

**OPINION**  
**56-98**

September 11, 1956            (OPINION)

ELECTIONS

RE: Abstract of Votes - Tally Books

We have received your letter of September 4, 1956, in which you ask our opinion as to whether or not sections 16-0425, 16-1304, and 16-2313 of the North Dakota Revised Code of 1943 require the printing of separate books for the recording of votes for (1) party ballots, (2) no-party ballots, and (3) measures.

Section 16-0425 deals with primary elections and requires that two tally books or two sets of tally sheets shall be provided for each voting precinct. The section continues to refer to "books and sheets."

Section 16-1304 deals with returns and requires the election board to prepare duplicate reports of the total votes cast for each candidate or measure. It further states that the figures shall agree with the clerks' books and the number of ballots.

Section 16-1323 provides that the county canvassing board canvassing the returns of a general election shall make abstracts of votes from the certified reports of the inspectors of elections in the following manner:

1. The abstract of votes for United States senator, members of congress, all state officers, judges of the district courts, all initiated or referred measures, and constitutional amendments, shall be on one sheet;
2. The abstract of votes for members of the legislative assembly shall be on one sheet; and
3. The abstract of votes for county officers shall be on one sheet.

As far as we are able to find, there are no requirements specifically for separate books. In our opinion the tally sheets could be incorporated in one book, although the number of books required by statute would have to be furnished. However, we do not believe that the statute requires that it is necessary to have a separate book for the recording of (1) party ballots; (2) no-party ballots; and (3) initiated and referred measures.

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