

July 13, 1934.

Mr. C. V. Budlong,
Justice of the Peace,
Tucson, Arizona.

Dear Sir:

This will acknowledge receipt of your letter of July 11th, in which you seek an opinion of the Attorney General as to whether a justice of the peace may authenticate absent and disabled voters' ballots. Section 1508, Revised Code of Arizona, 1928, provides that:

"Preparing and transmitting ballot. The absent or disabled voter shall, if without the state, make and subscribe said affidavit, before any officer authorized by law to administer oaths, and if within the state, before any registration officer of the state, and such absent or disabled voter shall thereupon, in the presence of said officer and no other person, mark the said ballot, *****"

Under the provisions of Chapter 62, Session Laws of 1933, justices of the peace are made registration officers. The Attorney General is of the opinion that a justice of the peace may, in his precinct, call upon sick or disabled voters and authenticate their ballots. He may also authenticate a ballot of an absentee voter.

Yours very truly,

PHB/en

Assistant Attorney General.

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