

district, filed with the board of elections of the county in which such political subdivision or part thereof is located sixty days before a general election, such board of elections shall cause ballots to be prepared and hold an election at such general election upon the *question of allowing spirituous liquor to be sold by the glass in such liquor control district*. Such ballots shall be approved in form by the secretary of state. The results of such election shall be certified by the board of elections to the secretary of state, who shall certify the same to the state department of liquor control. * * *” (Italics the writer’s).

Concluding it is my opinion that:

1. The Department of Liquor Control cannot issue a Class D-3, Class D-4 or Class D-5 permit to the owner or operator of a hotel, restaurant or club which is located in a municipality or in a township exclusive of a municipal corporation wherein the electors at the November, 1933, election voted against the repeal of Section 9 of Article XV of the Ohio Constitution.

2. The provision of Section 6064-17, General Code, which prohibits the issuance by the Department of Liquor Control of Class D-3, Class D-4 and Class D-5 permits in townships and municipalities wherein the electors at the November, 1933, election, voted against the repeal of constitutional prohibition, does not prevent the Department of Liquor Control from issuing the other classes of permits authorized by Section 6064-15, General Code, which classes of permits in general, allow the manufacture and sale of beer, wine, prepared cocktails, and highballs, malt beverages containing more than 3.2% alcohol by weight and not exceeding 7% alcohol by weight and the sale of wine, alcohol and spirituous liquor by the holders of G permits, subject to the restrictions contained in Sections 6064-15 and 6064-23, General Code.

Respectfully,

JOHN W. BRICKER,

Attorney General.

4938.

APPROVAL, BONDS OF SEAMAN VILLAGE SCHOOL DISTRICT, ADAMS COUNTY, OHIO, \$55,000.00.

COLUMBUS, OHIO, November 25, 1935.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.