

January 12, 1939.

Mr. E. Elmo Bollinger,  
County Attorney, Mohave County,  
Kingman, Arizona.

Dear Mr. Bollinger:

This will acknowledge receipt of your request for an opinion of this office on the following question:

"Mr. C. D. Tatum is the newly elected Clerk of the local Superior Court. He has filed with the Board of Supervisors his appointment of Elizabeth Tatum, his former wife, as his deputy. They were divorced about eighteen months ago and have one child, a boy, about eight or ten years of age.

"I would like an opinion from your office as to whether or not such an appointment is permissible in view of Par. 1352B of the Arizona Supplement, 1936, of the Revised Code of Arizona, 1923."

The statute referred to provides as follows:

"It shall be unlawful for any executive, legislative, ministerial or judicial officer to appoint or vote for the appointment of any person related to him by affinity or consanguinity within the third degree to any clerkship. \* \* \*"

We are of the opinion that when a court of competent jurisdiction dissolves the marital status, the parties are no longer within the statutory prohibition above quoted, and it is our opinion that it is permissible for the County Clerk in your county to appoint his former wife as his deputy.

Very truly yours,

JOE CONWAY,  
Attorney General.

CHARLES BERNSTEIN,  
Assistant Attorney General.

EARL ANDERSON,  
Special Assistant  
Attorney General.

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