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COMPATIBILITY OF OFFICES:
Committeeman of a Political
Party and Commissioner On a
Merit Commission For Deputy
Sheriffs

Honorable Robert J. Renkes
State's Attorney
Whiteside County
Courthouse
Morrison, Illinois 61270

Dear Mr. Renkes:

I have your letter wherein you inquire as follows:

"May a precinct committeeman of a local political party, who is an ex-officio member of that party's central committee, serve as a commissioner on a merit commission for deputy sheriffs organized under Chapter 34, Section 939.1, Illinois Revised Statutes?"

It is my opinion that a committeeman of a political party may serve as a commissioner on a merit commission for deputy sheriffs.

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Section 58.1 of "AN ACT to revise the law in relation to counties" (Ill. Rev. Stat. 1975, ch. 34, par. 859.1), which authorizes the creation of the commission in question, provides in pertinent part as follows:

"The county board in any county having a population of less than 1,000,000 may, by ordinance, provide for all deputies other than special deputies, and all jail officers * * * employed on a full time basis in the office of Sheriff to be appointed, promoted, disciplined and discharged pursuant to recognized merit principles of public employment and for such employees to be compensated according to a standard pay plan approved by the board. Such ordinance shall provide for the appointment of a Merit Commission consisting of 3 or 5 members appointed by the county sheriff and approved by the county board. * * * In a 3 man Commission, no more than 2 of the members appointed may be from the same political party. In a 5 man Commission, no more than 3 members may be affiliated with the same political party. Such Commission shall promulgate rules, regulations and procedures for the operation of the merit system and administer the merit system. * * *

In the conduct of hearings, each member of the Commission shall have power to administer oaths and affirmations, and the Commission shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to the hearing.

* * *

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Nothing in the language of section 58.1 prohibits service on the commission by a committeeman of a political party. Furthermore, no other statutory or constitutional provision

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specifically prohibits a person from serving simultaneously as a committeeman of a political party and a commissioner on a merit commission for deputy sheriffs.

The common law doctrine of compatibility of offices applies only in situations where both positions in question are public offices. See Attorney General opinion No. S-987. (1975 Ill. Att'y. Gen. Op. 278.) Because the Supreme Court of Illinois has held that committeemen of political parties are not public officers (People v. Brady (1922), 302 Ill. 576; Rouse v. Thompson (1907), 228 Ill. 522), it is clear that the doctrine of compatibility will not apply.

It is therefore my opinion that a committeeman of a political party may serve as a commissioner on a merit commission for deputy sheriffs. There is no statutory, constitutional or common law provision prohibiting the holding of these positions simultaneously.

Very truly yours,

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