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ARIZONA ATTORNEY GENERAL

February 16, 1954
Letter Opinion
No. 54-29-L

The Honorable Laura McRae
House of Representatives
Capitol Building
Phoenix, Arizona

Re: Deputy registration officers; election precincts

Dear Mrs. McRae:

This is in reply to your oral request of January 29, 1954, wherein you request an opinion of this office concerning the effect of merger of precincts after the appointment of deputy registrars by a county recorder.

The authority of the county recorder to appoint deputy registration officers is found in Section 55-202a, A.C.A. 1939, as amended, which provides:

"55-202a. Deputy registration officers.--
When the county recorder shall deem it necessary or advisable, in order to expedite or facilitate the registration of electors in any precinct he may commission deputy registration officers for such purpose. He may appoint in each precinct in the county deputy registrars equal in number to not more than the number of political parties having candidates on the ballot in the last general election. Before making any such appointment he shall request the county chairman of each such political party to recommend a person for appointment, and if a county chairman shall within ten (10) days of such request nominate a person who is otherwise qualified, the person appointed shall be selected from those so recommended. Deputy registrars must be qualified electors of the precinct for which they are appointed, but may take registrations in any precinct in the county. No person who is a public officer or a candidate

54-29-L

for office, other than a candidate for the office of precinct committeeman, shall be appointed a deputy registrar. A person appointed deputy registrar shall have a fixed office, place of business or residence; shall be qualified to take acknowledgments of affidavits of registration, and shall serve without pay."

A careful study of the election laws of the State of Arizona reveals no provision specifically dealing with the above problem; however, it is the opinion of the Department of Law that a change of boundaries of a precinct does not ipso facto vacate the appointment of previously qualified deputy registration officers. This is true for the reason that it is not the deputy's own actions which have placed him in another precinct but, rather the actions of other agencies of whom he has no control.

If the deputy registration officer was a qualified elector in the precinct for which he was commissioned, the statutory qualifications have been fulfilled, notwithstanding a change in precinct boundaries after his appointment.

The scope of duties of a deputy registrar is not affected by a change of boundaries for, as will be noted from Section 55-202a, supra, such person "May take registrations in any precinct in the county."

It should be pointed out, however, that the language of the above statute is permissive in its terms as it pertains to the power of the county recorder to appoint deputy registrars. It would appear that the appointee serve at his pleasure. Consequently, it would no doubt enable the recorder to dismiss those deputies in excess of the number equal "to not more than the number of political parties having candidates on the ballot in the last general election." If the county recorder sees fit to dismiss a previously appointed deputy registrar, it is the opinion of this office that such dismissal may not be done in such a manner as to allow the remaining deputy registrars to be representatives of the same political party. In other words, it is the intention of the statute that the acting and qualified deputy registrars be equally divided between the various political parties having candidates on the ballot in the last general election. For example, if the residence of one additional registrar were included in the newly created precinct, in addition to the other qualified and appointed deputy registrars for the old precinct, the county recorder would be enabled to dismiss only the deputy or deputies which would balance the equal representation contemplated in the above statutory section.

The Honorable Laura McRae
House of Representatives

February 16, 1954
Page Three

We trust that the foregoing will be of assistance to you.

Yours very truly,

JPB/CMG

JAMES P. BARTLETT
Assistant to the
Attorney General

54-29-L