars. The owners are willing to run the cars themselves or permit competent drivers to run them. The question then is—can these voters thus make use of these automobiles without violating the law?"

In reply I will say that it is not within the province of my office to render opinions on inquiries coming from private sources, but owing to the importance of the matters involved in your inquiry, and the general concern and interest which the public has therein, I do not hesitate to express my views.

The Corrupt Practice Act forbids any person to pay another for the expense of transporting voters to or from the polls. There is also a prohibition against inducing or persuading any voter on election day to vote or refrain from voting for any candidate or the candidates, or ticket of any political party, or any measure submitted to the people. If the use of the automobiles referred to, is not offered as an inducement to the voters, or as an attempt to persuade them to vote or refrain from voting, aid or hinder any candidate, or the candidates of any party, or any measure submitted to the people, but as an act of grace and solely for the purpose of facilitating the transportation of voters, then, I am of the opinion that under the facts as you state them, it is lawful to grant the free use of the automobiles mentioned to voters desiring to make use of the same, and to transport voters gratuitously to and from the polls on election day.

Yours very truly,

D. M. KELLY,  
Attorney General.