

N.D.A.G. Letter to Johnson (March 30, 1987)

March 30, 1987

Mr. Dennis Edward Johnson
McKenzie County State's Attorney
P.O. Box 1288
Watford City, ND 58854

Dear Mr. Johnson:

Thank you for your letter of March 17, 1987, requesting some help on a possible controversy within your county as to township elections. Apparently, someone who owns land in one township but lives in a neighboring township desires to run for a township office in the township in which he only owns land. It is assumed that the person claims as his residency the township in which he lives as opposed to the township in which he owns the land.

Your letter provides citations as to provisions of the North Dakota Century Code indicating that persons who are qualified to vote at general elections within the township are able to vote and to hold township offices. The qualification of one to vote in a general election is found at N.D.C.C. § 16.1-01-04. The primary concern is the residency requirement of 30 days preceding the election in order to be a qualified elector. Furthermore, this statute states that every qualified elector shall have only one voting residence.

In the scenario described in your letter, the person may only claim one township as his residence. He may not claim both townships as his places of residence despite the fact that both townships may be combined for voting purposes at general elections. Thus, the person may vote and hold township office in that township for which he is able to claim as his residence. He may not vote nor run for a township office in a neighboring township.

I hope this discussion is of some help to you. If you wish to discuss the matter further, you may wish to call Terry Adkins of this office at your convenience.

Sincerely,

Nicholas J. Spaeth

cv