February 5, 1954
Opinion No. 54-21

TO: The Honorable William P. Mahoney, Jr.
County Attorney, Maricopa County
Phoenix, Arizona

RE: Place of registration of electors by deputy registrars.

QUESTION: Are deputy registrars required to register electors at their fixed office, place of business or residence, or may they go from house to house?

Section 55-202a, A.C.A. 1939, as amended, under consideration, reads:

"55-202a. Deputy registration officers.--When the county recorder shall deem it necessary or advisable, in order to expedite or facilitate the registration of electors in any precinct he may commission deputy registration officers for such purpose. He may appoint in each precinct in the county deputy registrars equal in number to not more than the number of political parties having candidates on the ballot in the last general election. Before making any such appointment he shall request the county chairman of each such political party to recommend a person for appointment, and if a county chairman shall within ten (10) days of such request nominate a person who is otherwise qualified, the person appointed shall be selected from those so recommended. Deputy registrars must be qualified electors of the precinct for which they are appointed, but may take registrations in any precinct in the county. No person who is a public officer or a candidate for office, other than a candidate for the office of precinct committeeman, shall be appointed a deputy registrar. A person appointed deputy registrar shall have a fixed office, place of business or residence; shall be

qualified to take acknowledgments of affidavits of registration, and shall serve without pay."

The question thus presented to us is whether the phrase, "A person appointed deputy registrar shall have a fixed office, place of business or residence; * * *" in the above cited section, amounts to a qualification for holding the office of deputy registrar, or whether it refers to and restricts the activities of the deputy registrar to a fixed office, place of business or residence in registering electors.

Section 55-202a, supra, was enacted by our legislature for the purpose of facilitating the registration of voters and the only mention that is made concerning place of registration is that "deputy registrars must be qualified electors of precinct for which they are appointed, but may take registrations in any precinct in the county."

An examination of Section 55-202a, supra, as it existed prior to its amendment by Laws of 1953, Chapter 98, reveals that there was no such provision enabling registrars to take registration in any precinct of a county. The Legislature by inserting such a provision, therefore, indicated an express intent not to restrict the activities of deputy registrars to a certain fixed place of registration.

To hold otherwise, would be a strained and unreasonable construction, reading into the statute restraint upon the activities of the deputy registrar which the Legislature saw fit not to impose. In particular it would restrict, without justification, that portion of the statute allowing a deputy registrar to register electors in any precinct of the county.

It is, therefore, our considered opinion that Section 55-202a, A.C.A. 1939, as amended, does not limit the place of registration of electors to the fixed office, place of business or residence of the deputy registrar. The requirement that the registrar have such fixed office, place of business or residence is only a qualification for such office. Consequently, there is no prohibition in the statute denying a deputy registrar the privilege of going from house to house in taking registrations.

ROSS F. JONES
The Attorney General

JOSEPH U. CHACCHIOLO
Assistant to the
Attorney General



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