

**Elections, School Districts. Ballots, Form of. School Districts, Ballots, Use at Election of.**

The form of ballot used at an election in a school district of the third class is immaterial, provided, that the intention of the elector may be gathered therefrom.

It is error to reject a ballot because the designation of the term is written after the name of the candidate thereon.

May 29, 1915.

Hon. Board of County Commissioners,  
Roundup, Montana.

Gentlemen:

I am in receipt of your letter from the Clerk of your County, relative to contest of school election, which it appears has been referred to

your honorable board for arbitration. It appears from the statements made, that at a certain school election there was a one year term and a three year term to be filled; that some of the electors at the election did not designate on the ballots the term of office, but that seven electors did designate on their ballots, after the name of the candidate, the term of office. These seven ballots it appears were rejected by reason of this designation. The only question, I gather from your letter, is whether they should have been counted. It is also stated in your letter that this is a district of the third class. Subdivision b, Section 500, Chapter 76, Laws of 1913, relating to school district elections in districts of the third class, provides, among other things:

"The voting must be by ballot without reference to the general election laws in regard to nominations, form of ballot or manner of voting, etc."

It appears from this provision that the form of the ballot is immaterial, provided, of course, that the intent of the elector can be gathered therefrom; and in Subdivision 4 of said Section, the duties of the clerk and the judges of election are prescribed, wherein, among other things, it is stated:

"The clerk shall enter \* \* \* the name of every person voted for as trustee, and the term."

Later on, in the same section, it is stated, with reference to the duties of the clerk and judges:

"shall sign a certificate to said tally list, setting forth the whole number of votes cast for each person or trustee, designating the term."

From the provisions of the law making the form of ballot immaterial, and the further provision requiring the term to be designated in the report of the election, I am of the opinion that the seven ballots should not have been rejected for the reason alone, that they designate the term of office of the candidate named thereon.

Yours very truly,

D. M. KELLY,

Attorney General.