

Opinion No. 50-5322

October 31, 1950

BY: JOE L. MARTINEZ, Attorney General

TO: Board of County Commissioners Bernalillo County Albuquerque, New Mexico

{*183} I am in receipt of your request for an opinion as to the right of the county to expend sums of money for feeding the election officials at the various precinct polls on election day.

Section 56-311, N.M.S.A. 1941, states as follows:

"Boards of county commissioners shall provide a polling place in each precinct or election district and a sufficient number of booths or compartments for use at the election, which shall not be less than one (1) such booth or compartment for each one hundred and twenty-five (125) voters or fraction thereof registered in said precinct or election district. Said booths shall be so constructed that when set up for use, the voter occupying said booth shall be screened from view of persons on the outside of the booth during the operation of voting the ballots. Said booths shall be furnished with supplies and with some convenient arrangement enabling voters to mark and fold their ballots in secrecy. The expense of providing and delivering to polling places adequate booths or compartments, supplies and conveniences for the conduct of elections in accordance with the provisions of the Election Code shall be paid by the county."

There is no prohibition in the statutes to a county assuming the {*184} expense of feeding the election officials and workers at the various polls nor does there appear to be a specific provision to assume said expense unless by implication.

The statute does give to the County Commissioners the duty of providing supplies and conveniences for the conduct of elections in accordance with the provisions of the Election Code and it shall be paid by the county.

Since voting at the polls has always proven to be an occasion of great interest and excitement, with the many questions and problems that present themselves, and since the election officials and workers must be on constant duty to properly perform the services required, it would seem more economical and convenient and also comply with the purpose of honesty in elections, as intended by the legislature, to furnish food and refreshment to the election workers, than the confusion and delay caused by taking time off to go out to eat.

A careful survey of the reported cases throughout the country fails to reveal any case in point which would shed too much light on the question.

In view of the above it is my opinion that Section 56-311, in providing for supplies and conveniences, contemplates "food for the election workers" as a convenience to the better performance of their duties.