

VOLUME NO. 36

Opinion No. 82

COUNTIES — Printing contract, scope of; Sections 16-1230, 19-103.1, 23-3012, 23-3023, Revised Codes of Montana 1947.

HELD: The reproduction of the list of registered voters required by sections 23-3012 and 23-3023, R.C.M. 1947 is "printing" as defined by section 19-103.1, R.C.M. 1947, and must be done by the county printing contractor.

May 25, 1976

M. A. Markuson, Chairman
Board of County Commissioners
County of Carter
Ekalaka, Montana 59324

Dear Mr. Markuson:

You have requested my opinion as to whether the list of registered voters, as required by sections 23-3012 and 23-3023, R.C.M. 1947, may be reproduced on a county owned dry-copier, or must be printed by the county printing contractor.

Section 16-1230(1), R.C.M. 1947 defines the scope of the county print contract as follows:

The county commissioners shall contract with one (1) newspaper to do **all the printing for the county**, including advertising required by law and all printed forms required by the county.... (Emphasis supplied)

Section 19-103.1, R.C.M. 1947 defines printing as follows:

As used in the laws of the state of Montana, printing is the act of reproducing a design on a surface by any process.

Section 16-1230, *supra*, seems to include any type of reproduction done by any type process. There must, of course, be a line drawn between what must be printed and what may be reproduced in the various county offices. The statute should not be construed to require that the reproduction of every letter, memo or file in the office be done by the county printer. Statutory construction should not lead to absurd results if a reasonable construction will avoid it. **Billings Properties, Inc v. Yellowstone County**, 144 Mont. 25, 394 P.2d 182 (1964). On the other hand, the statute specifically requires that "advertising required by law and all printed forms" be printed by the county printer.

Between these two extremes lies an area which must be dealt with on a case by case basis, depending on the particular facts of each situation. In examining the situation at hand, section 16-3023, *supra*, clearly indicates that the list of registered voters required by section 16-3012, *supra*, be printed by the county printing contractor. Section 16-3023, *supra*, provides in pertinent part as follows:

(1) **The registrar shall have a list printed of all registered electors** shown on the precinct registers of the county or city ten (10) days or more preceding any election.

(6) **The expense of printing this list** shall be paid by the county or city in which the election is to be held. (Emphasis supplied)

The use of the term "printed" along with the referenece to "expense of printing" lead to the inescapable conclusion that reproduction of the list of registered voters is "printing" within the purview of section 16-1230, *supra*.

THEREFORE, IT IS MY OPINION:

The reproduction of the list of registered voters required by sections 23-3012 and 23-3023, R.C.M. 1947 is "printing" as defined by section 19-103.1, R.C.M. 1947, and must be done by the county printing contractor. This opinion is limited to consideration of this list of registered voters.

Very truly yours,
ROBERT L. WOODAHL
Attorney General