

Corrupt Practice Act, Construction of. Election, Use of Automobiles at. Candidates, Hiring Automobiles. Electors, Transportation of to Polls.

Corrupt Practice Act, Section 32, prohibits pay for personal services on election day, except to challenge voters and watch official counts, and Section 34 prohibits electioneering on election day, but whether automobiles or other means of conveyance used on election day, are so used as to violate the terms of the act, are questions of fact, rather than of law.

The use of any means or convenience by candidates to transport electors to and from the polls is advised against.

October 7th, 1914.

Hon. C. R. Tisor,
County Attorney,
Miles City, Montana.

Dear Sir:

I am in receipt of your letter of the 9th instant, submitting the question:

"Would it be a violation of law to use automobiles for the purpose of conveying voters to the polls on election day, said automobiles or other vehicles to be furnished by the candidates or others in their behalf?"

Section 32 of the Corrupt Practice Act, provides:

"No person shall pay for personal service to be performed on the day of a caucus, primary, convention, or any election, for any purpose connected therewith, tending in any way, directly or indirectly, to affect the result thereof, except for the hiring of persons whose sole duty is to act as challengers and watch the count of official ballots."

Section 34 of the same law prohibits all electioneering on election day. There is nothing in the law, nor can be, that prohibits an elector from going to the polls in any manner that he chooses, but whether the conveyance, if one is used, furnished by another party is for the purpose of "affecting the results," or for electioneering purposes, or whether it tends directly or indirectly to that result, are questions which if in case of an arrest, would be submitted to a jury for decision. Personally, I think it would be a dangerous practice for the candidates or his supporters to operate automobiles or other conveyances at that particular time, for the special purpose of conveying electors to the polls; dangerous to the candidate, because it might not only subject him to arrest and trial, but might lay the foundation for a contest of his election, but being a question of fact I cannot further pass upon it, as a proposition of law.

Yours very truly,

D. M. KELLY,
Attorney General.