

and base the number of signers upon a petition to bond a school district for the construction of a new high school and gymnasium, and further, upon what basis shall the number of voters be determined at such election. You also desire to know as to whether or not at such election a land owner within the district, but who resides without the district, may vote.

Section 1252 provides that no election for the issuance of bonds of any school district shall be called, except upon presentation to the board of school trustees of a petition signed by at least twenty per cent of the qualified registered voters who are taxpayers upon property within said school district.

Section 1253 provides that in all elections held for the issuance of bonds of any school district, only qualified registered electors, who are taxpayers upon property therein, and whose names appear upon the assessment-roll for the year next preceding such election, shall be entitled to vote thereat.

Chapter 7 of the 1937 Session Laws provides that whenever the question of issuing bonds is submitted to the qualified electors of a school district at either a general or special school election, not less than forty (40) per centum of the qualified electors entitled to vote on such question at such election must vote thereon, otherwise such question shall be deemed to have been rejected; provided, however, that if forty (40) per centum or more of such qualified electors do vote on such question at such election, and a majority of such votes shall be cast in favor of such proposition, then such proposition shall be deemed to have been approved and adopted.

Under sections 1252 and 1253 both the petitioner and the voter must be a qualified registered elector, and the question to be determined is, who are qualified registered electors.

Chapter 172 of the 1937 Session Laws provides that in all the counties within the state the county clerk shall cancel all registrations of electors in the county. The county clerk is required by said chapter to give a notice stating that all registrations of electors will be canceled as of the first day of June, 1937, and the statute further expressly provides in section 1 that:

“* * * duly qualified electors, desiring to vote at any subsequent elec-

Opinion No. 129.

Elections—Bonds—Schools and School Districts.

HELD: 1. Since the enactment of Chapter 172, Laws 1937, only those electors may vote or sign petition for bond election in school district, who have registered since June 1, 1937, and who are taxpayers whose names appear on last assessment roll next preceding the election.

2. To authorize issuance of school bonds, 40% of qualified electors of the district entitled to vote must have voted thereon.

3. One must reside within the district to be a qualified elector, even though he may own property within the district.

July 30, 1937.

Board of School Trustees
of School District No. 16
Mr. R. E. Sonneman, Superintendent
Harlowton, Montana

Gentlemen:

You have submitted to this office the inquiry as to how you shall determine

tion in the State of Montana, are required to register in the manner and form provided for under the general registration laws. * * *

On June 1 all of the old registrations were canceled, and in order to entitle a person to vote again he is required to register. Therefore, if the person has not re-registered after June 1, and until such time as he does register, he cannot come within the terms of Sections 1252 and 1253 and be deemed "qualified registered elector," and therefore in determining the number of signers upon a petition, as well as determining the number of persons who vote in the proposed bond election, you shall base your computation upon the number of persons who have actually registered since June 1, 1937.

You are advised that a person not residing within the school district, and having his residence without the school district, although he owns real estate or property within the school district, is not entitled to vote at a school election.