



[EXTERNAL] Re: minors serving on library boards

From Kris Goss <KGoss@jmgattorneys.com>

Date Thu 10/9/2025 12:54 PM

To Cook, Tracy <TCook2@mt.gov>

Cc Orban, Cara <CORban@mt.gov>; Sloan, Corey <cosloan@mt.gov>

Tracy,

Section 7-1-201, MCA, specifically requires Board members to be a citizen of the United States and a resident of the county where a Board is designed to govern. The provisions in Section 7-1-201, MCA, and Section 22-1-308, MCA, do not require a trustee to be a registered voter which would establish a baseline age. Residency of a minor is established in Section 1-1-215, MCA, through the residency of the minor's parent or guardian. As a result, there is not a specified statutory age requirement. Further, I did not locate an Attorney General's opinion requiring voter registration or being of age 18 to serve as a Library Trustee as exists for other boards in law. It is important to note, that election to a Library District Board under Section 22-1-706, MCA, would require voter registration and reaching the age of 18 prior to taking the oath of office.

This means the eligibility to serve as an appointed Public Library Trustee is set by policy in each county. A county could seek to set a voter registration requirement but without such a requirement, the policy could remain silent and allow for appointment of a minor as permitted by law. To confirm this possibility there may need to be a request for an Attorney General's opinion to avoid noncompliance.

The concept of a minor not being able to vote on a contract shouldn't be an issue if the minor is duly appointed to the Board. If the law and policy permit such an appointment, the votes of a full and completely eligible Trustee would be binding on the Library as a public entity. The minor has the right to participate if appointed in accordance with law as specified in Article II, Section 15, of the Montana Constitution. Again, a formal opinion on this issue could be considered. If an appointee could not serve the full 5 year term, the term would be filled through appointment the same as other vacancies.

If there is concern about appointing a minor to be a full member of the Board, there are other options. The Library Board could interview minors interested in serving as a non-voting youth representative similar to that which exists on the Board of Regents, Board of Public Education, and man school boards. This youth representative, in turn, could be charged with serving as a leader of a youth council within the Library to organize events for and solicit feedback from younger patrons. This encourages participation without the potential confusion related to a minor serving as a full voting member of the Board.

I'm ready to help if you have other ideas on this topic.

Thanks,

Kris Goss

Attorney

Jackson, Murdo, & Grant, P.C.

203 N. Ewing
Helena, MT 59601
406-442-1300

Confidentiality Notice: The content of this email is confidential and proprietary and may contain legally privileged information. If you are not the intended recipient, any disclosure, copying, distribution or taking any action in reliance on the contents of this information is prohibited and may be unlawful. If you have received this message in error, please destroy it and immediately notify me.

From: Cook, Tracy <TCook2@mt.gov>
Sent: Thursday, October 9, 2025 11:40 AM
To: Kris Goss <KGoss@jmgattorneys.com>
Cc: Orban, Cara <COrban@mt.gov>; Sloan, Corey <cosloan@mt.gov>
Subject: minors serving on library boards

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Kris,

I don't know if we have ever talked about this question. Corey and I led a board training earlier this week, and there was a good discussion around board recruitment and representation. It led to a question about whether minors could serve on a library board.

I found some older correspondence (from 2011) between myself, a former boss, and board which recommended students be non-voting. The reasons were around minors and contracts. We weren't sure how to handle votes if a minor could not technically enter into a contract. We also thought the 5-year term would be challenging.

Do you have any thoughts on this one? If a phone call or a touch base meeting would be easier, please let me know.

It seems like a great experience for older teens and like it would be a great way to hear from that demographic. Corey suggested a teen advisory board - which is also a nice compromise - but I appreciated how this could give a teen an incredible civic experience.

-Thanks,
Tracy

Tracy Cook, Lead Consulting & Learning Librarian



tcook2@mt.gov



406.431.0685



msl.mt.gov [linkprotect.cudasvc.com]

