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ARIZONA ATTORNEY GENERAL

February 20, 1980

INTERAGENCY

The Honorable Renz D. Jennings
Arizona State Representative
House Wing, State Capitol
Phoenix, AZ 85007

Re: I80- 021 (R80-021)

Dear Representative Jennings:

In your letter of January 23, 1980, you requested our opinion whether A.R.S. § 19-114^{1/} is in violation of Article 2, § 5 of the Arizona Constitution.^{2/}

It is long-established that legislative enactments are clothed with a presumption of validity. State v. Locks, 91 Ariz. 394 (1962). In opining on the constitutionality of a statute, the Attorney General follows the same standard of constitutionality. The Attorney General's duty is to defend the validity and constitutionality of state laws. Therefore, the policy of the Attorney General is that, unless a statute is patently unconstitutional, the Attorney General will not opine on its constitutionality.

^{1/} A.R.S. § 19-114 provides as follows:

No county recorder, justice of the peace, deputy registration officer or other person authorized by law to register electors, and no person other than a qualified elector, shall circulate an initiative or referendum petition and all signatures verified by any such person shall be void and shall not be counted in determining the legal sufficiency of the petition.

^{2/} Article 2, § 5 of the Arizona Constitution:

The right of petition, and of the people peaceably to assemble for the common good, shall never be abridged.

The Honorable Renz D. Jennings
February 20, 1980
Page 2

Applying the aforementioned standard to A.R.S. § 19-114, we believe that it is not patently unconstitutional and, accordingly, decline to opine on its constitutionality.

Sincerely,



BOB CORBIN
Attorney General

BC/mm