

Opinion No. 232.**Governor—Referendum Petitions—
Proclamations—Secretary of State.**

HELD: Where the Secretary of State certifies that a referendum petition contains signatures of 5%, but does not contain signatures of 15% of the legal voters of the State, the Governor's proclamation should not declare the act inoperative.

January 18, 1936.

Hon. Elmer Holt
Governor of Montana
The Capitol

You have asked my opinion concerning the legal action you should take with reference to the certificate of the Secretary of State dated January 7, 1936, relative to a referendum petition requesting that Chapter 179, Laws of 1935, be referred to the vote of the people.

Since the certificate of the Secretary of State recites that the referendum petition contains the signatures of 5% of the legal voters of Montana in accordance with the provisions of Section 1, Article V of the Montana constitution, and such Act is one which may be referred to the voters of the State for their approval or rejection, it is my opinion that you

should issue your proclamation, announcing that such petition has been filed, with a brief statement of its tenor and effect, and publish the same, all as provided by Section 102, Revised Codes.

Since the certificate of the Secretary of State recites that said referendum petition does not contain the signatures of 15% of the legal voters of a majority of the whole number of the counties of the State of Montana, based upon the whole number of votes cast for Governor at the last preceding regular election, and since such number is required by said constitutional provision in order to suspend the operation of said Act, it is my opinion that you should not issue your proclamation declaring the Act inoperative.

(Note: Cost of publication against county. See Vol. 4, Opinions of Attorney General, p. 274; Vol. 6, p. 437.)