

School District, Elections. Bonding Elections, Qualification of Voters. Special Elections, Time of Holding. Electors, Qualifications of. Elections, School District, Special.

1. Section 857, Revised Codes, prescribes the qualification of school district electors, as every citizen of the United States, including women who have resided one year in the state and thirty days in the district.

2. The qualifications of electors for trustees, and for voting on a bonding question of the district, are the same, except as to matters of registration.

3. The question of voting bonds may be submitted to the electors of a district at the time of holding the general election, but separate ballots must be used.

Helena, Montana, March 30, 1909.

Hon. E. C. Mulroney, County Attorney, Missoula, Montana.

Dear Sir:

I am in receipt of a letter from T. A. Price, Chairman, Board of School Trustees, submitting the following questions:

"1. What are the qualifications of those who are entitled to vote on the question of bonding the school district?"

"2. Can any one who votes for a bond issue vote for the election of a trustee, and vice versa?"

"3. Is there any reason why the question of voting bonds cannot be submitted at the annual school election at the same time the election of trustees is held?"

These questions will be answered in their order.

1. Section 1004, Revised Codes, provides that the question of bonding a school district must be submitted "to the electors of the district." Section 857, Revised Codes, prescribes the qualification of electors as "every citizen of the United States, who has resided in the State of Montana for one year and thirty days in the school district, next preceding the election, may vote thereat. Women of the age of twenty-one years,

and upwards, who are citizens of the United States, and have resided in the State of Montana one year, and in the school district for thirty days next preceding the election, may vote thereat."

See also: Section 467, Revised Codes and  
Section 10, Article IX, State Constitution.

The last paragraph of said section 857, relating to the registration, is not quoted above, for the reason that under the provisions of Section 1005, Revised Codes, no registration is required of the voters upon the question of bonding the district.

2. The qualifications of electors voting for trustees, and those voting on a question submitted for the bonding of a district, are the same, except that in districts of the first class; that is, districts having a population of eight thousand or more, as prescribed in Section 850, Revised Codes, persons entitled to vote for school trustees must be registered, as provided in Section 864, Revised Codes, while no registration is required of those who vote on the question of bonding the district.

3. Section 1004, Revised Codes, which confers authority upon school district trustees to submit to the electors of the district the question of bonding the district does not prescribe either the time or place when or where such election shall be held. Hence, there is no objection to it being held at the time and place of an annual election of school district trustees. But if such election is held at the time and place of electing school district trustees, separate ballots must be used, for the reason that the qualification of registration is required of those who vote for trustees but is not required of those who vote only on the question of bonding the district.

Very truly yours,

ALBERT J. GALEN,

Attorney General.