

Opinion No. 205.

**Elections—Initiative Petitions—Signatures, Sufficiency of.**

HELD: The signature on an initiative petition is sufficient if it enables the clerk and recorder to certify that the person who signed the petition and who signed the registration card is one

and the same person and the signatures need not be identical.

It is not necessary that the signer of the petition himself insert the precinct of which he is a resident. This may be done by his authorized representative.

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March 4, 1940.

Professor W. F. Brewer  
Box 554  
Bozeman, Montana

Dear Mr. Brewer:

You have requested the opinion of this office on the question of the sufficiency of signatures on initiative petitions. As you have pointed out, there are a great many variants in signatures.

While it is not possible to lay down a general rule to apply in all cases, I think the following may be accepted as a guide: The signature on initiative petitions should be such as would enable clerks and recorders to certify that the signer and the registered voter are one and the same person. In order for him to so certify it is not necessary that the signature be exactly like the signature on the registration card for, after all, it is not the function of the clerk to certify that the signatures are identical, this not being material or required by the law, but rather that the person signing the petition is the person who signed the registration card. Therefore, if a clerk and recorder is satisfied as to the identity of the persons signing the petition, he would be acting arbitrarily if he refused to certify to the same on the ground that the signatures are not identical.

As a practical course to follow, we suggest that your representatives present our interpretation of the law to each clerk and recorder before petitions are signed and that they try to obtain his attitude so that they may be guided thereby as nearly as possible.

With reference to your further question, we think if the signer of the petition authorizes and requests your representative to insert the correct precinct to which the signer and voter belongs, that is sufficient authority for him to do so and that it need not be inserted by the signer himself in case he does not know the precinct.