

2846.

VOTING HOUSES—RENTAL OF LOT FOR STORAGE BETWEEN ELECTIONS
—RENTAL, REPAIR AND MAINTENANCE OF SUCH HOUSES MUST BE
PAID BY COUNTY EVEN THOUGH EXCLUSIVELY USED BY REGIS-
TRATION CITY.

SYLLABUS:

The rent of a lot for the storage of voting houses and the cost of repair and general maintenance of such houses must, under the provisions of Section 4785-20, General Code, be paid by the county.

COLUMBUS, OHIO, January 21, 1931.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—Your letter of recent date is as follows:

“Section 4785-20, 113 O. L., page 316, provides for the apportionment of election expenses. The Board of Elections in one of the larger counties owns 118 voting houses, which were purchased by a registration city, and said voting houses are stored in a large lot within the corporation, which is rented from private parties by the Board of Elections. These voting houses are used for registration and special and general election purposes.

Question. Is any part of the rent of the storage lot and the cost of repairing and maintaining such voting houses, payable by the registration city, through deduction to be made by the County Auditor?”

The pertinent portion of Section 4785-20, General Code, to which you refer is as follows:

* * * * *

a. The entire compensation of members of the board and of the clerk, deputy clerk and other assistants and employees in the board's offices; the expenditures for the rental, furnishing and equipping of the offices of the board and for the necessary office supplies for the use of the board; the expenditures for the acquisition, repair, care and custody of polling places, booths, guard rails and other equipment for polling places; the cost of poll books, tally sheets, maps, flags, ballot boxes, and all other permanent records and equipment; the cost of all elections held in and for the state and county; and all other expenses of the board which are not chargeable to a political subdivision in accordance with this section, shall be paid in the same manner as other county expenses are paid.

b. The compensation of judges and clerks of election; the cost of renting, moving, heating and lighting polling places and of placing and removing ballot boxes and other fixtures and equipment thereof; the cost of printing and delivering ballots, cards of instruction and other election supplies; and all other expenses of conducting primaries and elections in the odd numbered years shall be charged to the subdivisions in and for which such primaries or elections are held.

c. The cost of all special elections shall be charged against the subdivisions for and in which such elections are held.

d. The compensation of registrars; the cost of renting, heating and lighting registration places; the cost of the necessary books, forms and supplies

for the conduct of registration; and the cost of printing and posting precinct registration lists; shall be charged to the subdivision in which such registration is held."

You inquire as to whether or not three specific expenses of the board of elections of a county may be charged in whole or in part to a registration city within such county, viz., storage, repair and maintenance of voting houses.

Considering first the matter of rent of the storage lot and repair, paragraph "a" of Section 4785-20, supra, expressly provides that "the expenditures for the * * * repair, care and custody of polling places (and) booths * * * shall be paid in the same manner as other county expenses are paid." The term "polling place" is defined in Section 4785-3, paragraph "m" as follows:

"The term 'polling place' shall mean the booth or place provided in each precinct for casting ballots at an election."

Obviously the voting houses to which you refer are the places provided for the casting of election ballots. They are, therefore, "polling places" within the meaning of the term as used in Section 4785-20, supra. Rent for a lot upon which to store these voting houses is an expenditure for the custody of polling places and this item as well as that of repair must, under the express provisions of the foregoing section, be paid by the county.

There remains to be considered the question of where lies the responsibility of paying the cost of maintaining these voting houses. There are some items which may probably be considered as maintenance which, under paragraphs "b2," "c" and "d" of Section 4785-20, supra, would be chargeable to the municipality. I refer to certain costs of heating, lighting and perhaps moving. Even if these costs may be said to be maintenance costs, they are apparently exclusive, since it is provided that "all other expenses of the board which are not chargeable to a political subdivision in accordance with this section, shall be paid in the same manner as other county expenses are paid." Therefore, it must follow that general maintenance costs, such as painting for instance, must be paid by the county.

Specifically answering your questions, it is my opinion that the rent of a lot for the storage of voting houses and the cost of repair and general maintenance of such houses must, under the provisions of Section 4785-20, General Code, be paid by the county.

Respectfully,

GILBERT BETTMAN,
Attorney General.

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APPROVAL, BONDS OF MAGNOLIA RURAL SCHOOL DISTRICT, CARROLL COUNTY, OHIO—\$70,000.00.

COLUMBUS, OHIO, January 21, 1931.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.