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Socialist Party v. Jordan [DISSENT]

Jesse W. Carter
Supreme Court of California

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MEMORANDUM CASE

(49 C.2d 864; 318 P.2d 473)

[L. A. No. 24657. In Bank. Nov. 27, 1957.]

SOCIALIST PARTY, U.S.A. et al., Appellants v. FRANK M. JORDAN, as Secretary of State, Respondent.

APPEAL from a judgment of the Superior Court of Los Angeles County. Kenneth N. Chantry, Judge. Affirmed.

Action against Secretary of State to secure declaration as to validity of Elec. Code, § 2540, prescribing requirements to be met by a political party before it may participate in a primary election. Judgment of dismissal after sustaining general demurrer to complaint without leave to amend affirmed.

A. L. Wirin and Paul M. Posner for Appellants.

Edmund G. Brown, Attorney General, and Delbert E. Wong, Deputy Attorney General, for Respondent.

THE COURT.—This appeal presents the same question as that involved in *Christian Nationalist Party v. Jordan*, ante, p. 448 [318 P.2d 473], decided this day, and our decision in that case is controlling here.

The judgment is affirmed.

CARTER, J., Dissenting.—For the reasons stated in my dissenting opinion in *Christian Nationalist Party v. Jordan*, ante, p. 448 [318 P.2d 473], I would reverse the judgment.

Appellants' petition for a rehearing was denied December 23, 1957. Carter, J., was of the opinion that the petition should be granted.