

**School Bond Elections—Closing of Registration Books for 45 Days—Who Qualified to Vote at.**

An election held for the purpose of voting upon school bonds does not necessitate the closing of the registration books for 45 days under Chapter 97 of the Laws of 1919.

A person making an affidavit that he is a qualified registered elector and that he is assessed upon property, either real or personal, located within the school district, and that his name appears upon the assessment roll for the year preceding the election, is entitled to vote at such election.

M. L. Parcels, Esq.,  
County Attorney,  
Columbus, Montana.

My dear Mr. Parcels:

You have called to my attention provisions of Chapter 104, Session Laws of 1921, as amended by Chapter 17, Extraordinary Session Laws of 1921, with reference to the term "registered voters" as contained therein. You ask whether the provisions of Chapter 97, Laws of 1919, providing for closing of registration 45 days before an election, have any application, and how it is to be determined who is entitled to vote.

Under the provisions of Section 2016 of Chapter 76 of the Laws of 1913, as amended by Chapter 196 of the Laws of 1919, the election on a bond issue in a school district is held in the manner prescribed for election of School Trustees. In districts of the second and third classes, registration is not required. However, registration is only one of the requirements under Chapter 104 above referred to. There are other requirements, such as that the elector's name must appear on the assessment roll for the preceding year, and he must be assessed upon property within the district. This is equally as important as is the fact that his name appears on the list of registered voters. While the registration list in the hands of the election officers might assist them, it would not determine whether the name appears upon the assessment roll, and resort would have to be had to some other method to determine any question arising as to the latter. This is found in Subsection 11 of Section 502 of Chapter 76 of the Laws of 1913, providing for swearing in votes when challenged.

I am, therefore, of the opinion that an election of this kind would not necessitate the closing of registration under Chapter 97 of the Laws of 1919. If a person offering to vote is challenged he can swear his vote in, and in such case he would be required to swear that he was a qualified registered elector, that he was assessed upon property, either real or personal, which property must be located within the

school district, and that his name appears upon the assessment roll for the year preceding the election. Having taken this oath he would be entitled to vote.

Very truly yours,

WELLINGTON D. RANKIN,

Attorney General.