

Opinion No. 14.**County Treasurer — Schools — Trustee
of School District—Officers and Offices
—Incompatible Offices.**

Held: A county treasurer is not eligible to hold the office of trustee of a school district because the two offices are incompatible.

February 15, 1943.

Miss Elizabeth Ireland
State Superintendent of Public
Instruction
State Capitol
Helena, Montana

Dear Miss Ireland:

You have asked this office whether or not a county treasurer may be a member of the board of trustees of a school district.

In Opinion No. 403, page 282, Volume 15, Report and Official Opinions of Attorney General, this office had occasion to consider whether a county treasurer was eligible to hold the office of clerk of a school district. It was there held the county treasurer was not eligible to the office of clerk of the school district because the two offices were incompatible. The reason for the opinion in that case was said to be that the county treasurer has certain statutory duties to perform in relation to the funds of the school district which might give rise to a conflict between the offices of county treasurer and the school district of which the treasurer or a deputy was clerk.

It is my opinion there is a like incompatibility between the office of county treasurer and the office of trustee of a school district for the same reason, and that one person may not hold both offices at the same time.

Sincerely yours,

R. V. BOTTOMLY
Attorney General