

Undoubtedly the legislature felt that where there is only one candidate for the office, and, therefore, as a rule no contest whatever, the obtaining of a poll book from the county clerk is unnecessary. Since the requirements for voting at a school election are not the same as at a general election, the poll book would be only a partial guide as to the voters anyway. Furthermore, they may have felt that the statutes provided other safeguards to insure a fair and impartial election. Whatever their reasons were, they passed the law (Section 571 as amended) and I am of the opinion that on the facts stated no poll book should be obtained from the county clerk.

Opinion No. 69.

Schools—Elections.

HELD: Where there is only one candidate in school election no "poll book" should be obtained from the County Clerk.

March 29, 1937.

Mr. Phil G. Greenan
County Attorney
Great Falls, Montana

Dear Mr. Greenan:

You have submitted the question whether a "poll book" should be obtained from the clerk and recorder where only one person has been nominated to fill a vacancy in a school election, and have called attention to the apparent necessity of having a poll book where an election is required to be held in accordance with Sections 987-996, R. C. M., 1935.

Section 571, as amended by Chapter 71, Laws of 1935, provides:

" * * * provided further, that in elections of school districts of the first class if only as many candidates are nominated as there are vacancies to be filled, the county clerk shall furnish no poll books and make no charge therefor to such school districts."

This provision was added by said Chapter 71, Laws of 1935. It is specific, clear and unambiguous. "Poll book" is defined by Section 568, R. C. M., 1935. As there defined it means a book containing the names of the electors as found on the registry cards of each elector.