

**Opinion No. 53.****Elections—State Highway Debentures  
—Holidays—Legal Holidays.**

Held: The election to be held Tuesday, June 8, 1943, for the purpose of voting upon the issuance of state highway anticipation debentures is a legal holiday.

May 4, 1943.

Mr. John D. Stafford  
County Attorney  
Cascade County  
Great Falls, Montana

Dear Mr. Stafford:

You have requested my opinion as to whether or not June 8, 1943, will be a legal holiday. Chapter 217, Laws of 1943, provides, "there is hereby called a general statewide election to be held in each precinct of every county in this state on Tuesday, the 8th day of June, 1943, and at such election this law (authorizing the issuance of \$8,000,000.00 highway debentures) shall be submitted to the qualified voters for their approval or disapproval, an authorization of the liability herein, created, by a majority vote."

It is to be noted that Chapter 217, Laws of 1943 states: "There is hereby called a general statewide election." Section 10, Revised Codes of Montana, 1935, provides, "every day on which a general election is held throughout the state" shall be a legal holiday.

In *Arps v. State Highway Commission*, 90 Mont. 152, 300 Pac. 549, the Montana Supreme Court considered an election similar to the election to be held on June 8th, and construed the term "general election." The Court said:

"We think 'general election' named means a state-wide election at which all the people entitled to vote may vote upon a question affecting them as a whole."

The election to be held on June 8th, by the terms of the act is state-wide

and all the people entitled to vote may vote upon the question.

See Opinion Number 447, Volume 19, Report and Official Opinions of the Attorney General, wherein this office held that primary election day was a legal holiday. See also Volume 14, Report and Official Opinions of the Attorney General, pages 70-72, where Attorney General L. A. Foot ruled the highway debenture election of May 5, 1931, was a legal holiday.

I agree with the opinion submitted to me by you that the election to be held Tuesday, June 8, 1943, for the purpose of voting upon the issuance of state highway anticipation debentures is a legal holiday.

Sincerely yours,  
R. V. BOTTOMLY  
Attorney General