

TITLE 59
PUBLIC OFFICERS IN GENERAL

CHAPTER 1
QUALIFICATIONS AND RESTRICTIONS ON RESIDENCE

59-101. QUALIFICATIONS IN GENERAL. Every qualified elector shall be eligible to hold any office of this state for which he is an elector, except as otherwise provided by the Constitution.

[(59-101) 1890-1891, p. 57, sec. 5; reen. 1899, p. 33, sec. 5; am. R.C., sec. 250; reen. C.L., sec. 250; C.S., sec. 381; I.C.A., sec. 57-101.]

59-102. LEGISLATORS DISQUALIFIED FROM HOLDING CERTAIN OFFICES. It shall be unlawful for any member of the legislature, during the term for which he was elected, to accept or receive, or for the governor, or other officials or board, to appoint such member of the legislature to, any office of trust, profit, honor or emolument, created by any law passed by the legislature of which he is a member. Any appointment made in violation of this section shall be null and void and without force and effect, and any attempt to exercise the powers of such office by such appointee shall be a usurpation, and the appointee shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than five hundred dollars nor more than five thousand dollars.

[(59-102) 1907, p. 308, sec.sec. 1, 2; reen. R.C. & C.L., sec. 251; C.S., sec. 382; I.C.A., sec. 57-102.]

59-104. ABSENCE OF STATE OFFICERS PROHIBITED -- EXEMPTIONS. No state or district officer must absent himself from the state or district for more than thirty (30) days, unless upon business of the state, or with the consent of the governor. The consent of the governor shall not be necessary in the case of persons serving in the armed forces of the United States.

[(59-104) R.S., sec. 326; am. 1890-1891, p. 21, sec. 1; reen. 1899, p. 13, sec. 1; reen. R.C. & C.L., sec. 253; C.S., sec. 384; I.C.A., sec. 57-104; am. 1945, ch. 164, sec. 6, p. 245.]

59-105. OFFICES TO BE PROVIDED IN CAPITOL MALL. The governor, lieutenant governor, secretary of state, attorney general, state treasurer, state controller and superintendent of public instruction may occupy, without rent or charge, the offices provided for them respectively in the capitol mall; and no pay or allowance must be made to any one of said officers for rent, fuel, or lights whether such officer occupy such office or not.

[(59-105) R.S., sec. 327; reen. R.C. & C.L., sec. 254; C.S., sec. 385; I.C.A., sec. 57-105; am. 2011, ch. 303, sec. 1, p. 870.]

CHAPTER 2
PROHIBITIONS AGAINST CONTRACTS WITH OFFICERS -- [REPEALED]