

Referendum Election, Proclamation Of by Governor. Election, Proclamation of Referendum. County Commissioners, Duty With Respect to Proclamation of Governor.

The board of county commissioners should publish the proclamation issued by the governor announcing a referendum election immediately upon receipt of such proclamation four times for four consecutive weeks in one daily or weekly newspaper in the county.

September 30, 1911.

Hon. Thos. J. Walker,
County Attorney,
Butte, Montana.

Dear Sir:

I am in receipt of your letter of September 14th stating that the county commissioners of your county are in receipt of the Governor's proclamation announcing the coming referendum election and requesting my opinion as to whether or not the necessary publication provided for by Sec. 109 of the Political Code shall be ordered by the county commissioners, and if so, when shall such publication be had.

In reply I will say that Section 109 of the Political Code directs that said proclamation shall be published four times for four consecutive weeks in one daily or weekly newspaper in each county of the state of Montana. There is no direction in this section as to how or when this publication shall be made. Under the provisions of Sections 452-3-4 of the Revised Codes, proclamations issued by the Governor for general or special elections are transmitted to the boards of county commissioners of the respective counties and publication thereof is made by the board. While there is no specific authority in the statutes for requiring the board of county commissioners to publish the proclamation provided for by Sec. 109, Revised Codes, yet, it is my opinion that it would be interpreted in the light of other provisions of the Code with reference to publication of proclamations issued by the governor, and you are, therefore, advised that in my opinion such publication should be ordered published and published by the boards of county commissioners of each county of the state imme-

diately upon receipt of such proclamation four times for four consecutive weeks in one daily or weekly newspaper of the county.

Yours very truly,

ALBERT J. GALEN,

Attorney General.