

No. 176

COUNTY TREASURERS—TERMS OF OFFICE

Held: Under Section 5 of Article XVI of the Constitution of Montana, as amended at the general election held November 8, 1939, p. 727, Laws of 1939, a County Treasurer can only serve one term of four years, and that is so whether the office be individual or consolidated with some other offices.

July 16, 1941.

Board of County Commissioners
Sheridan County
Plentywood, Montana
Attention: Mr. A. J. Olson, Chairman

Gentlemen:

You have inquired whether the present office holder will be entitled to succeed himself at the next general election to the consolidated office of Clerk and Recorder, Treasurer and Assessor.

Section 5 of Article XVI of the Constitution of the State of Montana provided, up until the time of its last amendment, the County Treasurer could not hold his office for more than two terms, four years in all. Section 5 of Article XVI was amended at the general election, held November 8, 1938, and became effective by the proclamation of the Governor on December 2, 1938. It now fixes the term of a County Treasurer at four years, and provides:

"The County Treasurer shall not be eligible to his office for the succeeding term." (See Laws of 1939, Appendix; p. 727.)

It is true the legislature in 1935 provided for the consolidation of county offices. (See Chapter 361, Volume 2, Revised Codes of Montana, 1935, Sections 4749.1-4749.7.) But the constitutional mandate quoted above is superior.

It is therefore my opinion that, by constitutional mandate, a County Treasurer is not allowed to serve more than four years, whether that office be an individual office or one consolidated with some other office.

Sincerely yours,

JOHN W. BONNER
Attorney General