

**County Attorneys—Officers—Qualifications—Residents
—Elections.**

A person does not need to be a resident of the county (for which he is elected county attorney) at the time of his election but after his election he must reside in the county during his

term of office. He is not required to be a resident of the county during the interim between his election and the time his term of office begins.

Mr. Chester E. Onstad,
County Attorney,
Broadus, Montana.

December 15, 1930.

My dear Mr. Onstad:

You request my opinion, as follows: Is a county attorney, who at the time of his election is not a resident of the county for which he is elected and who fails to become a resident of such county prior to the first Monday in January when he is to take office, disqualified from taking the office by reason of his failure to become a resident of the county prior to the time he is required to take the office?

Under section 19, article VIII of the constitution it is provided that county attorneys shall have the same qualifications as are provided for a judge of the district court, with the exception as to age. Under section 16, article VIII of the constitution it is specifically provided that a district judge need not be a resident of the district for which he is elected at the time of his election but that after his election he shall reside in the district for which he is elected during his term of office. This same provision regarding residence is by section 19 of article VIII made applicable to county attorneys.

It is therefore apparent that a person to be eligible for election to the office of county attorney does not at the time of his election need to be a resident of the county for which he is elected but that after he has been elected he must reside in the county "during his term of office." If, during his term of office, he resides in the county the requirement of the constitution has been met. I do not interpret the section as requiring residence during the interim between his election and the time that his term of office began.

Very truly yours,
L. A. FOOT,
Attorney General.