

State Attorneys General Powers and Responsibilities

Edited by
Emily Myers
National Association of Attorneys General

FOURTH EDITION
NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Courtesy Chapter

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*This book is dedicated to Attorneys General
and the men and women who work for them in the
56 jurisdictions. They continue to make an important
contribution to state government and the American legal
system. Without them, there would be no book to write.*

Courtesy Chapter

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Caitlin Calder
Bob Carlson
Chris Coppin
Karen Cordry
Adam Eisenstein
Amie Ely
Micheline N. Fairbank
Denise Fjordbeck
Ed Hamrick
Michael Hering
David Jacobs
Zachary T. Knepper
Hedda Litwin
Stephen R. McAllister

Judith McKee
A. Valerie Mirko
Ann Mines-Bailey
Salini Nandipati
Joe Panesko
Chalia Stallings-Ala'ilima
Dan Schweitzer
Abigail Stempson
Clive Strong
Marjorie Tharp
Sean Towles
Chris Toth
Barbara Zelner

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CHAPTER 2

Qualifications, Selection and Term

By Emily Myers, Antitrust Chief Counsel, NAAG

The attorney general is popularly elected in 43 states, the District of Columbia and Guam, and is appointed by the governor in five states (Alaska, Hawaii, New Hampshire, New Jersey and Wyoming) and in the three jurisdictions of American Samoa, Puerto Rico and the Virgin Islands. In Maine, the attorney general is selected by secret ballot of the legislature and in Tennessee, by the state supreme court. See Table 2-1, showing methods of selection in the states and other jurisdictions and the term of office.

Trailing only the governor, who is elected in all jurisdictions, and the lieutenant governor, who is elected in all but two of the states where the office exists¹, the attorney general is the most prevalent statewide-elected office in state government. The treasurer is elected in 36 jurisdictions, the secretary of state in 35, and the state auditor in 20.² In states where at least two executive officials are elected, the attorney general is usually one such official. The attorney general is, for example, one of the three executive officials elected in Virginia and Maryland, and the four elected in Michigan and New York. However, the attorney general is not one of the two elected officers in Alaska, Hawaii, and the Virgin Islands, and not one of the five elected officers in Wyoming.³

The office of attorney general is created in the state constitution in 44 states, and the method of selection of attorney general is specified by 42 state constitutions. The length of term is included in 42 state constitutions, and the means of filling vacancies in 23. Specific qualifications for office are included in state constitutions in only 23 states. The most common qualifications mentioned are

1 Council of State Governments, *The Book of the States* 204 (2017 ed.). Six jurisdictions do not have a lieutenant governor.

2 *Id.* at 195-224.

3 *Id.* at 175-179.

minimum age and state residency. Most states prohibit the private practice of law by attorneys general or their staffs, and most states require that the attorney general be an attorney and a member of the bar.

This chapter describes issues related to the selection, qualifications, experience, and term of attorneys general, including historical development, the modern office, removal and filling of vacancies.

HISTORICAL DEVELOPMENTS

The attorney general historically has been an appointed, rather than an elected, official. In England, the attorney general was appointed by the Crown and only incidentally acquired elective status through a seat in Parliament. In colonial America, attorneys general usually were appointed by the governor of the colony. The Attorney General of the United States still serves at the pleasure of the President, after appointment, with the advice and consent of the Senate.

Most of the early state constitutions specified that the legislature would choose the attorney general. The concept of universal suffrage had not yet taken hold nor had the idea of direct election of many state officials. The Jacksonian Era of the early 1800s brought a new ethic to American government. Direct election of state officials became the rule. State constitutions provided for election of numerous officials, usually including the attorney general.

A study published in the 1937 *Law Library Journal*⁴ described how methods of selecting attorneys general developed in 19 states; of these, eight prior to 1843 provided for legislative selection, but most finally did not retain this method. Prior to 1845, 12 states provided by constitution or statute for the appointment of an attorney general by the governor, the legislature, or other authority. The trend then turned toward popular election. For example, North Carolina's 1776 Constitution provided for appointment by the legislature, its 1868 Constitution provided for election. Louisiana's 1812 Constitution provided for appointment by the governor, its 1852 Constitution provided for election. Michigan's 1835 Constitution provided for appointment by the governor, the 1850 Constitution provided for election. Virginia's first Constitution provided for election by the legislature; its 1851 Constitution provided for popular election. Kentucky's 1792 Constitution

4 Morse, *Historical Outline and Bibliography of Attorneys General Reports and Opinions*, 30 LAW LIBR. J. 39 (1937).

provided that the governor would appoint the attorney general, with the consent of the Senate, the 1850 Constitution made the office elective.

Wyoming, in 1899, became the first “new” state to provide for appointment of the attorney general, signaling the end of the trend toward popular election. Although Arizona’s 1912 Constitution provided for election of the attorney general, Alaska and Hawaii’s 1959 constitutions provided for gubernatorial appointment, following the policy set by their territorial conventions in 1950 and 1956, respectively.

In the twentieth century, two states, Indiana in the early 1940s and Pennsylvania in 1980, changed their method of selecting the attorney general. In both cases, the change was from executive appointment to popular election. No state has switched from popular election to executive appointment.⁵

There is no correlation between the selection process and the extent of the attorney general’s actual powers. For example, the attorney general is elected in Delaware and appointed in Alaska, but in both jurisdictions the attorney general has control over all legal and prosecutorial functions. A “strong” department of justice can be developed under either system of selection.

MODERN OFFICE

Qualifications

Twenty-one jurisdictions have no minimum age restrictions for holding the office of attorney general. In others, there are either explicit or implied limitations. The oldest minimum age is 31 in Oklahoma. California, Connecticut and Maryland have no minimum ages, but the bar membership requirement of five years in California and ten years in Maryland and Connecticut indicates a practical minimum age of 30 to 35 years, depending on state bar requirements. Table 2-1 gives the qualifications for holding the office of attorney general as they concern age, residence, citizenship and admission to the bar. Some jurisdictions add other requirements, such as prohibition from holding other offices, to these qualifications.

Residence and citizenship are required in most jurisdictions. U.S. citizenship is an express requirement in 35 jurisdictions. Ten jurisdictions indicate no specific citizenship requirement. In another 10 jurisdictions, a citizenship

5 Thompson, *Should We Elect or Appoint State Government Executives? Some New Data Concerning State Attorneys General*, MIDWEST REV. PUB. ADMIN. Vol. 8, no. 1 (Jan. 1974).

requirement can be inferred from the provision that the attorney general must be a qualified elector. The Maryland court, for example, has said that the constitutional provision that the attorney general be a qualified voter necessarily implies that the attorney general be a U.S. citizen.⁶

Thirty-three states have residency requirements for the office. These range from six months in Michigan to ten years in Maryland and ten years as an elector in Oklahoma. Five years' residency in the state is the most frequent requirement, although many states require two years. There have been no cases concerning residency requirements as they apply to the attorney general.

Many jurisdictions have specific statutory or constitutional requirements for bar membership, while almost as many others have no such requirement. At least one state court has defined the duties of the attorney general so as to make it clear that they require a person licensed to practice law. That court added: "[B]oth by virtue of his oath of office and the customs and traditions of the legal profession, he owes to the courts the highest duty of fidelity."⁷ Eleven states provide a minimum period of time that one must be admitted to the bar before being eligible to serve as attorney general. This period ranges from four years in Wyoming to ten years in Connecticut and Maryland.

The Maryland Constitution requires that the attorney general "have practiced law in this state for at least 10 years." There have been two cases in Maryland concerning this practice requirement. In one case, the candidate for attorney general was a citizen of Maryland who had worked for the United States Department of Justice, trying cases in Maryland and in other states. He was not admitted to the Maryland Bar until five years before the election. The Maryland Court of Appeals ruled that the candidate did not meet the requirement.⁸ Another candidate for attorney general was challenged on similar grounds. He had been admitted to the Maryland Bar for 17 years, but had worked for 10 of those years in private practice in Washington, D.C. and in the U.S. Attorney's office in Washington, D.C. The trial court held that the candidate's membership in the bar, combined with his experience, fulfilled the constitutional requirement. The Court of Appeals vacated the ruling, but held that the challenge was barred by laches.⁹

6 *Crosse v. Board of Supervision of Elections of Baltimore City*, 221 A.2d 431, 435 (Md. 1966).

7 *State ex rel. Foster v. City of Kansas City*, 350 P.2d 37, 42 (Kan. 1960).

8 *Abrams v. Lamone*, 905 A. 2d 840 (Md. 2006).

9 *Liddy v. Lamone*, 395 Md. 298 (Md. 2006). See also, *Cross v. VanDyke*, 2014 MT 193 (Mont. July 22, 2014) (Mere state bar membership satisfied requirement that Montana supreme court justice must have been "admitted to practice of law" court distinguished requirement that attorney general have engaged in "active practice of law.")

The Connecticut Supreme Court has also considered the requirement of a certain number of years of practice for the office of attorney general. The court held that a candidate for attorney general who had practiced law for four years in Connecticut and had then served a decade as Secretary of State did not meet the state's statutory requirement that the attorney general be "an attorney at law of at least ten years' active practice of the bar of this state."¹⁰ The court stated,

The fact that, when [the qualification statute] was enacted, nonattorneys could engage in any conduct that attorneys could engage in *except* appearing in court further supports the interpretation that the requirement of § 3-124 that the attorney general have "ten years' active practice at the bar" meant that the attorney general must have had some experience in active practice in court, and that the legislature wanted to ensure that the attorney general would have both the legal status required to appear *in court* on behalf of state officers and agencies—namely, admission to the bar—and the practical experience to litigate effectively.

Because the candidate had no experience representing clients in court, the court concluded that she did not fulfill the requirements of § 3-124. The court also rejected the lower court's holding that the practice of law did not require any particular degree of frequency or intensity, stating

Although the determination as to whether an attorney has engaged regularly in the practice of law as the primary means of earning a livelihood may be a matter of judgment, and doubts must be resolved in favor of the person seeking the office, we cannot conclude that the legislature intended that a person with that minimal degree of experience in the practice of law would be qualified to serve as the attorney general.

Finally, the court rejected the candidate's argument that the statute was unconstitutional, because it conflicted with the state constitution, which provided "that "[e]very elector who has attained the age of eighteen years shall be eligible to any office in the state . . ." The court found that when the state constitutional provision was enacted, there was no office of attorney general. The attorney general's

10 CONN. GEN. STAT. § 3-124 (enacted by Public Act 191, 1897).

office was originally created by statute, but became a constitutional office in 1970. The Constitutional provision creating the office did not include any additional qualifications, so the court inferred that the legislature wanted to preserve the statutory requirements then in existence. Noting that the office's duties have become more wide-ranging and complex over the years, the court concluded, "In short, the continuing importance of the office and its ever expanding role as the state's legal advocate weigh in favor of a conclusion that the legislature intended to retain the requirement of § 3-124 that the office be overseen by an attorney with substantial practice experience."¹¹

Bar membership requirements for the attorney general have been challenged unsuccessfully on separation of powers grounds. The plaintiff alleged that the state supreme court's oversight of the state bar, and the election of a member of the bar as attorney general, violates the separation of powers doctrine, because members of the bar are part of the judiciary branch. The Texas court held that although attorneys are "officers of the court" and must be licensed by the state bar, they "do not hear facts, determine issues of fact or law, render judgment or execute judgments" and thus are not part of the judiciary.¹²

Several states have constitutional requirements providing that the attorney general keep his office and his official records in the state capital. A West Virginia court decision in 1943 rejected the contention that such a requirement affected the eligibility of those seeking to become attorney general and held that the provision took effect only after election.¹³ A number of states also require that the attorney general "reside at the seat of government."¹⁴

The holding of multiple offices is prohibited in several states. For example, in Maine and Massachusetts, the acceptance of a seat in Congress by the attorney general automatically renders his office vacant.¹⁵ Eight states provide that the attorney general is constitutionally ineligible to sit in the state legislature. Other states stipulate that the attorney general may not hold any other office.¹⁶

11 *Bysiewicz v. DiNardo*, 6 A.3d 726 (Conn. 2010).

12 *Osborne v. Paxton*, 2016 Tex. App. LEXIS 6062 (Tex. Ct. App. 3d Dist., June 9, 2016); see also *Camboni v. Brnovich*, 2016 Ariz. App. Unpub. LEXIS 127 (Ariz. App. Feb. 2, 2016) (challenge based on claim that requirements for office are illegal is not appropriate to challenge through election contest).

13 *State ex rel. Thomas v. Wyson*, 24 S.E.2d 463, 466 (W.Va. 1943).

14 See, e.g., ALA. CONST. Art. VI, Sec. 27; ARIZ. CONST. Art. V, § 1; FLA. STAT. § 16.01; MO. REV. STAT. § 17.010. MONT. CONST., Art. VI § 1.

15 ME. CONST. art. IX, § 2; MASS. CONST. art. VIII.

16 See, e.g., FLA. CONST. Art. II, § 5.

Confirmation of Appointment

In all five states where the governor appoints the attorney general on a regular basis, the appointment is confirmed by either the senate (Hawaii, New Jersey, and Wyoming), both houses of the legislature (Alaska), or by the executive council (New Hampshire). In the jurisdictions of American Samoa, Puerto Rico, and the Virgin Islands, the governor appoints the attorney general, subject to confirmation by the legislature.

Length of Term

Most states initially limited terms of officials to one or two years, on the theory that frequent elections kept government closer to the people and prevented the accretion of power to elected officials. Many states prohibited successive terms on the grounds that official power must be limited.

Today, almost every state has established four-year terms. Forty-six states presently provide a four-year term for the attorney general. Two states, Maine and Vermont, have a two-year term. Tennessee sets the term at eight years, while in Alaska and the Virgin Islands, the attorney general serves at the pleasure of the governor. In Puerto Rico, the attorney general is appointed for an indefinite term. In American Samoa, the term is also of an indefinite length, although there is a minimum of two years for an initial appointment.

The number of attorneys general serving two-year terms has declined dramatically in recent decades. In 1937, there were 21; this number fell to nine by 1970, and then to three by 1987. Arizona changed its term from two to four years in 1970, and Wisconsin and New Mexico did so in 1971. The 1972-73 legislative biennium saw four more states—Iowa, Kansas, South Dakota, and Texas—shift to a four-year term. Apparently only one jurisdiction has ever gone from a four-year to a two-year term; this occurred under Missouri's 1865 Constitution, which was adopted during Reconstruction. Its 1875 Constitution later restored the four-year term. Rhode Island became the most recent state to move to a four-year term in 1993. The state's constitution now provides for four-year terms for all of its state-wide officers.¹⁷

Succession to Office

Among states where the attorney general is elected to four-year terms, sixteen states limit the attorney general to two such terms. All the others may succeed themselves an unlimited number of times. In Maine, where the attorney

¹⁷ R.I. CONST. art. IV, § 1.

general has a two year term, he or she may serve only four consecutive terms. There is no limit in Vermont, the only other state with a two-year term.

Removal from Office

Just as other public officials may be removed from office, attorneys general may also be removed by impeachment, recall, or removal by the governor, the legislature, or the courts.

Of the 56 jurisdictions, 50 provide for impeachment of the attorney general. In those jurisdictions where impeachment is not possible, other forms of removal may be available. For example, Oregon law does not include impeachment of state officers. Instead, public officers may be tried for incompetence, corruption, malfeasance, or delinquency in office in the same manner as criminal offenses. The Office of Counsel to the General Assembly of Maryland concluded that the attorney general was not subject to impeachment because there was a specific provision addressing his removal from office, which required a criminal conviction.¹⁸

Impeachment processes vary, but proceedings are usually instituted by the lower house of the legislature and, if it votes to impeach, the charges are tried by the upper house. In New York, the judges of the court of appeals, the state's highest court, sit with the members of the senate as a court of impeachment. In Nebraska, impeachment charges are proffered by the unicameral legislature and tried before the state supreme court. In Missouri, impeachments are tried before the supreme court after charges are filed by the house of representatives.

An impeachment proceeding is rare and is used only under the most extraordinary circumstances. Whatever grounds are prescribed for impeachment, the method is not a common means of removing officials. It can be utilized only when the legislature is in session and is quite time-consuming. Only one attorney general has been impeached in the modern era. In 1984, Attorney General Paul Douglas of Nebraska was impeached by the state legislature and tried by the Supreme Court. He was acquitted by the Supreme Court of the impeachment charges, but subsequently resigned.¹⁹

Twenty-three states that provide for impeachment also provide alternative removal processes. In the jurisdictions in which the governor appoints the attorney general, the governor may also remove him or her. In Hawaii, the senate must

18 Letter to Honorable Don Dwyer from the Office of the Counsel to the General Assembly, March 8, 2010. The legislative counsel opined "this limitation reflects the decision of the framers to protect the Attorney General . . . from the threat of removal based on simple disagreement with their decision."

19 *State v. Douglas*, 349 N.W.2d 870 (Neb. 1984).

consent to such removal. In New Jersey, the attorney general can be removed by the governor “for cause,” but may also be removed from office via impeachment proceedings. In New Hampshire, the governor and the executive council may remove the attorney general only on grounds of “malfeasance, misfeasance, inefficiency in office, incapacity or unfitness to perform duties” or “for the good of the department.”²⁰ Five other states and the territory of the Virgin Islands provide for gubernatorial removal of the attorney general. In Maine, the governor may remove on address of both branches of the legislature.²¹ In New York, removal is by the governor and two-thirds of the senate.²² The governors of Arkansas and Delaware, upon address of two-thirds of the members of each house of the legislature, may for good cause remove the attorney general. In Michigan and West Virginia, the governor, after a hearing, may remove the attorney general without the consent of another authority, as with other officials subject to the governor’s jurisdiction.²³ Recall may be used to remove the attorney general in eighteen states.

A number of states also provide for forfeiture of office for an attorney general convicted of a felony or other serious crime. As a result of a court decision, an Arizona attorney general was removed from office in 1947, having been adjudged guilty of conspiring to violate the gambling laws of the state. The governor considered the office vacant and appointed a new attorney general. The former attorney general, however, refused to vacate his office. Subsequent court action affirmed the validity of a statute which provided that an office would be considered vacant if its occupant were convicted of a felony. The court reasoned that the powers of impeachment were an added protection for the public, not the sole protection.²⁴ Some states, for example, Georgia, provide for suspension of the attorney general (or any other constitutional officer) upon indictment on a felony charge.²⁵

In Kentucky, any citizen may file with the House of Representatives a charge of impeachment against a sitting office holder, and the House shall refer the petition to a committee.²⁶ On the other hand, in Missouri, a private party has no standing to seek removal of the attorney general because the sole means granted in the state constitution is impeachment. The court held, “the Court has

20 N.H. REV. STAT. ANN. § 4:1.

21 ME. CONST. Art. IX, sec. 5.

22 N.Y. PUB. OFF. LAW § 32.

23 MICH. CONST. Art. V § 10; W.VA. CODE § 6-6-5.

24 *State ex rel. De Concini v. Sullivan*, 188 P.2d 592 (1948).

25 GA. CONST. art. II, § III, para.1.

26 KY. REV. STAT. § 63.030.

no constitutional authority to order the Attorney General to resign from office, and . . . the private relator has no authority to seek this extraordinary relief under any circumstances . . .”²⁷

In the states where the office of attorney general is created by statute, rather than in the state constitution, the attorney general may be removed by eliminating the office entirely. This occurred in Indiana in 1939, when the legislature enacted a law abolishing the office of attorney general. The same law established a new office of attorney general, the first of whom is to be elected at the general election in the following year.²⁸

Filling Vacancies

Vacancies in the position of attorney general may be filled by appointment of the governor, the legislature, or the state supreme court. An overwhelming majority of the jurisdictions indicate that the governor fills vacancies as soon as they occur. In five states, consent to the appointment by the state senate is required. In Maine, New York, and Virginia, the legislature fills vacancies; however, if it is not in session, the governor makes the appointment. In Maine, the governor must have the approval of the executive council. In the Indiana case where the office of attorney general was abolished, a board, comprising the governor, lieutenant governor and secretary of state, was to hire an interim attorney general for the state. The court held that the interim attorney general was a state officer, and could be appointed only by the governor.²⁹

Tennessee provides that the supreme court will fill vacancies, since it normally appoints the attorney general. In five states, California, Louisiana, Massachusetts, New Jersey and Virginia, the First Assistant or Chief Deputy attorney general assumes the powers and duties of the attorney general until a successor is elected or appointed. In California, Massachusetts, New Jersey and Virginia, this authority is by statute. In Louisiana, this authority is found in the state constitution.

In Utah, a vacancy appointment must be from the same political party as the recent incumbent. The governor must select from a list of three names submitted by that party’s central committee. Similarly, in Vermont, the governor may request names from the party’s central committee, but he is not required to pick a replacement attorney general from such recommendations. The governor may fill a vacancy with any qualified person. In the Commonwealth of the Northern

27 *Mueller v. Hawley*, No. 17AC-CC00577 (Mo. Cir. Ct. Cole Cty. June 12, 2018).

28 *Tucker v. State*, 218 Ind. 614 (1941).

29 *Id.*

Marianas, the governor fills the vacancy by appointing the unsuccessful candidate for the office in the last election who received the largest number of votes and is willing to serve.³⁰

Vacancy appointments for elective offices usually are valid only until the next general or next biennial election. At that time, if the original term has not elapsed, a short-term attorney general is elected. This point was litigated in Oregon.³¹ The statute creating the Oregon office in 1891 provided that the attorney general would be elected for a full four-year term in 1894. Further, it mentioned that vacancies would be filled by gubernatorial appointment until the next general election, when an attorney general would be chosen to fill out the term or commence a new term. The governor appointed an attorney general in 1891. The question presented in the case was whether there was to be an election to fill out the first “quasi-term” in the general election of 1892. The court ruled there was to be such an election.

The Supreme Court of Georgia reached the opposite conclusion in a 1939 case.³² It held that the office of attorney general was created under the judicial article, hence the rule that provides for elections to fill vacancies in executive positions did not apply to it. The gubernatorial appointee to fill a vacancy created by a resignation was to serve out the full four-year term of office without standing for election.

Limits on Private Practice

Most states prohibit the private practice of law by the attorney general, thus making the office a full-time job.³³ The prohibition of private practice also serves to diminish the possibility of conflicts of interest. There are similar prohibitions on private practice by attorney general office staff in many states.³⁴

30 N. MAR. I. CONST. art. III, § 11.

31 *State ex rel. Baker v. Payne*, 29 P. 787 (Or. 1892).

32 *Wood v. Arnall*, 6 S.E.2d 722 (Ga. 1939).

33 See, e.g., ARIZ. REV. STAT. § 41-191, GA. CODE ANN. § 45-15-30; MO. REV. STAT. § 27-010.

34 See, e.g., UTAH CODE ANN. § 67-5-10; WASH. REV. CODE § 43.10.120. *But see* DEL. CODE ANN. tit. 29, § 2505 (Attorney general and top deputies must devote full time to job, but “the Attorney General shall determine whether any assistants other than those designated as full time in this section shall be excluded from the practice of law.”). *Seth v. State*, 592 A.2d 436 (Del. 1991).

TABLE 2-1—Qualifications, Selection and Term of Attorneys General

Jurisdiction	Qualifications			Selection and Term		
	Minimum Age	Citizenship & State Residency	Bar Admission Required	Elected	Appointed by, with consent of	Term (years), Limit
Alabama	25	U.S. (7 years), 5 years	No	x		4, 2 consecutive terms
Alaska	–	U.S., 1 year	No		Governor, Legislature	– ¹
American Samoa	–	U.S.	No		Governor, Legislature	– ²
Arizona	25	U.S. (10 years), 5 years	Yes	x		4, 2 consecutive terms
Arkansas	18	U.S., elector ³ , 1 year	No	x		4, 2 terms
California	–	U.S., state	5 years	x		4, 2 terms
Colorado	25	U.S., 2 years	Yes	x		4, 2 consecutive terms
Connecticut	–	Elector	10 years	x		4
Delaware	–	–	No	x		4
District of Columbia	18	U.S., D.C. 90 days	5 years	x		4
Florida	30	U.S., elector, 7 years	5 years	x		4, 2 terms
Georgia	25	U.S. (10 years), 4 years	7 years	x		4
Guam	30	U.S., Guam	5 years	x		4
Hawaii	–	U.S., 1 year			Governor, Senate	– ⁴
Idaho	30	U.S., 2 years	Yes	x		4
Illinois	25	U.S., 3 years	No	x		4
Indiana	18	State, 2 years	5 years	x		4
Iowa	–	Elector ³	No	x		4
Kansas	–	–	Implied ⁵	x		4

TABLE 2-1—Qualifications, Selection and Term of Attorneys General

Jurisdiction	Qualifications			Selection and Term		
	Minimum Age	Citizenship & State Residency	Bar Admission Required	Elected	Appointed by, with consent of	Term (years), Limit
Kentucky	30	U.S., 2 years	8 years	x		4, 2 consecutive terms
Louisiana	25	U.S., elector ³ , 5 years	5 years	x		4
Maine	–	–	Yes	Legis-lature		2, 4 consecutive terms
Maryland	–	U.S., 10 years	10 years	x		4
Massachusetts	–	5 years	Yes	x		4
Michigan	21	Elector ³ , 6 months	No	x		4, 2 terms
Minnesota	21	U.S. (3 months), elector	No	x		4
Mississippi	26	U.S., 5 years	5 years	x		4
Missouri	–	U.S., 1 year	No	x		4
Montana	25	U.S., 2 years	5 years	x		4, 2 terms
Nebraska	18	U.S., Nebraska	No	x		4
Nevada	25	Elector ³ , 2 years	No	x		4, 2 terms
New Hampshire	–	–	Yes ⁶		Governor, Executive Council	4
New Jersey	–	–	No		Governor, Senate	Term of Governor
New Mexico	30	U.S., 5 years	Yes	x		4, 2 consecutive terms
New York	30	U.S., 5 years	No	x		4
North Carolina	21	Elector ³	Yes	x		4
North Dakota	25	Elector ³ , 5 years	Yes	x		4
N. Mariana Islands	35	US, NMI, 5 years	5 years	x		4

TABLE 2-1—Qualifications, Selection and Term of Attorneys General

Jurisdiction	Qualifications			Selection and Term		
	Minimum Age	Citizenship & State Residency	Bar Admission Required	Elected	Appointed by, with consent of	Term (years), Limit
Ohio	18	Elector ³	5 years	x		4, 2 successive terms
Oklahoma	31	U.S., elector, 10 years	No ⁷	x		4
Oregon	–	–	No	x		4
Pennsylvania	30	U.S., 7 years	Yes	x		4, 2 terms
Puerto Rico ⁸	21	U.S.	Yes		Governor, Senate	– ⁹
Rhode Island	18	Elector	No	x		4, 2 consecutive terms
South Carolina	–	U.S., elector	No	x		4
South Dakota	–	–	No	x		4, 2 successive terms
Tennessee	–	–	No		Supreme Court	8
Texas	18	U.S., 1 year	No	x		4
Utah	25	Elector, 5 years	Yes	x		4
Vermont	18	U.S., elector	No ¹⁰	x		2
Virginia	30	U.S., state, 1 year	5 years	x		4
Virgin Islands	–	U.S.	Yes		Governor, Senate	– ¹¹
Washington	18	U.S., elector	Yes	x		4
West Virginia	25	U.S., 5 years	Yes	x		4
Wisconsin	–	U.S., elector	No	x		4
Wyoming	18	Elector	4 years		Governor, Senate	– ¹²

1 The term may run for an indefinite number of years.

2 The term may run for an indefinite number of years.

3 For a definition of “elector,” see the constitution of the specific state that has this requirement.

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4 The term runs concurrently with that of the state Governor.

5 *Kansas ex. rel. Foster v. City of Kansas City*, 350 P.2d 37, 42 (1960).

6 The Attorney General shall also be “qualified by reason of education and experience.” N.H. Rev. Stat. Ann. § 21-M:3

7 First Assistant Attorney General must “have had not less than five (5) years’ experience in the active practice of law. 74 Okl. St. § 28.

8 There are no statutory requirements in Puerto Rico for the office of Secretary of Justice. Historically, qualifications related to U.S. citizenship and admission to the bar are required. However, the undersecretary of justice must be an “attorney-at-law admitted into the bar by the Supreme Court of Puerto Rico, with a minimum professional experience of ten (10) years and who enjoys a good reputation.” 3 L.P.R.A. § 292.

9 The term may run for an indefinite number of years.

10 However, Vermont statutes provide, “All assistant attorneys general and special assistant attorneys general shall be attorneys at law.” 3 V.S.A. § 153(c).

11 The term may run for an indefinite number of years.

12 The term may run for an indefinite number of years.

Courtesy Chapter