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CLARK KENNEDY }

May 21, 1962
Opinion No. 62-23
R-252

REQUESTED BY: The Honorable Darvil B. McBride
State Senator
Graham County

OPINION BY: ROBERT W. PICKRELL
The Attorney General

QUESTION: 1. A.R.S. § 16-771
Appointment of election boards
and tally boards; qualifications,
states in part, ". . .but, if
not less than one week prior to
the appointment, the chairman of
the County Central Committee of
either of the parties designates
qualified voters of the precinct
as judge and as clerk, they shall
be appointed."

In your opinion, does the above
give the chairman of the County
Central Committee power to desig-
nate the election boards even
though the board of supervisors
may object?

CONCLUSION: Yes, provided the appointees are
designated at the time and in the
manner provided by statute. See
body of Opinion.

If the chairman of the County Central Committee of the political
party concerned does designate the persons to be appointed after an
election is ordered and before the appointment is made, then the des-
ignatees of the chairman of the County Central Committee must be ap-
pointed.

The power of the board of supervisors to appoint arises only
after an election is ordered. A.R.S. § 16-771 reads:

"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."

A.R.S. § 16-701. General Election:

"On the first Tuesday after the first Monday
in November of every even-numbered year, a
general election shall be held for the elec-
tion of representatives in congress, members
of the legislature, and state, county and
precinct officers."

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A.R.S. § 16-702. Primary elections:

"On the eighth Tuesday prior to a general or special election at which candidates for public office are to be elected, a primary election shall be held."

The chairman of the County Central Committee may bring in to the board of supervisors a list of names which have been designated as qualified to be appointed by the board of supervisors, but this must be done after an election is ordered and not less than one week prior to the 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.

The statute is plain that one week before the board of supervisors has made its appointment, the list of designated qualified voters must have been submitted. The statute contemplates that the chairman of the County Central Committee has the right to designate the judges and clerks, and mandatorily requires the board of supervisors to appoint the designated persons.

So, the conclusion of the Attorney General is that if the chairman of the County Central Committee brings in their list within the time mentioned, the board of supervisors must appoint from this list.

SAMUEL J. MACALUSO
Assistant Attorney General


ROBERT W. PICKRELL
The Attorney General

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