

**County Commissioners, Appointment Of, Term. Vacancy in  
Office of County Commissioner, How Filled.**

A person appointed to the office of county commissioner by the district judge holds for the unexpired term of his predecessor.

Helena, Montana, September 26, 1908.

Hon. F. P. Whicher,  
County Attorney,  
Red Lodge, Montana.

Dear Sir:—

I am in receipt of your letter of the 24th inst. submitting the question:

“Does a person appointed to the office of county commissioner hold such office for the unexpired term or only ‘until the next general election?’”

Section 4, Article 16, State Constitution, confers upon the district judge the authority to make such appointment, and no limitation is

placed upon the time the person so appointed holds office. Hence, the obvious meaning of the section is that the person so appointed holds for the unexpired term.

Section 2883, Revised Codes, also provides that the district judge "must fill the vacancy by appointing for the unexpired term."

Section 5, Article 16, of the State Constitution, does not make provision for the appointment to fill a vacancy in the board of county commissioners, but the limitation therein contained: "until the next general election," relates to vacancies filled by appointment by the board of county commissioners.

Hence, the person appointed to the office of county commissioner by the district judge holds office for the unexpired term of his predecessor.

Respectfully yours,

ALBERT J. GALEN,

Attorney General.