

1988 Ariz. Op. Atty. Gen. 73, Ariz. Op. Atty. Gen. No. 188-052, 1988 WL 384597 (Ariz.A.G.)

Office of the Attorney General  
State of Arizona

188-052 (R85-133)

June 15, 1988

SUBSTITUTE OPINION

The Honorable Roy A. Mendoza  
Pinal County Attorney

Dear Mr. Mendoza:

This is to inform you that Ariz.Atty.Gen.Op. 188-052 dated April 26, 1988 has been withdrawn. That opinion erroneously relied upon two earlier Attorney General opinions, Ariz.Atty.Gen.Ops. 179-186 and 178- 55, which had incorrectly interpreted art. VII, § 15 of the Arizona Constitution.

You had initially asked whether, pursuant to A.R.S. § 15-253(B) [FN1] the Attorney General would review a school opinion written by a private attorney who was not a resident of the county (non-qualified elector), but who was nevertheless representing the district with the consent of the county attorney.

The Arizona Constitution, was amended in 1972 to remove the requirement that a "person elected or appointed to any office of trust or profit" must be a qualified elector of the political division he serves. Art. VII, § 15 now limits this requirement to only those holding elective office, providing as follows:

Every person elected or appointed to any elective office of trust or profit under the authority of the State, or any political division or any municipality thereof, shall be a qualified elector of the political division or municipality in which such person shall be elected.

(Emphasis added.) See Laws 1971 (1st Reg.Sess.) Senate Concurrent Resolution 9. [FN2]

Because an attorney hired by a school district with the consent of the County Attorney does not hold an elective office, legal representation by a non-resident attorney of a local school district governing board is permitted. Therefore, the opinions of that attorney may be reviewed by the Attorney General, pursuant to A.R.S. § 15-253(B).

Sincerely,  
BOB CORBIN  
Attorney General

[FN1]. Formerly A.R.S. § 15-122(B).

[FN2]. Note that in art. VII, § 15, as printed in Vol. 1A, A.R.S., the word "elective" that appears in S.C.R. 9 was