

**OPINION
62-91**

May 23, 1962 (OPINION)

ELECTIONS

RE: Election Board - Candidates for Precinct Committeeman

This is in reply to your letter of May 18, 1962, in which you ask whether candidates for precinct committeeman in the June Primary Election may also serve on the election board.

While we recognize that candidates for precinct committeeman are not candidates for public office as such, the election of precinct committeemen is governed by statute and we must look to the statutes in this regard. The following statutes govern this matter:

Section 16-17-07 of the North Dakota Century Code provides:

PROVISIONS OF PRIMARY ELECTION LAW APPLICABLE TO ELECTION OF PRECINCT COMMITTEEMEN. Except as otherwise provided in this chapter, the provisions of chapter 16-04, relating to primary elections, shall govern the election of precinct committeemen with reference to the preparation, printing, distributing, voting, canvassing, returning, and disposition of ballots, the notice of election, the holding and conduct of elections, the certifying of election results, and the penalties for the violation of the election laws."

Section 16-04-36 of the North Dakota Century Code provides:

PRIMARY ELECTION AND BALLOT GOVERNED BY GENERAL ELECTION. Except as may be otherwise provided in this chapter, the primary election ballot shall be arranged and the primary election shall be provided for, conducted, and the expenses thereof paid as in the case of a general election."

Section 16-10-01 of the North Dakota Century Code is a statute concerning boards of elections at general elections. It provides:

BOARD OF ELECTIONS - WHAT CONSTITUTES - QUALIFICATIONS OF MEMBERS. The judges of election, together with the inspector of elections, shall constitute the board of elections. No person shall be a member of the board of elections who:

1. Has anything of value bet or wagered on the result of an election;
2. Is a candidate at an election; or
3. Is the husband, wife, father, mother, father-in-law, mother-in-law, son, daughter, son-in-law, daughter-in-law, brother or sister, of any candidate at an election."

It will thus be noted that section 16-17-07 provides, in effect, that the provisions of chapter 16-04 of the North Dakota Century Code govern the election of precinct committeemen with reference to, among other things, the holding and conduct of the election. Section 16-04-36 is concerned with primary elections and it, in turn, provides that the primary election shall be conducted as in the case of the general election. Section 16-10-01 which governs the conduct of general elections provides that no person shall be a member of the board of elections who is a candidate at the election or who is related to a candidate at the election as set forth in that section.

In view of these statutes it is our opinion that a candidate for precinct committeeman cannot be a member of the board of elections at the June Primary election. It is our further opinion that the husband, wife, father, mother, father-in-law, mother-in-law, son, daughter, son-in-law, daughter-in-law, brother or sister of any candidate for precinct committeeman at the June Primary election cannot be a member of the board of elections at such election.

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