

Precinct, Boundaries. Boundaries, of Precincts. Election, Precincts for. County Commissioners, Duty of in Establishing Election Precincts.

The law relating to boundaries of election precincts, and conformation thereof to ward and city lines, considered and construed.

May 10, 1915.

Hon. George W. Ruffcorn,
County Attorney,
Glasgow, Montana.

Dear Sir:

Your letter relative to the establishment of election precincts has been received, Section 2, Chapter 113, Laws of 1911, while requiring the Board of County Commissioners to observe ward lines in incorporated cities and towns in the establishment of election precincts, conferred upon the Board in certain cases authority to include additional territory. This Act was amended by Chapter 74, Laws of 1913, and required the Board to conform the precinct boundaries to the ward lines, provided that the ward might be divided into two or more precincts. Chapter 122, Laws of 1915, amending Chapter 113 of the Laws of 1911, by implication and conflicting provisions amends Chapter 74, Laws of 1913, although no reference is made to that Chapter, except in the repealing clause. This latter Act provides that the precinct boundaries shall conform to the ward boundaries, and also to the boundaries of school districts of the first class, and authority is given to divide the ward or the school district into two or more precincts. Literal compliance with the provisions of this law is absolutely impossible, for neither the ward lines, nor the corporate lines necessarily conform to the school district lines, and in fact they seldom do so conform. The provision relating to school districts is of little moment, for in no case could the precinct boundaries extend beyond the district in a school district election. The section can not have reference to strictly municipal elections, for the provisions of Section 3232, Revised Codes, as amended by Chapter 59, Laws of 1909, confer authority upon the city council to establish precincts for municipal elections, wherein it is also provided that the precinct must correspond with the wards. Section 22 of Chapter 122, Laws of 1915, probably means that in all election precincts established by the Board of County Commissioners in incorporated cities and towns, for all elections other than school district elections, the precinct boundaries cannot extend beyond the ward lines, and that in all school district elections of districts of the first class, the precinct boundaries cannot extend beyond the school district boundaries, but that either the wards in the one case, or the school district in the other case may be divided into as many precincts as in the judgment of the County Board, the conditions will warrant.

Yours very truly,

D. M. KELLY,

Attorney General.