Ballots—County Clerk—Candidates — Elections — Rotation of Names.

Chapter 133, Session Laws of 1923, relative to the rotation of names of candidates upon the ballots, interpreted and explained.

C. T. Stewart, Esq.,
Secretary of State,
Helena, Montana.

My dear Mr. Stewart:

Your letter was received relative to the printing of ballots in accordance with Chapter 133 of the Session Laws of the Eighteenth Legislative Assembly of Montana, and asking for an interpretation thereof.

The specific part of this enactment to which you refer is as follows:

> "The total number of tickets to be printed for each party for all voting precincts in each township (or if for a city election in a city having wards, for all voting precincts in each ward, or if for a city election in a city without wards, for all the voting precincts in the entire city) shall be divided into lots of twenty-five (25), such lots for each party ticket being numbered consecutively from one up. The names of all candidates for each party for each office shall be arranged by their surnames in alphabetical order, and the tickets in lot 1, for each party, shall be printed in such order. For lot 2, the first name appearing as a candidate for each office in lot 1 shall be placed at the bottom of the list of candidates for such office so that the names appearing first for all offices in lot 1 shall be placed last in lot 2, and the names appearing second for each office in lot 1 shall appear first in lot 2, and this method shall be followed for each lot in the order of their lot numbers until the names have been rotated through the total number of tickets for each party. The tickets belonging to each lot of each party, as they are printed, shall be kept separate from those in the other lots. The ballots for each precinct shall be made up in the following manner: For the first ballot one party ticket shall be taken from lot 1 of each party, for the second ballot one party ticket shall be taken from lot 2 of each party, and so continuing until the proper number of ballots are made up for each precinct, the intention being that in each precinct each ballot shall be made up of party tickets on which the names of candidates for each office shall be arranged in a different order than on the tickets making up the ballot immediately following."

It will thus be seen that, in the preparation of the party tickets for all primary elections, except city elections, the township is taken as the unit for the purpose of determining the number of party tickets to be divided into lots of twenty-five each. Thus, if there should be seven precincts in one township, the total number of the registered voters entitled to vote at the primary nominating election in all seven precincts would be the number of party tickets to be printed for those precincts in that township. If that total number was, for example, 500, this number would be divided by 25, making 20 lots of 25 tickets each. Each of these lots is given a number, beginning with number one and continuing in numerical order until all the lots have been designated with a number. In the example above, the numbers would run from one to twenty, inclusive. In townships with a greater number of registered voters, there would be more lots, and consequently more numbers, and in those townships where the registered voters are not so numerous, there would be fewer lots, and consequently not so many numbers. These numbers are merely for the purpose of designating the lots for the purpose of printing and arranging the names on the tickets and for making up the ballots for the precincts in the township. The tickets are not marked with the lot numbers, but each lot should be designated in some manner with its appropriate number so that the printer may properly print and arrange the names on the tickets and that the clerk may properly make up the ballots for the precincts within the township, as both of these functions are performed according to the lot numbers.

In printing the names on the tickets comprising lot No. 1, the names are arranged in alphabetical order, according to surnames, for each office. In printing lot No. 2 the first name appearing as a candidate for each office in lot 1 shall be placed at the bottom of the list of candidates for such offices, so that the names appearing first for all offices in lot No. 1 shall be placed last in lot No. 2, and the names appearing second for each office in lot No. 1 shall appear first in lot No. 2, and this orderly transposition of the names of the candidates shall be followed for each lot in the order of their lot numbers until the names have been rotated through the total number of tickets for each party.

After the tickets have been printed the clerk then makes up the ballots for the various precincts in the township. For each precinct therein he makes up the first ballot from a party ticket taken from lot No. 1 of each party, and for the second ballot, one party ticket from lot No. 2 of each party, and so continuing until the proper number of ballots are made up for that precinct.

After the ballots are made up for each precinct in accordance with the rule herein expressed, the stubs are then numbered in the manner that ballots are numbered for general elections.

It is, therefore, my opinion that the preparation of the tickets and the making up of the ballots should be done as herein indicated, to the end that the method outlined by the Legislature in said Chapter 133 of the Session Laws of 1923 may be given practical effect.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.