

Secretary of State: (307) 777-7378
Corporations: 777-7311
Securities: 777-7370
Elections: 777-7186



KATHY KARPAN
SECRETARY OF STATE
MARGY WHITE
DEPUTY

STATE OF WYOMING

SECRETARY OF STATE

June 16, 1989

Mr. Collin Fallat
Resources Analysis Section
Wyoming Department of Agriculture
2219 Carey Avenue
Cheyenne, Wyoming 82002-0100

Dear Mr. *Collin* Fallat:

Thank you for your letter asking for clarification on the election dates for conservation districts.

You are correct that my office, along with the Albany County Clerk's Office, came to the conclusion that the mill levy election could be held at a time other than a general election because W.S. 1977 11-16-134(c) uses the word "may" rather than "shall." Had that statute stated, "the proposition to impose this tax shall be submitted at any general election," we would have concluded that the district supervisors had no choice but to request the election at a general election.

However, in using the word "may" it is the opinion of this office that the district supervisors had some discretion in requesting a date for an election. Generally in interpreting statutes, the word "shall" means a mandatory and obligatory duty, while the word "may" indicates a duty which is permissive but not required.

I hope this helps clarify the issue. Please do not hesitate to call me if you have any questions. Thank you.

Yours,

A handwritten signature in cursive script, appearing to read "Kathy Karpan".

Kathy Karpan
Secretary of State

KK/tlh

89-939



MIKE SULLIVAN
GOVERNOR

THE STATE OF WYOMING

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June 8, 1989

Honorable Kathy Karpan
Secretary of State
Capitol Building
Cheyenne, WY 82002

Dear Secretary Karpan:

The purpose of this letter is to request information related to special elections for conservation districts. On March 29, 1989, the Laramie Rivers Conservation District conducted a special election related to the assessment of a mill levy for the purpose of undertaking soil and water conservation projects. As I interpreted W.S. 11-16-134 (b and c) I concluded that such an election could be held only during a general election. The Laramie Rivers Conservation District informed me that the Albany County Clerk had determined that a special election was within the confines of the law and your office had also agreed that such an election was appropriate. It is my understanding that your office's opinion was based on the word "may" in the first sentence of W.S. 11-16-134 (c).

I have received several inquiries from other districts wanting to conduct a special election for the purposes of imposing a mill levy. I would appreciate an official statement from the Secretary of State's office addressing this matter in order that I may provide proper direction to conservation districts.

Thank you in advance for your assistance in this matter.

Sincerely,

Collin Fallat, Head
Resources Analysis Section

CF/lms

cc: Bill Gentle