

Opinion No. 64-35-L
R-170
September 22, 1964

ARIZONA
ATTORNEY GENERAL
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REQUESTED BY: THE HONORABLE PRISCILLA HAYS
State Representative-Maricopa County

OPINION BY: ROBERT W. PICKRELL
The Attorney General

- QUESTIONS:
1. If the Chairman of the central committee of the party that cast the next to highest number of votes in the state at the last preceding general election submits a list of qualified voters of the precinct as judge and clerk, is said political party entitled to equal representation on the election board as judge and as clerks?
 2. How many clerks are authorized to be appointed by the board of supervisors?
 3. Must a board of supervisors re-appoint the election board and clerks between the primary and general elections?
 4. If the board of supervisors has appointed an election board and clerks to serve in a primary or general election, can anybody not so appointed act as either a member of the board of elections or a clerk of the elections board? If so, under what conditions?

- ANSWERS:
1. Yes.
 2. See body of opinion.
 3. No.
 4. No. See body of opinion.

As to Question No. 1 of your letter, the Attorney General issued an Opinion No. 62-23 on May 21, 1962. In said opinion, it was the conclusion of this office "that if the chairman of the county central committee brings in their list within the time mentioned, the board

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of supervisors must appoint from this list." This right may, therefore, be exercised by the chairman of "either" committee, representing the party of the highest or next highest number of votes, if said action is taken not less than one week prior to the board of supervisors' appointment; and this appointment by the board of supervisors of judges and clerks must be not less than twenty days prior to a general or primary election. A. R. S. Sec. 16-771.

Regarding Question No. 2, A. R. S. Sec. 16-771 specifically covers this matter. A. R. S. Sec. 16-771 (A) in part states that "... the board of supervisors shall appoint for each election precinct one inspector, two judges, and not less than two clerks of election." (Emphasis supplied). Thus, it may be clearly stated that the board of supervisors is authorized to appoint, and must appoint, at least two clerks; but may appoint any additional clerks which are necessary.

As to Question No. 3, the applicable portion of the statute in issue states in A. R. S. Sec. 16-771 (A): "When an election is ordered, and not less than twenty days prior to a general or primary election, the board of supervisors shall appoint for each election precinct one inspector, two judges, and not less than two clerks of election." Thus, it may be concluded that the board of supervisors must appoint an election committee to serve for the general election, but there is no obligation to re-appoint the particular primary committee unless (as explained in Question No. 1), the chairman of the appropriate county central committee has requested the re-appointment within the proper time.

Regarding Question No. 4, it may be said that one one can act as a member of the board of elections unless he has been appointed by the board of supervisors. However, it should be noted that A. R. S. Sec. 16-771 has a special provision wherein after the regular board of elections has been appointed, should the precinct consist of 350 or more qualified electors, the board of supervisors may appoint an additional tally board.

Robert W. Pickrell
ROBERT W. PICKRELL *by wee*
The Attorney General