



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

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ARIZONA ATTORNEY GENERAL

July 19, 1984

Mr. Richard Albrecht
Deputy Mohave County Attorney
Courthouse
Kingman, Arizona 86401

Re: I84-108 (R84-104)

Dear Mr. Albrecht:

We have received and considered your opinion dated May 1, 1984 to Ms. Donna Sue Brown of the Mohave County Elections Office concerning the candidacy of a member of a school board for another office. In our view your opinion does not relate to school matters; therefore, A.R.S. § 15-253 does not authorize us to concur, revise or decline to review it.

Sincerely,

A handwritten signature in cursive script that reads "Bob Corbin".

BOB CORBIN
Attorney General

BC:FWS:kb

MOHAVE COUNTY ATTORNEY

MOHAVE COUNTY COURTHOUSE • KINGMAN • ARIZONA 86401

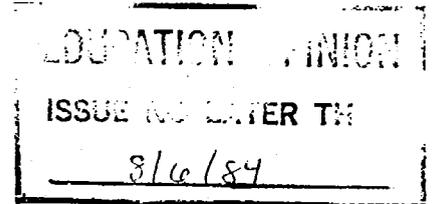


R84- 104

WILLIAM J. EKSTROM, JR.
County Attorney

June 1, 1984

Bob Corbin
Arizona Attorney General
State Capitol
1275 West Washington
Phoenix, AZ 85007



RE: Mohave County Attorney Opinion

Dear Bob:

Enclosed is an opinion rendered by our office concerning the ability of a member of a school board to become a candidate for the County Board of Supervisors.

This is being submitted to your office pursuant to A.R.S. §15-1222(B) for your review and concurrence.

Sincerely,

WILLIAM J. EKSTROM, JR.
Mohave County Attorney

By


RICHARD F. ALBRECHT
Deputy County Attorney

RFA/mh
Encl.

MOHAVE COUNTY ATTORNEY

MOHAVE COUNTY COURTHOUSE • KINGMAN • ARIZONA 86401



WILLIAM J. EKSTROM, JR.
County Attorney

R84-104

May 2, 1984

EDUCATION OPINION
ISSUE NO LATER THAN

8/6/84

Donna Sue Brown
Mohave County Elections
Mohave County Courthouse
Kingman, Arizona 86401

Dear Donna Sue,

This is to let you know that it is our opinion that a school board member who wishes to seek the office of board of supervisor falls under the limitations of A.R.S. 38-296 and must resign prior to the time nomination petitions are filed. Several court and attorney general opinions have sought to preclude the applicability of that statute to certain types of elected officials, notably those that are unsalaried and where no conflicts of interest exists. In the case of school boards and supervisors, however, there are instances, particularly in the area of budget and bond issues, where one individual could not, without conflict, perform the duties of both offices.

Hence, under the doctrine of incompatibility of public offices, it must be presumed that state policy, as embodied in A.R.S. 38-296, requires that resignation of an incumbent school board member who wishes to file nomination papers for the office of supervisor.

Sincerely,

WILLIAM J. EKSTROM, JR.
Mohave County Attorney

WJE/ln