

School Districts, Notice of Election. Notice of Election, in School Districts. Bonds, Notice of Election For. School Bonds, Notice of Election For.

It is not necessary for a notice of election called for the purpose of voting an issue of bonds of a school district to contain the statement of the redeemable period of such bonds.

August 3, 1912.

Hon. H. C. Packer,  
County Attorney,  
Hamilton, Montana.

Dear Sir:

I acknowledge of your letter of the 1st inst., in which you request my official opinion as to whether or not it is necessary, in a notice of election for the purpose of submitting to the electors of the school district the question of the issuance of school bonds, to insert in such notice the redemption period as well as payment period of the bonds, and you call attention to the fact that the forms gotten out by the state board of land commissioners does not make provision for the redemption period, and you further state that under the ruling of the supreme court in the case of State ex rel Stanford vs. School District No. 1, Cascade County, reported in 15 Mont. 133, the statement of the redemption period is necessary.

The opinion above referred to was given in construction of Sec. 1950 et seq., of the compiled statutes of 1887. Those sections made no provision for the form of the ballot to be used at such elections. However, the legislature in 1901 enacted what is now Sec. 1005, Revised Codes of 1907, which provides the form of ballot to be used at bond elections. It is not necessary for the trustees to submit to the electors of the district more than is required by law. The electors are presumed to know the provisions of law with reference to such elections.

Morse vs. Granite Co., 44 Mont. 78.

It is not necessary for the trustees to include in the notice of election more than is actually submitted to the electors of the district to vote upon. The legislature in the enactment of Sec. 1005 prescribed the exact question to be submitted to the electors and it is my opinion that if the election notice contains the ultimate facts as specified in the form of ballot prescribed that it is sufficient, and that since the legislature has expressed its intention as to the questions to be submitted to the electors, the ruling of the supreme court in the State vs. School District case, *supra*, is not now applicable. I am therefore of opinion that it is not necessary for the notice of election to contain the redemption period of bonds.

Yours very truly,

ALBERT J. GALEN,

Attorney General.