

**Elections—Special Elections—Rules—Publication—Employment.**

In complying with the provisions of house bill No. 450 in holding the special election May 5, 1931, the general election laws should be complied with as much as possible. Employment of extra help proper charge against county.

Mr. A. J. Duncan,  
Clerk and Recorder,  
Helena, Montana.

March 10, 1931.

My dear Mr. Duncan:

You have requested my opinion on the following questions relative to the special election to be held under the provisions of house bill No. 450 on May 5th, 1931, to-wit:

“Section 566, R. C. M. 1921, requires the county clerk to publish for the full period of 30 days before any election ‘Notice of Registration.’

“Section 16 of house bill No. 450 states: ‘The County Clerk of each county must cause to be published in a newspaper within his county, having a general circulation therein, in the week of March 25th, 1931, a notice signed by himself to the effect that registration for the election herein called for will be closed April 25th, 1931.’

“Does this section mean that such notice shall be published for one week only or just one publication published during that week—March 25th—or does it mean publication for full thirty day period beginning March 25th, 1931?

“Section 657, R. C. M. 1921 requires the county clerk to have printed and posted in each precinct of the county lists of electors that are registered in each precinct of the county which lists are to be posted 30 days before any election.

"It is, of course, impossible for the county clerk to comply with the provisions of said section 657 as the registration called for under house bill No. 450 does not close until 10 days before the election. It is doubtful if the list of electors could be printed within the ten days.

"I would like to know if these lists of electors have to be printed and posted at any time, or does house bill No. 450 repeal the provisions of section 657, R. C. M. 1921?

"The general election laws also require the county clerk to have printed and sent to each election precinct in the county 'Instructions to Electors.' Is this required under the provisions of house bill No. 450? If so, will you kindly prepare such instructions?

"It will undoubtedly be necessary to employ additional help in this office in order to get out the election work and supplies in the 10 day period allotted under the provisions of house bill 450. In such case will the expense of such extra help be a proper charge against the state of Montana?"

In answer to your first question will say that section 16 of said act appears to clearly require but one publication for the week of March 25th only; this is more clearly evidenced by the fact that in many counties there is no daily paper.

In answer to your second question will say that this act is a special act and does not in any way repeal the provisions of section 657, R. C. M. 1921, and while the act is not at all specific as requiring the posting of the county lists of electors, who are registered in each precinct of the county, the general election laws should be complied with as far as possible, and for that reason such lists of registered electors should be posted as soon as possible after the closing of registration.

In answer to your third question, and again following the policy of complying with the general election laws, it is my opinion that you should furnish "Instructions to Electors." These instructions should comply with the requirements of section 607, R. C. M. 1921. Paragraph 1 thereof should give the information contained in section 693, and paragraph 2 should give the information contained in section 696, and paragraph 3 should contain the information given in section 698, as well as copies of the other sections of the code required therein.

In answer to your last question will say that the act does not contain any provision for paying for extra help necessary in the office of the county clerk but since the duties requiring the extra help are imposed upon the county clerk this will be a proper charge against the county.

Very truly yours,

L. A. FOOT,

Attorney General.