

**N.D.A.G. Letter to Holmberg (July 16, 1986)**

July 16, 1986

Honorable Ray Holmberg  
State Senator  
1701 Riverside Drive  
Grand Forks, ND 58201

Dear Senator Holmberg:

Thank you for your letter of June 12, 1986, regarding whether the \$60 limit on wages as provided for in N.D.C.C. §16.1-05-05 applies to election inspectors.

N.D.C.C. §16.1-05-05 pertaining to compensation of election inspectors and other election workers provides in pertinent part, as follows:

16.1-05-05. COMPENSATION OF ELECTION OFFICERS -- COMMISSIONER OF LABOR TO CERTIFY MINIMUM WAGE APPLICABLE TO ELECTION OFFICIALS --SECRETARY OF STATE TO CERTIFY AMOUNT TO COUNTY AUDITORS. The state commissioner of labor, thirty days before each statewide primary, general, or special election, shall determine the state minimum wage applicable to election inspectors, election judges, poll clerks . . . . Members of the election board and poll clerks who attend the training sessions provided by section 16.1-05-03 shall be paid at least the wage determined by the state commissioner of labor for the hours in attendance in the session in addition to necessary expenses and mileage; however, for poll clerks, and for judges the combined wages for the training sessions and election may not exceed sixty dollars or any greater amount as determined by the board of county commissioners. . . . Members of election boards who attend the training sessions provided by section 16.1-05-03 shall be paid twenty-five percent more than the minimum wage determined in this section, during the time spent in the performance of their election duties. (Emphasis supplied.)

The legislative history of this provision of the law, as found in the final report of the Interim Elections Committee on page 83 of the 1985 Report of the North Dakota Legislative Council, provides in part:

. . . that election board members and poll clerks would be paid the minimum wage for the election and for training sessions . . . however, there is a limitation for combined wages for the training session and election not to exceed 60 dollars for the judges and poll clerks. The Committee concluded the election inspector should receive more pay since his or her responsibility for the election was greater. (Emphasis supplied.)

Clearly, the \$60.00 limit on wages applies only to election judges and poll clerks. Therefore, it is my opinion that the \$60.00 limit on wages does not apply to election inspectors.

Sincerely,

Nicholas J. Spaeth

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cc: Ben Meier, Secretary of State