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SPRINGFIELD

January 24, 1974

FILE NO. S-677

**ELECTIONS:**

Rental expense for  
polling place

Honorable Albert W. McCallister  
State's Attorney  
White County  
P. O. Box 325  
Carmi, Illinois 62821

Dear Mr. McCallister:

I have your recent letter wherein you state:

"I have had a question posed me that must be settled in our community, and I am sure it is a question that will arise in most counties in our State. Under Illinois Revised Statutes, Chapter 46, Paragraph 11-2, it provides, among other things, as follows:

\*\*\* The County Board, in each case, shall fix and establish the place for holding elections in its respective county, and all general and special elections, town meeting elections and town elections shall be held at the place so fixed. \*\*\*

The question is, does the county have the responsibility of providing this polling place for a township election and paying the rental on the polling place if it is rented properly, or is it the duty of the township to pay the rental on the polling place for the township election?"

You have asked whether it is the duty of the county or the township to pay the rental expense of the polling place in a township election. You have not indicated in your letter whether there is any city, village or incorporated town located in the township which is subject to the City Election Law as defined in section 6-1 of "The Election Code".

As you have indicated in your letter, section 11-2 of "The Election Code," (Ill. Rev. Stat. 1971, ch. 46, par. 11-2) provides in part:

"\* \* \* The County Board in every case shall fix and establish the places for holding elections in its respective county and all general and special elections, town meeting elections or town elections, shall be held at the places so fixed. \* \* \*"

Section 11-4 of the aforesaid Act (Ill. Rev. Stat. 1971, ch. 46, par. 11-4) provides in part:

"It shall be the duty of the Board of Election Commissioners, established under Article 6 of this Act, to appoint the place of registry

in each precinct for the first registration under Article 6 of this Act and the places for registry in subsequent registrations in the manner provided by such Article, and also the polling place in each precinct in such city, village or incorporated town which has adopted or is operating under said Article 6, \* \* \* "

The statutes do not expressly answer your question. However, necessary implications and intendments from the language used in a statute may be resorted to in order to ascertain the legislative intent. (U.S. v. Jones, 204 F. 2d 745.) A statutory grant of power or right carries with it, by implication, everything necessary to carry out the power or right and make it effectual and complete. (U.S. v. Jones, 204 F. 2d 745; Euziere v. Highway Commissioners of Town of Rockville, 346 Ill. 131.) It can reasonably be implied that since section 11-2 makes it the duty of the county board to fix and establish places for holding elections (outside the area where the Board of Election Commissioners establishes polling places) that it is also the duty of the county to pay the rental on these polling places. Likewise, it is the duty of the particular city, village, or incorporated town to pay the rental on the polling

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places which it establishes. See Bolles v. Prince, 250 Ill. 36, 1954 Op. Atty. Gen. 111 and 1961 Op. Atty. Gen. 151.

In conclusion, therefore, I am of the opinion that in a township election the county is required to pay the rental on the polling places which the County Board fixes and establishes. The particular city, village, or incorporated town is required to pay the rental on the polling places in its jurisdiction which were established by its Board of Election Commissioners. The township would not be liable for the rental on the polling places.

Very truly yours,

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