

VOLUME NO. 38

OPINION NO. 107

ELECTIONS - Voter registration;
ELECTIONS - Access to voter registration cards;
ELECTIONS - Registration by mail;
ELECTIONS - Duty of election administrator regarding voter registration;
MONTANA CODE ANNOTATED - Section 13-2-203(2).

HELD: Any restriction on the availability of forms for voter registration by mail violates the provisions of section 13-2-203(2), MCA.

19 September 1980

Honorable Frank Murray
Secretary of State
State Capitol
Helena, Montana 59601

Dear Mr. Murray:

You have requested my opinion regarding the availability of voter registration cards pursuant to the provisions of section 13-2-203(2), MCA. That section provides:

REGISTRATION BY MAIL. *** (2) The election administrator shall send registration forms for mail registrations to all qualified individuals requesting them and shall, in addition, arrange for the forms to be widely and conveniently available within the county. The mail registration form shall be designed as prescribed by the secretary of state. (Emphasis supplied.)

The language of the statute is clear. Election administrators are required to make registration forms "widely and conveniently" available. Where legislative language is clear and unambiguous, the plain meaning of the words used

must be adopted. Dunphy v. Anaconda, 151 Mont. 76, 438 P.2d 660 (1968).

The section was originally enacted as part of an act to encourage voter registration by allowing registration by mail. 1975 Mont. Laws, ch. 396. The registration process was greatly simplified. Any registered voter within the county can register new voters. All the process requires is that the form be completed, signed by both the newly registered voter and the witness, and mailed to the county election office. The last Legislature added the requirement that the election administrator make the forms for mail registration widely and conveniently available. 1979 Mont. Laws, ch. 571.

Any restriction on the availability of voter registration cards conflicts with the legislative intent and violates the provisions of the statute. Individual voters can register new voters without being designated as deputy registrars. Election administrators cannot place arbitrary limits on the availability of voter registration forms either to individuals or political interest groups such as political parties, labor unions, or political action committees. It is clear from the legislative history of the act that it was the Legislature's intent to eliminate complicated and technical registration requirements to ensure Montana citizens easier access to the electoral process.

THEREFORE, IT IS MY OPINION:

Any restriction on the availability of forms for voter registration by mail violates the provisions of section 13-2-203(2), MCA.

Very truly yours,

MIKE GREELY
Attorney General