

3

August 5, 1944

**LAW LIBRARY
ARIZONA ATTORNEY GENERAL**

Hon. Bert J. Colter
Member, Arizona State Senate
Apache County
Springerville, Arizona

Dear Senator Colter:

We are in receipt of your request for an opinion on the question of whether or not the terms of Section 56-105, A.C.A. 1939, would prohibit a husband, who is a legislative officer, from appointing his wife to a position in the legislative session.

In other words, your question resolves itself into a simple question of whether or not a wife is related to her husband by affinity. Under the 'common law' rule a wife is not related to her husband by affinity for the reason that the common law regarded the husband and wife as one person and that person was the husband, and therefore there could be no relationship. However, under the recent decisions, particularly Norman vs. Ellis, 28 S.W. 2d, 363, it is our opinion that a wife is related to the husband by affinity.

Yours very truly,

JOE CONWAY,
Attorney General

EDWARD P. CLINE,
Assistant Attorney General

EARL ANDERSON
Chief Assistant
Attorney General