

School Districts, Consolidation of. Consolidation, of School Districts. Elections, for Consolidation of School Districts. Qualifications of Electors in Consolidation Elections.

The qualifications of an elector for an election upon the question of consolidation of school districts are the same as those laid down by Subdiv. 10, Par. D, Sec. 502, Chap. 76, of the Laws of the Thirteenth Legislative Assembly.

February 13th, 1914.

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

Dear Sir:

I am in receipt of your communication under date of the 12th instant submitting the following question:

“What are the qualifications of electors at an election upon the question of consolidation, under the provisions of Sec. 407 of Chap. 76, Laws of the Thirteenth Legislative Assembly?”

I note that you have reached the conclusion that the qualifications of electors for such an election must be the same as those necessary under paragraph 10 of Subdiv. B, Sec. 502 of said Chap. 76; that is, citizenship in the United States, one year's residence in the state, and thirty days' residence within the district. As you have stated in your letter, there is no specific provision upon the qualifications of an elector at an election upon the question of consolidation. Another portion of the law, to-wit., Sec. 405, speaking of a division of a school district having more than one school house, provides that such division shall be made upon petition “signed by a majority of the school electors of that portion of the school district out of which they desire to create a new school district.” Also Sec. 407 provides that a petition for consolidation must be signed by a “majority of the resident freeholders of each district affected, qualified to vote at school elections.” I see no good reason for making a property qualification in such an election as this any more than in ordinary school elections. Persons living within the district, though they may not own any property whatever, might by reason of the fact that they are the heads of families be vitally interested in the question at issue, and since the law does not make such a qualification, I am inclined to believe that none was intended.

You are, therefore, advised that the conclusion reached by you upon this question is, in my opinion, correct, and that the qualifications of an elector for an election upon the question of the consolidation of school districts are the same as those laid down by Subdiv. 10, Par. D, Sec. 502, of Chap. 76, Laws of the Thirteenth Legislative Assembly.

Yours very truly,

D. M. KELLY,
Attorney General.