

Elections—Bond Elections—Petitions—School Districts.

A petition for a bond election is ineffective after 30 days from the date of the resolution calling same.

June 14, 1928.

J. H. Forster, Esq.,
County Attorney,
Malta, Montana.

My dear Mr. Forster:

Your letter was received relative to the election held in school district number 38 of your county at which the proposition of bonding the district received an equal number of votes for and against.

You wish to know whether another election should be called at once.

I do not find that this matter has been passed upon by any court and I have considerable doubt whether a second election can be called

upon the petition which has been presented to the board. In order to state the facts clearly some reference would necessarily have to be made to the previous election.

You will observe that section 10 of chapter 147 of the laws of 1927 provides:

“If it is found that the petition is in proper form and bears the requisite number of signatures, the Board shall pass and adopt a resolution which shall recite the essential facts in regard to the petition and its presentation, fix the exact amount of bonds proposed to be issued, which may be more or less than the amount estimated in the petition, determine the number of years through which the bonds are to be paid, not to exceed twenty (20) years, fix the date of election, which shall not be less than twenty (20) days, nor more than thirty (30) days after the date of the passage and adoption of such resolution.”

As a second election cannot be called within this time, it is my opinion that the board has lost jurisdiction to call another election on the first petition and that a new petition will be necessary.

Very truly yours,

L. A. FOOT,
Attorney General.