

Re. E. Lee Marshall, Esq., City Solicitor (cont'd)

I find nothing in the Voting Machine Act which can be construed as a direct authorization or an implied authorization to purchase a building in which to store the machines when purchased. Section 224-P(d) of the Voting Machine Act provides:

"As soon as possible after the completion of the count, the Board of Supervisors of Election shall have the voting machine properly boxed or securely covered and removed to a place of storage to be designated by said Board."

Section 224-T of the same Act provides:

"(a) The Board of Supervisors of Election shall designate a person or persons who shall have the custody of the voting machines of the City, and the keys therefor, when the machines are not in use at an election, and shall provide for his compensation and for the safe storage and care of the machines and keys.

(b) All voting machines, when not in use, shall be properly boxed or covered, and stored in a suitable place or places as provided by this Section."

I am of the opinion that the above sections vest in the Board of Supervisors the authority to decide where the machines shall be stored, as well as the authority to provide for the storage of the machines. It is my opinion that the Board of Supervisors should include in their budget a proper allowance for the leasing of a building in which to store the machines or that the City should make available to the Board of Supervisors of Election a building in which to store the machines. If the City should decide to purchase a building for this purpose, it, of course, should only do so in cooperation with the Board of Supervisors of Election, since the Board of Supervisors of Election have the authority to decide where the machines will be stored.

Should the City and the Board of Supervisors agree upon a building, Section 6 of Article 33 of the Code, as repealed and re-enacted by Chapter 94 of the Acts of 1937, appears to be ample authority for the use of public buildings by the Election Supervisors. This Section provides as follows:

"6. Each Board of Supervisors shall have an office and shall provide all necessary ballot-boxes and ballots, voting machines and ballot-labels, and all registry books, registry cards, poll books, tally sheets, blanks and stationery of every description, with printed headings and certificates, and all other equipment necessary and proper for the registry of voters and conduct of