

**Opinion No. 78.**

**Counties—Elections—Registration Records, Destruction of.**

HELD: Under provisions of Chapter 172, Laws 1937, county clerks must destroy only "card indexes," "registry cards," and "affidavits," and must retain as permanent records registers of last general election containing signatures of electors, such as "precinct registers," etc.

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April 3, 1937.

Mr. Sam W. Mitchell  
Secretary of State  
State Capitol  
Helena, Montana

Dear Mr. Mitchell:

You request advice from this office upon the interpretation of Section 1 of Chapter 172, 1937 Sessions Laws,

relating to the destruction of certain registers.

You have inclosed a letter from Mr. Donald Gibson, Deputy Registrar of Great Falls, in which he inquires as to whether or not this law requires the destruction of precinct registers.

Section 1 of the Act requires the county clerk or the registrar, within a specified time, to cancel all registrations of the electors in the county, and burn all "card indexes," "registry cards" and "affidavits" which were executed and signed by the elector for the purpose of registration; also, all copies of the registration books used at any election theretofore held. The section specifically and expressly requires the particular officer to preserve the "register" theretofore used as a permanent file in the office of the county clerk.

The "register" referred to ordinarily means the "great register"; but by custom many of the counties are using the precinct registers in the same manner as the "great registers," and when so used and compiled, may in fact constitute the "register."

Furthermore Section 1 requires the burning of certain records. Precinct registers, whether treated as the "register" or not, are not specified; neither do these precinct registers constitute "copies" of the registration books.

Therefore, it is the opinion of this office that precinct registers for the last general election should be preserved, and that the clerk and recorder should not burn or destroy the same.