

SUMMARIES OF ATTORNEY GENERAL OPINIONS

The Secretary of State's Office is required to publish summaries of Attorney General Opinions under A.R.S. § 41-1013(B)(4). The following Attorney General Opinions were issued between July 1 and December 31, 2007. For copies of these opinions, call (602) 542-5025 or view them online at the Attorney General's web site:

<http://www.azag.gov/opinions/index.html>

Opinion number	Date of opinion	Opinion summary
I07-010	September 19, 2007	<p>Re: Validity of Nomination Petitions with Incorrect Primary Election Date after the Enactment of SB 1430</p> <p>Nomination petitions that list September 9 as the date for the 2008 primary election are valid, even though SB 1430 has changed the date of the primary election to September 2. Because SB 1430 has moved the date of the primary election only one week earlier, petitions with the September 9, 2008, date will not mislead voters as to which primary election is at issue; therefore, those petitions substantially comply with Arizona Revised Statute ("A.R.S.") § 16-314(C).</p>
I07-011	December 5, 2007	<p>Re: Authority of Independent Redistricting Commission; Commissioners' Terms of Office; Effect of Commissioner Change of Party Affiliation</p> <ol style="list-style-type: none">1. The Commission may continue incurring expenses and meeting while litigation is pending. The litigation will not end until the time frame for all appeals has expired and the mandate has issued.2. Any funding for future litigation concerning redistricting should be provided through legislative appropriation.3. The Commission may not transfer its funds to another agency to enable that agency to continue work to prepare for next decade's redistricting. If this continuing work needs to be accomplished, it is a policy issue for the Legislature to address.4. Commissioners are not eligible for any state or local office in this state for three years after their term on the Commission. If a person resigns from the Commission before the new Commission is appointed, the three-year prohibition begins to run from the date on which the person's term would have ended if he or she had not resigned, which would be the date upon which the first member of the new Commission is appointed.5. If a Commissioner changes party affiliation and, as a result, the Commission no longer satisfies the constitutional requirement that no more than two Commissioners are members of the same political party, the Commissioner whose change of parties caused the disparity should resign or be removed from office.
I07-012	December 20, 2007	<p>Re: Probation Officers and Surveillance Officers' Status as Qualified Law Enforcement Officers Under Federal Law</p> <p>Probation officers and surveillance officers are not "qualified law enforcement officers" under the Act. Therefore, the Act does not affect their authority to carry concealed firearms.</p>
I07-013	December 24, 2007	<p>Re: Open Meeting Law and Comments to the Media Concerning Issues that May Come Before a Public Body</p> <p>The OML does not prohibit a member of a public body from speaking to the media concerning matters that may come before the public body.</p>