

**County Commissioners, Term of in New County. Term of County Commissioners in New County. New County, Term of Commissioners in. Public Officer, County Commissioner Term of.**

Attention called to statutory provisions relating to the term of office of county commissioners.

March 1, 1916.

Hon. Charles A. Ross,  
Chairman, Board of County Commissioners,  
Malta, Montana.

Dear Sir:

I am in receipt of your letter of the 23rd ultimo, submitting the question:

as to the terms of office of county commissioners selected at the election held for the creation of Phillips county?

It appears from the statements in your letter that at the county division election, three county commissioners were elected for the terms of two, four and six years, respectively; that subsequent thereto, the District Judge, as a matter of precaution, appointed the same persons to such offices. It appears also from your letter, that this county was created on February 2, 1915. Authority for the election of commissioners for terms of two, four and six years, is found in Section 4, Article XVI, State Constitution. The law relating to the creation of new counties in force on February 2, 1915, is found in Chapter 133, of the Session Laws of 1913. In Section 4 of that law, it is said:

"and for the purpose of determining the term of office of such officers, the years said officers are to hold office, are to be computed respectively from and including the first Monday after the first day of January following the last preceeding general election."

Under this provision, the commissioners elected as above stated, would hold office for two, four and six years, dating from January 1915. Hence, the term of the one who was elected for two years, would expire in January, 1917, but the terms of the others do not expire. Hence, one commissioner should be elected at the next general election, who, when elected, should hold his office for six years from January, 1917.

The appointment made by the Judge was simply a precautionary measure, and is of not any force or effect. This, of course, is on the theory that the commissioners elected qualified as required by law under the election.

Yours very truly,  
J. B. POINDEXTER,  
Attorney General.