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**ARIZONA ATTORNEY GENERAL**

March 8, 1954  
Letter Opinion  
No. 54-50-L

The Honorable Derek Van Dyke  
House of Representatives  
Capitol Building  
Phoenix, Arizona

Re: Signers of nomination papers

Dear Mr. Van Dyke:

This is in response to your oral request of March 5, 1954 for an opinion from this office relative to the following question: "May a person who is registered as a democrat or republican elector sign a nomination paper of a candidate who is circulating a petition upon which such candidate is indicated to be a non-partisan candidate in the primary election of the town of Buckeye, Arizona?"

This office has heretofore indicated that a municipality such as Buckeye (a common council type of municipality) is subject to the general laws of the state of Arizona relating to the conduct of elections. (In this regard, see Opinion No. 54-10.) We must, therefore, consult the Arizona statutes relating to nominating petitions of candidates and nomination papers.

Section 55-1003, A.C.A. 1939, as amended, provides as follows:

"55-1003. Nominating petitions of candidates.--  
(a) Any person desiring to become a candidate at a primary election for a party or a nonpartisan nomination and to have his name printed on the official ballot, shall, not less than fifty (50) days nor more than ninety (90) days before such primary election, file a nomination petition signed by the candidate, giving his place of residence and post office address, naming the party of which he desires to become a candidate, or that he desires to become a nonpartisan candidate, and giving the date of the primary election and the election at which he desires to become a candidate. The nomination petition of a candidate

for the office of presidential elector, United States senator, representative in congress, or for a state office, excepting member of the legislature or superior judge, or for any other office for which the electors of the entire state or a subdivision thereof greater than a county are entitled to vote, shall be filed with the secretary of state; the nomination petition of a candidate for member of the legislature, superior judge or for a county and precinct office for which the electors of a county or a subdivision of a county other than an incorporated city or town, are entitled to vote, shall be filed with the clerk of the board of supervisors. The nomination petition of a candidate for a city or town office shall be filed with the city or town clerk. \* \* \*

(Emphasis supplied.)

Section 55-1004, A.C.A. 1939, as amended, makes the following provisions:

"55-1004. Nomination papers.--(a) In addition to the nomination petition as provided in section 55-1003, any candidate desiring to have his name printed on the official ballot to be used at a primary election shall, within the like time and with the same officer, file a nomination paper, which shall be on paper eight and one-half ( $8\frac{1}{2}$ ) inches wide and fourteen (14) inches in length with twenty-five (25) lines spaced three-eighths ( $\frac{3}{8}$ ) of an inch apart and numbered from one to twenty-five; and in the following form:

\_\_\_\_\_ precinct of the county of \_\_\_\_\_,  
'I, the undersigned, a qualified elector of the state of Arizona, and a member of \_\_\_\_\_ party, hereby nominate \_\_\_\_\_, who resides at \_\_\_\_\_, in the county of \_\_\_\_\_, for the party nomination for the office of \_\_\_\_\_, to be voted for at the primary election to be held \_\_\_\_\_, as representing the principles of said party, and I declare that I have not signed, and will not sign, any nomination paper for more persons than the number of candidates necessary to fill said office at the next ensuing election.'

Names of signers; name of city or post office; street number; date of signing.

(b) No signature shall be counted unless it is upon a sheet having at the top thereof the form prescribed in subsection (a). Each signer of a nomination paper shall sign but one (1) paper for the same office unless more than one candidate is to be elected to such office, and in that case not more than the number of nomination papers equal to the number of candidates to be elected to the office. To each nomination paper shall be appended a certificate by a qualified elector entitled to vote for the candidate whose nomination paper he certifies, stating that to the best of his knowledge and belief all signers thereof are qualified electors of the precinct given as their residence, and that each signer is a member of the party the nomination of which the candidate whose name appears on the nomination paper is seeking. In a special primary election called by proclamation, nomination petitions may be filed not less than ten (10) days before the date fixed by the proclamation for such primary election. \* \* \* (Emphasis supplied.)

Upon an inspection of Section 55-1004, supra, it will be observed that it is mandatory upon a candidate to circulate nomination papers which include the statement that the person nominated be a candidate who represents the principles of the party under whose name the candidate is seeking office. Further, the same statutory provision provides that to each nomination paper there shall be appended a certificate which, among other things, requires that a qualified elector state to the best of his knowledge and belief that each signer is a member of the party the nomination of which the candidate whose name appears on the nomination paper is seeking.

It is, therefore, the opinion of the Department of Law that each signer of a nomination paper must be a member of the same party as that which the candidate indicates he is representing.

Very truly yours,

JAMES P. BARTLETT  
Special Assistant to  
The Attorney General

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