

**Elections—Registration—Notaries Public.**

Special deputy registrars appointed under section 557 are authorized to register electors anywhere within their several precincts regardless of whether said precinct is more or less than 10 miles from the court house.

Notaries public and justices of the peace have no authority to register electors residing less than 10 miles from the county court house. It is the duty of the county clerk to refuse to receive any such registrations.

If a county clerk receives a registration card and files it, the person so registered is entitled to vote, even though the registration was taken without authority by a deputy registrar.

Horace W. Judson, Esq.,  
County Attorney,  
Cut Bank, Montana.

September 14, 1926.

My dear Mr. Judson:

You have requested an opinion regarding the jurisdiction of deputy registrars and the effect of an unauthorized registration of electors.

The following are my conclusions:

1. Section 557 R. C. M. 1921 designates all notaries public and justices of the peace as deputy registrars of the county in which they reside and gives them authority to register electors residing *more* than

*ten miles* from the county courthouse in any precinct within the county. It further authorizes the county commissioners to appoint a deputy registrar, other than notaries public and justices of the peace, for each precinct in the county. This registrar is given authority to register electors "in that precinct."

It is apparent that the special deputy registrar appointed for any precinct is authorized to register electors within that precinct regardless of whether said precinct is more or less than ten miles from the county courthouse.

2. Notaries public and justices of the peace have no jurisdiction to register electors residing ten miles or less distance from the county courthouse. In the event that the officers named should register persons living within said ten mile limit, it would be the duty of the county clerk and recorder to refuse to receive the registration.

3. If the county clerk received the registration referred to in question 2, and filed the card, the person so registered would, in my opinion, be entitled to vote.

Very truly yours,

L. A. FOOT,  
Attorney General.