

Elections, Special—Registration Books—Closed, When.

Under Section 16 of Chapter 122, Session Laws of 1915, registration books for special election to be held on September 2, 1919, must be closed for the full period of forty-five days before such date.

June 7th, 1919.

Wells-Dickey Co.,
Minneapolis, Minn.

Gentlemen:

I received your telegram of the 6th inst., relative to the date for closing registration books for the special election to be held on September 2nd, 1919, and answered the same stating that it is my opinion that the registration books must be closed on July 18th, at five o'clock.

Prior to 1911 the laws of this state provided for the registration of electors by regular agents in the several precincts of a county, such agents being appointed by the board of county commissioners, and the county clerk having practically nothing whatever to do with such registration. In 1911, however, the legislature passed an act making the county ex-officio county registrar, providing for the registration of electors by such county registrar and requiring such registrar to keep the register of electors, this act being Chapter 113, Session Laws 1911. In this act were two sections containing provisions for the closing of registration by the registrar, Section 7 requiring the registration of electors to be closed during a *period of thirty days immediately preceding any general election*, etc., and Section 18 requiring the registrar to close all books of registration *for the full period of thirty days prior to and before any general*, etc. While the words used in Section 7 were "*during a period of thirty days immediately preceding*" and those used in Section 18 were *for the full period of thirty days prior to and before*, it is evident that the legislature intended these words to have exactly the same meaning.

In 1913 the legislature enacted Chapter 74, Session Laws 1913, which was a re-enactment, with amendments, of the whole of Chapter 113, Session Laws 1911. As re-enacted in 1913, said act, like the original act, contained two sections providing for the closing of registration, Sections 7 and 18, the words used in Section 7 being identical with those used in Section 7 of the original act, and the words used in Section 18 being identical with those used in Section 18 of the original act.

In 1915 the legislature enacted Chapter 122, Session Laws 1915, which purported to amend Chapter 113, Session Laws 1911, but which, in effect, repealed said Chapter 113 as amended in 1913, and re-enacted the same with amendments. Chapter 122, Session Laws 1915, contained but one section providing for the close of registration, being Section 16, which required the county clerk, as registrar, to close registration *for the full period of thirty days prior to and before any general election*.

In 1919 the legislature passed an act, Chap. 97, Session Laws 1919, amending Section 16 of Chapter 122, Session Laws 1915, such section as so amended requiring registration to be closed *for the full period of forty-five days prior to and before any general election*, etc.

In Section 7 of Chapter 113, Session Laws 1911, in Section 7 of Chapter 74, Session Laws 1913, and in Section 11 of Chapter 122, Session Laws 1915, the hours during which the registrar shall register electors are specified, being between the hours of 9 A. M. and 5 P. M. on all legal days. While ordinarily a day is considered as being twenty-four hours, yet under the provisions of these acts, a day for registration of electors does not consist of twenty-four hours, but only of eight hours, being the eight hours between 9 A. M. and 5 P. M.

Section 16 of Chapter 122, Session Laws 1915, as amended by Chapter 97, Session Laws 1919, requiring registration to be closed for a *full period of forty-five days prior to and before any general election, etc.*, can have but one meaning, and that is that registration must be closed on each day for forty-five separate and distinct days, running consecutively, prior to and before the day of election, otherwise registration would not be closed for a *full period* of forty-five days.

The day for the special election being September 2nd, 1919, one day prior to and before the election would be September 1st, 1919, August 31st, would be two days, and counting back for forty-five days would include July 19th, registration being closed all of July 19th and up to and including September 1st, registration will then be closed for a *full period* of forty-five days, and in order to secure the closing for registration for such full period of forty-five days prior to and before election registration must be closed at 5 o'clock P. M. of July 18th.

Respectfully,

S. C. FORD,

Attorney General.