



1963

Digest of Attorney General Opinions

North Dakota Law Review

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DIGEST OF ATTORNEY GENERAL OPINIONS

PUBLIC OFFICE—TWO HELD BY THE SAME PERSON

APRIL 4, 1963

May the same person hold the office of township supervisor and county commissioner at the same time?

The opinion states: There is no general statute in North Dakota prohibiting the holding of two offices by the same person. However, it is a well settled rule of the common law that a person may not at one and the same time rightfully hold two offices which are incompatible. It is also apparently well settled that the acceptance of a second office incompatible with the first vacates the first. It is our opinion that the offices of township supervisor and county commissioner are incompatible.

REFERRAL PETITION—CORRECT FORM

APRIL 2, 1963

Must the measure referred be set forth in its entirety in the petition or can it be referred to by title and subject matter?

The opinion states: It is our opinion that the full text of the measure being referred need not be recited in the petition. While it may be advisable to recite the full text, we cannot, as a matter of law, conclude that it is mandatory to do so in order to make a petition valid or to cause the measure to be referred to the electorate for approval or rejection. The petition must, however, adequately inform the signers or the electorate of such matter and must fairly represent the subject matter being referred.

SECTION LINES—PUBLIC TRAVEL

APRIL 19, 1963

Are proceedings necessary by a township board before a section line may be used for travel?

The opinion states: It is the opinion of this office that all Congressional section lines in this state are open to travel by the public without the necessity of any action being taken by the board of county commissioners or township supervisors, as the case may be, and such members of the public as wish may use such section lines the same as they would any other public roadway.

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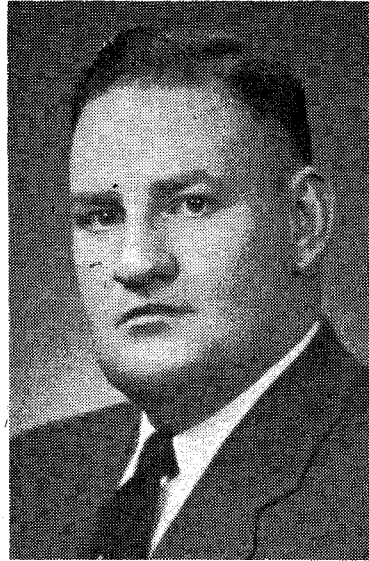
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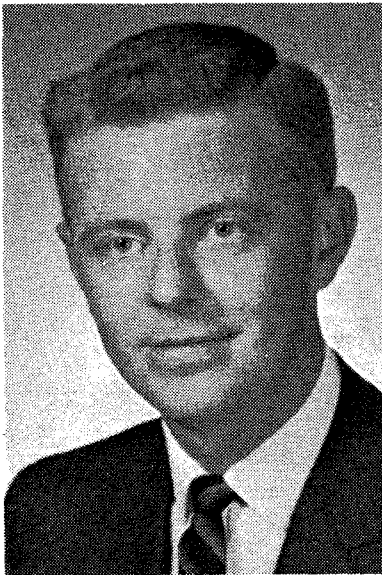
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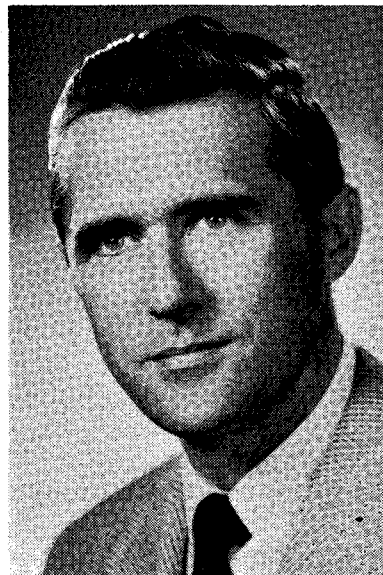
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