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ARIZONA ATTORNEY GENERAL**

April 19, 1954  
Letter Opinion  
No. 54-108-L

The Honorable Clay Simer  
State Senator, Navajo County  
Post Office Box 402  
Winslow, Arizona

Re: Powers of County Recorder relative to the  
taking of absentee votes.

Dear Senator Simer:

We are in receipt of your recent request for an opinion relative to the powers of a county recorder as they pertain to the taking of absentee ballots.

Section 55-1306, A.C.A. 1939, as amended, relative to the preparation and transmission of absentee ballots provides:

"55-1306. Preparation and transmission of ballot.--The absent or disabled voter shall make and subscribe the application and ballot affidavit before an officer authorized by law to administer oaths, and such absent or disabled voter shall thereupon in the presence of the officer, but no other person, mark the ballot in such manner that the officer cannot see the vote, and the ballot shall then in the presence of the officer be folded by the voter so as to conceal the vote (,) deposited by the voter in the envelope provided for the purpose, which shall be securely sealed, signed by the officer, and together with the application delivered or mailed to the county recorder in the county in which the elector is registered. If the application had previously been returned to the recorder, the ballot shall be returned alone."

With reference to the performance of duties of county recorders at a place other than the county seat, Section 17-506a, A.C.A. 1939, as amended, reads:

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"17-506a. Performance of duties of county office at places other than the county seat.--  
Whenever in the opinion of the chief officer of any county office, the public interest requires the performance of any of the duties of said office at a city or town having a population of more than two hundred (200) people and which city or town is more than thirty (30) miles distant from the county seat, said duties may be performed at said city or town by a duly appointed and qualified deputy of such county officer, in the same manner, and with like effect as if performed at the county seat. All records of such acts shall be filed in the office of the county officer at the county seat."

Consequently, a county recorder having the power to administer oaths may take absentee ballots of qualified voters at a city with a population of more than two hundred (200) persons, which is more than thirty (30) miles distant from the county seat.

We hope the above information will be of assistance to you.

Yours very truly,

WTB:cgc  
cc: Mr. W. J. Crozer  
301 West Second Street  
Winslow, Arizona

WILLIAM T. BIRMINGHAM  
Assistant to the  
Attorney General