

Dear Mr. Moum:

You have requested my opinion whether the same judges and clerks may act in a school district bond election as those acting in the special congressional election to be held on the same day, June 5, 1945.

Chapter 2, Laws of 1937, provides in part:

“ . . . That if any such special election is held on the same day as any general, county, school or municipal election or any primary election and at the same polling places with the same judges and clerks of election, then the polls shall be opened and closed at the same hours as the polls for such general, county, school, municipal or primary election.”

There will be held on June 5, 1945, not only the special congressional election in the second congressional district, but also the election called under the provisions of Chapter 149, Laws of 1945, known as the “State Highway Treasury Anticipation Debenture Act of 1945.”

This office recently held the election to be held on the state debenture act is a general election insofar as the hours of the polls shall be open, and the same reasoning applies in regard to the application of Chapter 2, Laws of 1937. (See Opinion No. 37, Volume 21; Report and Official Opinions of Attorney General; *Arps v. State Highway Commission*, 90 Mont. 152, 300 Pac. 549.)

It is to be noted that in *Arps v. State Highway Commission*, supra, a general election is defined as an election held “in each precinct of the state on a day designated by law for the selection of officers, or is held in such entire territory pursuant to an enactment specifying a single day for the ratification or rejection of one or more measures submitted to the people by the legislative assembly.”

Chapter 2, Laws of 1937, is applicable if the school bond election is held at the same polling places as those used for the debenture and congressional elections. However, if different polling places are used, it would necessarily follow that the same judges and clerks of election cannot be used.

It is therefore my opinion the election held in pursuance of Chapter 149, Laws of 1945, the “State Highway Treasury

#### Opinion No. 39

**Elections—General Election, defined—  
Elections—Schools and School District**

**Held:** The election held in pursuance of Chapter 149, Laws of 1945, the “State Highway Treasury Anticipation Debenture Act of 1945” is a general election within the meaning of such terms as used in Chapter 2, Laws of 1937.

May 14, 1945

Mr. Erick Moum  
County Attorney  
Roosevelt County  
Wolf Point, Montana

Anticipation Debenture Act of 1945," is a general election within the meaning of such terms as used in Chapter 2, Laws of 1937.

Sincerely yours,  
R. V. BOTTOMLY,  
Attorney General