

Elections, Registration of Electors—Registration of Electors, By Registers, Time for.

A person registered by a deputy registrar and whose registration card does not reach the office of the county clerk until after the time for closing the books, is entitled to have his name entered upon the official register.

October 6, 1920.

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

Dear Sir:

I have your letter of the first instant, in which you submit the question of whether or not a person registered before a deputy registrar at a place other than the county seat and whose registration is not forwarded to the county clerk and recorder prior to the time he closes his registration books pursuant to law, is entitled to have his name registered thereon and vote at the ensuing election.

The registration of electors is regulated by Chapter 122, Laws of 1915, as amended by Chapter 38, Laws of 1917, and Chapter 97, Laws of 1919.

Chapter 38, Laws of 1917, provides that all notaries public and justices of the peace are designated as deputy registrars in the county in which they reside. It further provides that the county commissioners shall appoint a deputy registrar in each precinct in the county in addition to the justices of the peace and notaries public. This chapter, as well as Section 9, of Chapter 122, Laws of 1915, provide that if an elector resides more than ten miles distant from the office of the county clerk he may register before the deputy registrar within the precinct where such elector resides, etc.

Chapter 97, Laws of 1919, amends Chapter 122, Laws of 1915, and provides that "the county clerk shall close all registration for the full period of forty-five days prior to and before any election." It will be noted that what is closed by this chapter is the registration and not the registration books. The laws contemplate that a person qualified may be registered up to a period forty-five days preceding any election, and that when such person has registered he is entitled to vote at the ensuing election if he chooses to do so.

In this connection it will be noted that Section 29 of Chapter 122, Laws of 1915, provides that any elector whose name is erroneously omitted from any precinct poll book may apply for and secure from the county clerk a certificate stating the precinct in which such elector is entitled to vote. Upon the presentation of such certificate to the judges of election of the proper precinct the said elector shall be entitled to vote.

You are therefore correct in your conclusion that any registration effected before a deputy registrar at least ten miles distant from the county clerk's office, the registration cards of which do not reach such

county clerk forty-five days prior to the election, is nevertheless entitled to entry upon the official register; providing such registration is made forty-five days prior to such election.

What was meant by Chapter 27, Laws of 1919, is that registration of electors shall cease for a period of forty-five days prior to any election.

Respectfully,

S. C. FORD,

Attorney General.