

Elections. Endorsement of Ballots. Ballots, by Whom Endorsed. Absent Voters' Ballots, Endorsement of.

Absent voters' ballots are endorsed by the Judge of Election in the same manner that ordinary ballots are.

Helena, Montana, October 23, 1916.

Hon. G. J. Jeffries,
County Attorney,
Roundup, Montana.

Dear Sir:

We have your inquiry under date the 21st instant:
"as to whether or not the county clerk in passing out ballots to those making application to vote under the Absent Voters Law shall endorse the rubber stamp for the voter's precinct on the ballot before it leaves the clerk's hands?"

The matter of endorsement of ballots is found in Section 551, Revised

Codes of 1907. Section 547 of that Code makes it the duty of the county clerk to furnish the rubber stamp, and prescribes the matter that shall be placed thereon. Section 551 prescribes who shall use such stamp, making it the duty of one of the judges of the election to stamp each ballot as it is handed to the voter. It will, therefore, be seen that the judge of election is the only person authorized to place the impression of the stamp upon the ballot. Section 13, Chapter 110, Laws of the Fourteenth Legislative Assembly, as you have noted in your letter, prescribes:

“they shall endorse the same in like manner that other ballots are endorsed, shall detach the stub, as in other cases, and deposit the ballot or ballots in the proper ballot box or boxes, and make in their election list and books the proper entries to show such elector to have voted.”

Every step to insure the purity of election and the genuineness of the ballots seems to be guarded by the absent voters' law, from the fact that each ballot must be attached to a stub that is numbered, which number is certified to by the county clerk issuing the same. I am of the opinion, therefore, that the judge of election is the proper and only person to endorse the ballot of an absent voter with the official stamp.

Yours very truly,
J. B. POINDEXTER,
Attorney General.