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**583 P.2d 906**  
**120 Ariz. 19**

**Joseph D. BEDARD, a qualified elector of Pima County, Appellant,**

**v.**

**Luis A. GONZALES, the Secretary of State for the State of Arizona, and the Pima County Board of Supervisors, Appellees.**

**Joseph D. BEDARD, a qualified elector of Pima County, Appellant,**

**v.**

**Roy E. WOODS, the Secretary of State for the State of Arizona, and the Pima County Board of Supervisors, Appellees.**

**Nos. 13871, 13875.**

**Supreme Court of Arizona, In Division.**

**Aug. 3, 1978.**

Bilby, Shoenhair, Warnock & Dolph by  
Barry M. Davis, Tucson, for appellant.

Risner, Raven & Collins by William J.  
Risner, Tucson, for appellee Gonzales.

Stompoly & Even by Scott J. Loomis, John  
Patrick Lyons, Tucson, for appellee Woods.

John A. LaSota, Jr., Atty. Gen. by Bradford  
C. Detrick, Sp. Asst. Atty. Gen., Tucson, for  
appellees Secretary of State and Pima County  
Board of Supervisors.

HOLOHAN, Justice.

The appellant, Joseph D. Bedard, filed  
separate actions against appellees, Luis  
Armando Gonzales and Roy E. Woods,  
challenging the sufficiency of their nomination  
petitions to run for state senator in District 10.  
The appellees moved to dismiss the action on  
the grounds that it was not timely filed. The trial  
court granted the motions and dismissed the  
action. This appeal followed.

The appeal was heard and an order entered  
affirming the ruling of the trial court, with an  
opinion to follow. We have consolidated the  
appeals for purposes of decision.

The issue presented by this appeal is  
whether the five-day time period provided for  
bringing an action under A.R.S. § 16-306  
excludes an intervening Saturday and Sunday.

The last day for filing nomination petitions  
for the primary election was July 14, 1978.  
Appellees Gonzales and Woods filed their  
petitions on the last day. Appellant filed his  
action challenging the nomination petitions on  
July 21, 1978.

A.R.S. § 16-306(A) provides in part:

"Any elector filing any court action challenging  
the nomination petitions provided for in this  
article shall do so within five days after the last  
day for filing nomination papers and petitions."

The appellant contends that Rule 6(a),  
Rules of Civil Procedure, 16 A.R.S., must be  
read in conjunction with the statute. The [120  
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material part of Rule 6(a) provides: "When the  
period of time prescribed or allowed is less than  
7 days, intermediate Saturdays, Sundays, and  
legal holidays shall be excluded in the  
computation."

In Board of Supervisors v. Superior Court,  
103 Ariz. 502, 446 P.2d 231 (1968), this court  
pointed out that the time elements in the election  
statutes were to be construed strictly. The  
necessity for this position is apparent when the  
various time schedules for filing nomination

petitions, preparation of ballots, and absentee voting are considered. See A.R.S. §§ 16-301A; 16-531, 16-1102. Considering the statutory time schedules, we believe that the legislature intended the five-day limit for challenging nomination petitions to mean five calendar days. \* We hold that Rule 6(a) has no application to the time requirements of A.R.S. § 16-306.

Since appellant filed his actions seven days after the last day for filing nomination papers and petitions, the action was not timely. The decision of the trial court to dismiss the actions was proper.

Affirmed.

HAYS, J., and DONALD F. FROEB, Court of Appeals Judge, concur.

Note: Judge DONALD F. FROEB, Judge of the Court of Appeals, Division One, was called to sit in this case.

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\* In *Blaine v. McSpadden*, 111 Ariz. 147, 526 P.2d 390 (1974), this court decided the issues on the merits. A reading of the facts presented in the opinion suggest that the action was not timely filed. Since the issue of jurisdiction was never raised nor discussed, the cited case is not authority contrary to our decision in the present case.