

**Election Precinct, Polling Places in. Polling Precinct.  
Number Polling Places in. County Commissioners, Authority  
of. Authority, to Establish Polling Places.**

The county commissioners have no authority to establish more than one polling place in a precinct.

May 5, 1916.

Hon. Frank A. Wright,  
County Attorney,  
Lewistown, Montana.

Dear Sir:

You have recently submitted for my consideration the following question:

"Can the county commissioners of this county establish two or more polling places in an election precinct before the general election this fall?"

You refer to Chapter 113 of the Laws of the Twelfth Legislative Assembly where it is provided that county commissioners may establish two or more polling places in an election precinct at any time before the closing of the county register. Chapter 113 has been twice amended: 1st, by Chapter 74 of the Session Laws of the Thirteenth Legislative Assembly; and, again by Chapter 122 of the Laws of the Fifteenth Legislative Assembly, which expressly repeals said Chapter 74 of the Laws of 1913. By this last amendment Chapter 113 of the Laws of 1911, was "amended to read as follows", and the whole act was amended. Comparing the two acts, we find that nothing is said in Chapter 122 of the Laws of 1915, relative to the establishment of more than one polling place in each precinct. These numerous amendments, and the language of Chapter 122, Laws of 1915, indicate quite clearly an intention on the part of the legislature that Chapter 122 was to be a complete act in itself, and a substitute for all of the existing law upon the subject. It is true it is called an amendment, but since nothing is said about more than one polling place in the latest legislative expression on the subject, we must conclude that the legislature did not intend to confer any power of this kind. In other words, where they amend an entire act, and omit from the amendment something which was included in the act amended, its apparently intentional omission is significant. (36 Cyc. 1077.)

I am of the opinion, therefore, that the county commissioners have no power to establish more than one polling place in a precinct.

Yours very truly,

J. B. POINDEXTER,  
Attorney General.