

DE 77-30 - December 5, 1977

**Use Of Voting Equipment
Section 101.36, F.S.**

To: Honorable Helen L. McNeal, Supervisor of Elections, Marion County, P.O. Box 172, Ocala, Florida S2670

Prepared by: Division of Elections

You asked whether County Commissioners may permit the use of county-owned voting and tabulating equipment by non-instructional personnel of the county/district school board for the conduct of nongovernmental elections.

Your question is answered in the affirmative, with the following qualifications. The board of county commissioners, not merely members of the board, may rent the voting machines (and electronic or electromechanical equipment, after 1/1/78) to "public agencies, private organizations, and others" on "such terms and conditions as the board may determine." Section 101.36, F.S. (1975).

The new election code effective January 1, 1978, retains this language. Therefore, the Board of County Commissioners has the authority to permit the use of county-owned voting equipment to the county school board as it sees fit.

SUMMARY

The Board of County Commissioners may permit the use of county-owned voting equipment by the county school board for non-governmental election under such terms and conditions as the board may determine per rental.