

"Immediately after every general election, the county clerk of each county shall compare the list of electors who have voted at such election in each precinct, as shown by the official poll-books, with the official register of said precinct, and he shall remove from the official register herein provided for the registry cards of all electors who have failed to vote at such election . . ."

It is to be noted that, as amended by Chapter 177, Laws of 1943, the above quoted portion of Section 562, Revised Codes of Montana, 1935, now reads the same as it read in 1935, and therefore it should be construed the same.

It is my opinion that, under the amendment of Section 562, Revised Codes of Montana, 1935, contained in Section 1 of Chapter 177, Laws of 1943, the county clerk should cancel only the registration of those persons who did not vote at the election; and the registry cards of all persons who voted by absent voter's ballots should not be cancelled.

Opinion No. 4.

**County Clerk—Cancellation of
Registration—Absentee Voters.**

Held: Under Section 562, Revised Codes of Montana, 1935, as amended by Chapter 177, Laws of 1943, the county clerk should cancel only the registration of those persons who did not vote at the election, and the registry cards of all persons who voted by absent voter's ballots should not be cancelled.

January 6, 1945.

Mr. Erick Moum
County Attorney
Roosevelt County
Wolf Point, Montana

Dear Mr. Moum:

You have requested an opinion of this office, asking if the registration of persons who voted by absent voter's ballot should be cancelled.

Section 562, Revised Codes of Montana, 1935, as amended by Chapter 147, Laws of 1937, and as amended by Chapter 144, Laws of 1941, and as now amended by Chapter 177, Laws of 1943, reads in part:

Sincerely yours,
R. V. BOTTOMLY,
Attorney General