

Special Election for County Free High School, Form of Ballot. Ballot to Be Used at Special Election for County Free High School, Form of. Bonds for Bridges, Special Ballot Required for.

Section 2102 of Chapter 76, Laws of 1913, provides the form of ballot to be used at a special election for and against a county free high school. The ballots shall have printed thereon the matters set forth in the section, and nothing more.

Ballots upon the question of issuance of bridge bonds should be separate.

April 12th, 1913.

Hon. Gerald Young,  
County Attorney,  
Thompson Falls, Montana.

Dear Sir:

I beg to acknowledge receipt of your communication under date

the 10th instant, to the following effect:

"Sanders County will hold a special election for the joint purpose of voting on a free county high school, and the issuance of bonds for bridges in the amount of \$75,000.

"Under Sec. 2938, Revised Codes of Montana, will it be necessary for the two propositions to be submitted under separate ballots, or can they be submitted on the same ballot?

"It appears to me that under Sec. 2983 a single ballot incorporating both propositions will be in legal form.

"As this election will be held in a short time, an early reply will be greatly appreciated."

In reply to the above, I call your attention to Sec. 2102 of Chap. 76 of the Laws of 1913, the same being the new school code, passed at the recent session of the Legislature, and I herewith inclose a copy of this section. You will observe that Sec. 2102 of Chap. 76, provides:

"The qualified electors shall vote by ballot for or against the establishment of a county high school and on separate ballots with the names of the place or places that are candidates for the location of said school written or printed thereon, vote for not more than one of the places named upon said ballot as a candidate for the location of said school. The ballots shall be substantially in the following form:"

The form of the ballot is then set forth. These provisions of the statute indicate that it was the intention of the Legislature that ballots No. 1 and No. 2 should be separate and distinct from each other and that each should have printed upon the same the matters set forth in the above section, and not other matter.

I am of the opinion that if upon one of these ballots one should submit the question of the issuance of bonds for bridges, the ballot would thereby be made substantially different from the form prescribed by the above section, and you are therefore advised that the question of the issuance of bonds for bridges should be submitted upon a separate ballot.

Very truly yours,

D. M. KELLY,  
Attorney General.