

Anyone voting at a school election must be a resident of the school district for at least thirty days as provided by Sec. 1002, R. C. M. 1921.

April 17, 1933.

You have requested an opinion on the following questions:

"1. Does a man who is registered in one voting precinct for the General Election have the right to vote in a school election in district which is in another precinct, providing he has been living in the school district for the required thirty days, but does not intend to change his legal residence from the voting precinct where he is registered?"

"2. What effect will it have on his registration in the precinct in which he has declared his residence if he casts his vote in a school election in another precinct?"

"3. Can a legal resident of one county cast his vote in a school election in another county and not lose his residence in the county where he is registered?"

"4. Can a man who is a legal resident of one voting precinct act as school trustee in a school district which is in another precinct?"

"5. The Montana Code says that a man can have but one legal residence. Is this intended for all elections—school as well as general elections—or does it refer to general elections only?"

In answer to question 1, Section 1002 R. C. M. 1921 is as follows:

"Every citizen of the United States who has resided in the State of Montana for one year, and thirty days in the school district next preceding the election, may vote thereat. Women of the age of twenty-one years and upwards, who are citizens of the United States, and who have resided in the State of Montana one year, and in the school district for thirty days next preceding the day of the election, may vote thereat."

One cannot legally vote in a school district that is outside of the district in which he maintains his legal residence.

The answer to No. 1 covers your question No. 2.

Opinion No. 168

Schools—Elections—Residence— Voting.

HELD: One cannot vote in a school district that is outside of the district in which he maintains his legal residence.

In answer to question 3, there is a provision in the statute by which contiguous territory lying in two counties may be comprised in the same school district but anyone voting at a school election must be a resident of the school district for at least thirty days as provided in Section 1002 above.

In answer to your question 4, this is also covered by Section 1002 quoted above and the party must be a legal resident of the school district in which he votes.

In answer to question 5, Section 1002 also covers this question. While there are some special statutes relating to school elections and general elections that do not apply to both, yet the matter of residence is a necessary qualification in both elections.