

OPINION
58-159

January 10, 1958 (OPINION)

RURAL FIRE PROTECTION

RE: Boundary Change - Voters' Requirements

This is in reply to your request of January 6, 1958, for an opinion from this office. As we understand it a question has arisen regarding Chapter 165 of the 1957 Session Laws.

The question is asked in reference to the section of this act which specifies the procedure in changing the boundaries of the rural fire protection district. Section 11 (a) of Chapter 165 of the 1957 Session Laws states:

BOUNDARIES OF RURAL PROTECTION DISTRICT.) The boundaries of any rural fire protection district organized under the provisions of this Act may be changed in the manner prescribed by sections two and three, but the changes of boundaries of any such district shall not impair or effect its organization or its right in or to property; nor shall it impair, affect or discharge any contract, obligation, lien, or change for or upon which it might be liable had such change of boundaries not been made."

According to the above-quoted section the boundaries may be changed in the manner prescribed by Sections 2 and 3 of the Act.

It is asked whether in order to vote in the election to change the boundaries it is necessary for the electors to just own land or must the elector that is voting own and also reside on the land.

Section 3 of Chapter 165 of the 1957 Session Laws states in part:

* * * Notice of such meeting shall be given by publication two weeks in a newspaper of general circulation in the county the last publication appearing at least seven days prior to said meeting; said notice shall be addressed 'to all electors who are owners of any interest in real or personal property assessed for taxation in the district and who are residing within the following described boundaries', * * *."

It is the opinion of this office that it is necessary for the elector voting to not own land but also reside within the boundaries described. In this way the electors are entitled to only one vote per elector; otherwise it is apparent that many of the electors would have several votes for many of the electors own land in the different townships. It is the opinion of this office that the ownership of land alone does not fulfill the requirement to qualify the elector, but the elector must also reside in the township that is changing the boundaries of the rural fire protection district.

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Attorney General