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officer; the sheriff's fee for service of process should accompany the delivery of the process to be served to that officer. The return date on such process should be sufficiently advanced to give the nonresident defendant opportunity to appear.

In conclusion, it is my opinion that the nonresident motorist statute applies to proceedings in Justice of the Peace Courts, and that in any given cause a Justice of the Peace can acquire jurisdiction over a nonresident motorist by directing process to the Sheriff of Marion County (excepting justices located in Marion County who can direct process to their constables) to be served on the Secretary of State, along with the proper fee, if the justice holds office either in the county in which the plaintiff resides or in the county in which the accident occurs (except when, as discussed above, the jurisdiction of the justice is limited to his township) and the amount in controversy is no more than five hundred dollars.

OFFICIAL OPINION NO. 61

December 29, 1967

**ELECTIONS—Paying Expenses of Election of
School Board Members.**

Opinion Requested by Mr. Edward A. Bell, Secretary, State Election Board.

This is in answer to the letter of Mr. John G. Krupa, Clerk of the Lake Circuit Court of November 15, 1967, which you referred to this office. That letter presents the question of whether the costs of electing school board members of the Hammond School City should be paid (1) jointly

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by the school corporation and the civil city of Hammond, Indiana, (2) by the school corporation, or (3) by the Lake County Election Board.

Records in the office of the State Commission for the Reorganization of Indiana School Corporations, reflect that effective July 1, 1965, the Hammond School City, which embraces the territory of the former School City of Hammond, was declared to be a community school corporation under Acts 1959, ch. 202, as found in Burns §§ 28-6101—28-6131. Under said Acts the school corporation has a legal existence separate and distinct from the City of Hammond, and the school corporation could conceivably release part of its territory to an adjoining school corporation or it could legally add territory outside the civil city to the school corporation. As separate legal entities, neither may impose its will upon the other, except for the fact that as now constituted the citizens of one are the citizens of the other.

Under Acts 1959, ch. 202, it is contemplated that all schools in the State of Indiana will eventually be community school corporations subject to the same statutory regulations and Indiana school law, with the exception of certain school corporations governed by special statutory provisions. In such community school corporations the school board members are either appointed or elected.

In a 1963 Attorney General's opinion (1963 O.A.G., p. 13 at 19) dealing with the question of whether the Vigo County School Corporation, created under Acts 1959, ch. 202, is responsible for a part of the election costs of its board members, the Attorney General, after reviewing the applicable statutes, concluded that the school corporation was not legally responsible for any portion of the election expenses of its board members since school statutes did not provide therefor and that the expenses for such election should be paid by the county election board.

As of this date, the election laws are essentially unchanged as they apply to the question presented by your letter.

However, since the cited opinion was issued, Acts 1967, ch. 30, was passed amending and setting out the manner and procedures required to be followed in nominating and elect-

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ing board members to the Hammond schools. The 1967 Act in its applicable part provides the following:

“. . . Such election as herein provided for shall be conducted *in accordance with the election laws of the State of Indiana.* . . .

“The board of election commissioners shall prepare the ballots for the primary election at which school trustees are to be elected as herein provided so as to cause the names of the candidates so nominated for the office of school trustee to appear thereon in such manner that the names of the candidates shall appear in alphabetical order on the primary election ballot. . . .

“The intent of this act is to provide that the board of school trustees of the school corporations to which it relates shall be elected as provided in Acts 1959, c. 202, s. 9, as heretofore amended; but the provisions of this act shall prevail over any conflicting provisions of said Chapter 202, as heretofore or hereafter adopted relating to any such school corporation.”
(Emphasis added.)

The 1967 amendment, like the Acts 1959, ch. 202, is silent with respect to school corporations paying for any part of the cost of electing school board members, and applying the rules set out in the 1963 Attorney General's opinion, schools may pay for costs of elections where statutory provisions authorize payment. I find no statutes which require or authorize the Hammond School Corporation or the civil city of Hammond to pay for the election costs of Hammond School Board members. However, the election laws as cited in the 1963 opinion in their present amended form do authorize the Lake County Election Board to pay such costs.

Therefore, it is my opinion that the election of the Hammond School City Board members shall be in accordance with and subject to the election laws unless otherwise provided by the school laws and as a result the costs of the election should be paid by the Lake County Election Board.