

Election

April 26, 1945

Henry M. Beard, City Clerk
City of Douglas
Douglas, Arizona

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ARIZONA ATTORNEY GENERAL

Dear Sir:

This is in reply to your letter of April 19th inquiring concerning the registration of voters in your city and also whether or not registration is valid if the party affiliation question is not contained on the blank form.

Your attention is called to Section 55-205 of the Code of 1939 wherein the legislature prescribed the form of the registration affidavit. You will note that question No. 2 calls for party affiliation. This is a form prescribed by law for county and state elections. We are therefore of the opinion that the affidavit of registration to be valid must meet all of the legal requirements including the statement of party affiliation.

Your attention is also called to Section 16-901 wherein a city or town may by statute or resolution provide its own registration of voters. Under Section 16-901 the statement of party affiliation is not required. Therefore under Section 16-901 where a city provides for its own registration, the affidavit does not have to contain the statement of party affiliation. Section 16-901 is a special statute, applicable to city elections only.

The difficulty that the city may encounter in adopting a registration list without the party affiliation statement is that it would be almost impossible to conduct a primary election. A primary election is a party election and only registered voters of that particular party may nominate and vote for such party candidates at such an election. Without a statement of party affiliation it would be impossible for the election board to determine who is entitled to vote a certain ticket. To vote at a general election, however, no affiliation statement is required.

Your attention is also called to the provisions of Section 16-904 and Section 16-902. Under these two sections of a city or town may avail itself of the county registration list rather than making one of its own. The City of Tucson as well as the town of South Tucson do not have their own registration system but use the county voting registration list. This should be prescribed by a city ordinance declaring that the county voting list is adopted as the city voting list for a particular election or for all city elections, as the case may be. The general law or your own city ordinance prescribes when the registration of voters closes. Upon the day that it closes the city clerk should then gather the list of voters from the county recorder's office, have the county recorder certify that the list is complete to date. That will then become the official voting list of

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your city. In other words, your city has the choice of either registering its own voters under Section 16-901 or adopting the county voting list as its official list under Section 16-904.

Answering your question as to whether or not an elector will have his registration cancelled for his failure to vote, you are advised as follows: Section 55-215 provides that a voter would have his registration cancelled if he failed to vote at the general election. In 1943 an amendment was passed by the legislature to the effect that the registration will be cancelled when the voter fails to vote either at the primary or at the general election.

Trusting this gives you the information requested, I am

Very truly yours,

HARRY O. JULIANI
Chief Assistant
Attorney General

HOJ:h

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