

Bond Election for School District, Notice of Election for School District Bonds, Time of Notice. Notice of Election, Time of.

Fifteen days must intervene between the giving of the notice and the day on which the election is held, counting election day as one of the days.

February 19th, 1913.

Hon. State Board of Land Commissioners,

Helena, Montana.

Gentlemen:

I herewith return transcript and correspondence relative to bond issue of \$4,500, by School District No. 56, Chouteau County, Montana, for the reason that not sufficient time was given for the election at which such bonds were issued. It appears that the notice of election was posted on the 3rd day of August, 1912, and that the election was held on the 17th day of the same month. Sec. 1005, R. C., provides that such election shall be held in the manner prescribed for the election of school trustees, and Sec. 852, R. C., relating to the election of school trustees provides that not less than fifteen days notice before election must be given. Sec. 11, R. C., provides that in computing time, the first day shall be excluded and the day on which the act is to be performed may be included. The day on which the notice is posted must be therefore excluded from the computation, but the day on which the election is held may be included. As this notice was posted on the 3rd of the month and the election held on the 17th, it follows that only fourteen days notice was given instead of fifteen as required by law.

Coe v. Beweel, 6 N. W. 621.

State ex rel. v. Tucker, 32 Mo. App. 628.

Opinions Attorney General, 1905-06, pp. 212-213.

Respectfully submitted,

D. M. KELLY,

Attorney General.