

**School Trustees, Term of Office Of. School Trustees,  
Vacancy How Filled on Account of Failure to Elect. Vacancy  
in Office of School Trustee, How Filled.**

School trustees hold office for the term of three years, and until their successors are elected and qualified or appointed by the county superintendent of schools and qualified.

When a vacancy occurs in the office of trustee of a school district by a failure to elect at the proper time, the fact of such vacancy shall be certified to the county superintendent of schools by the clerk of the district, and the county superintendent shall immediately appoint, in writing, some competent person who shall qualify and serve until the next annual election.

May 5, 1911.

Miss Lucile Dyas,  
Supt. of Schools, Lewis and Clark County,  
Helena, Montana.

Dear Madam:

I am in receipt of your letter of May 4th requesting me to inform

you as to the term of office of school trustees, and also whether or not a vacancy is created in the office of school trustee by failure to elect, and if so, would you have authority to appoint a person to fill such vacancy?

In reply I will say that by the provisions of Section 816, Revised Codes of 1907, school trustees elected shall take office immediately after qualifying to hold office for the term of three years and until their successors are elected and qualified, or appointed by the county superintendent of schools and qualified.

By the provisions of Section 1019, Revised Codes of 1907, when any vacancy occurs in the office of trustee of any school district by death, resignation, failure to elect at the proper time, removal from the district, or other cause, the fact of such vacancy shall be immediately certified to the county superintendent of schools by the clerk of the school district, and the county superintendent shall immediately appoint in writing some competent person, who shall qualify and serve until the next annual school election. The county superintendent shall at the same time notify the clerk of the school district of every such appointment.

You are therefore advised that the term of office of school trustee is three years and until his successor is elected and qualified or appointed by the county superintendent of schools and qualified. In the event of a failure to elect at the proper time a vacancy is created and it becomes the duty of the county superintendent to appoint a suitable person to fill the vacancy.

Yours very truly,

ALBERT J. GALEN,

Attorney General.