

**VOLUME NO. 35**

**Opinion No. 23**

**OFFICES AND OFFICERS — County treasurer, term of office; COUNTY TREASURER — Term of office. Section 16-2406, R.C.M. 1947.**

**HELD: A county treasurer is eligible to hold office for a succeeding term.**

August 24, 1973

Mr. Harold F. Hanser  
Yellowstone County Attorney  
County Attorney's Office  
Billings, Montana 59101

Dear Mr. Hanser:

You have requested my opinion as to whether a county treasurer now serving can succeed himself for a subsequent term and file for the office in 1974.

Article XVI, section 5, Constitution of Montana, 1889, provided in pertinent part:

There shall be elected in each county the following county officers who shall possess the qualifications for suffrage prescribed by section 2

of article IX of this constitution and such other qualifications as may be prescribed by law:

... one treasurer, who shall be collector of taxes, provided, that the county treasurer, shall not be eligible to his office for the succeeding term; ...

The Constitution of Montana, 1972, deleted this provision, and as of July 1, 1973, the Constitution of Montana does not prohibit a county treasurer from succeeding himself.

Section 16-2416, Revised Codes of Montana, 1947, the statute setting forth the term of office of county officers, previously provided, in part:

There shall be elected in each county the following county officers who shall possess the qualifications for suffrage prescribed by the constitution of the state of Montana, and such other qualifications as may be prescribed by law:

... one treasurer, who shall be collector of the taxes; provided, that the county treasurer shall not be eligible to his office for the succeeding term; ...

Pursuant to this section, a county treasurer was not eligible to hold office for a succeeding term. However, section 16-2416 was amended by Chapter 123, Laws of 1973, Senate Bill No. 307. This amendment deleted the nonsuccession provision for county treasurers. The bill was signed by the governor and became effective July 1, 1973.

There is now no statute prohibiting the county treasurer from succeeding himself.

**THEREFORE, IT IS MY OPINION:**

A county treasurer is eligible to hold office for a succeeding term, and a county treasurer now serving can file for the office in 1974.

Very truly yours,

**ROBERT L. WOODAHL**  
Attorney General