

**OPINION**  
**62-122**

July 17, 1962           (OPINION)

RE: Elections - Rental of Polling Space - Liability for Rent

Your letter of July 6, 1962, has been received. You state that some townships are billing the county for the amount charged them for rental of space to conduct general elections. The Stutsman County Board of Commissioners has requested that you obtain an opinion from our office as to who is legally obligated to pay for such rentals.

According to Chapter 16-09 of the North Dakota Century Code we note that the boards of county commissioners designate the polling places for general elections and they also have the power to change the voting place in any precinct. Consequently, it is our opinion that any polling place approved by the commissioners on which there is a rental charge, such rental fee should be paid by the county. It would appear that the county is liable for all expenses connected with conducting a general election.

In some instances, with the removal of so many country schoolhouses, it would appear that voting space must be rented from a private party. However, if public buildings are available in the precinct, it would appear that such buildings should be used for a polling place if at all suitable for such purposes.

If the township or municipality takes it upon themselves to change the approved polling place to another site without approval from the commissioners, it would appear that the commissioners could refuse payment if there was a rental charge on the new voting place. However, if the designated voting place is unavailable for any reason, or if the commissioners fail to designate another place when the opportunity presents itself, the governing body of such municipality or township may designate an appropriate place and properly present such bill to the county for payment if adequate public facilities were not available for use.

LESLIE BURGUM

Attorney General