

September 5, 1942

Mr. A.A. Johns,
Arizona Wool Growers Association
Prescott, Arizona

Dear Mr. Johns:

We have your letter of September 2d in which you state:

"I will consider it a favor if you will advise me as to what procedure would be proper to take in a case where there were not sufficient names on nominating petition for the office of State Representative. The law, as I understand it, provides for a required number and if the names on petition are not proper, and the number falls short of required number what action would be proper, and should the action be taken before or after the election."

In this connection you are advised that Section 55-1005, A.C.A. 1939 provides:

"Such nomination papers shall be signed:

"If for a candidate for a county office, member of the legislature or superior judge, by at least three (3) per cent of the party vote in such county or district but not more than ten (10) per cent of the total vote of the party designated in such county or district;"

If a candidate's papers do not contain a sufficient number of signatures such person has not complied with the primary election laws and he is not entitled to have his name printed on the primary ballot.

An injunction could issue prior to the primary election to keep such candidate's name off the ballot. We also think that an injunction could issue after the primary and before the general election to keep such candidate's name off the ballot at the general election. Section 55-1012 reads as follows:

"No person, however, shall have his name printed on the official ballot as a candidate in any general election unless he has complied fully with the provisions of this article."

Yours truly,

EARL ANDERSON
Special Assistant
Attorney General.

JOE CONWAY
Attorney General

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