

“ . . . All elections thereafter shall be conducted by said qualified voters in the same manner as election for school trustees of a first-class school district . . . ”

The election of school trustees is held on the first Saturday in April of each year, as Section 75-1603, R. C. M., 1947, fixes such day as school election day. Section 7 of Chapter 155, *supra*, does not designate any particular day of the year for holding the election of hospital district trustees. However, a method is fixed for ascertaining the election day for hospital district trustees. Section 7 of Chapter 155, *supra*, states that the trustees first elected hold for terms which commence on the date of the organization of the district and these terms are for one, two or three years. The election for the creation of the hospital district may be held, according to Section 5 of the Act, at the next general election or at a special election. Such an election would not be held, in all probability, on the first Saturday in April, and as a consequence would not conform with the school election date, and a change from the anniversary date of the first election of trustees to the first Saturday in April would alter the terms of the trustees first elected.

Opinion No. 67.

Hospital Districts—Election of Trustees—Trustees of School Districts Do Not Have the Duty to Conduct Elections for Hospital Districts.

HELD: It is not the duty of the board of trustees of school districts to conduct the election of trustees of hospital districts.

March 29, 1954.

Miss Mary M. Condon
 Superintendent of Public
 Instruction
 State Capitol Building
 Helena, Montana

Dear Miss Condon:

You have requested my opinion as to whether school trustees are to conduct the elections for hospital district trustees.

Section 7, Chapter 155, Laws of 1953, provides for the government of hospital districts and fixes the terms and procedure for election of trustees. This section states in part:

The fact that Section 7 of Chapter 155, *supra*, requires “all elections thereafter shall be conducted by said qualified voters in the same manner as election for school trustees of a first-class school district.” does not make it the duty of school officers to conduct the election. The effect of this provision is to incorporate by reference the procedural statute for conducting the election, but no duties are imposed on the school trustees. The title to Chapter 155, *supra*, does not state that this is one of the purposes of this new legislation.

As a practical matter, it would not be possible in all counties for the trustees of a school district to conduct the election as there is a marked difference in nominating candidates in first-class districts and third-class districts. (Sections 75-1604 and 75-1606, R. C. M., 1947.) In fact, there is no election held in first-class districts when only one

candidate is nominated for each term to be filled. Also, many counties do not have first-class school districts.

Another probable obstacle to an election conducted by school trustees is that the boundaries of any one school district will not conform to the boundaries of the hospital district with resulting conflicting authority of two or more school boards.

It is, therefore, my opinion that it is not the duty of the board of trustees of school districts to conduct the election of trustees of hospital districts.