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OFFICE OF THE
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BRUCE E. BABBITT
ATTORNEY GENERAL

February 2, 1978

Honorable Jules M. Klagge
Assistant Secretary of State
State House
Phoenix, Arizona

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ARIZONA ATTORNEY GENERAL

Re: 78 -18 (R78-9)

Dear Mr. Klagge:

On January 5, 1978, you asked our opinion whether the financial disclosure statement required to be filed with your office by A.R.S. § 38-542 applies to "local public officers" as defined in A.R.S. § 38-541(5). "Public officers", defined in § 38-541(4), are required to make such filings.

We do not believe that "local public officers" should file financial disclosure statements with your office. Their disclosures should be filed with offices appropriately designated in the manner prescribed by A.R.S. § 38-545.

Since A.R.S. §§ 38-541 to 545 were added to Title 38 at the same time (1974), it is proper to assume that they may be interpreted in a consistent pattern. Therefore when distinctions are made within the definition of A.R.S. § 38-541 between "public officer" and "local public officer", it should be expected that these definitions have significance.

The major apparent significance between "public officer" and "local public officer" is that the financial disclosure requirement imposed upon a "local public officer" is more properly the concern of the local governmental entities. A.R.S. § 38-545. Consistent with the view that the locus of concern regarding a "local public officer" should be with the appropriate incorporated city, town or county, financial disclosure statements required by A.R.S. § 38-545 should be filed with the local authority charged with the duty of accepting nomination papers. This system then parallels the statewide system set out in A.R.S. § 38-542 and A.R.S. § 38-543.

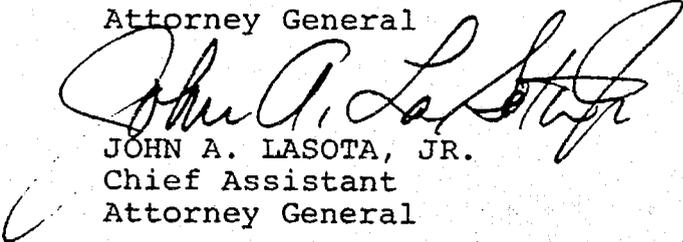
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Our view of A.R.S. § 38-541(4) and (5) is consistent with that of our Supreme Court in Armer v. Superior Court, 112 Ariz. 478 (1975). The Court held that directors of multi-county water conservation districts "are not state public officers for the purpose of financial disclosure" under § 38-542, since they are not among the office holders enumerated in paragraph 4 of § 38-541. Neither, of course, are justices of the peace, and the Armer reasoning would equally apply to them.

If we can be of further assistance, please let us know.

Very truly yours,

BRUCE E. BABBITT
Attorney General



JOHN A. LASOTA, JR.
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