

**Opinion No. 44.****Elections—Highway Debenture  
Election—County Officials**

Held: County Clerks, in preparing the poll books for the highway debenture election of June 8, 1943, should include therein only the names of those entitled to vote at the election.

April 15, 1943.

Mr. R. F. Hibbs  
County Attorney  
Yellowstone County  
Billings, Montana  
Dear Mr. Hibbs:

You have asked:

“Section 568, Revised Codes of Montana, 1935, provides for the poll books or precinct registers. In order to prepare those registers (for the highway debenture election of June 8, 1943), may the clerk include therein only the names of those entitled to vote at this election, or must he include the entire list of registered voters for the precinct and then designate those entitled to vote at this election?”

Section 17 of Chapter 217, Laws of 1943, the chapter authorizing the highway debenture election of June 8, 1943, provides:

“During the time intervening between the closing of the registration and the day of the ensuing election the county clerk shall prepare for each precinct a book to be known as the Poll Book which shall be for the use of the clerks and judges of election in each of said precincts, and conform as near as may be for the purposes of the election herein called to the Poll Book prescribed by Section 568, Revised Codes of Montana, 1935, and during such time the county clerk shall also prepare and distribute the official ballots as herein provided, and all other necessary election equipment and paraphernalia.” (Emphasis mine.)

It is therefore my opinion the county clerks should look to Section 568, Revised Codes of Montana, 1935, for the form and arrangement of the poll books to be used at the June 8th election; but they should include therein only the names of those registered electors entitled to vote at the election. Only by such procedure could the purity of the election process be assured.

Sincerely yours,  
R. V. BOTTOMLY  
Attorney General