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FILE NO. S-1207

ELECTIONS:
Requirements Regarding Pre-
cincts to be Open During
Township Elections.

Honorable Stephen H. Peters
State's Attorney
DeWitt County
Clinton, Illinois

Dear Mr. Peters:

I have your letter wherein you ask whether it is necessary in the township elections of Clintonia Township to open polling places in all the precincts within the township. The county board would like to designate only four polling places instead of the nine that are open during general elections. Clintonia Township is not coextensive with an incorporated town or village, but the last general election

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had more than 800 voters. It is my opinion that the county board may choose to open only four polling places for the township elections.

Section 7 of the Township Organization Act (Ill. Rev. Stat. 1975, ch. 139, par. 66) provides in pertinent part:

"The town shall supply a suitable ballot box or boxes, to be kept and used in like manner as ballot boxes in other elections. In incorporated towns or incorporated villages whose limits are coextensive with the limits of a township, or in any organized town where the number of voters at the last preceding general township election exceeded 800, the county board may require one or more additional ballot boxes and places for the reception of votes to be provided which places shall be selected with reference to the convenience of the electors of the town. * * *"

The Illinois courts have held that the Township Organization Act (Ill. Rev. Stat. 1975, ch. 139, pars. 60-72) and not other general or special election laws governs the mode of conducting elections within the town for town officers, the qualifications of voters, the designation of polling places and the canvassing of results of elections. Smoda v. Gallagher, 412 Ill. 271.

In Williams v. Potter, 114 Ill. 628, at 633, the court held:

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"* * * While, under the general Election law, for other purposes there may be several precincts in a township, yet for the purposes of a town election, merely, there is but one precinct, — or, in other words, but one territorial boundary limiting the right to vote, and that is co-extensive with the township itself. While this is so, there may, under certain circumstances, be several polls or places where votes may be lawfully received, in the same township, but they are all to be regarded as in the same precinct. They are established for the convenience of the voters, and each polling place is open to all the voters alike, subject to the limitation, of course, that no one is permitted to vote at more than one place at the same election. The town authorities, however, have no power to establish these polling places. That can only be done by the county board, and it can not establish more than one, except where it appears, from the last preceding general election, the number of votes in the township exceeded three hundred. [This has been changed by statute to 800.] * * *"

From the foregoing it is obvious that while there is but one precinct for township elections, the county board may designate such number of polling places as it may choose based on public convenience. The board is not required to open all the precincts or polling places that are open during general elections.

Very truly yours,

A T T O R N E Y G E N E R A L