

October 8, 1937

R. E. Lee Marshall, Esq.
City Solicitor

Dear Mr. Marshall;

On October 1st, 1937, the Voting Machine Board passed a resolution requesting the City Solicitor "to give the Board a legal opinion as to whether or not it has a right to provide a building out of the bond issue which provides for the purchase of voting machines".

Dr. Flack informs me that at the last session of the Legislature there was introduced in the Legislature a bill authorizing the City to create a bond issue to be used to pay for the voting machines authorized to be purchased but that this bill was never passed. I do not know if the method of raising the money to pay for the voting machines has been decided upon.

I assume that the Voting Machine Board desires to know whether or not it is authorized to purchase a building in which to store the voting machines, and to call upon the City to pay for the same in the same manner in which they are authorized to purchase voting machines and to require the City to pay for them.

In my opinion the Voting Machine Board as such has no authority to purchase a building for the purpose of storing the voting machines. The Voting Machine Act creates the Voting Machine Board and authorizes, empowers and directs it to purchase a sufficient number of voting machines for use in polling places at all primary, general, special and other elections. The expenses incurred by said Board and the cost of such voting machines are, upon the requisition of the Board, to be audited by the Comptroller, who is to pay the same by warrant drawn upon the proper officers of the City. In my opinion, "the expenses incurred by said Board" are confined to the expenses incurred incidental to the purchase of the machines and are limited to such expenses as may be incurred in employing engineers to advise the Board in connection with the purchase. The Voting Machine Act specifically provides that the voting machines when purchased shall be delivered to the Supervisors of Election, who shall have custody and control of the same for all the uses and purposes of the Act.