

**OPINION
64-95**

July 14, 1964 (OPINION)

Mr. Gordon O. Hoberg

State's Attorney

Logan County

RE: Elections - Polling Places - Authority of County to

 Establish Outside County

This office acknowledges receipt of your letter of July 10, 1964, in which you raise the question as to whether or not the board of county commissioners has the authority to establish polling places for Logan County precincts outside the boundaries of Logan County.

As you are well aware, section 16-09-06 of the North Dakota Century Code enables a township to have a voting place within a town, city, or village where the same is within the boundaries of the township or within five miles of the same, the voting place to be designated by the board of county commissioners.

However, there is no provision granting the board of county commissioners the authority to establish a polling place without the county, and such being the case, it is our opinion that said board would have no jurisdiction or power to establish such polling place beyond the territorial confines of Logan County.

HELGI JOHANNESON

Attorney General