

OPINION NO. 77-041**Syllabus:**

1. Persons who wish to register to vote on the day of a general, primary or special election need not do so at a polling place in the precinct in which they reside, provided the board of elections has located the polling place for voting purposes outside the boundaries of the precinct in which they reside.

2. R.C. 3503.11(D) as amended effective 8-30-77, requires the board of elections to provide separate lines for election day registration and voting at each polling place. In a situation in which a building serves as a polling place location for four precincts, the board of elections need not provide separate lines for registration for each precinct at the polling place.

To: Ted W. Brown, Secretary of State, Columbus, Ohio
By: William J. Brown, Attorney General, August 3, 1977

I have before me your request for my opinion concerning the effect of the recently enacted Am. Sub. S.B. 125 which may be summarized as follows:

1. Must persons who wish to register to vote on the day of an election do so at a polling place in the precinct in which they reside?

2. If the answer to the above question is in the negative, is it legal under the amended substitute S.B. 125 to establish in a gymnasium that serves as a polling place location for four precincts a separate line which is staffed by extra officials who will handle election day registrations for all four precincts?

With respect to the first question, R.C. 3503.11(D), as amended, effective 8-30-77, provides in pertinent part:

"Any person who is not registered to vote on the day of a special, primary or general election, but is otherwise eligible, may vote if he presents himself at the polling place in the precinct in which he resides, completes a registration form, and offers proof of identity. . . ."

In addition, R.C. 3501.01(N) provides:

"Polling place means that place provided for each precinct at which the electors having a voting residence in such precinct may vote."

These statutes seem to indicate that persons must register and vote at the polling place in the precinct in which they reside. However, they do not contemplate the situation wherein the board of elections has located polling places for voting purposes outside the boundaries of the precinct in order to maintain the requirements as to the number of voters in the precinct and to provide for the convenience of the voters.

R.C. 3501.11 outlines the duties of the boards of elections, which reads in pertinent part:

"Each board of elections shall exercise by a majority vote all powers granted to such board by Title XXXV(35) of the Revised Code, shall perform all the duties imposed by law, and shall:

- (A) Establish, define, provide, rearrange and combine election precincts;
 (B) Fix and provide the places for registration, when required, and for holding primaries and elections;"

In addition, R.C. 3501.18 provides in pertinent part:

"The board of elections may divide a political subdivision, within its jurisdiction, into precincts and establish, define, divide, rearrange and combine the several election precincts within its jurisdiction and change the location of the polling place for each precinct when it is necessary to maintain the requirements as to the number of voters in a precinct and to provide for the convenience of the voters and the proper conduct of elections, . . .

"In order to provide for the convenience of the voters, the board may locate polling places for voting or registration outside the boundaries of precincts, provided that the nearest public school or public building shall be used if the board determines it to be available and suitable for use as a polling place. . . ."

In addition, R.C. 3506.16 provides in pertinent part:

"The board of elections, in counties where marking devices are in use or are to be used, may combine, rearrange and enlarge precincts and it may assign all or part of the electors of a precinct to an adjoining precinct at an election for purposes of voting; . . ." See Mann v. Board of Elections, 66 O.O.(2d) 15, 37 Ohio Misc. 3, 305 N.E. 2d 820 (CP 1973).

It seems clear then that the boards of election have broad powers devolved upon them in the performance of their statutory duties, including the location of polling places for voting or registration outside the boundaries of the precinct in which voters reside, in order to maintain the requirements as to the number of voters in a precinct and to provide for the convenience of the voters.

Therefore, while R.C. 3503.11(D), as amended, indicates that persons who wish to register to vote on the day of an election are to do so at a polling place in the precinct in which they reside, the boards of election have the statutory power to locate polling places for voting or registration outside the boundaries of the precinct in which the voter resides in some instances.

R.C. 1.47, which concerns the intent of the legislature in the enactment of statutes, is pertinent in part:

"In enacting a statute, it is presumed that;

". . .

(C) a just and reasonable result is intended;

(D) a result feasible of execution is intended."

While R.C. 3503.11(D), as amended, provides for election day registration at a polling place in the precinct of the voter's residence, it does not contemplate the situation wherein the board of elections locates the polling place outside the precinct of residence. It seems clear that the statute was intended to facilitate the convenience of registration and voting at the same time and place, by permitting eligible persons to register at the polling place to which they are assigned for voting purposes. It was not the intention of the legislature to work a hardship on eligible persons, by requiring them to register in the precinct in which they reside and vote in a different polling place outside the precinct in which they reside.

With respect to the second question, R.C. 3503.11(D), as amended, provides in pertinent part:

"The board of elections shall provide separate lines for election day registration and voting at each polling place."

It is clear that the county boards of election must provide separate lines for election day registration and voting at each polling place. However, this statutory provision does not address the issue in a situation in which a building serves as a polling place location for four precincts of whether the board of elections may establish one separate line for registration for all four precincts or separate registration lines for each precinct.

R.C. 3501.11(E) provides that the board of elections shall:

"Make and issue such rules, regulations and instructions, not inconsistent with law or the rules established by the Secretary of State, as it deems necessary for the guidance of election officers and voters."

It follows that the boards of elections have the inherent authority to set forth the procedures for registration of eligible persons on the day of an election. While R.C. 3503.11(D), as amended, requires the board of elections to provide separate lines for election day registration and voting at each polling place, it does not require separate lines for registration for each precinct at the polling place. The Boards of election have the authority to make this determination.

If the county board of elections anticipates a large voter registration at the polling place, it may well be advisable to establish separate lines for registration for each precinct in the interest of administrative efficiency. If the board of elections does not anticipate a large voter registration at a particular polling place, it may provide one separate registration line for all precincts at the polling place. As noted above R.C. 1.47 indicates that the intent of the legislature in enacting a law is presumed to achieve a just and reasonable result which is feasible of execution.

If the board of elections does not anticipate a large voter registration, it would be unreasonable to establish separate registration lines for each precinct at the polling place, as it would involve an unnecessary expenditure of time, money and extra registration officials.

Accordingly, in specific answer to your question, it is my opinion and you are so advised that:

1. Persons who wish to register to vote on the day of a general, primary or special election need not do so at a polling place in the precinct in which they reside, provided the board of elections has located the polling place for voting purposes outside the boundaries of the precinct in which they reside.

2. R.C. 3503.11(D) as amended effective 8-30-77, requires the board of elections to provide separate lines for election day registration and voting at each polling place. In a situation in which a building serves as a polling place location for four precincts, the board of elections need not provide separate lines for registration for each precinct at the polling place.