



DEPARTMENT OF LAW
OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Rod
(R76-185)

BRUCE E. BABBITT
ATTORNEY GENERAL

June 3, 1976

76-170

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Ms. Dorothy S. Fannin
Pima County Commission
Trial Court Appointments
5731 East 7th Street
Tucson, Arizona 85711

Dear Ms. Fannin:

This office is in receipt of your letter of March 29, 1976 in which you request our opinion on the following question:

May an individual who is a member of the Pima County Commission on Trial Court Appointments file petitions and run for election as a Delegate to the Regional Convention of a political party?

Article 6, § 36 (B) of the Constitution of the State of Arizona reads, in part, as follows:

There shall be a nonpartisan commission on trial court appointments for each county having a population of one hundred fifty thousand persons or more according to the United States census which shall be composed of the chief justice of the Supreme Court, who shall be chairman, three attorney members who shall be nominated by the Board of Governors of the State Bar of Arizona and appointed by the governor with the advice and consent of the Senate and five nonattorney members, who shall be appointed by the governor and with the advice and consent of the Senate.

An examination of the statutes and laws of the State of Arizona reveals that the only provision which might prohibit the above referenced activity is A.R.S. § 41-772.B which reads as follows:



Ms. Dorothy S. Fannin
June 3, 1976
Page Two

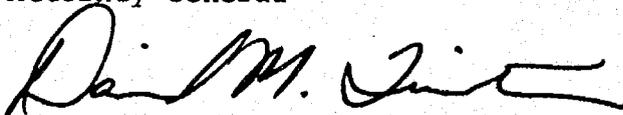
B. No employee or member of the personnel board may be a member of any national, state or local committee of a political party, or an officer or chairman of a committee of a partisan political club, or a candidate for nomination or election to any paid public office, or shall take any part in the management or affairs of any political party or in any political campaign, except that any employee may express his opinion, attend meetings for the purpose of becoming informed concerning the candidates for public office and the political issues, and cast his vote.

A.R.S. § 41-762 defines an "employee" to mean a person holding a position in state service, and "state service" is further defined to mean all officers and positions of employment in state government except officers and positions excepted by the provisions of Article 6, Chapter 4, Title 41, A.R.S. An examination of A.R.S. § 41-771(2) shows that the strictures of the statutes do not apply to members of boards and commissions appointed by the legislature or the Governor. Thus, since members of Commissions on Trial Appointments are appointed by the Governor, A.R.S. § 41-772.B is not applicable.

In conclusion, it is the opinion of this office that your question be answered in the affirmative.

Sincerely,

BRUCE E. BABBITT
Attorney General



DAVID M. QUINTIERI
Assistant Attorney General

BEB:DMQ:vld