

Secretary of State—Constitutional Amendments—Laws.

The constitutional amendment provided for by chapter 72, laws of 1927, should be prepared and printed in the manner provided for in said chapter.

May 14, 1928.

John W. Mountjoy, Esq.,
Secretary of State,
Helena, Montana.

My dear Mr. Mountjoy:

You have requested my opinion on the following question:

Chapter 52, laws of 1927, amending section 105 R. C. M. 1921, provides in part as follows:

“All constitutional amendments submitted to the qualified electors of the state shall likewise be placed upon the official ballot prescribed by section 678 and no such amendment shall hereafter be submitted on a separate ballot.”

Chapter 72, laws of 1927, being an act providing for the submission to the qualified electors of the state of Montana of an amendment to section 4 of article XVI of the constitution of Montana relating to county commissioners provides in part as follows:

“1. There shall be submitted to the qualified electors of the state of Montana at the next general election to be held in said state, the following amendment to section Four of Article XVI of the Constitution of the State of Montana relating to County Commissioners, * * *

“3. Separate official ballots shall be used at the general election to be held in November 1928, which shall have printed thereon the words:

“For the amendment to the Constitution relating to county commissioner districts.

“Against the amendment to the Constitution relating to commissioner districts.

“And the elector shall designate his preference for either of the propositions by making an (X) before the proposition desired.”

How should the amendment provided for by chapter 72 be submitted to the voters?

Chapter 52 is a general enactment approved February 26, 1927, while chapter 72 is a special enactment dealing with one particular amendment and approved at a later date, to-wit: March 8, 1927, and it is therefore my opinion that in regard to the particular constitutional amendment in question the special and later enactment will prevail and this constitutional amendment should be prepared and printed in the manner provided for by chapter 72.

Very truly yours,

L. A. FOOT,
Attorney General.