

OPINION
62-92

June 1, 1962 (OPINION)

ELECTIONS

RE: Elections Clerks - Candidates for Precinct Committeeman

This office acknowledges receipt of your letter of May 31, 1962, in which you raise the following question:

Can persons who have filed petitions, and whose name is placed on the ballot for election as precinct committeemen, serve as election clerks?"

Section 16-10-01 of the North Dakota Century Code states that:

The judges of election, together with the inspector of elections, shall constitute the board of elections. . . ."

Therefore, we conclude that the clerks of election are not members of the board, but purely ministerial officers who do the clerical work. The restrictions contained in section 16-10-01 of the North Dakota Century Code upon the members of the board of elections do not apply to the clerks.

Section 16-10-12 of the North Dakota Century Code reads, in part, as follows:

The board of elections shall appoint as poll clerks two qualified electors of the precinct, one from each of the two parties which cast the largest vote at the last state general election. . . ."

Thus, the only requirement with reference to the appointment of clerks is that they represent the two major political parties.

In view of the above provisions, it is the opinion of this office that a candidate for precinct committeeman, whose name appears on the ballot, would be eligible to serve as clerk.

It might be the better part of wisdom for the election board to appoint some other persons to serve as clerks other than a candidate, but that is a matter for the determination of the election board. As stated in your letter, there may be instances where help will be scarce.

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Attorney General