

**School Trustees—School Elections—Elections—Vacancies
—Qualifications.**

Trustees can hold office until newly elected member qualifies. General election laws not controlling in school elections. Vacancies on school board should be filled but if not then old trustee holds until new appointee qualifies.

Miss Clara B. Anderson,
County Superintendent of Schools,
Ryegate, Montana.

April 17, 1931.

My dear Miss Anderson:

I have your request for an opinion.

Answering your first question, an old trustee cannot hold over longer than the necessary time for the new trustee to qualify. If the trustee does not qualify the county superintendent must appoint someone to fill the vacancy.

Section 998, R.C.M. 1921 provides:

“When any vacancy occurs in the office of trustee of any school district by death, resignation, failure to elect at the proper time, removal from district, or other cause, the fact of such vacancy shall be immediately certified to the county superintendent by the clerk of the school district, and the county superintendent shall immediately appoint in writing some competent person who shall qualify and serve until the next annual school election.”

In regard to the selection of a schoolhouse site, this cannot be done except when directed by a majority of the electors in the district. The site selected must be approved by the county superintendent of schools and county health officer. (See section 1173, R.C.M. 1921.)

Answering your third question, general election laws do not control school district elections. Section 989, R.C.M. 1921 provides that “the voting must be by ballot, without reference to the general election laws in regard to nominations, form of ballot, or manner of voting. * * *.”

Answering your fourth question, the trustee cannot qualify until he has been advised of his election.

Answering your fifth question, vacancies on the school board should be filled as above indicated and an old trustee could hold over in the event that no one was appointed to fill the vacancy.

Very truly yours,

L. A. FOOT,
Attorney General.