

September 17, 1936.

Mr. Peter Riley,  
c/o Riley's Confectionery,  
Clifton, Arizona.

Dear Mr. Riley:

In answer to your letter of September 10th, wherein you request an opinion concerning the law relating to precinct committeemen, this office wishes to advise that after considering Section 1295 of the 1928 Revised Code of Arizona, we are of the opinion that the Clifton precinct ballot is irregular, but not void.

Even though the legislature has used the terms "county precinct committeeman" and "precinct committeeman" separately, undoubtedly these two terms were intended to mean the same thing. There are no two classes of precinct committeemen. Apparently it was the intent of the legislature that there should be at least one precinct committeeman from each precinct, and in addition thereto a member for each seventy-five votes cast for governor at the last general election, and it was not the intention of the legislative body that there should be two different classes of precinct committeemen, that is, a county precinct committeeman and the general precinct committeemen.

Even though the terms "county precinct committeeman" and "precinct committeeman" are used in this section, there is only one class of precinct committeemen, and they should have been voted on as such. Therefore, the Clifton precinct ballot is irregular, but we are of the opinion that the same is not void, for especially in this case there was only one name under the heading of county precinct committeemen and only five names under the title of precinct committeeman, and there could be no one to contest this ballot, as the code provides that there shall be at least one county precinct committeeman in each precinct. It is evident from the ballot that there were to be five precinct committeemen selected out of the five candidates. Hereafter the Board of Supervisors should see that all precinct committeemen are classified under one heading.

All precinct committeemen elected in the county constitute the county committee and the contention that only one precinct

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committeeman from each precinct compose the county committee is erroneous. The designation in Section 1295 of the Code as to "county precinct committeeman" and "precinct committeeman" refers only to the manner of computing the number to be elected, and has no reference to the powers and duties of the respective members elected. Each precinct committeeman is on an equal footing with the others, and there are no classifications.

We trust that this explanation is satisfactory.

Very truly yours,

JOHN L. SULLIVAN,  
Attorney General.

RICHARD F. HARLESS,  
Assistant Attorney General.

