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ELECTIONS—REGISTRATION FACILITIES—§3503.12(A) R.C.—  
USE OF MOBILE UNITS—NOTICE OF LOCATION—HOURS OF  
REGISTRATION—REQUIREMENTS OF SUCH REGISTRATION  
METHOD.

SYLLABUS:

Where a board of elections chooses to provide registration facilities under the plan described in Division (A) of Section 3503.12, Revised Code, it is the duty of such board (1) to fix and publicly announce (a) the days of registration and (b) the location of the registration places to be used, (2) to provide a sufficient number of registration places to enable all eligible voters to register or transfer their registrations, (3) to provide such registration places at convenient locations in different parts of the county, (4) to man such registration places with at least two competent

assistant clerks of opposite political parties, (5) to keep such places open at least eight hours each day as fixed and announced by the board, and (6) to post in one or more conspicuous places in the locality in which any registration place is located, notices of the location of such registration place, and the hours it will be opened. Some or all of such registration places may be provided by means of facilities for registration in a mobile unit provided such unit is actually kept open for at least eight hours of each day as fixed and announced by the board, and is kept immobile in one location as fixed and announced by the board.

Columbus, Ohio, September 16, 1958

Hon. Norman J. Putnam, Prosecuting Attorney  
Stark County, Canton, Ohio

Dear Sir:

I have before me your request for my opinion reading as follows:

"I wish to respectfully request your official opinion with respect to whether or not a so-called "Mobile-Unit" type of registration facility, as hereinafter described, could be employed by the Stark County Board of Elections or, for that matter, any other Board of Elections in compliance with Revised Code 3505.12-A.

"I am referring to you this letter which comes to me from our Board of Elections here in a letter which I believe states the matter sufficiently for purposes of forming the basis for an opinion. For that reason I shall not repeat the details but merely attach the copy of the Board of Elections' request to me to this letter and incorporate it herein in full."

The plan which the board proposes to follow is described as follows:

"1. The Register Mobile Unit would only be used before the close of registration preceding a general election. That is, it would only be used beginning the tenth day following a primary election and ending the last day of registration which in 1958 is September 24th. We feel that Section 3503.12 sub-section (a) limits neighborhood registration places to the period preceding the general election and prohibits neighborhood registration preceding a primary election.

"2. The Register Mobile Unit would be in charge of two or more competent assistant clerks of opposite political parties and they would receive an amount per day which is provided by the statute.

"3. Before the Register Mobile Unit would be sent out, the Board of Elections would fix and publicly announce the places where the Register Mobile Unit would receive registrations and transfers and the hours during which it would be opened.

"4. The Board of Elections would then post notices in one or more conspicuous places in each of the locations in which the Register Mobile Unit was to appear.

"5. In each of the locations so chosen the Register Mobile Unit or office would be opened at least eight hours each day.

"6. To summarize the Board would carefully follow the provisions of Section 3503.12 (a). For example it would appear in one place on one day and stay there for eight hours. The notice of its appearance at that place would have previously been given in the manner provided by law. The next day it would move on to another place in the same manner. That means that in a registration period it could be at a different place every day. Our county is a large county and the Board of Elections feels that this plan would do more than anything else to provide sufficient number of registration places to enable all eligible voters to register or transfer their registration. You will note that the section of law quoted in full above requires the Board of Elections to provide a sufficient number of such places and the word used is "shall". A Register Mobile Unit, in our view, when located according to law in a certain place is a registration place under Section 3503.12."

The provision of registration facilities in the initial general registration following the adoption of the requirement therefor is the subject of Section 3503.08, Revised Code, which section reads as follows:

"The board of elections shall provide such printed forms, blanks, supplies, and equipment and prescribe such reasonable rules and regulations as are necessary to carry out sections 3503.06 and 3503.32, inclusive, of the Revised Code. In precincts, the first general registration of all qualified electors shall be held as the board determines, either on Thursday and Saturday in the eleventh week and on Wednesday in the tenth week or on Thursday and Saturday of the seventh week and on Wednesday in the sixth week preceding the next general election, thereafter, from ten a.m. to two p.m. and from four p.m. to nine p.m. Thereafter no general registration shall be held in such precincts except as provided in such sections."

Provision for subsequent periodic registration is made in Section 3503.12, Revised Code, which reads:

"After a general registration the board of elections, in order to facilitate new registrations and the change of registrations by electors already registered, may adopt one of the following methods:

"(A) The board may provide and keep open, in each year before the close of registration preceding a general election, at

convenient locations in different parts of the county, registration places where qualified persons may register or transfer their registration. Such registration places shall be in charge of two or more competent assistant clerks of opposite political parties who shall receive for their services not to exceed ten dollars per day. The board shall provide a sufficient number of such registration places to enable all eligible voters to register or transfer their registrations, and they shall be kept open at least eight hours of each day as fixed and publicly announced by the board. Notices of the locations of a registration place and the hours during which it will be opened shall be posted in one or more conspicuous places in the locality in which the registration place is located.

“(B) The board may arrange each year for registration in each registration precinct on any one day during the ten days immediately preceding the close of registration. Such one day of registration, when so arranged, shall be conducted and governed by sections 3503.06 to 3503.32, inclusive, of the Revised Code.

“All registration shall be carefully checked and in case any person is found to have registered more than once the additional registration forms shall be cancelled by the board.

“The board may publish notices in one or more newspaper(s) of general circulation advertising the places, dates, and times of registration.”

In the instant case the board proposed to proceed under the plan described in Division (A) of this section. Prior to January 1, 1958, the initial sentence in Division (A) of this section referred to the establishment of “branch registration offices”, whereas the present expression is simply “registration places.” Some effect must be given to the change thus effected in this language, and it seems fair now to conclude that such “place” need not be a “branch office,” nor indeed even an office of any kind.

Under the board’s proposed plan the mobile unit would not in fact be mobile at all during the eight hours of its operation each day, but would be kept in a single location or “place” during such period.

It has long been a common practice in Ohio for boards of elections to utilize in urban residential areas voting booths put into place only for use on an election day, and which booths are sufficiently “mobile” that they be drawn on their own wheels from a central place of storage to a particular place, sometimes on a vacant lot but more often to a location on a public street. As provided in Section 3501.29, Revised Code, the board is required to provide a “polling place” for each precinct. This

term is defined in Division (L) of Section 3501.01, Revised Code, as follows:

“(L) ‘Polling place’ means that place provided for each precinct at which the electors having a voting residence in such precinct may vote.”

I am not aware that any question has been raised that such booths did not constitute a full compliance with the statute provided they were kept *immobile* during their actual use as a polling place, and I see no basis for raising any such question.

There appears to be no basis for distinction between such mobile booths and the mobile units which the board here proposes to use.

Assuming that the location or “place” of use has been sufficiently fixed by the board, and described by its public announcement thereof, I see no reason why the plan here proposed is not a proper compliance with the statute.

Accordingly, it is my opinion that where a board of elections chooses to provide registration facilities under the plan described in Division (A) of Section 3503.12, Revised Code, it is the duty of such board (1) to fix and publicly announce (a) the days of registration and (b) the location of the registration places to be used, (2) to provide a sufficient number of registration places to enable all eligible voters to register or transfer their registrations, (3) to provide such registration places at convenient locations in different parts of the county, (4) to man such registration places with at least two competent assistant clerks of opposite political parties, (5) to keep such places open at least eight hours each day as fixed and announced by the board, and (6) to post, in one or more conspicuous places in the locality in which any registration place is located, notices of the location of such registration place, and the hours it will be opened. Some or all of such registration places may be provided by means of facilities for registration in a mobile unit provided such unit is actually kept open for at least eight hours of each day as fixed and announced by the board, and is kept immobile in one location as fixed and announced by the board.

Respectfully,  
WILLIAM SAXBE  
Attorney General