

OPINION NO. 70-020

Syllabus:

1. Each proposal printed upon the ballot, as prescribed by Section 5705.25, Revised Code, must conform to and be expressed in the wording specifically prescribed by said section.

2. If the levy submitted is a proposal to renew an existing levy either at the same or with an increase or decrease in the rate thereof, Section 5705.25, Revised Code,

permits certain changes in phraseology in the form of a proposal printed upon the ballot.

3. Section 5705.25, Revised Code, does not authorize the combining of two or more levies as a single proposal to be submitted as a separate proposition upon the ballot.

To: Paul E. Work, Erie County Pros. Atty., Sandusky, Ohio
By: Paul W. Brown, Attorney General, February 25, 1970

Your request for my opinion states the Board of Education of the Margaretta Local School District desires to submit to the electors of the school district as a single proposition the renewal of two existing levies, one of which is a two-mill levy expiring with the year 1969, and the other a three-mill levy expiring with the year 1970. For this purpose, you state that the proposal would be stated upon the ballot and read as follows:

"A renewal of taxes of five (5) mills for the benefit of the Margaretta Local School District, Erie and Sandusky County, Ohio, for the purpose of providing funds for the current expenses of said school district at a rate not exceeding five (5) mills for each one dollar of valuation, which amounts to \$.50 for each one hundred dollars of valuation, for a continuing period of time two (2) mills of which shall begin with the 1969 tax year and three mills of which shall begin with the 1970 tax year."

You question whether the renewal of two levies may be combined into a single proposal, and if so authorized, whether the stated proposal is in conformity with the provisions of Section 5705.25, Revised Code.

The wording of any proposal to be expressed within the form of the ballots is prescribed by Section 5705.25, Revised Code, and such wording is mandatory. The wording of the proposal you submitted does not conform to the wording required by Section 5705.25, Revised Code.

Section 5705.25, Revised Code, provides in part:

"The form of the ballots cast at such election shall be:

"An additional tax for the benefit of (name of subdivision)..... for the purpose of (purpose stated in the resolution)..... at a rate not exceedingmills for each one dollar of valuation, which amounts to (rate expressed in dollars and cents)..... for each one hundred dollars of valuation, for..... (life of indebtedness or number of years the levy is to run)."

* * * * *

"If the levy is to be in effect for a continuing period of time, the notice of election and the form of ballot shall so state instead of setting forth a specified number of years for the levy.

"If the levy submitted is a proposal to renew, increase, or decrease an existing levy, the form of the ballot specified in this section may be changed by substituting for the words 'An additional,' at the beginning of the form, the words 'A renewal of a,' in the case of a proposal to renew an existing levy in the same amount, the words 'A renewal ofmills and an increase of mills to constitute a,' in the case of an increase, or the words 'A renewal of part of an existing levy, being a reduction of mills, to constitute a' in the case of a decrease in the proposed levy.

"The question covered by such resolution shall be submitted as a separate proposition, but may be printed on the same ballot with any other proposition submitted at the same election, other than the election of officers. More than one such question may be submitted at the same election."

Section 5705.25, Revised Code, provides that each proposed levy shall be expressed as a separate proposition upon the ballot and shall constitute the question submitted to the electorate. More than one proposition may be printed upon the same ballot and more than one such question may be submitted at the same election. Such section does not expressly or impliedly authorize the combining of two or more levies as a single proposition and from a reading of the provisions of this section, I conclude that such section precludes the combining of two or more levies as a single proposition. Such section contemplates that the electorate shall be entitled to vote upon the question of each levy separately.

An additional tax at a rate not exceeding five mills may be submitted to the electorate as a new and separate proposition, without reference to the fact that two levies totalling five mills presently exist and will shortly expire. In such instance, the language of the general proposition expressed by Section 5705.25, Revised Code, shall be required.

To effect an aggregate of five mills, by separate propositions, the question of each levy expiring may be submitted to the electorate in the same, pro-existing amount, by substituting for the words "An additional," in the general proposition prescribed, the words "A renewal of a," in each separately stated proposition.

Either of the levies expiring may be submitted to the electorate for renewal and an increase of the rate thereof as a single proposition, substituting for the words "An additional," in the general proposition prescribed, the words, "A renewal of a mills and an increase of mills to constitute a," in such proposition.

It is, therefore, my opinion and you are advised that:

1. Each proposal printed upon the ballot, as prescribed by Section 5705.25, Revised Code, must conform to and be expressed in the wording specifically prescribed by said section.

2. If the levy submitted is a proposal to renew an existing levy either at the same or with an increase or decrease in the rate thereof, Section 5705.25, Revised Code, permits certain changes in phraseology in the form of a proposal printed upon the ballot.

3. Section 5705.25, Revised Code, does not authorize the combining of two or more levies as a single proposal to be submitted as a separate proposition upon the ballot.