

GARY K. NELSON, THE ATTORNEY GENERAL
STATE CAPITOL
PHOENIX, ARIZONA

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August 24, 1972

DEPARTMENT OF LAW OPINION NO. 72-24 (R-68)

REQUESTED BY: COUNTY ATTORNEYS

ARIZONA STATE BOARD OF EDUCATION

THE HONORABLE WELDON P. SHOFSTALL
Superintendent of Public Instruction

QUESTION: Must the Board of Supervisors rotate the names of candidates for school trustees on computer ballots when said rotation could not be completed for several months after the date of the general election?

ANSWER: No.

This is the fourth in a series of opinions which the above agencies have requested concerning school district elections.

In Department of Law Opinion No. 72-20 we stated that the general election laws required that the names of candidates for school trustee must be rotated when computer ballots were used in the school elections. This opinion remains in effect.

A.R.S. § 16-1026.D states:

D. In primary and nonpartisan elections the names of candidates for each office shall appear on the ballot or ballot labels so that each candidate occupies each position on the ballot or ballot labels substantially the same number of times insofar as may be practicable. (Emphasis added.)

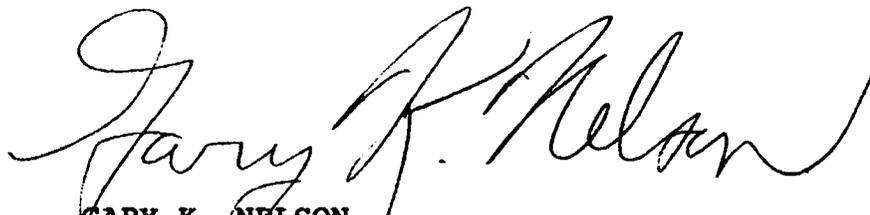
The facts presented to this office from Maricopa County are that there is no method by which the names may be rotated in time for the general election. It is the opinion of several separate computer and election experts that at least six months would be required to rotate the names if, in fact, it were possible.

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Based on this information we conclude that the words "insofar as may be practicable", underlined above, provide relief to those counties which are in a similar situation to Maricopa County.

Therefore, whenever voting cards are used and school trustees appear on those ballots, the names of the candidates need not be rotated, unless it is clearly possible to rotate said names prior to the election.

Respectfully submitted,

A handwritten signature in cursive script, reading "Gary K. Nelson". The signature is written in black ink and is positioned above the typed name and title.

GARY K. NELSON
The Attorney General

GKN:REW:e11