

(a) Investments in general obligations of the United States of America.

(b) Investments owned by the system on July 1, 1959.

2. The board shall not have in total more than 10 percent of the assets of the system invested in the Dominion of Canada, its provinces, its cities, its municipal corporations and the obligations of corporations organized under the laws of the Dominion of Canada or any of its provinces.

We are informed by the State Treasurer that the entire total (approximately \$797,000) is issued by a number of different entities and it would appear that the authority to deregister such bonds and reissue bonds of smaller denomination, covering the same terms as to date of maturity, interest rates, and like matters, will depend largely upon the content of the ordinances under which they were issued. Such matters will apparently require the reflection of the bonding attorneys, and examination of the relevant documents (the full record) as to each issue. We leave these matters for their attention as suggested in your letter. It would appear to be necessary that smaller denomination bonds be issued to render them readily saleable.

For the foregoing reasons, the question must be answered in the affirmative.

Respectfully submitted,

ROGER D. FOLEY
Attorney General

By: D. W. Priest
Deputy Attorney General

OPINION NO. 61-257 DISTRICT ATTORNEY, WASHOE COUNTY—Right of military personnel to register and vote in state elections. 1. A member of the armed forces of the United States, who has continuously lived outside Nevada, is not entitled to register and vote at the next succeeding election merely because he owns property in the State which he has always intended to make his home, if he had not acquired Nevada residence prior to enlistment. 2. The residence of a minor serving in the Armed Forces of the United States does not follow the residence of his parents.

Carson City, November 7, 1961

Honorable William J. Raggio, District Attorney, Washoe County, Reno, Nevada.

STATEMENT OF FACTS

Dear Mr. Raggio:

We are advised that a person presently serving in the Armed Forces of the United States has made application to the County Clerk for registration to vote, as a resident of Washoe County.

It is indicated that said person lived with his parents at Jackson, Wyoming, until he joined the U.S. Navy on October 14, 1948, at the age of seventeen. He has served in such capacity continuously from that date to and including the present time, and he expects to continue such service until he has completed twenty years.

He is presently serving in Japan, and has never been stationed in the State of Nevada.

His mother moved to Elko, Nevada, after his father's death in 1951, and he has claimed Nevada as his home since that date. He has never registered to vote in any other state.

In 1960 he purchased a home in Sparks, Nevada, for his mother and himself. It is his intention to live in such home after retirement from the military service. He owns other real estate in

Nevada and has a savings and checking account in the First National Bank of Nevada, Reno, Nevada.

Since 1952 he has spent a total of 270 days, leave-time from the U. S. Navy, in Nevada.

QUESTION

1. Does the residence of a minor serving in the armed forces of the United States follow the residence of his parents?

2. Is a member of the Armed Forces, who has continuously lived outside the State, entitled to register and vote at the next succeeding election in the State, on the basis of ownership of property here which he has always intended to make his home, if he had not acquired residence in Nevada prior to enlistment?

CONCLUSIONS

Question No. 1: No.

Question No. 2: No.

ANALYSIS

This office in prior opinions has ruled upon the question as to whether or not a soldier, who has resided in the State, county and precinct the required length of time, is entitled to register and vote at the next succeeding election. (*See* Attorney General Opinion No. 339, dated August 6, 1946; Attorney General Opinion No. 281, dated March 29, 1946; Attorney General Opinion No. 220, dated July 22, 1936.)

The above cited opinions were all concerned with service personnel who were serving in this State pursuant to military orders.

A minor takes the domicile of his father, if living; otherwise, the domicile of his mother, if she has custody, until such child becomes emancipated. (Witkin, Summary of California Law, Vol. 3, p. 2417.)

Based upon the principal that the domicile of a minor is that of his father, the person here in question was a resident of Jackson, Wyoming, at the time of his enlistment into the U. S. Navy. Such residence continues until he acquires a residence elsewhere. (*See* 129 A.L.R. 1382.)

The Constitution of Nevada in Section 2 of Article II provides as follows:

For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of the United States or of the high seas; * * *.

A minor who enlists in the military or naval service is emancipated as long as such service continues (67 C.J.S. 814). When the sailor's mother moved to Elko, Nevada, after his father's death, the sailor could not claim Nevada as his residence on the basis that his residence followed that of his parents, since he had become emancipated before his mother moved to Nevada. Because a minor becomes emancipated when he joins the Armed Forces of the United States, his residence does not follow any subsequent residence of his parents as long as he continues in such military service.

Section 3 of Article II of the Nevada Constitution provides:

The right of suffrage shall be enjoyed by all persons, otherwise entitled to the same, who may be in the military or naval service of the United States; provided, the votes so cast shall be made to apply to the county and township of which said voters were bona fide residents at the time of their entry into such service; * * *.

[NRS 292.190](#) provides, in part, as follows:

1. If any applicant for registration has not resided within the State of Nevada or the county for the required length of time, he shall not be registered until he complies with the provisions of [NRS 292.070](#).

[NRS 292.070](#) provides as follows:

Every citizen of the United States, 21 years of age or over, who has continuously resided in this state 6 months and in the county 30 days and in the precinct 10 days next preceding the day of the next ensuing election, shall be entitled to vote at such election if he is duly registered as provided in this chapter.

[NRS 292.080](#) provides as follows:

The legal residence of a person with reference to his right of suffrage is that place where he shall have been actually, physically and corporeally present within the state or county, as the case may be, during all of the period for which residence is claimed by him. Should any person absent himself from the jurisdiction of his residence with the intention in good faith to return without delay and continue his residence, the time of such absence shall not be considered in determining the fact of such residence.

The person here in question is presently serving with the Armed Forces of the United States in Japan and he has continuously served outside the State of Nevada. He does not intend to return to Nevada until he has completed twenty years of military service.

[NRS 292.080](#) states that the legal residence of a person with reference to his right of suffrage is that place where he shall have been actually, physically and corporeally present within the State.

[NRS 292.070](#) prescribes the length of time that a person must reside in the State, county and precinct before he is entitled to register and vote.

[NRS 292.190](#) states that no person shall register until he complies with [NRS 292.070](#).

For the foregoing reasons, therefore, it is our opinion and advice that the person here involved is not entitled to register and vote at the next succeeding election.

Respectfully submitted,

ROGER D. FOLEY
Attorney General

By: David G. Parraguirre
Deputy Attorney General

Note: See letter of November 14, 1961, to Honorable William J. Raggio, following this opinion.

Carson City, November 14, 1961

Honorable William J. Raggio, District Attorney, Washoe County, Reno, Nevada.

Dear Mr. Raggio:

Opinion No. 257, dated November 7, 1961, should be corrected by deleting therefrom [NRS Chapter 292](#) and adding thereto the following provisions:

- a. [NRS 293.485](#), subsection 1.
- b. Section 1 of Article 2 of the Constitution of the State of Nevada.
- c. [NRS 293.553](#).
- d. [NRS 293.055](#).

Chapter 292 of NRS was repealed by Chapter 157, Statutes of Nevada 1960, which became effective on January 16, 1961.

Except for the above changes, our opinion that the person here involved is not entitled to register and vote at the next succeeding election remains the same.

Respectfully submitted,

ROGER D. FOLEY
Attorney General

By: David G. Parraguirre
Deputy Attorney General

OPINION NO. 61-258 SAVINGS ASSOCIATION BOARD; COMMISSIONER OF SAVINGS ASSOCIATIONS—[NRS 673.080](#), subsection 8 construed. Held: Commissioner of Savings Associations may not grant ex parte approval of an application for transfer or removal of a licensee's main and sole business office to a new location without first giving notice to all associations within the radius statutorily fixed, and according a hearing to any protestant to the issuance of such new license, as provided by [NRS 673.080](#), subsection 8. Failure of Commissioner of Savings Associations to comply with said statutory requirements constitutes action appealable to the Savings Association Board under the provisions of [NRS 673.047](#), subsections 1 and 3, and to District Court under [NRS 673.050](#). Remand and requirement of proceedings de novo on the part of the Commissioner of Savings Associations for redetermination of involved application for transfer and removal of license to proposed new location, recommended to Savings Associations Board.

Carson City, November 21, 1961

Mr. John H. Bell, Commissioner of Savings Associations, State of Nevada, Carson City, Nevada.

STATEMENT OF FACTS

Dear Mr. Bell:

Chapter 378, 1961 Statutes of Nevada (approved and effective as of April 7, 1961) amended a number of statutory provisions theretofore contained in Chapter 673 of Nevada Revised Statutes. Said 1961 act, among other things, created and established the office of "Commissioner of Savings Associations," hereinafter referred to as "Commissioner," and made provisions as to the jurisdiction and powers of said office and Commissioner. Prior to said 1961 act, Savings and Loan Associations had been under the supervisory administration of the Superintendent of Banks.

The Frontier Fidelity Savings and Loan Association, a domestic corporation, hereinafter referred to as "Frontier," was licensed on May 25, 1960 by the Superintendent of Banks (according to advice herein submitted) and, upon such grant of license, engaged in the conduct of its business at 120 North 3rd Street, Las Vegas, Nevada, where it is still conducting its said