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Robert E. Corbin

June 9, 1988

The Honorable George Weisz  
Arizona State Representative  
State Capitol - House Wing  
Phoenix, Arizona 85007

Re: 188-064 (R88-055)

Dear Representative Weisz:

You have asked two questions regarding the qualifications for justice of the peace pro tempore.

You first ask what the statutory and constitutional qualifications are for the position of justice of the peace pro tempore. The jurisdiction of justice courts and the powers and duties of justices of the peace shall be as provided by law. Ariz. Const. art. VI, § 32. The Arizona Constitution does not set out specific qualifications for the office of justice of the peace.

The legislature set minimum standards for qualification of a justice of the peace pro tempore in A.R.S. § 22-122. The relevant portion of the statute states:

A justice of the peace pro tempore shall be:

1. Of good moral character.
2. A qualified elector and resident of the state for not less than one year next preceding his appointment.

These are the only qualifications required by law.

You also ask whether individual counties and other governmental entities may establish qualifications for justice of the peace pro tempore which are presently not in statute.

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The power to appoint justices of the peace pro tempore has been vested by the legislature in the presiding judge of the superior court in each county. The applicable section of A.R.S. § 22-121 states:

The presiding judge of the superior court in a county may appoint a justice of the peace pro tempore for any precinct of that county where needed in the manner provided by this article subject to the approval of the board of supervisors.

This is a permissive grant of authority limited only by the language of the article itself and the veto power of the board of supervisors.

There is nothing in the Arizona Constitution or the Arizona Revised Statutes to limit the authority of the presiding judge to impose a selection process or criteria for the position of justice of the peace pro tempore that exceeds the minimum requirements of A.R.S. § 22-122.<sup>1/</sup>

Sincerely,



BOB CORBIN  
Attorney General

BC:MAW:kcr

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<sup>1/</sup>Only invalid criteria such as race, color, sex, religion, handicap, or age would violate the Equal Protection Clause of the United States Constitution or A.R.S. §§ 41-1461 to -1465 of the Arizona Civil Rights Act.