School Elections, Notice of. Notice, of Bond Election. Bond
Electicn, Sufficiency of Notice.

Notice of election for the issuance of school district bonds
examined and held sufficient.

May 21, 1914.

Hon. State Board of Land Commissioners,
    Helena, Montana.
Gentlemen:

I return herewith transcript of proceedings had by School District
No. 1, Ravalli county, Montana, relative to the issuance of school bonds
in the sum of twenty thousand dollars. The only qlestion presented
relat've to the regularity of the proceedings is that with reference to
the notice of elect on. All other proceedings had appear to have been regu-
lar. It appears that this bond election was held on the same day as the an-

nual school election, that is, April 4th, 1914; that the notice of the an-
nual school election contained the statements required by law to be
in such notice, that is, the time and place of election and the hour
during which the polls would be open. Attached to this regular notice,
on the same sheet of paper appeared the following notice, relative to
the bond issue:

"Notice.

"At the annual school election to be held in the school
house, April 4th, 1914, the question of bonding the district for
twenty thousand dollars will be submitted to the electors of
said district."

This notice was signed by the clerk, by order of the board. The
question as to the sufficiency of the notice for bond elections in school
districts has been considered by the Supreme Court of this state in
State vs. School District No. 1, 15 Mont., 133, and in Hauswirth
vs. Mueller, 25 Mont., 156, but it appears that the statute relating to
this subject was then very substantially different from our own pres-
ent statute. The law under which this election was held is contained
in the provisions of Chapter 76, Laws 1913. Section 2016 of that
Chapter, relating to bond issues, contains the single statement:

"Such election shall be held in the manner prescribed for
the election of school trustees."

and the manner of holding election of school trustees is found in Sub-
division B., Section 502 of said Chapter 76, and with reference to the
notice, contains this statement:

"The clerk of the school district must not less than fifteen
days before the election required under this act, post notices
in three public places in said district and incorporated cities, in
each ward, which notice must specify the time and place of
election, and the hour during which the polls will be open."

Under this law then, three things only are required to be stated
in the notice of election of school district, to-wit: the time, the place
and the hours. The notice of this special bond election states the time,
the place and the amount of the bonds, and it appears from the trans-
cript that the ballot used at such election strictly conformed to the ballot re-
quired by the provisions of Section 2016, Chapter 76, Laws of 1913. It seems
therefore, that this notice of election substantially complies with all
the requirements of the statute as the same existed at the date of this
election, and as strengthening the conclusion that the notice is suffi-
cient, while this bond election was a special election, yet it was held at
the same time and at the same place of the general election, and the
ballot use gave to the electors full information as to the amount
presented, duration and purpose of the bonds. Hence, all the electors
who appeared at this general election, and under our state of govern-
ment it seems as though it was their duty to appear (Trinkle vs.
Griffin, 26 Mont 426), had, in addition to the posted notice of election,
actual notice respecting this bond issue, and two hundred eighty-four
votes were actually cast on the bond question, two hundred fourteen
for the bond issue and seventy against the bond issue, making a ma-

jority of one hundred forty four in favor of the issue of the bonds. From these considerations, I am cf the opinion that the proceedings had by this district was sufficient to give validity to the bonds issued in accordance therewith.

Yours very truly,

D. M. KELLY,

Attorney General.