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April 9, 1954
Letter Opinion
No. 54-100-L

The Honorable George C. Ricca, Chairman
Mohave County Board of Supervisors
Courthouse
Kingman, Arizona

Re: Salaries of Constables in
precincts having more than
one thousand registered
voters.

Dear Mr. Ricca:

This is in reply to your wires of April 4th and 5th and our telephone conversation of April 6th, regarding the salaries of the Constable in the Kingman precinct.

The information contained in this letter supersedes both our wire and telephone call, and may be considered as the official opinion of the Department of Law, relative to this matter.

The opinion of this office, No. 53-184, a copy of which is enclosed herewith, gives a detailed history of the salary changes for Justices of the Peace. The quotations contained in that opinion are applicable to the instant question and reference will be made to them when necessary.

The telegram sent to you on April 5th contained some misinformation as concerns the effective dates of the salaries of the Constable, as provided for in Section 12-711 A.C.A., 1939, as amended, (see enclosed opinion, page 3). The salary of a Justice of the Peace in a precinct having more than one thousand registered voters, as provided in Section 12-711 A.C.A., 1939, as amended, became effective on October 31, 1953, due to a constitutional amendment of Article 4, Part 2, Section 17, Constitution of Arizona, allowing changes during term of office of salaries of Justices of the Peace (see enclosed Opinion No. 53-184). This amendment did not affect Constables, however, so the salaries provided for Constables in Section 17-711, A.C.A., 1939, as amended, cannot become effective until their present term of office is completed.

The salary of the Constable of the Kingman precinct was fixed by the Mohave County Board of Supervisors at its regular

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June meeting in 1952. This fixed salary must remain unchanged until the regular June meeting of 1954, at which time the Board of Supervisors may change such salary as it sees fit, such change to be effective January, 1955, when the Constable's new term of office commences.

There are less than ten thousand registered voters in the Kingman precinct so the Constable's salaries set up in Section 12-711 A.C.A., 1939, as amended, will not affect the Constable in this precinct. The Board of Supervisors of Mohave County may, at their regular June meeting in 1954, fix the salary of the Constable in the Kingman precinct as it deems just, without regard to Section 12-711, which, as previously stated, fixes the Constables' salaries only in precincts having more than ten thousand registered voters.

If we may be of any future assistance in this matter, please do not hesitate to call upon us.

Yours very truly,

R. DEAN BURCH
Special Assistant to
The Attorney General

RDB:mp
Enclosure