

**Opinion No. 49****State Examiner, Publication of Report  
—Cities and Towns.**

HELD: Chapter 33, Laws of 1927, makes it the duty of city and town officials to publish the report of the state examiner. Mandamus action will lie to compel performance of official duty.

January 31, 1933.

You have requested an opinion from this office as to whether cities and towns can be compelled to publish the report of the state examiner, citing an instance where a town has refused to authorize the publication, and hence the publication has not been made by the official newspaper.

Section 1 of Chapter 33, Laws of 1929, provides for the publication of the state examiner's report covering the examination of the affairs of any incorporated city or town. It is my opinion that this act makes it the duty of the mayor and the members of the city council or city commission to publish the report of the state examiner forthwith and that they have no discretion in the matter. If they fail or refuse to authorize the publication, a mandamus action would lie to compel them to perform their official duty. The city officials have no right to arbitrarily withhold from the taxpayers and citizens this information. They are entitled to know how the business of the city has been conducted. This is clearly the purpose and the intention of the legislature as expressed in said chapter 33.