

file

LAW LIBRARY ARIZONA ATTORNEY GENERAL

June 22, 1950

W. L. Lewis

Mr. F. Lewis Ingraham
Yuma County Attorney
Yuma, Arizona

Dear Sir:

We refer to your letter of May 19, 1950 in which you state:

"I would like to have your opinion as to the legal limit as to place of registration of electors, if any; that is, whether or not a deputy registration officer can go from house to house and from business place to business place in the county and whether or not he can register electors from a card table or temporary booth on Main Street.

It has previously been my opinion that under 55-204 methods of registration outside of the office of the county recorder or justice of the peace are set up and, therefore, the legislature apparently limited the methods of registration of voters.

Of course, my only desire in this matter is that the registration of voters be carried on in a legal manner. Your opinion in this matter will be appreciated."

We assume from your letter that you are interested only in the validity of the registration as opposed to the payment of expenses involved in such registration. Your letter refers to Section 55-204, ACA 1939 which reads:

"Disabled electors--Electors in remote sections.-- The recorder or any justice

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of the peace may register an infirm or disabled elector at his home or place of confinement, and the recorder may visit, once during the month of July of any regular election year, any remote section of the county which shall not be within twenty-five (25) miles of the office of such recorder or of a justice of the peace, for the purpose of registering the electors of such community, and the actual and necessary expenses attendant upon such visit, including mileage at the rate of five cents (5¢) for each mile traveled, shall be a county charge and paid out of the county general fund." Section 55-204, ACA 1939 (Laws 1933, ch. 32, sec. 4, p. 220)

We assume that you have applied the rule of expressio unius in concluding that this section precludes registration outside the offices of the Recorder and Justice of the Peace in any situation other than those enumerated in said section. However, all rules of construction are used to ascertain the intent of the Legislature. This doctrine has been repeatedly announced by our Supreme Court, and is fortified by the Legislature itself at Section 1-101, ACA 1939.

The Legislature added Section 55-202a, ACA 1939 to our registration laws for the express purpose of expediting or facilitating the registration of electors, and made no mention therein of the physical character of the place of registration. The ultimate purpose of all registration laws is to prevent fraud at elections by providing in advance an authentic list of the qualified electors.

People v. Carleton, 85 N.Y.S. 22, 41 Misc. 523

State v. Brown, 326 Mo. 627, 33 S.W. 2d 104

State v. Kanawha County Court, (W. Va.)
38 S.E. 2d 897

This purpose is specifically set out by our Constitution in the following words:

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"Registration laws.--There shall be enacted registration and other laws to secure the purity of elections and guard against abuses of the elective franchise." (Article 7, Section 12, Constitution of Arizona)

Statutes dealing with suffrage and elections, when doubtful in meaning, should be construed so as to enable all who can qualify to exercise the right of suffrage.

Bowers v. Smith, 111 Mo. 45, 20 S.W. 101

Blydenburg v. Burdick, 6 Wyo. 448, 46 Pac. 854

State v. Ice, 207 Ind. 65, 191 N.E. 155

Abbey v. Green, 28 Ariz. 53, 235 Pac. 150

It is therefore our opinion that Sections 55-202a and 55-204, supra, should be read together and construed liberally, and that, under such construction, the Legislature did not intend to preclude registration outside the offices of the Recorder and the Justice of the Peace, in situations other than those enumerated in Section 55-204, supra; any limitation contained in this latter section is upon the payments therein provided.

The physical character and location of the place or places used for registration would, of course, vary with the surrounding circumstances. However, it is our opinion that, so long as the registering officer honestly affords an equal opportunity to all those who are qualified, the physical character or location of the place of registration actually made within the jurisdiction of such officer will not effect the validity of such registration.

Trusting we have satisfactorily answered your inquiry,
we are

Very truly yours,

FRED O. WILSON
Attorney General

WILBERT E. DOLPH, JR.
Assistant Attorney General

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