

**School Board—Duty to Call Bond Election When Legal
Petition Filed—Whether Mandatory.**

When a petition for an election is filed signed by 30 per cent of the electors, qualified as required by Chapter 104 of the Laws of the 17th Legislative Assembly, it is mandatory upon the Board of School Trustees to call an election.

W. L. Hyde, Esq.,
County Attorney,
Superior, Montana.

My dear Mr. Hyde:

You have requested an opinion from this office upon the following question:

When a School Board is legally petitioned by more than 30 per cent of the qualified electors who are taxpayers upon property in said district, and whose names appear upon the last assessment roll of the county, to submit to the electors of the district the question whether the Board shall be authorized to issue bonds in a sum certain not to exceed 3 per cent of the taxable property in said district, has such Board any discretion as to the calling of such election, or is the calling of such election mandatory upon them?

While the Board of Trustees formerly had the power to call an election, the election could, under Section 34 of Chapter 196 of the Laws of 1919, also be called by petition of 30 per cent of the qualified electors of the district. While I am of the opinion that Chapter 104 of the Laws of 1921 requires the approval of only 20 per cent of the electors before the Board acquires jurisdiction to submit the matter if they desire to do so, yet I am also of the opinion that the provisions of Section 34 of Chapter 196 of the Laws of 1919, are amended by Chapter 104, Laws of 1921, only in respect to the qualifications of electors.

It is therefore my opinion that when a petition for an election signed by 30 per cent of the electors qualified as required by Chapter 104, supra, is filed as provided for in Section 34, it is mandatory upon the Board to call an election.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.