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Honorable Annette Bozeman
Judge of Probate
Marion County Courthouse
Hamilton, Alabama 35570

Elections - Special Elections -
Alcoholic Beverages

Petition for wet/dry referendum
must contain twenty-five percent
of the number of voters voting
in the last preceding general
election, pursuant to Section
28-2-1, Code of Alabama 1975.

Under this section, the term
"general election" refers to the
general election held on the
first Tuesday after the first
Monday in November, pursuant to
Sections 17-2-1, 17-2-2 and
17-2-3, Code of Alabama 1975.

Dear Mrs. Bozeman:

This is in response to your request for an opinion from
this office as to whether a special general election set by
the Governor could serve as the "general election" referred
to in Section 28-2-1, and thus provide the basis for the num-
ber of names to be contained in a wet/dry referendum petition.

It is my opinion that the term "general election" in
Section 28-2-1 refers to a regularly scheduled general
election, i.e., one held on the first Tuesday after the first

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Monday in November as provided in Section 17-2-3, Code of Alabama 1975. I reach this conclusion because this is the only general election specified under the Code. A "special general election" may not involve a substantial number of the voters. It is my opinion that Section 28-2-1 was intended to require a petition containing twenty-five percent of people who regularly vote in the county, which might not be true of a special general election.

I hope that I have answered your question.

Sincerely,



LINDA C. BRELAND
Assistant Attorney General

LCB:bb