

**OPINION**  
**48-117**

March 2, 1948           (OPINION)

EDUCATION

RE: Reorganization - 1947 Law

Your letter of February 27, 1948, addressed to the attorney general, has been received and contents of same have been noted.

You inquire if a consolidation plan of two school districts to be combined into one is submitted to a vote, do these two districts vote as a unit, and a majority so voting will decide the issue, or does each district vote separately? And further, if one of these districts does not carry but the other district does, what is the result?

I assume that you have reference to the procedure for reorganization of school districts provided by chapter 147 of the 1947 Session Laws, known as the "School Reorganization Bill."

Section 18 of said chapter 147 provides that the county superintendent shall call a special election of the voters residing within the territory of each new district, such election to be held at the place or places therein which have been determined by the county superintendent to be convenient for the voters. In holding such elections, any territory within the proposed new district consisting of one or more incorporated villages or cities shall vote as a unit, and all rural territory within such proposed new district shall vote as a unit.

Said section 18 further provides that if a majority of all votes cast by the electors residing within the rural area of a proposed new district and a majority of all votes cast by the electors within the incorporated area of the proposed new district are both in favor of the formation of the district, then such reorganization is approved. If the proposed plan fails of a favorable vote in either the rural area or the incorporated area, then the plan is rejected.

Under section 20 of chapter 147 of the 1947 Session Laws, the proposed reorganization may be revised and another election called. If a majority of all votes cast by electors so residing within both urban and rural units are in favor of the formation of the new district, the county superintendent shall proceed to organize and establish such district.

It is our opinion, therefore, that where a plan of reorganization is proposed and such plan includes two or more districts, or parts of two or more districts, outside of incorporated cities and villages, then the voters in the proposed plan vote as a unit, and a majority of all the votes cast within the proposed area are determinative of the issue. But if an incorporated village or city is included in the proposed district, then such incorporated village or city should vote as a unit. And it requires a favorable vote of both the incorporated unit and the unincorporated unit to carry the issue.

NELS G. JOHNSON

Attorney General