

OPINION
65-436

March 12, 1965 (OPINION)

Mr. Albert A. Wolf, State's Attorney

Burleigh County

RE: Townships - Elections - Compensation of Judges

This is in reply to your letter of March 9, 1965, requesting an opinion of this office in regard to whether a township board has authority to pay election judges for serving pursuant to the provisions of chapter 58-04 of the North Dakota Century Code.

The only statutory provision we note for compensation of election judges is section 16-10-16 of the North Dakota Century Code which provides:

COMPENSATION OF INSPECTOR, JUDGES, AND CLERKS OF ELECTION.
Each inspector, judge, or clerk of any statewide primary, general, or special election, for services performed by him at such election shall receive as compensation therefor the sum of eight dollars. When the number of votes cast at such election exceeds one hundred, each such officer shall receive as additional compensation the sum of two dollars for every additional one hundred votes cast or major fraction thereof, but not more than eighteen dollars in all for such services."

The election under chapter 58-04 of the North Dakota Century Code is obviously not a statewide primary, general or special election.

We note also the provision of section 58-03-06 of the North Dakota Century Code which provides in part:

* * * * The following shall be deemed township charges:

1. The compensation of township officers: * * * *."

As to other township officials we note a statutorily specified sum for compensation of township supervisors, (See section 58-06-02), a statutorily specified sum for compensation of township clerk, (See section 58-07-01), a statutorily specified percentage as compensation of township treasurer, (See section 58-08-01), the township board of supervisors are authorized to set a sum within statutorily prescribed limits as compensation for assessor, (See section 58-09-02), and the township board of supervisors are authorized to fix compensation for the township overseer of highways, (See section 58-12-02). (All of the hereinbefore cited numbers are sections of the North Dakota Century Code.)

Insofar as the subject of township officers' salaries appears to be closely regulated by statute, we can only conclude that the omission of both statutorily set compensation, or granting of authority to the

board of township supervisors to set compensation, was purposeful,
and that it was not intended that the judges of township elections be
compensated for their services.

HELGI JOHANNESON

Attorney General