



KRIS MAYES  
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
STATE OF ARIZONA

April 24, 2026

***VIA EMAIL***

David Marshall  
Navajo County Recorder's Office  
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Re: Ineligibility to hold public office as Navajo County Recorder

Dear Mr. Marshall,

Our office understands that the Navajo County Board of Supervisors has appointed you Navajo County Recorder. To accept the position, you resigned from the Arizona House of Representatives, to which you were elected to serve a two-year term beginning in January 2025 and ending in January 2027. *See* A.R.S. § 41-1101. This office also understands you were sworn in as Navajo County Recorder on April 21, 2026.

Under the Arizona Constitution, a member of the Arizona Legislature is ineligible to hold any other public office during the term for which the member was elected or appointed, subject to certain exceptions that do not apply here. Article 4, Part 2, Section 5 of the Arizona Constitution provides the following:

No member of the legislature, during the term for which he shall have been elected or appointed shall be eligible to hold any other office or be otherwise employed by the state of Arizona or, any county or incorporated city or town thereof. This prohibition shall not extend to the office of school trustee, nor to employment as a teacher or instructor in the public school system.

This office has consistently interpreted this constitutional provision to prohibit "the taking of any other office or employment during the elective term, *whether or not the legislator resigns.*" Ariz. Op. Att'y Gen. No. I77-216 (Nov. 15, 1977) (emphasis added). "[A] legislator who did assume another office in contravention of [Article 4, Part 2, Section 5] would be subject to ouster in a quo warranto proceeding." Ariz. Op. Att'y Gen. No. I77-221 (Nov. 29, 1977). Whenever the Attorney General has reason to believe that a public office is unlawfully held, Arizona law requires her to bring an action against the public officer in the Arizona Supreme

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Court. *See* A.R.S. § 12-2041.

Because your term as an elected representative will not conclude until January 2027, you are not currently eligible to hold another public office or be otherwise employed by the state or “any county ... thereof.” Ariz. Const. art. IV, pt. 2, § 5. Therefore, unless you resign from your position as Navajo County Recorder, this office will be required to file a quo warranto action in the Arizona Supreme Court. I encourage you to promptly resign so as to avoid such an outcome.

I wish you the best and seek only to ensure that important offices are held lawfully under the Arizona Constitution.

Sincerely,



Kris Mayes  
Attorney General