

**OPINION
68-160**

August 19, 1968 (OPINION)

Miss Phyllis A. Ratcliffe

State's Attorney

McKenzie County

RE: Elections - Precincts - Annexation

This is in reply to your letter of August 2, 1968, with regard to election precincts.

You ask: "Can an unorganized township and an organized township combine for voting purposes?"

You state that in certain areas of your county it would be advantageous for purposes of using the same election board, etc.

We presume that you refer to a joining together of such entities pursuant to the provisions of section 16-09-01 of the 1967 Supplement to the North Dakota Century Code as follows:

" * * *

1. A petition signed by seventy percent of the electors residing within an existing precinct is presented requesting such existing precinct to be annexed to and become a part of another existing precinct;
2. In the board's discretion, prompted by inaccessibility of polling places, difficulty in obtaining election boards, or economic infeasibility, an existing precinct may be annexed to and become a part of another existing precinct; or
3. The board of county commissioners may combine in their entirety two or more adjoining civil townships into one voting precinct with a common polling place for all elections other than township or school district elections or as otherwise provided by this chapter.

* * * "

We presume that what you refer to as an "unorganized township" is a "congressional township" that has not organized into a "civil township" pursuant to the provisions of section 58-02-01 of the 1967 Supplement to the North Dakota Century Code.

We note no statutory provision for "combining" unorganized townships in the statute. We would assume that they are not to be considered to be "civil townships" within the meaning of subsection 3, quoted above. Obviously, of course, where such "unorganized townships" constitute election precincts, they could be annexed to existing precincts and other existing precincts could be annexed to them

pursuant to the provisions of subsections 1 and 2, quoted above,
assuming the prerequisites of either of those subsections are met.

HELGI JOHANNESON

Attorney General