

OPINION
57-144

January 8, 1957 (OPINION)

PUBLIC HEALTH

RE: County Superintendent - Qualifications

We are in receipt of your letter of January 3, 1957, in which you ask if the county superintendent of public health is required to be a citizen.

As you point out, section 23-0301 of the N.D.R.C. of 1943 refers to the qualification of the county superintendent of public health and does not specifically require that he be a citizen. Section 11-1004 of the Code does require, however, that "A county officer must be a qualified elector in the county in which he is chosen or appointed, and a county commissioner must be a qualified elector in the district from which he is chosen." In connection with this section it might be noted that its source is section 173 of the North Dakota Constitution, as amended. Section 173, however, does not refer to county officers as such but to certain designated offices, among which are not included the county superintendent of public health. In a recent opinion, however, this office advised that section 11-1004 is controlling and means what it says, i.e., that all county officers must be qualified electors.

Since we believe this to be the law, and since there is very little question but that the county superintendent of public health is a county officer, the only conclusion we can reach is that he is required to be a citizen.

LESLIE R. BURGUM

Attorney General