

Opinion No. 109½.**Registration—Deputy Registrars.
Fees—Justice of Peace—
Notary Public.**

HELD: Special deputy registrars appointed under Chapter 172, Laws, 1937, may charge county 10 cents per name registered. Notaries Public and Justices of Peace designated as deputy registrars may not charge county, but may charge elector registering the sum of 25 cents.

June 9, 1937.

Mr. Harold G. Dean
County Attorney
Thompson Falls, Montana

Dear Sir:

Your letter, addressed to Mr. R. N. Hawkins, State Examiner, in reference to the proper registration fee to be charged, together with a letter from Mary Smith, has been referred to this office.

In your inquiry you do not advise us as to whether or not Mary Smith is a deputy registrar appointed by the board of county commissioners, other than a deputy registrar by virtue of being a justice of the peace or notary public.

Section 557, among other provisions, provides:

“Such deputy registrar shall be a resident elector in the precinct for which he is appointed and shall register the electors in that precinct, and shall receive as compensation for his services the sum of twenty-five cents for each elector registered by him.”

That portion of Section 557 has been amended by Chapter 172, Section 5, 1937 Session Laws, and reads as follows:

“Such deputy registrar shall be a qualified, taxpaying resident elector in the precinct for which he is appointed and shall register electors in that precinct, and shall receive as compensation for his services the sum of ten (10) cents for each elector registered by him.”

Prior to the amendment, the deputy registrar specially appointed, being a deputy registrar other than a justice of the peace or notary public, could charge the county twenty-five cents for each legal registration that he made. The amendment of 1937 lowers the fee to be charged to the county by the specially appointed deputy registrar to ten cents for each legal registration.

Section 5 of Chapter 172, of the 1937 Session Laws, designates justices of the peace and notaries public as deputy registrars. Chapter 172 does not authorize the notary public and justice of the peace, as deputy registrars, to charge the county any fee for registration. Any elector residing more than ten miles from the county courthouse in any precinct within the county, may, if he wishes to, register with such justice of the peace or notary public, and the county is not liable for any charge. If the individual elects to so register with said justice of the peace or notaries public, he must pay the fee charged, and the notary is authorized to charge the individual the fee provided for in Section 4914, or the sum of twenty-five cents.

The law also makes provision for the elector to register without cost to him, and a ten cent cost is chargeable to the county when the registration is made by the specially appointed deputy registrar.

Your attention is called to the fact that all notaries public and justices of the peace are designated as deputy registrars in the county in which they reside, and may register electors residing more than ten miles from the county courthouse in any precinct within the county. These notaries public and justices of the peace need no special appointment to act as deputy registrars. In addition to these deputy registrars, it is made the duty of the board of county commissioners of each county to appoint a deputy registrar, and it is only this deputy registrar who is allowed to charge the county for regis-

tering, and the fee to be charged by
him is ten cents per registration.