

**Opinion No. 316.****Elections—Bonds—High School Districts.**

HELD: An election to bond a high school district must be separate from the general election for county and state officers.

August 5, 1938.

Mr. W. G. Gilbert  
Deputy County Attorney  
Dillon, Montana

Dear Mr. Gilbert:

You have asked if an election to bond a high school district in Beaverhead County can be held at the same time, and with the same election judges and clerks, as the general election, or if it is necessary to call a special election.

After the trustees have decided to undertake a Public Works Program as provided by Section 1301.1, Revised Codes of Montana, 1935, as amended by Chapter 16, Laws 1937, they are "vested with the power and authority to issue and negotiate coupon bonds on the credit of the high school districts in conformity with and for any one or more of the purposes provided in exist-

ing statutes, or statutes that may hereafter be enacted." (Section 1301.3.) And "all the laws of this state governing the issuance and sale of bonds by school districts, the levying of taxes for the payment of the principal and interest thereof and payment and redemption thereof, insofar as the same are applicable and not in conflict with any of the provisions of this act, shall apply to and govern all bonds issued under the provisions of this act." (Section 1301.4.)

It is evident that insofar as the procedure for the issuance of bonds is concerned, a high school district is treated substantially the same as a common school district except when the provisions of Chapter 119 of the Political Code specifically conflict.

The general provisions for school district bonds are found in Chapter 115 of the Political Code, Section 1224.13 of which provides for the conduct of the election. Section 1224.13 is as follows:

"The bond election shall be conducted in the manner prescribed for the election of school trustees and return shall be made and canvassed in a similar manner."

Article XI, Section 10 of the Montana Constitution, declares: "The legislative assembly shall provide that all elections for school district officers shall be separate from those elections at which state or county officers are voted for."

Then, if school officers, including school trustees, must be voted for at a separate election from that at which state or county officers are voted for, and if the bond election shall be conducted in the manner prescribed for election of school trustees, it is my opinion that the bond election must be separate from the general election and it will be necessary for the trustees of the high school district to call a special election.