

April 12, 1940

Mr. Harry M. Moore,
Secretary of State,
Phoenix, Arizona.

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dear Mr. Moore:

We have your letter of April 11, 1940 wherein you ask our opinion on the following question:

"The question has arisen as to how many names are required on the nomination papers of candidates for offices of a new political party that is being placed on the ballot. I would appreciate it very much if you would advise me as to the required number of signatures on petitions of candidates desiring to have their names placed on the ballot of a new political party."

Section 1277, Revised Code of Arizona, 1928, is the only statutory provision we have in this State specifying the number of names required to be signed to nomination papers of candidates for party nominations for office. Said section after stating the number of names to be filed with the candidate's nomination paper provides:

"The basis of percentage in each case shall be the vote of the party for governor at the last preceding general election at which a governor was elected."

When a new party is formed under the provisions of Section 1278 of the Code, there is no basis for figuring the number of names to be signed on nomination papers of candidates seeking nominations of such new party at the first primary election for the reason that such new party did not have a candidate for governor at the preceding general election. Therefore, there is no way under the present law, for a candidate to have his name printed on the official ballot of the new party at the first primary election held after the formation of such new party. When a new party is formed under said section the election officers are required to furnish ballots representing such party at the first primary election held after the formation of the party and leave blank spaces for the names of candidates for nomination for all offices. At such primary election the members of the new party may receive ballots of such new party and vote for candidates of their choosing by writing in candidates' names in the proper blank spaces. A candidate receiving the largest number of votes on such ballots for an office, would become the nominee of such new party for such office, and would be entitled to have his name appear as a candidate for such office on the official ballot at the next succeeding general election.

Very truly yours,

JOE CONWAY
Attorney General

EARL ANDERSON
Special Assistant
Attorney General.