

Auditor County, Term Of. County Auditor, Term Of. Term, of County Auditor.

The provisions of Sec. 3101, Revised Codes, is in direct conflict with the provisions of . . . Sec. 6, Art. XVI, State Constitution. The term of office of a county auditor is for a period of two years.

April 11, 1912.

Hon. Chas. J. Marshall,
County Attorney,
Lewistown, Montana.

Dear Sir:

I acknowledge receipt of your letter of the 9th inst., in which you submit for my opinion the question as to whether the term of office of the county auditor is for the period of two or four years. It is true that Sec. 3101 Revised Codes, provides for the election of a county auditor in counties of certain class therein specified to hold office for a term of four years. However, this provision is in direct conflict with the provisions of Sec. 6, Art. XVI, of the State Constitution. The office of county auditor is not provided for or mentioned in the State Constitution, and it was created by the legislature pursuant to the authority in it vested by the said Sec. 6, Art. XVI of the Constitution. This section provides that the legislature may create other county, township and municipal offices than those mentioned in the Constitution; but that in no case is the term of office for offices thus created to exceed a period of two years. This subject was discussed by the supreme court of this state in the case of State vs. Dickinson, 26 Mont. 392.

Yours very truly,

ALBERT J. GALEN,
Attorney General.