

Elections, Registration Lists, Printing of—Registration List, Cost of Printing.

The proper basis for payment of the publication of the registration lists is seven cents per name.

October 2, 1920

Mr. J. E. Kelley,
County Attorney,
Boulder, Montana.

Dear Sir:

I have your letter of September 1st, in which you ask for an opinion interpreting Chapter 71, Laws of 1917, in so far as that Chapter applies to the cost of printing registration lists required by the county clerk and recorder to be printed and posted before an election. You say that the contract which your commissioners have made for the

county printing provides that payment of such registration lists shall be made upon the basis as provided by law. A dispute has arisen between the county commissioners and the printer as to the application of the law. The county commissioners contend that the printing bill for these lists shall be paid upon a basis of seven cents per name. The printer, on the other hand, contends that the seven cents is in payment of the name and that the address following such name requires additional material, time and expense, and that this address should carry an additional seven cents.

In order to come to a satisfactory conclusion upon this question I have traced the history of the various registration acts passed by our legislative assemblies requiring all electors to register and making it the duty of the county clerk to publish the list of electors entitled to vote at the ensuing election in such precinct.

In 1911, the Legislature passed Chapter 113. Section 24 of this Act provides as follows:

"The county clerk shall, at least ten days preceding any general city or town, school district, or primary nominating election, cause to be printed a list of all the electors entitled to be registered. Such printed list of registered electors shall contain the name of the elector in full, together with the residence and the registry number."

In 1913, the Legislature amended the Act of 1911, and in Section 24 of said Act provided:

"The county clerk shall, at least ten days preceding any general or special city or town election, or school district election in districts of the first class, or primary nominating election, cause to be printed a list of all the electors entitled to be registered. Such printed list of registered electors shall contain the name of the elector in full, together with his residence and the registry number."

In 1915, the Legislature again amended the Act of 1911, and as far as the point here involved is concerned, provides as follows:

"The county clerk shall, at least ten days preceding any election, cause to be printed a list of all electors entitled to be registered. Such printed list of registered electors shall contain the name of the elector in full, together with his residence and the registry number."

In 1917, the Legislature passed what is known as Chapter 71, which is an Act providing for the payment and amount thereof of county printing, and repealing Section 2897 of the Revised Code, which was the original act regulating the payment of county printing. This act provides, among other things, the amount which shall be paid upon certain kinds of printing in the following words:

"Printed blanks, blank books, stationery, election supplies, loose leaf forms and devices, and all other printed forms, required for the use of such counties, shall be furnished at not more than the following rates:

RECEIPTS, ELECTION SUPPLIES, ETC.

List of electors, per name, per 1000 copies, \$.07"

It must be borne in mind that the Legislature had before it all the legislation upon the subject which I have heretofore referred to and from which I have quoted. Each act dealing with the matter of printing the lists of registered electors provides that such list shall contain the name of the registered elector, together with his residence and the registry number. In the Act of 1917, known as Chapter 71, the Legislature attempted to establish the maximum amount of printing for "lists of electors" I am of the opinion that what the legislature had in mind was the entire list and not the names upon the list. The names are merely a basis upon which the payment of the entire list shall be made. The list includes the name and address and whatever other information the law requires to be printed upon such list. In this connection we must bear in mind the general proposition that public funds can be paid out only in pursuance to a law clearly designating such payment. Any doubt as to a particular item must be resolved against the payment of such item.

I am of the opinion, therefore, that the proper basis of paying for the election lists printed is at the rate of seven cents per name appearing upon such list.

Respectfully,

S. C. FORD,

Attorney General.