

**Opinion No. 563****Elections—Bond Election—Poll Book  
—Omission of Name of Elector  
from Poll Book.**

HELD: An elector, to be entitled to vote at a county bond election, must be a taxpayer whose name appears upon the last preceding completed assessment roll.

Where an elector is registered under one name and has property assessed to him under a somewhat different name, and is for that reason left off the poll book, he may, under Section 579, R. C. M., 1921, procure a certificate of omission of name from poll book to be presented to the judges of election and so be entitled to vote.

June 27, 1934.

The facts relating to your request for an opinion will appear in the following discussion. You are proceeding under Chapter 188, Laws of 1931, an Act relating to county bonds. Section 12 of this Act provides that all qualified electors of the county shall be qualified to vote and no property assessment or tax paying qualifications shall be required.

On page 551 of the Session Laws of 1933 is contained the constitutional amendment relative to qualifications of electors, which provides in part as follows: "If the question submitted concerns the creation of any levy, debt or liability the person, in addition to possessing the qualifications above mentioned, must also be a taxpayer whose name appears upon the last preceding completed assessment roll, in order to entitle him to vote upon such question."

It is my opinion that the adoption of this constitutional amendment modifies Section 12 of Chapter 188 of the Laws of 1931 to the extent that additional qualifications are required of electors at such election in that each elector must be a taxpayer whose name appears upon the last preceding completed assessment roll.

Where a man is registered under one name and has property assessed to him under a somewhat different name, either spelled somewhat differently or the full name used in one instance and initials used in another, the county clerk whose duty it is to prepare the

election rolls has no method of determining whether or not the parties so named are identical and may be justified and warranted in leaving them off the rolls. Certainly if such names have not been considered in determining the sufficiency of the petition and, after excluding such names, the petition has been found sufficient, no harm has been done by such act.

However, I believe that a person who is duly registered and whose name also appears as a taxpayer upon the last preceding completed assessment roll is entitled to vote even though there may be a discrepancy in the manner in which such names appear in the different lists.

You ask what steps should be taken so that electors so omitted may legally be permitted to vote at the bond election. I would call your attention to Section 579, R. C. M., 1921. We are always safe in proceeding in accordance with a statute of this character. Therefore, all electors who have complied with the terms of this statute and are entitled to vote may procure from your office certificates which they can present and leave with the judges of election. If you, in so far as possible, assist persons entitled to vote whose names are omitted, it would seem that no criticism could properly be made against your office, and that those entitled to vote would be given that privilege.