



DEPARTMENT OF LAW
OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

May 18, 1976

Ours
76-157

BRUCE E. BABBITT
ATTORNEY GENERAL

(R76-224)
LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Honorable Stan Turley
Arizona State Senator
State Capitol, Senate Wing
Phoenix, Arizona 85007

Dear Senator Turley:

You have asked for our advice as to whether circulators of initiative petitions can secure signatures from occupants of vehicles having their autos checked by Hamilton Test Systems while on Hamilton property. We answer in the affirmative.

In rendering this advice, we are assuming that the properties are owned by Hamilton and that the petitions circulated are directed at the mandatory emission control inspection requirement of present Arizona law.

Recognizing the fact that privately owned properties are not the equivalent of public places for First Amendment purposes, it is our opinion that the circulators of the petitions nonetheless have the First Amendment right to go on Hamilton properties to solicit signatures for their petitions. The circulation of these petitions is directly related to the use of these properties. Moreover, since the audience here consists of owners of vehicles who are having their vehicles inspected by Hamilton, they belong uniquely to the class of citizens who may wish to sign the petitions. Therefore, the facts here come squarely under the decisions of the U.S. Supreme Court in Amalgamated Food Employees Union Local 590 v. Logan Valley Plaza, Inc., 391 U.S. 308, and Lloyd Corporation v. Tanner, 407 U.S. 551.

Sincerely,

BRUCE E. BABBITT
Attorney General

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