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April 10, 1940

Mrs. Leo Crane  
1309 Denver Street  
Boulder City, Nevada.

**LAW LIBRARY  
ARIZONA ATTORNEY GENERAL**

Dear Mrs. Crane:

We have your letter of April 8th requesting an opinion from this office as to whether you are a legal voting resident of Arizona despite the fact that you are presently residing in Nevada, and further stating that the employment of your husband in the government service requires your presence in Nevada.

Section 1216, Revised Code of Arizona, 1928, which is that section of the election law setting forth the rules for determining residence of voters, provides in part as follows:

"A person does not gain or lose his residence by reason of his presence at or absence from a place while employed in the service of the United States or of this State, or while engaged in navigation, or while a student in an institution of learning, or while kept in an almshouse or asylum or prison."

The quoted section also provides as follows:

"That place is the residence of a person wherein his habitation is fixed and to which whenever he is absent he has the intention of returning."

It is therefore our opinion that your presence in Nevada under the circumstances related in your letter does not make you a resident of Nevada and that your true place of residence for the purpose of voting and all other purposes is in the State of Arizona.

Although Section 1216 above cited is found in the election law and sets forth the rules for determining the residence of a person desirous of registering or voting the Supreme Court of the State of Arizona in the case of Hiatt v. Lee, 61 Pac. (2d) 401, has stated that the rules set forth in said section are the rules to be adopted for determining residence for any purpose.

Yours very truly,

JOE CONWAY  
Attorney General

EARL ANDERSON  
Special Assistant  
Attorney General

EDWARD P. CLINE  
Assistant Attorney General.

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