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STATE OF ILLINOIS
SPRINGFIELD

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FILE NO. NP-480

OFFICERS:
Compatibility

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Honorable Richard S. Simpson
State's Attorney
Court House
Lawrenceville, Illinois 62439

Dear Mr. Simpson:

I have your recent letter wherein you state:

"The question has just been proposed to me to request of your office whether an enforcement officer of the Illinois Commerce Commission, whether this be a patronage or coded job, may be a candidate, and if successful, assume the office as a member of our County Board, and retain both the State employment and the County Board job, which, as you know, was formerly a member of the Board of Supervisors in counties of our size.

As far as this young man is concerned, this has become a political issue in our local County election, and would appreciate your opinion as

soon as possible in regard to the above question as to whether the holder of the present job may properly be a candidate for the County Board."

From the general rules laid down in People v. Haas, 145 Ill. App. 283, it appears that incompatibility between offices arises where the Constitution or a statute specifically prohibits the occupant of either one of the offices from holding the other, or where, because of the duties of either office, a conflict of interest may arise, or where the duties of either office are such that the holder of one cannot, in every instance, properly and faithfully perform all the duties of the other.

There are no express constitutional or statutory restraints in simultaneously holding the county and state offices mentioned in your letter. Nor would there be any conflict of interest.

Since your letter does not specifically state what the duties of an enforcement officer of the Illinois Commerce Commission are, I assume that the duties of such an enforcement officer do not involve the investigation of matters in which the county is involved.

There is the question of whether an individual has sufficient time to properly carry out all the duties of

Honorable Richard S. Simpson

-3

each office. This is a factual question which I cannot determine.

Therefore, in my opinion, an individual can be an enforcement officer for the Illinois Commerce Commission and simultaneously serve as a member of a county board.

Very truly yours,

A T T O R N E Y G E N E R A L