



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

March 5, 2009

I - 09-001

COMPATIBILITY OF OFFICES:  
County Board Member  
and Village President

The Honorable James A. Mack  
State's Attorney, Putnam County  
120 North 4<sup>th</sup> Street  
P.O. Box 20  
Hennepin, Illinois 61327

Dear Mr. Mack:

I have your letter inquiring whether one person may simultaneously serve in the offices of county board member and village president, if the county's population is under 10,000 inhabitants and the village's population is under 1,000 inhabitants. If the offices are determined to be incompatible, you have also asked: (1) whether a county board member, if elected to the office of village president, may choose which office to retain; (2) what procedures should be followed by the county board member if he or she wishes to maintain his or her county board position; and (3) what procedures should be followed if the county board member prefers to assume the office of village president. For the reasons stated below, a county board member, during his or her term of office, may not serve simultaneously in the office of village president. Any such election is void under section 1 of the Public Officer Prohibited Activities Act (the Prohibited Activities Act) (50 ILCS 105/1 (West 2006)). Further, because such an election is void, (1) a county board member who obtains the most votes for the office of village president has no discretion to accept the office of village president; (2) the county board member remains entitled to hold the office of county board member; and (3) if an incumbent county board member desires to hold the office of village president, he or she must resign from the county board prior to the election.

**BACKGROUND**

Based on information you have provided, a current Putnam County Board member has filed to run for the office of village president at the consolidated election to be held on April

7, 2009. Based on 2000 census figures, Putnam County's population is 6,086 inhabitants. Illinois Blue Book 427 (2003-2004). You have stated that the village in question has a population of less than 1,000 inhabitants.

### ANALYSIS

Your first question is whether one person may simultaneously hold the offices of county board member and village president. The common law doctrine of incompatibility of offices precludes simultaneous tenure in two public offices if the constitution or a statute specifically prohibits the occupant of either office from holding the other, or if the duties of the two offices conflict so that the holder of one cannot, in every instance, fully and faithfully discharge all of the duties of the other office. *People ex rel. Fitzsimmons v. Swailes*, 101 Ill. 2d 458, 465 (1984); *People ex rel. Smith v. Brown*, 356 Ill. App. 3d 1096, 1098 (2005); *People ex rel. Myers v. Haas*, 145 Ill. App. 283, 286 (1908). There is no constitutional or statutory provision which expressly prohibits one person from simultaneously serving as a county board member and a village president. However, the provisions of section 1 of the Prohibited Activities Act, which address the ability of county board members to hold other public offices, necessarily preclude a county board member from simultaneously holding the office of village president.

Section 1 of the Prohibited Activities Act provides, in pertinent part:

*No member of a county board, during the term of office for which he or she is elected, may be appointed to, accept, or hold any office other than (i) chairman of the county board or member of the regional planning commission by appointment or election of the board of which he or she is a member, (ii) alderman of a city or member of the board of trustees of a village or incorporated town if the city, village, or incorporated town has fewer than 1,000 inhabitants and is located in a county having fewer than 50,000 inhabitants, or (iii) trustee of a forest preserve district created under Section 18.5 of the Conservation District Act, unless he or she first resigns from the office of county board member or unless the holding of another office is authorized by law. Any such prohibited appointment or election is void. \* \* \* Nothing in this Act shall be construed to prohibit an elected county official from holding elected office in another unit of local government so long as there is no contractual relationship between the county and the other unit of local government. This amendatory Act of 1995 is declarative of existing law and is not a new enactment. (Emphasis added.)*

The Illinois Appellate Court construed section 1 in *People v. Wilson*, 357 Ill. App. 3d 204 (2005), and concluded that the offices of county board member and school board member were incompatible under the Prohibited Activities Act. The case arose because, approximately five months after becoming a county board member, the defendant was elected to the local school board. *Wilson*, 357 Ill. App. 3d at 205. The court held that, under the plain language of section 1 of the Prohibited Activities Act and except to the extent specifically authorized by law, a county board member is prohibited from simultaneously holding another public office. *Wilson*, 357 Ill. App. 3d at 206. The court further concluded that, except in the limited circumstances specifically authorized by law, if a county board member is elected to another office, the election is void. *Wilson*, 357 Ill. App. 3d at 206.

Pursuant to section 1 of the Prohibited Activities Act, as applied by the court in *Wilson*, no county board member may be elected or appointed, during the term of office for which he or she is elected, to any office other than those specified in section 1 or elsewhere in law.<sup>1</sup> Neither section 1 nor any other statute expressly permits one person to serve as a county board member and a village president simultaneously.<sup>2</sup> Therefore, pursuant to section 1 of the

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<sup>1</sup>For example, in the Public Officer Simultaneous Tenure Act (50 ILCS 110/0.01 *et seq.* (West 2006)), the General Assembly has specifically declared that it is lawful for one person to hold the offices of county board member and township supervisor simultaneously and, in certain counties, for a county board member to also serve as a township trustee, township assessor, or township clerk. *See* 50 ILCS 110/2 (West 2006).

<sup>2</sup>Your inquiry involves a sitting county board member in a county with a population under 10,000 seeking the office of village president in a village with a population under 1,000. Although section 1 of the Prohibited Activities Act expressly permits a member of the county board to hold the office of alderman of a city or member of the board of trustees of a village or incorporated town, if the village has fewer than 1,000 inhabitants and is located in a county having fewer than 50,000 inhabitants, section 1 contains no corresponding exception expressly allowing a county board member to serve as village president in such circumstances. The references in the Illinois Municipal Code (65 ILCS 5/1-1-1 *et seq.* (West 2006)) to "corporate authorities" indicates that the term refers to "the president and trustees or similar body when the reference is to villages or incorporated towns" (65 ILCS 5/1-1-2 (West 2006)). Thus, it is clear that the village president is not a member of the village board of trustees. Accordingly, the language in section 1 of the Prohibited Activities Act authorizing county board members to also hold the office of member of a village board does not authorize a county board member to serve simultaneously as a village president.

In opinion No. S-419, issued March 13, 1972 (1972 Ill. Att'y Gen. Op. 45), Attorney General Scott was asked to determine whether one person may simultaneously hold the offices of county board member and city mayor. Based on the number of statutory provisions expressly authorizing counties and municipalities to enter into contracts with each other and granting municipalities the authority to exercise their powers outside their corporate boundaries, Attorney General Scott concluded that the office of county board member was incompatible with that of mayor because of potential conflicts between the duties delegated to those offices. Although the statutes have been amended several times since Attorney General Scott's opinion, the conclusion reached in opinion No. S-419 still reflects current Illinois law. Consequently, one person may not serve simultaneously in the offices of county board member and city mayor. There is no significant difference in the statutory duties of a city mayor and village president. Therefore, under the reasoning of opinion No. S-419, one person may not hold the offices of county board member and village president simultaneously.

Prohibited Activities Act, a county board member may not be appointed or elected to the office of village president. If a county board member, during his or her term of office, is elected to the office of village president, the election is void under section 1 of the Prohibited Activities Act.

Having concluded that the offices of county board member and village president are incompatible, you have also asked whether an incumbent county board member who receives the most votes at an election for the office of village president may choose which office to hold. Under the common law, the acceptance of an incompatible office by the incumbent of another office constitutes an *ipso facto* resignation of the first office held. See *Brown*, 356 Ill. App. 3d at 1101; *Myers*, 145 Ill. App. at 287; 1991 Ill. Att'y Gen. Op. 188, 189; 1991 Ill. Att'y Gen. Op. 177, 178; 1981 Ill. Att'y Gen. Op. 47, 48; 1980 Ill. Att'y Gen. Op. 81, 84; 1972 Ill. Att'y Gen. Op. 45, 47. Thus, under the common law, if an incumbent officer chooses not to accept an incompatible second office, no resignation from the first office results.

Under section 1 of the Prohibited Activities Act, as applied in *Wilson*,<sup>3</sup> however, any election of a county board member to another office not specifically authorized by law is void. Therefore, in the circumstances that form the basis of your inquiry, the county board member only holds one office, and is only entitled to hold one office – county board member. Even if the county board member receives the highest number of votes for the office of village president, the election is void. Therefore, based on the information you have provided, there is no other office for the county board member to choose to accept. In such circumstances, the county board member is not required to follow any particular procedures. Rather, the county board member holds and will continue to hold only one office, that of the county board member. Therefore, the member remains entitled to complete his or her term on the county board.<sup>4</sup>

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<sup>3</sup>As noted in informal opinion No. I-06-013, issued January 31, 2006, on the same day that the Appellate Court handed down its decision in *Wilson*, the court also decided another compatibility of office case. In *Brown*, the Appellate Court determined that the offices of park district board member and city alderman were incompatible due to a conflict of duties between the offices. In that case, the defendant was elected to the park district board in 2001 and to the position of alderman in 2003. Because the court found the two positions to be incompatible, the court concluded that the defendant's acceptance of the position of alderman was an *ipso facto* resignation as park district board member. *Brown*, 356 Ill. App. 3d at 1098, 1101. Because of the different holdings in *Wilson* and *Brown*, confusion may have resulted as to which incompatible office an officer must vacate, or whether the officer must vacate a specific office as a matter of law. The distinction between the two cases is based on the fact that a specific statute prohibited election to the one office (*Wilson*, 357 Ill. App. 3d at 207), while no such statute existed in the other case to prohibit election to the second office (*Brown*, 356 Ill. App. 3d at 1098).

<sup>4</sup>In *Wilson*, because the defendant was an incumbent county board member when he was elected to the school board, his election to the school board was void, and he was ordered removed from the school board, rather than from the county board. *Wilson*, 357 Ill. App. 3d at 207; see also Ill. Att'y Gen. Inf. Op. No. I-06-013, issued January 31, 2006.

You have also asked what procedures an incumbent county board member should follow if he or she desires to seek election to the office of village president. As quoted above, section 1 specifically provides that no county board member may, during the term of office for which he or she is elected, hold any other office "unless he or she first resigns from the office of county board member[.]" Under the plain and unambiguous language of section 1, a county board member who desires to hold the office of village president must resign from the county board prior to the conduct of the election.

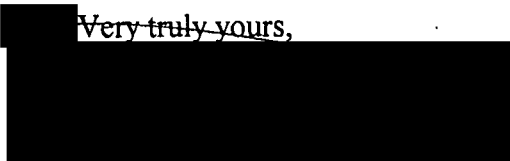
### CONCLUSION

Pursuant to section 1 of the Public Officer Prohibited Activities Act, a county board member may not be elected to or hold the office of village president simultaneously. If a county board member, during his or her term of office, is elected to the office of village president, the election is void under section 1 of the Prohibited Activities Act. Because any such election is void, a county board member who obtains the most votes in an election for the office of village president has no discretion to accept the office of village president. The incumbent county board member, however, remains entitled to hold the office of county board member. Should an incumbent county board member wish to seek election to the office of village president, he or she must resign from the county board prior to the election.

Should the county board member who is the focus of your inquiry desire to continue in office as a county board member and seek to hold the office of village president simultaneously, then the county or the county board member may wish to seek the modification of section 1 of the Public Officer Prohibited Activities Act, or other appropriate statute, through amendatory legislation to so authorize.

This is not an official opinion of the Attorney General. If we may be of further assistance, please advise.

Very truly yours,

  
LYNNE E. PATTON  
Senior Assistant Attorney General  
Chief, Opinions Bureau

LEP:LAS:lk



**OFFICE OF THE ATTORNEY GENERAL**

STATE OF ILLINOIS

April 7, 1995

**Jim Ryan**

ATTORNEY GENERAL

I - 95 - 012

COMPATIBILITY OF OFFICES:

Village President and County  
Engineer; Spouse of Village  
President Serving as Village Clerk

Honorable Michael P. Bald  
State's Attorney, Stephenson County  
County Courthouse  
Freeport, Illinois 61032

Dear Mr. Bald:

I have your letter wherein you inquire whether one person may serve simultaneously in the offices of village president and county engineer. You have also asked whether a conflict of interest would arise if the spouse of a village president is elected village clerk. Because of the nature of your inquiries, I do not believe that the issuance of an official opinion is necessary. I will, however, comment informally upon the questions you have raised.

With respect to your first question, the common law doctrine of incompatibility of offices precludes simultaneous tenure in two offices where the constitution or a statute specifically prohibits the occupant of either office from holding the other, or where the duties of the two offices conflict so that the holder of one cannot, in every instance, properly and faithfully perform all of the duties of the other. (People ex rel. Fitzsimmons v. Swailes (1984), 101 Ill. 2d 458, 465; Rogers v. Village of Tinley Park (1983), 116 Ill. App. 3d 437, 440-41; People ex rel. Myers v. Haas (1908), 145 Ill. App. 283, 286.) There is no constitutional or statutory provision which prohibits one person from simultaneously serving as village president and as county engineer. Therefore, the issue is whether the

duties of either office are such that the holder of one cannot, in every instance, fully and faithfully discharge the duties of the other.

The office of county engineer (formerly county superintendent of highways) is provided for in section 5-201 of the Illinois Highway Code (605 ILCS 5/5-201 (West 1992)). Subsequent sections of the Code set forth the terms of office and the duties thereof. Sections 5-410 and 5-502 of the Illinois Highway Code (605 ILCS 5/5-410, 5/5-502 (West 1992)) respectively provide, in pertinent part:

"The county board is authorized to enter into agreements with any municipal corporation, terminable in the discretion of the county board, for the municipal corporation to maintain any county highway, or any part thereof, located within the municipal corporation, such maintenance to be under the supervision of the county superintendent of highways. \* \* \*"

"In case the county board deems it expedient to construct or repair a bridge, culvert, drainage structure, drainage facility or grade separation, including approaches thereto, on, across or along any highway, in the county, the county board may order the same constructed or repaired at the entire expense of the county; or the county and any other highway authority may jointly construct or repair any such bridge, culvert, drainage structure, drainage facility or grade separation, including approaches thereto, provided that the Department's participating authority shall be limited to the State highway system.

If it is decided to pay the cost of such construction or repair jointly, the county board and any other highway authority shall enter into a contract as to the proportion of the expense of such construction or repair to be borne by each. Such contracts, except as against the Department, shall be judicially enforceable.

Such improvement shall be made according to plans and specifications prepared by or

under the direction of the county superintendent of highways, and the county board may undertake such work either by letting a contract for the same or may authorize the work to be performed directly by the county through and by its officers, agents and employees.

\* \* \*

(Emphasis added.)

Each of the statutory provisions set forth above authorizes a county and a municipality to enter into agreements for joint highway projects. In each instance, however, the county board, and not the county engineer, is responsible for entering into intergovernmental agreements regarding the use of county personnel and equipment, and for providing all of the equipment and personnel reasonably required by the county engineer in the discharge of the duties of his office. (605 ILCS 5/5-202 (West 1992).) The recommendations of the county engineer do not become official until they are adopted by the county board. (Moffett v. Hicks (1923), 229 Ill. App. 296, 308-09.) Although he occupies a distinct office, the county engineer is subordinate to the county board. (1978 Ill. Att'y Gen. Op. 75, 76.) Therefore, the county engineer is not a party to any contract which may be entered into between the county and the village.

Although the county engineer would not be a party to a contract between the county and the village, he may nonetheless influence that contract. In Peabody v. Sanitary District of Chicago (1928), 330 Ill. 250, the supreme court held that a contract between the board of trustees of a sanitary district and a contractor was void because the treasurer of the district had an interest in the contract. The court noted that since the duties of the treasurer included serving as financial advisor to the trustees, he might have been called upon to act on the letting of the contract by advising the board as to the financial status of the bidders. For that reason, the court held that the conflict of interest statute (see Cahill's Statutes 1927, ch. 102, par. 3) was violated.

Based upon Peabody v. Sanitary District of Chicago, Attorney General Scott concluded in opinion No. S-1120, issued July 1, 1976 (1976 Ill. Att'y Gen. Op. 232), that the offices of county superintendent of highways (now county engineer) and city alderman were incompatible. Attorney General Scott stated therein:



" \* \* \*

Like the treasurer in Peabody, the county superintendent of highways in the present situation might naturally be called upon by the county board for advice in these situations in which the interests of the county and those of the municipality might be opposed to each other. The maintenance which is the subject of the agreement authorized in section 5-410 would come under the supervision of the county superintendent of highways. Similarly, the improvements contracted for pursuant to section 5-502 are to be planned by the county superintendent of highways. With regard to the deletion of highways from the county system it should be noted that the county superintendent of highways is responsible for supervising the construction and maintenance of all county highways within the county. (Ill. Rev. Stat. 1975, ch. 121, par. [5-]205.5 [sic][605 ILCS 5/5-205.5 (West 1992)].) In each of these situations there is the possibility that the county board might ask for the advice of the county superintendent of highways. In that case, the county superintendent's duty to advise the county board as to the best interest of the county might conflict with his duty as alderman to act for the best interest of the city.

\* \* \*

"

There are no functional differences between the duties of the offices of city alderman and village president sufficient to distinguish these circumstances from those addressed in opinion No. S-1120. Each officer is a member of the governing body of the municipality who may be called upon to vote or act on contracts entered into by the municipality. Thus, the reasoning relied upon by Attorney General Scott in opinion No. S-1120 would also extend to the office of village president. Therefore, it appears that the offices of village president and county engineer are incompatible, and, consequently, one person cannot simultaneously hold both offices.

You have also inquired whether a conflict of interest would arise if the spouse of a village president is elected to

the office of village clerk. Section 3 of the Public Officer Prohibited Activities Act (50 ILCS 105/3 (West 1993 Supp.)) prohibits a public officer from having any interest in any contract or work the making or letting of which he or she may be called upon to act or vote. It is well settled that the interest prohibited by section 3 is one which is pecuniary in nature. Panozzo v. City of Rockford (1940), 306 Ill. App. 443.

Under the provisions of the Illinois Municipal Code, village clerks, like other municipal officers, are entitled to compensation in that amount fixed by the corporate authorities for carrying out their official duties. (65 ILCS 5/3.1-50-5, 5/3.1-50-10, 5/3.1-50-25 (West 1993 Supp.)) In both Hollister v. North (1977), 50 Ill. App. 3d 56 and People v. Simpkins (1977), 45 Ill. App. 3d 202, however, it was held that it was not a per se violation of section 3 of the Act for the spouse of a member of the corporate authorities of a public body to be employed by the entity which the officeholder serves. As a matter of law, one spouse is not presumed to have a pecuniary interest in the contracts or earnings of his or her spouse. If facts can be shown which prove that an officer has an actual interest in a contract entered into by another person with the entity which the officer represents (including an interest in compensation), then a violation of section 3 will occur. No such interest is presumed, however, based solely upon familial relationships. Therefore, no violation of section 3 of the Public Officer Prohibited Activities Act would appear to be present merely because the spouse of a member of the corporate authorities of a municipality is appointed to the office of municipal clerk.

I would further note, however, that the common law recognizes that conflicts of interest other than those covered by such statutes may arise, and it is a well established rule that where a member of a governmental body has a personal interest in a matter coming before the body, he or she is disqualified from voting thereon. (In re Heirich (1956), 10 Ill. 2d 357; see also 10 ALR 3d 694.) If the village president were called upon to vote upon the compensation to be paid to his or her spouse as village clerk, for example, such an interest might arise. Generally, where an officer has a personal interest in a matter coming before the body he or she serves, but which is not prohibited by statute, that officer is responsible for disqualifying himself from voting or otherwise acting therein.

As a final matter, I would note that circumstances may arise which do not constitute either a violation of section 3 of the Public Officer Prohibited Activities Act or a common law

Honorable Michael P. Bald - 6.

conflict of interest, but which nonetheless present an appearance of impropriety to the public. In these circumstances, a public officer should consider abstention from action even though he or she may not technically be disqualified from acting, in order to preserve the public's confidence in the body which he or she serves. A perception of impropriety may be as damaging to public confidence as an actual conflict of interest. Therefore, a public official should take into consideration the appearance of which his or her action or vote may convey to the public in determining whether to abstain from acting or voting upon a specific matter.

This is not an official opinion of the Attorney General. If we may be of further assistance, please advise.

Very truly yours,

A solid black rectangular redaction box covering the signature of Michael J. Luke.

MICHAEL J. LUKE  
Senior Assistant Attorney General  
Acting Chief, Opinions Bureau

MJL:LP:dn



**WILLIAM J. SCOTT**

ATTORNEY GENERAL  
STATE OF ILLINOIS  
500 SOUTH SECOND STREET  
SPRINGFIELD  
62706

November 3, 1972

FILE NO. NP-529

OFFICERS:  
Compatibility  
Regional Planning Commission

Honorable Robert S. Calkins  
State's Attorney  
Peoria County  
Peoria County Court House  
Peoria, Illinois 61602

Dear Mr. Calkins:

I have your recent letter wherein you state in part:

"Considering the facts set forth below and your Opinion S-419 of March 13, 1972, to the Hon. William J. Cowlin, State's Attorney of McHenry County, your opinion is requested on the following questions:

1. May each or any of the following office holders serve on a regional planning commission; township supervisor, county board member under board reorganization, city manager, mayor or village president, city councilman, city commissioner, village trustee?

NP 529

Honorable Robert S. Calkins -2

2. May those members of the County Board (of Supervisors) appointed to a regional planning commission before the April, 1972 election, who were not elected to the new County Board, continue to serve as commission members? \* \* \* "

You first ask whether various office holders may serve on a regional planning commission. I enclose a copy of my Opinion No. S-500, issued July 24, 1972. In that Opinion, I held that a county board member, a mayor or village president, and a member of a city council or village board could simultaneously serve as a member of a regional planning commission. While I did not specifically discuss a township supervisor, a city manager or a city commissioner, the reasoning in that Opinion is equally applicable to these offices.

You also ask whether members of the County Board of Supervisors appointed to the Tri-County Regional Planning Commission before the April, 1972 election may continue to serve on the Commission if they were not elected to the new County Board. You note that the appointments were made to the individuals without reference to their elective offices at the time of the appointment.

Honorable Robert S. Calkins -3

Section 3(a)2(1) of the resolution creating the Commission provides that elected officials who are appointed to the Commission shall serve on the Commission until the end of their term of office, but not more than three years. If this section is to have any effect, then those individuals who were not reelected to the County Board should not be serving on the Commission after the end of their term on the County Board. It is necessary that statutes be so construed as to give effect to each word, clause and sentence in order that no such word, clause or sentence may be deemed superfluous or void. (Consumers Co. v. Industrial Commission, 364 Ill. 145. Haberer and Co. v. Smerling, 307 Ill. 191.) Therefore, effect should be given to this section and those not reelected to the County Board, should no longer serve on the Commission.

Furthermore, with regard to statutory construction, the court in Petterson v. City of Naperville, 9 Ill. 2d 233, has stated:

" \* \* \* But the primary object of statutory construction is to ascertain and give effect to

Honorable Robert S. Calkins -4

legislative intent. In ascertaining legislative intent, the courts should consider the reason or necessity for the enactment and the meaning of the words, enlarged or restricted, according to their real intent. Likewise the court will always have regard to existing circumstances, contemporaneous conditions, and the object sought to be obtained by the statute. \* \* \* "

From the facts you state in your letter, it is apparent that the amendment to the resolution creating the Tri-County Regional Planning Commission was intended to make it possible for the Commission to qualify for federal grants. The federal requirements that you quote provide that at least 2/3 of the Commission shall be comprised of elected officials. These circumstances substantiate the contention that these individuals were appointed in their official capacity, even though the appointment was made without specific reference to their elective offices. Therefore, in my opinion, your second question must be answered in the negative.

Very truly yours,

A T T O R N E Y   G E N E R A L



**WILLIAM J. SCOTT**

ATTORNEY GENERAL  
STATE OF ILLINOIS  
500 SOUTH SECOND STREET  
SPRINGFIELD

62706



September 6, 1973

FILE NO. NP-618

**COUNTIES:**

Compatibility -  
President of Village  
Board and Township Clerk

Honorable Douglas Marti  
State's Attorney  
Bond County  
Greenville, Illinois 62246

Dear Mr. Marti:

I have your recent letter wherein you state:

"On April 17, 1973 a person holding the office of Township Clerk was elected President of a Village Board. I am aware of your Opinion in 1915, page 350 where you held that the office of Town Clerk is compatible with that of President of a Village Board. I wish to inquire whether the office of Township Clerk is compatible with that of President of a Village Board at the present time. Thank you for your attention to this matter."

From the general rules laid down in People v. Haas,

145 Ill. App. 283 it appears that incompatibility between

REPLY

NP 618



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 in 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.

I find no provision of the Illinois Constitution or of any statute which would prohibit a township clerk from also serving as president of a village. I have examined the statutory powers of a president of a village, particularly sections 3-12-1 and 3-12-2 of Article 3 of the "Illinois Municipal Code.". (Ill. Rev. Stat. 1971, ch. 24, pars. 3-12-1 and 3-12-2.) Also, I have examined the statutory powers of a township clerk, particularly sections 1 through 5 of Article XII, Section 2 of Article VIII and Sections 1 and 10 of Article XIII of "An Act to revise the law in relation to township organization,". (Ill. Rev. Stat. 1971, ch. 139, pars. 111-115, 74, 117 and 126 respectively.) I find nothing in the duties of these offices from which a conflict of interest could arise or which would prevent the proper performance of

Honorable Douglas Marti - 3

the duties of each office. The fact that a township clerk now acts as a clerk of the board of auditors does not, in my opinion, give rise to a conflict of interest since in his capacity as clerk of the board of auditors, a township clerk's duties are purely administrative. Since the 20th day after the 1973 township election he has no longer been a voting member of said board. (Ill. Rev. Stat. 1971, ch. 139, par. 117. Amended by P.A. 77-1610, section 1, eff. Sept. 21, 1971.) I am, therefore, of the opinion that the office of president of a village is compatible with that of township clerk.

Very truly yours,

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