

**County Commissioners, Nomination Of. Primary Election Law,
Application Of. Term of Office, Designation of in Nomi-
nation Paper.**

Under Sec. 5, Chap. 99, Laws of 1905, the Nomination Paper of a candidate for the office of County Commissioner should designate the term for which the candidate is nominated.

Helena, Montana, June 5th, 1906.

Hon. C. B. Calkins, County Attorney, Hamilton, Montana.

Dear Sir: I am in receipt of your letter of June 1st, in which you submit the proposition as to whether or not the tenure of office of County Commissioners to be elected at the next general election under the late amendment to the constitution is determined by the number of votes received by each successful candidate, or whether the term should be specifically designated in the "nomination paper" referred to in Sec. 5, Chap. 99, Laws of 1905.

There does not appear to be any statutory law upon this subject aside from the Act of February 26th, 1901, Laws of 1901, p. 208, submitting the amendment to the constitution. This amendment distinctly provides "That at the general election to be held in November, 1906, one commissioner shall be elected for a term of two years, one commissioner shall be elected for a term of four years, and one commissioner shall be elected for a term of six years."

Nothing is said in the Act further than this as to how the tenure of each term shall be determined, but as the constitution specifies each term separately it is very apparent that, for the purposes of election, separate offices are created which are designated by the length of the term, and this should be stated in the "nomination paper."

In the nomination paper, after the phrase "as a candidate for the office of", you should add the words "county commissioner for the two year term", or for the four or six year term as the case may be.

Very truly yours,

ALBERT J. GALEN,
Attorney General.