

**Opinion No. 5**

**State Soil Conservation Committee—Balloting By Mail—Election  
of Supervisors and Adoption of Referenda**

**Held: Balloting by mail may be authorized by either the State Soil Conservation Committee or the Soil Conservation Districts since they may prescribe regulations for the conduct of elections held under their respective jurisdiction.**

February 26, 1957

Mr. Fred Sanborn  
Soil Conservation Committee  
Bozeman, Montana

Dear Mr. Sanborn:

You have requested my opinion on whether the State Soil Conservation Committee and the District Conservation Committees may prescribe balloting by mail in the election of Supervisors and the adoption of referenda regulating the use of the land in such districts.

Section 76-106, R.C.M., 1947, provides for the election of supervisors of each district and states in part:

" . . . The committee shall . . . prescribe regulations governing the conduct of such election and the determination of the eligibility of votes therein, . . . "

Section 76-109, R.C.M., 1947, provides for the formulation of regulations governing the use of lands within the district and states in part:

" . . . The supervisors shall supervise such referendum, shall prescribe appropriate regulations governing the conduct thereof . . . "

The Act does not require the elections held by the Committee or District Supervisors to be conducted in accordance with the general election laws of the state. The legislature has empowered the Committee and District Committee to prescribe regulations governing elections held under their respective jurisdiction.

Balloting by mail may be authorized by the Soil Conservation Committee for any election which must be conducted under its control. Similar policies may be adopted by the District Committees for elections held under their auspices.

It is therefore my opinion that balloting by mail may be authorized by either the State Soil Conservation Committee or the Soil Conservation Districts for elections held under their respective jurisdictions.

Very truly yours,  
FORREST H. ANDERSON  
Attorney General