

**Cities and Towns, Elections. Petitions for Elections on Question of Commission Form of Government. Commission Form of Government, Petition for Election to Abolish.**

The word "general election," as used in Chapter 128 of the Session Laws of the Thirteenth Legislative Assembly, means the general municipal election held in April of each year.

February 9th, 1914.

Hon. Dan J. Heyfron,  
County Attorney,  
Missoula, Montana.

Dear Sir:

I am in receipt of your communication, under date of the 31st ultimo, asking for my interpretation of the words "general election" as used in Sec. 32 of Chap. 128 of the Laws of the Thirteenth Legislative Assembly of the State of Montana, the question being whether the term means a general state election or an election provided for cities by Chap. 57, Session Laws of the Twelfth Legislative Assembly. It is to be noted, first, that the section of which Chap. 128 of the Laws of the Thirteenth Legislative Assembly is an amendment, to-wit., Sec. 32 of Chap. 57 of the Laws of the Thirteenth Legislative Assembly, used in connection with this subject the following language:

"Upon the petition of not less than 25 per cent of the electors of such city registered for the last preceding general city election, a special election shall be called," etc.

In other words the law as originally enacted used the word "general city election" instead of "general election." Nowhere does this act distinctly specify as to what are to be considered "general city elections" or "general elections." However, I think that Sec. 12 indicates to some extent at least what the legislature had in mind upon this subject. The language referred to is as follows:

"Candidates to be voted for at all general municipal elections, at which a mayor or councilmen are to be elected, under the provisions of this act."

They use the term "general municipal election" as being that election at which a mayor or councilmen are to be elected. Another feature throwing light upon this subject is the nature of the election to be held under the terms of the law in question. It is essentially a city election allowed to a municipality to decide upon what form of government it shall adopt, consequently such an election must

be by voters of the city. If the words "general election" were construed to mean the general state election it might happen that the 25 per cent of electors mentioned in the act might include some persons who were not residents within the city limits. This state of facts would arise where a voting precinct for a general state election would include territory not within the city limits, and under such a state of affairs the question of whether an election should be held might be decided by persons who were not properly electors of the city.

I am, therefore, of the opinion that the words "general election" as used in Chap. 128 of the Session Laws of the Thirteenth Legislative Assembly mean the general municipal election held in April of each year, under the provisions of our law. This is in accordance with the result reached by you, in which I concur.

Yours very truly,

D. M. KELLY,  
Attorney General.