



## 12. Conflict Counsel

*Description of issue and how recommending the agency's request furthers the agency's mandates:* AZSOS is represented by the Arizona Attorney General's Office pursuant to ARS 41-192. However, when a conflict arises, the Attorney General's Office appoints conflict counsel to serve the needs of the client as required by court procedural rules. The enacted FY2025 state budget included one-time funding for AZSOS to utilize conflict counsel in FY2024 and FY2025. It also amended footnote language, saying, "The SOS may make expenditures or incur indebtedness to employ outside or private attorneys if all the following occur: 1) SOS is named as a defendant, 2) SOS believes a conflict prevents the Attorney General from representing the SOS; 3) and the SOS is either a nominal party or defending the constitutionality of a law or referendum enacted by the legislature."

*Proposal:* Appropriate \$500,000 from the state general fund in FY2026 and thereafter so that AZSOS may retain conflict counsel in compliance with the footnote provisions of FY2025 budget.

*Alternatives considered and reasons for rejection:* N/A

*Impact of not funding this fiscal year:* AZSOS will not be able to articulate a position different from the Attorney General's Office in cases where there is a conflict of positions and may have to seek advice from the court on how to obtain adequate conflict counsel.

*Statutory reference:* N/A

*Equipment to be purchased:* N/A

*Classification of new positions:* N/A

*Annualization:* \$500,000