

**Delegates to National Convention, How Many—Presidential Electors, How Many—Presidential Preference Primary, Electors and Delegates, How Many.**

Each voter is entitled to vote for as many candidates for delegates to the national convention as there are delegates to be elected, and for as many candidates for presidential electors as there are electors to be elected.

April 12, 1920.

Hon. Byron E. Cooney,  
Board County Commissioners,  
Eutte, Montana.

Dear Sir:

I am in receipt of your letter of the 10th inst., with reference to the number of delegates to National Convention and number of presidential electors to be voted for by each voter.

Just before the holding of the presidential primary in 1914, the first presidential primary held after the initiation of the presidential primary law, the Hon. J. B. Poindexter, the Attorney General, rendered an opinion to the Hon. George A. Judson, County Attorney of Cascade County, (6 Op. Atty. Gen., page 332), in which he held that each voter was entitled to vote for as many candidates for delegates to the National Convention as there are delegates to be elected, and for as many candidates for presidential electors as there are presidential electors to be elected, in the course of such opinion saying:

"The provision found in the Presidential Primary Law, on page 591, Laws of 1913 \* \* \* cannot be given literal construction, for the very evident reason that such a construction would be in effect a disfranchisement of the electors. It is fundamental that an elector under our state constitution and system of government, has a right to vote for one candidate for every office to be filled. Hence, any attempt to limit him to vote for one candidate, when eight are to be selected in the one case, or to vote for one candidate, when four are to be selected in the other case, is in contravention of these fundamental principles. State ex rel. Holiday v. O'Leary, 43 Mont. 157, and cases cited."

"Hence we conclude that the above portion of this law must be taken to mean that the elector has the right to vote for only one set of candidates for delegates, and one set of candidates for presidential electors. Hence, each elector may vote for as many candidates to the office of delegate to the National Convention, as there are delegates to be elected; and he may also vote for as many candidates for the office of presidential elector as there are offices to be filled."

With this opinion I fully concur, and have so advised the Secretary of State, further advising him that at the head of the space on the ballot in which the names of candidates for delegates to the National Convention are to be printed he should place the words "Vote for Eight," and at the head of the space on the ballot in which the names of candidates for presidential electors are to be printed he should place the words "Vote for Four."

Truly yours,

S. C. FORD,  
Attorney General.