

VOLUME NO. 37

OPINION NO. 141

ELECTIONS - Ballot listing for consolidated county offices; COUNTY OFFICES - Consolidation; election; CONSOLIDATION - County offices, listing on ballot; REVISED CODES OF MONTANA, 1947 - Title 16, chapter 25.

HELD: It is within the discretion of the Board of County Commissioners to designate how consolidated county offices may be listed on the primary and general election ballots.

24 April 1978

Robert L. Deschamps, III, Esq.
Missoula County Attorney
Missoula County Courthouse
Missoula, Montana 59801

Dear Mr. Deschamps:

You have requested my opinion regarding the following question:

How should the county offices which have been consolidated pursuant to chapter 25, Title 16, R.C.M. 1947, be listed on the primary and general election ballots?

Article II, section 3(2), Montana Constitution provides an optional list of county officers and then provides in pertinent part:

The Board of County Commissioners may consolidate two or more such offices.

Chapter 25, Title 16, R.C.M. 1947, contains the statutory procedures regarding consolidation of county offices. Reference is also made to consolidation in section 16-2406. The revised codes of Montana do not state how the consolidated office should be listed on the primary or general election ballot. It is my opinion that that decision is within the discretion of the County Commission.

Both the constitutional and statutory provisions provide that the consolidation be carried out by the Board of County Commissioners. Further, Article XI, section 4(1)(b) of the Montana Constitution does provide that a county has legis-

lative, administrative and other powers provided or implied by law.

As the Board of County Commissioners has the specific power to consolidate county offices, it may also be implied from that power that the Board of County Commissioners has the authority to designate the title of such offices and therefore how the offices shall be listed on the primary and general election ballots.

THEREFORE, IT IS MY OPINION:

It is within the discretion of the Board of County Commissioners to designate how consolidated county offices may be listed on the primary and general election ballots.

Very truly yours,

MIKE GREELY
Attorney General