

OPINION
55-52

July 29, 1955 (OPINION)

ELECTORS

RE: Soil Conservation Districts

We are in receipt of your letter of July 27, 1955, requesting an opinion on the matters involved in a resolution passed by the supervisors of the Golden Valley County soil conservation district. According to that resolution the supervisors propose to allow anyone who is eligible to vote in a township election to vote in a soil conservation district election.

A voter in a soil conservation district election must be a "land occupier", defined in section 4-2202, subsection 8, of the 1943 North Dakota Revised Code as follows:

"'Land occupier' or 'occupier of land' includes any person, firm, or corporation who shall hold title to or be in possession of any lands lying within a district organized under the provisions of this chapter, whether as owner, lessee, renter, tenant, or cropper* * *."

A voter at a township election must be a person who is qualified to vote at general elections (see section 58-0408 North Dakota Revised Code 1943). In other words, in order to vote in a township election, a person must be a citizen of the United States and of the state of North Dakota, must have resided in the state and township for the period prescribed by statute, and of course must be twenty-one years of age. A voter in a soil conservation district election must be, as hereinbefore stated, "a land occupier."

A soil conservation district is a political subdivision of the state and the supervisors of such district possess only the powers prescribed by statute, or such as may be reasonably implied in order to accomplish the purposes for which such districts are created. The qualifications of voters in soil conservation district elections must, of course, be the same in all districts in the state. Neither the state soil conservation committee nor a district board of supervisors has the legal authority to prescribe the qualifications of a voter in a district election. Any change in voting qualifications must be prescribed by statute. Township elections and soil conservation district elections, although held at the same time and place, are separate elections in different political subdivisions. A township in Golden Valley County soil conservation district is a voting precinct of the district.

We trust that this will answer any questions pertinent to the legality of the resolution.

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