



Wyoming  
Department  
of Agriculture

## MEMORANDUM

DATE: September 24, 1992  
TO: Conservation Districts  
FROM: Jim Schwartz *Jim*

At the request of a conservation district supervisor, I asked Mary Guthrie for an Attorney General's Opinion regarding:

"Can an employee of a Conservation District run for the office of Conservation District Supervisor."

Her response is this:

"The essence of the rule against incompatible office holding is that a person should not be able to hold two positions if one of the positions is subordinate to the other. This approach is based on the idea that someone shouldn't be permitted to supervise himself and make decisions that affect his employment. In Haskins v. State ex rel. Harrington, 516 P.2d 1171, 1178 (Wyo. 1973), the Wyoming Supreme Court determined that permitting a teacher to serve on the school board was improper, because it was incompatible office holding. Such a dual activity would not serve the best interests of government; it is not appropriate to have one person occupy two offices or positions if the public is deprived of independent judgment. Coyne v. State ex rel Thomas, 595 P.2d 970, 973 (Wyo. 1979).

If the employee in question were elected to the district supervisor position, there would be incompatible office holding, because he would be in a position to determine his duties and conditions of employment, including salary. W.S. 11-16-122(b)(i)."

JS/lms

cc: Bobbie Hallwachs

P.S. Please include this Attorney General's opinion in your Procedures Manual under Attorney General opinions.

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THE STATE OF WYOMING

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September 21, 1992

To: Jim Schwartz  
Natural Resource Program Coordinator  
Department of Agriculture

From: Mary B. Guthrie *Mary B. Guthrie*  
Senior Assistant Attorney General

Re: Whether an employee of the Teton Conservation  
District may run for the office of conservation  
district supervisor

You have asked whether an employee of the Teton Conservation District may also run for a district supervisor position. After viewing appropriate Wyoming law, it is our view the employee may not occupy both positions, because this would constitute incompatible officeholding.

The essence of the rule against incompatible office holding is that a person should not be able to hold two positions if one of the positions is subordinate to the other. This approach is based on the idea that someone shouldn't be permitted to supervise himself and make decisions that affect his employment. In Haskins v. State ex rel. Harrington, 516 P.2d 1171, 1178 (Wyo. 1973), the Wyoming Supreme Court determined that permitting a teacher to serve on the school board was improper, because it was incompatible office holding. Such a dual activity would not serve the best interests of government; it is not appropriate to have one person occupy two offices or positions if the public is deprived of independent judgment. Coyne v. State ex rel Thomas, 595 P.2d 970, 973 (Wyo. 1979).

If the employee in question were elected to the district supervisor position, there would be incompatible office holding, because he would be in a position to determine his duties and conditions of employment, including salary. W.S. 11-16-122(b)(i).

I hope that this memorandum has addressed your concerns.