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Phoenix, Arizona 85007

Robert R. Corbin

July 14, 1980

INTERAGENCY MAIL
Ms. Sharon Wheeler
State Board of Directors for
Community Colleges of Arizona
1937 West Jefferson, Bldg. A
Phoenix, AZ 85009

Re: I80-133 (R80-119)

Dear Ms. Wheeler:

In your letter of May 27, 1980, you ask whether the State Board has the authority to prescribe the procedures pertaining to nominating petitions for community college district elections. You also wish to know who has the authority to post notice of the elections.

Prior to the 1980 amendments, A.R.S. § 15-677 authorized the State Board to prescribe the time, manner and place for election of members of district boards. Pursuant to this authority, A.C.R.R. R7-1-19 was promulgated. Chapter 157, Section 2, Laws 1980 (Second Reg. Session 1980) amended A.R.S. § 15-677.A to read:

Members of the district board shall be elected at the time and place, and in the manner of general elections as provided in Title 16.

At the same time, A.R.S. § 15-676.01 was amended in Section 1 of Chapter 157 to transfer the authority over establishment of election precincts from the State Board to the County Board of Supervisors. Also, A.R.S. § 16-411.A was amended in Section 3 of Chapter 157 to give the County Board of Supervisors the power to establish election precincts and polling places for community college district elections. However, A.R.S. § 16-322 was not amended to provide for the number of signatures required on nomination petitions of candidates for community

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college district boards, nor do any other 1980 amendments prescribe requirements and procedures for filing of these petitions.

Prior to the above amendments, election procedures relating to these elections including nomination petition requirements were contained in A.C.R.R. R7-1-19.D. Since the State Board's statutory authority over these elections has been removed, the election procedures specified in A.C.R.R. R17-1-19.D are no longer in effect. The result of the 1980 amendments is that the responsibility for prescribing the time, manner, and place for elections of members of district boards is transferred from the State Board to the appropriate County Board of Supervisors.

Regarding your particular questions concerning who is in charge of nomination petitions for these elections, the determination of the number of signatures required on nomination petitions, and who has authority to post notice of these elections, it must be considered that the Boards of Supervisors have the implied authority to do so, and can do so by rule and regulation.^{1/}

We would also like to point out that it is the responsibility of the County Board of Supervisors to comply with the guidelines of the U.S. Department of Justice for pre-clearance concerning these election law changes pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973(c).

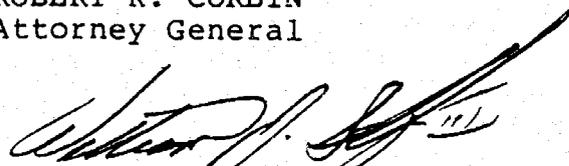
^{1/}We note that A.R.S. § 16-311(D) provides that these nominating petitions should be filed with the Clerk of the Board of Supervisors, but we also note that A.R.S. § 16-322, which provides for the number of signatures required on nominating petitions for various elected offices contains no provision applicable to the election of Community College Board members. We suggest for purposes of uniformity among counties that the various County Boards of Supervisors consider adopting the provisions of R7-1-19 relating to petition requirements.

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Should you have any questions regarding any of the
above, please feel free to contact this office.

Sincerely,

ROBERT K. CORBIN
Attorney General

A handwritten signature in black ink, appearing to read "William J. Schaber, III", written in a cursive style.

WILLIAM J. SCHABER, III
Assistant Attorney General

WJS:GLL:eib