

**Election Proclamation, Publication of. County Commissioners. Duty to Publish Proclamation. Proclamation, Duty of County to Publish.**

It is the duty of the county board to publish the election proclamation issued by the Governor.

September 21st, 1916.

Ron. John J. Greene, County Attorney,  
Choteau County.

Dear Sir:

I am in receipt of your letter of the 18th instant, relative to "the duty of the County Board to publish election Proclamation issued by the Governor."

I do not recall any specific opinion of this office on this question in its relation to general elections, but it seems to have been taken for granted that such proclamation should be published and posted. Section 452, Revised Codes, requires the proclamation to be issued by the Governor and transmitted to the Boards of County Commissioners. Section 454, in effect, provides that the Commissioners may publish and post such proclamations.

The very purpose of a proclamation is to give public notice. The term itself implies "a declaration or notice by public outcry; an official notice given to the public." 32 Cyc. 571. The law does not require the Governor either to publish or to post this proclamation

and if no such duty rests on the County Board, then, the public would not have any notice whatsoever of the existence of such a proclamation. The only way that the public could have notice would be by the posting and publication as mentioned in Section 454. The word "may" as used in that sense, I am inclined to regard as mandatory, and this seems to be in accordance with the general rule of law, for

"where the Statute imposes a duty or confers a power on a public officer for public purposes."

(26 Cyc. 1501) the word is mandatory. This seems to be the meaning of the Statute, for later on in the same Section the phrase "in their discretion" is used in connection with the word "may." If the word "may" was merely permissive without the use of the phrase "in their discretion" then the use of such phrase would be useless, but this phrase "in their discretion" is not used in connection with the word "may" as the same is used in the first part of the Section.

I believe it is the duty of the County Board to publish and post the election proclamation issued by the Governor.

Yours very truly,

J. B. POINDEXTER,

Attorney General.