

**School Trustees, Election and Term of Office Of. Election,
of School Trustees. Trustees, Election of School.**

There is no direct provision of law requiring the school trustees to be elected for a shorter term than three years, but under the provisions of Sec. 858, R. C., giving the form of ballot for long and short term and also providing that in districts of the first class the ballot shall show the names of the candidates and "length of time for which they are to be elected." It was evidently the intention of the Legislature to provide that at the first election of school trustees they should be elected for different terms so that there will be a larger majority of the old members remaining on the board.

March 14, 1911.

Justin M. Smith, Esq.,
County Attorney,
Bozeman, Montana.

Dear Sir:

Replying to your letter of March 10th. stating that it has been the custom in your county to so elect a board of school trustees that a majority of the board shall hold over, and in order that this may be done, trustees have been elected for a term of one, two and three years respectively, and requesting me to refer you to the provisions of the Code requiring election of school trustees to be had in this manner, I will say:

That there is no direct provision of the Codes requiring any school

trustee to be elected for a shorter term than three years, but under the provisions of Section 858, Revised Codes, giving the form of ballot for a long and short term, and also providing that in districts of the first class the ballot shall show the names of the candidates and the "length of time for which they are to be elected" it evidently was the intention of the legislature to provide that at the first election of school trustees they should be elected for different terms, so that there would be a majority of the old members remaining on the board, and that thereafter a trustee or trustees should be elected for a term of three years in the place of the outgoing member. This had been the practice in most of the counties, and whether or not this is the correct construction to be placed on this Section, it has been deemed best by this office to advise that school trustees at the first election be elected for one, two or three years, as the case may be, so that the expiration of the term of office of the first trustees will leave a majority of the old members still on the board.

Yours very truly,

ALBERT J. GALEN,

Attorney General.