

**OPINION
67-158**

September 12, 1967 (OPINION)

Mr. T. L. Secrest

State Chairman

North Dakota Republican Party

RE: Political Parties - Precinct Committeemen -

Redistricting

This is in reply to your letter of September 6, 1967, relative to precinct committeemen. You note a political party must have at least one committeeman in each precinct to represent the district party affairs. You ask what is to be done if a precinct is situated in two or more districts. You also ask what is to be done in the situation where more than one precinct committeeman is now representing a precinct which has been reorganized by the county commissioners.

In view of the fact a precinct committeeman cannot represent such district at more than one district meeting, it is our opinion that in those instances in which a precinct is situated in two or more legislative districts a precinct committeeman should be elected to represent the party at each district meeting, regardless of the number of votes cast in such precinct. Each committeeman should, of course, be an elector of the respective legislative district at the organizational meeting of which he will represent his portion of the precinct.

While the election of one precinct committeeman for each two hundred and fifty votes or major fraction thereof is prescribed by section 16-17-02 of the North Dakota Century Code, as amended, we believe the legislature contemplated a precinct contained only in one legislative district. It is our opinion that where the precinct is situated in two or more legislative districts the provisions of section 16-17-02 can be construed to permit the election of at least one committeeman for each legislative district which encompasses the precinct.

We would, however, strongly recommend that the boards of county commissioners avoid the alteration of precinct boundaries whereby a precinct is established which would encompass parts of two or more legislative districts. Common sense would dictate that such that such situation should be avoided since, in addition to the problem involving election of precinct committeemen, it should be noted the precinct would have to maintain two sets of ballots for election of legislators also. The possibilities of confusion in voting, counting ballots, etc., are obvious.

If more than the specified number of committeemen find themselves in one precinct because of alteration of precinct boundaries by the county commissioners, the question of who should legally represent the precinct as precinct committeeman would depend upon the manner of creation of the precinct. If one precinct is annexed to another

precinct as provided by section 16-09-01 of the North Dakota Century Code, as amended, the precinct being annexed loses its identity for election purposes and becomes an integral part of the precinct to which it is annexed. In such instance it is our opinion the committeeman representing the latter precinct, i. e., the surviving precinct would represent the precinct. The committeeman representing the precinct which loses its identity and existence would no longer hold office since the position to which he was elected ceased to exist at the time his precinct was annexed.

If, however, the county commissioners combine two or more precincts under the provisions of subsection 3 of section 16-01-01, one precinct is not annexed to another. They are combined with no survival for either. It is, in this respect, a new precinct. It is our opinion that the precinct committeemen from such precincts would no longer hold office since their offices ceased to exist at the time of creation of a new precinct. It is our further opinion that upon creation of the new precinct a vacancy in the office of precinct committeemen would exist which vacancy should be filled in the ordinary manner.

HELGI JOHANNESON

Attorney General