

1117.

APPROVAL, BONDS OF THE CITY OF MASSILLON, STARK COUNTY,
OHIO—\$10,000.00.

COLUMBUS, OHIO, October 6, 1927.

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

1118.

TOWNSHIP TRUSTEES—AUTHORITY TO DESIGNATE POLLING PLACE
AS THEY DETERMINE MOST CONVENIENT FOR VOTERS—IT NEED
NOT BE WITHIN PRECINCT.

SYLLABUS:

Under the provisions of Section 4844, General Code, where a township is divided into two or more precincts according to law, the polling place may be designated by the township trustees at such place within the township as they shall determine to be most convenient of access for the voters of the precinct, which voting place of necessity need not be within the precinct itself.

COLUMBUS, OHIO, October 6, 1927.

HON. ERNST M. BOTKIN, *Prosecuting Attorney, Lima, Ohio.*

DEAR SIR:—This will acknowledge receipt of your recent communication requesting my opinion as follows:

“In a township which is divided into two precincts according to law may the polling place for one of the precincts be located outside of such precinct, but within the said township? In connection with this question your attention is called to Section 4844 of the General Code, Sections 3260 and 4834 of the General Code of Ohio. I shall appreciate your reply to this inquiry at your earliest convenience.”

You call my attention to Section 3260, General Code, which provides as follows:

“The trustees shall fix the place of holding elections within their township, or of any election precinct thereof. For such purpose they may purchase or lease a house and suitable grounds, or by permanent lease or otherwise acquire a site, and erect thereon a house. If a majority of the electors of the township or a precinct thereof, voting at any general election, vote in favor thereof, the trustees may purchase a site and erect thereon a town hall for such township or precinct and levy a tax on the taxable property within such township or precinct to pay the cost thereof, which shall not exceed two thousand

dollars. At least thirty days notice shall be given in at least five of the most public places in the township or precinct, that at such election a vote will be taken for or against a tax for such purchase."

You also call my attention to Section 4834 of the General Code, which provides as follows:

"In townships which have been divided, the trustees shall give fifteen days' notice of the time and place of holding elections in the precincts of such townships by posting written or printed notices in such number of places as to them seem proper for the general information of the electors of the several precincts."

Section 4844, General Code, providing specifically where elections for precincts shall be held, is as follows:

"Elections shall be held for each township precinct at such place within the township as the trustees thereof shall determine to be most convenient of access for the voters of the precinct. Elections shall be held for each municipal or ward precinct at such place as the council of the corporation shall designate. In registration cities, the deputy state supervisors shall designate the places of holding elections in each precinct."

An examination of the last above mentioned section discloses that the election in a township precinct shall be held in such place within the township as the *trustees* shall determine to be most convenient of access for the voters of the precinct. It need not be within the territorial limitation of the particular precinct. It will be observed that provision is made for the polling place of precincts in villages to be held at such place as the *council* shall designate.

The voting place may be, and sometimes is, in the "city hall" or the "city building," where all the wards of the village vote. Sometimes the different precincts of the township vote at the so-called "city hall" in a village located within the township.

It will also be noted that the last sentence of the last above mentioned section providing for voting places in *registration* cities requires that the deputy state supervisors shall designate the places of holding such elections in each precinct. It will thus be observed that this section makes a clear distinction between villages and registration cities in this respect. The reason for such distinction is readily apparent.

I am therefore of the opinion from an examination of the pertinent sections involved in your inquiry that where a township is divided into different voting precincts according to law, the polling place may be designated by the township trustees at such place within the township as they shall determine to be most convenient of access for the voters of the precinct, which of necessity, need not be within the precinct itself.

Respectfully,
EDWARD C. TURNER,
Attorney General.