

three years after an election at which the majority voted against the change of site.

Section 75-3101, R.C.M., 1947, authorizes an election in a third class district to vote upon the question of selection of a school site in a third class district with the limitation "that any sites so changed cannot be changed within three years from the date of such action."

It is apparent that where the question of selecting a new site is rejected by the voters there has been no change of site. In 14 C.J.S. 397, the text defines change as meaning ". . . to alter or make different, to exchange, to put one thing in the place of another, or to render something essentially different from what it was . . .". If the present location of a school is rejected by the electors and a new site selected, then there would be a change in site. In *Griebel vs. School District No. 6*, 110 Kan. 317, 203 Pac. 718, this distinction was recognized.

The limitation of the statute is directed to the avoidance of too frequent changes of location of schools and not to multiplicity of elections. In a recent Montana case, *Schmiedeskamp vs. School District No. 24*, ..... Mont. ...., 278 Pac. (2d) 584, the court recognized that,

" . . . The defeat of a proposition to issue bonds does not prevent a second submission of the proposition, whereas a proposition to issue bonds which has been adopted by the voters ordinarily cannot be resubmitted in the absence of statutory authority."

The above quoted is analogous to the question submitted by you.

It is therefore my opinion that the defeat of the question to change the site of a school house in a third class district does not preclude a second election in less than three years time resubmitting the question of change of site.

Very truly yours,  
ARNOLD H. OLSEN  
Attorney General

### Opinion No. 33

#### School and School Districts—Second Election to Change School Site in Third Class District.

HELD: The defeat of the question to change the site of a school house in a third class district does not preclude a second election in less than three years time resubmitting the question of change of site.

August 5, 1955.

Mr. Roy W. Holmes  
County Attorney  
Carter County  
Ekalaka, Montana  
Dear Mr. Holmes:

You have requested my opinion as to whether a second election may be held on the question of changing a school house site in a third class district within a period less than