

**Local Option, Petition for. Petition for Local Option.**

A petition for local option should contain the names of one-third of the voters of the county, including one-third of those whose names appeared upon the last assessment roll.

Helena, Montana, Dec. 28, 1908.

Hon. Harry L. Wilson, County Attorney, Billings, Montana.

Dear Sir:

I am in receipt of your letter of the 24th inst., asking for the construction of Section 2041 Revised Codes, Montana, as to whether or not the signers of the petition therein named, relative to local option, must be taxpayers who have been assessed upon the last assessment roll of the county.

In an opinion given by this office to Hon. C. B. Calkins, County Attorney, Ravalli County, Nov. 4th, 1905, it was held that under the provisions of Sec. 3180 Pol. Code, which is the same as Section 2041 Revised Codes, the petition therein named "must contain at least one-third of the qualified voters for members of the legislative assembly whose names appear upon the last assessment roll of the county" and that the petition to be proof against a contest should also contain the names of one-third of the voters of the county who are qualified to vote for members of the legislature as such qualifications are prescribed by Sec. 2 Art. 9 of the State Constitution. This law, as you are aware, has been construed by the Supreme Court of this State in the O'Brien cases, reported in 29 Mont., 530 Mont., and 35 Mont., 482 precise point raised by you was not discussed therein.

For further discussion we refer you to Opinions of Attorney General, 1905-'06 page 257.

Very respectfully yours,

ALBERT J. GALEN,  
Attorney General.