

June 25, 1940.

Mr. Thomas D. Long  
County Attorney  
Libby, Montana

My dear Mr. Long:

You have asked if a person who is a candidate for precinct committeeman or committeewoman in the primary election can also serve as a judge or clerk of such election.

The provision for judges and clerks of election is found in Chapter 62, Vol. 1, Political Code, R. C. M., 1935, Sections 587-597. Nothing therein contained prevents anyone from serving as a judge of election providing he is regularly appointed by the county commissioners, or from serving as a clerk if appointed by the judges. The only qualification is that prescribed by Section 590, R. C. M., 1935, which says that not more than a majority of such judges must be appointed from one political party.

The general rule is laid down in 20 C. J., p. 90, n. 21, "The fact that a person is a candidate at the election does not disqualify him from acting as an election officer unless it is so provided by statute."

It is my opinion that any candidate at the primaries may also act as election judge or clerk without violation of Montana statutes.

**Opinion No. 240.**

**Elections—Primary Elections—Judges  
and Clerks of—Candidates.**

**HELD:** A candidate at a primary election may also serve as an election judge or clerk.