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**ARIZONA ATTORNEY GENERAL**

February 9, 1956  
Opinion No. 56-38

REQUESTED BY: Honorable Bernard T. Caine  
Mohave County Attorney

OPINION BY: ROBERT MORRISON, The Attorney General  
Robert E. Kersting, Special Assistant  
Attorney General

QUESTION: 1. Is there a cut off date for registering  
electors in a school bond election?  
2. If so, what is the date?  
3. Are those registered after the cut off date  
disqualified?  
4. Is absentee voting permitted at a school  
bond election?

CONCLUSION: 1. Yes.  
2. At the close of normal business hours on  
the day immediately preceding the day of the  
election.  
3. Yes.  
4. No.

This office has previously held that the subject questions are determined by Article 7, Section 13, of the Constitution of Arizona, A. R. S. §15-473 and A. R. S. §15-1302. (See Opinions No. 51/308, 53/103, 53/3, and 53/157.)

The foregoing constitutional provision and statutes have been interpreted to the effect that electors in a school bond election must be qualified electors of the State, registered voters, residents of the school district for at least six months prior to said election, and real property taxpayers.

The subject statutes are silent relative to any of the questions propounded herein. The only Arizona statutes setting forth a so-called cut

off date for registration are found in A. R. S. §16-103 and A. R. S. §16-107 under our General Election Laws. These statutes are set forth in full:

"§16-103. Qualifications of elector for special elections. A person whose name appears on the register of voters for the last preceding general state and county election and who has not been canceled out for failure to vote, or a person who has registered on or before the third Saturday preceding a special primary or special general election, shall, if otherwise qualified, be entitled to vote at any such special election authorized by law."

"§16-107. Closing of registrations. A. No elector shall be registered to vote in a primary election between five o'clock p. m. of the day which is four months preceding the date of the next general election and six o'clock p. m. of the day of the primary election.

B. No elector shall be registered between five o'clock p. m. of the sixth Monday preceding a general election and six o'clock p. m. of the day thereof."

It can be seen that the foregoing provisions are applicable only to primary elections, general elections, special primary elections, or special general elections. In view of this fact, it would seem to have been the legislative intent to require no cut off date for an election such as a special school bond election. This legislative intent would seem to be further supported by the short, twenty-day posting period for the notice of such an election, as set forth in A. R. S. §15-1303.

An examination of Chapter 80, § 2, Laws 1927, reveals: That voters at school elections were required to comply with the provisions and qualifications of elections and electors as they were generally established by the Code. This law was repealed by an emergency measure, (4th S. S.) Ch. 4 § 1, P. 142, which is further indication of the legislative intent that the general provisions of our election laws shall not apply to school elections.

Honorable Bernard T. Caine  
Mohave County Attorney

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It is thus, accordingly, the opinion of this office that the only effective cut off date for registration of electors in a school bond election would be at the close of normal business hours on the day preceding the date of the school bond election.

This office has previously held, in Opinion No. 53/157, that the privilege of exercising the right to file an absentee ballot exists only with respect to primary or general elections in the absence of legislation to the contrary. Since there is no such legislative authority expressed in the pertinent statutes governing school bond elections, it is the opinion of this office that absentee voting is not permissible in a school bond election.

ROBERT MORRISON  
The Attorney General

*Robert E. Kersting*

ROBERT E. KERSTING  
Special Assistant  
Attorney General

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