

**Elections—Registration—County Clerk and Recorder—
Voters.**

1. Any elector whose registration card has been transferred "for convenience," under section 560 of the code, is not a resident of the city or town to which his card has been transferred and is not, therefore, entitled to vote at any municipal election in said city or town.

2. The names of voters appearing on "for convenience" cards should not be included in the certified copies of precinct registers prepared for city elections.

3. The county clerk may properly certify to judges of election that certain names have been erroneously included in the certified copy of a precinct register furnished to them.

4. The county clerk and recorder has no authority to cancel a registration merely upon his own knowledge that the voter has removed from his former precinct.

5. The county clerk has no authority to transfer electors from one precinct to another, except upon written application, in the manner provided in sections 560-561 of the code.

March 28, 1928.

W. F. Allison, Esq.,
County Clerk and Recorder,
Cut Bank, Montana.

My dear Mr. Allison:

You have submitted the five following questions which I am answering in the order contained in your letter:

"1. Is an elector who resides out in the country and votes in the city for convenience and his card shows 'for convenience' entitled to vote at the city election?"

"2. In some cases these people have resided in the city precincts for over thirty days and in some cases for several months, but they have not made any transfer from precinct to precinct and the card shows 'for convenience'; would these people be entitled to vote at the city election?"

The above two questions are answered in the negative.

The only provision in the statute for transfers of registration on the ground of "convenience" is found in section 560 of the code. This section authorizes "electors residing outside of an incorporated city or town to vote in another precinct in the same political township in the county" upon application for a transfer of the elector's registration

card. Such transfer, however, does not make the elector a resident of the city or town, to which his registration card is transferred for his convenience, nor does it entitle him to vote at any city election in said city or town.

“3. The certified copies of the precinct registers have been made by the county for the city and the parties whose cards show ‘for convenience’ have been included, but opposite the name we have marked ‘for convenience.’ Is this proper or should the names have been left off entirely? If ‘for convenience’ is not enough on the registers, what would be necessary to make any corrections on the registers where they have been turned over to the city clerk?”

In making up the certified copies of the precinct registers for a city election it is my opinion that no names appearing on “for convenience” cards should be included. The statute does not, so far as I can ascertain, contain any express provisions for the correction of a poll book by the county clerk after it has been certified by him, except section 579 which applies in case the name has been erroneously omitted. However, it is my opinion that the county clerk might properly certify to the judges of election that certain names have been erroneously included in the certified copy of the precinct register furnished to them. Thereupon, any such elector who offered to vote would at least be subject to challenge.

“4. Where parties reside within the county and they have been out of the precinct for years and have not lived or made their home in the old precinct, are they entitled to vote each city election and general election, or has the clerk the right to strike them from the lists?”

The only authority for the cancellation of registration cards by the county clerk is section 570 of the code. This section does not authorize the clerk to cancel a registration merely upon his own knowledge that the voter has removed from his old precinct.

See, however, subdivision 3 of said section providing for the making of affidavits relative to the removal of a person from the place designated as his precinct.

“5. Has the clerk the right to transfer electors from one precinct to another when he has knowledge of their residence, and does the transfer have to be made by a written request of the elector?”

The law gives to the clerk no authority to transfer electors from one precinct to another except upon written application in the manner provided by sections 560 and 561.

Very truly yours,

L. A. FOOT,
Attorney General.