

training and equipment as may be required by the Director of Education. Again, in Section 7761, General Code, the language of the statute is equally clear, to the effect that the Director of Education is charged with the duty of prescribing standard requirements for the qualification of teachers in such special classes.

The legislature in enacting the legislation providing for the establishment and maintenance of special classes for physically handicapped children no doubt realized that the instruction of such children and the use of special appliances used in conducting such schools requires an entirely different type of training and experience on the part of the teacher than would be required to qualify him to teach normal children, and provided accordingly in language so clear and unambiguous as to require no special interpretation.

I am therefore of the opinion that:

1. It is the duty of the State Director of Education to prescribe standard requirements for the qualification of teachers employed by boards of education in conducting classes for blind, deaf or crippled children by authority of Sections 7755, et seq., of the General Code of Ohio.

2. Persons who do not measure up to the qualifications prescribed by the Director of Education for teachers of classes established and maintained for the instruction of blind, deaf or crippled children may not lawfully be employed by boards of education to teach the said classes.

3. The requirements prescribed by the Director of Education for the qualifying of teachers to teach special classes for deaf, blind or crippled children may include such special training and equipment and knowledge of the use of special appliances used in conducting such classes as may, in the judgment of the Director of Education be necessary to properly qualify the teacher to teach such special classes.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

554.

VOTING BOOTHS—TITLE IN MUNICIPALITY—WHERE UNDER SECTION 4785-13, G. C., MAINTENANCE ASSUMED BY BOARD OF ELECTIONS—PROCEEDS OF SALE—CITY TREASURY, DEPOSITORY.

SYLLABUS:

Voting booths owned by a city, maintenance of which was assumed by a board of elections upon the enactment of Section 4785-13, General Code, remain the property of the city, and upon sale of said booths the proceeds thereof should be remitted to and deposited in the treasury of the city.

COLUMBUS, OHIO, May 9, 1939.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN: This will acknowledge receipt of your letter which reads as follows:

"We are inclosing herewith a letter from our Springfield Examiner, and one addressed to the Solicitor of that city by the Board of Elections of Clark County, concerning the disposition of old portable voting booths or houses.

It is shown that these voting booths were purchased some years ago by the City of Springfield and were maintained by that city until 1930, when the maintenance of same was taken over by the county. It is also shown that several of these voting booths have already been sold and the proceeds deposited in the county treasury, and further that additional booths are now to be sold.

In this connection our Examiner submits the following questions:

Question 1. When these old portable voting booths are sold by the County Board of Elections, same having been originally purchased or constructed at the expense of the City of Springfield, should the proceeds of the sale be remitted to and deposited in the treasury of the City of Springfield?

Question 2. If the answer to this question should be in the affirmative, would our Examiner be justified in rendering a finding against Clark County for the proceeds of such sale already deposited in the county treasury?"

From the facts as outlined in your letter, these voting booths, either through purchase or construction by the City of Springfield, have been its property from the date of acquisition, and so remained until the recent disposition of some of them.

Maintenance of these booths was assumed in 1930 by Clark County, but that action was pursuant to Section 4785-13, General Code, which became effective January 1, 1930, the pertinent parts of which read as follows:

"Duties of boards.—The boards of elections within their respective jurisdictions by a majority vote shall exercise, in the manner herein provided, all powers granted to such boards in this act, and shall perform all the duties imposed by law which shall include the following:

* * *

e. To provide for the purchase, preservation and maintenance of booths, ballot boxes, books, maps, flags, blanks, cards of instructions, and other forms, papers and equipment as may be used in registration, nominations and elections.”

Some confusion may have arisen by considering Section 4785-13c, General Code, in conjunction with Section 4785-20, General Code, the pertinent parts of which read :

“The expenses of the board in each county shall be paid from the county treasury, in pursuance of appropriations by the county commissioners, in the same manner as other expenses * * *.

a. * * * the expenditures for the acquisition, repair, care and custody of polling places, booths, guard rails and other equipment for polling places ; * * *”

However, in determining to whom proceeds of a sale of such booths shall be distributed, it is of paramount importance to ascertain where title vests, and then proceed to a consideration of the question as to whether or not the holder of the title is divested of his right to receive the proceeds.

In the instance presented by your letter, title to the voting booths was and is in the City of Springfield, and the statutory duty imposed upon the board of elections to maintain and preserve them, even when coupled with the statutory provision of paying the board's expenses from the county treasury, works no forfeiture of the city's right to sell the booths, or have them sold, and receive the proceeds.

In answer to your Question 2, your Examiner would be justified in making such finding in accordance with your procedure and the laws of Ohio as would reflect the right of the City of Springfield to recover the proceeds of sales already made, and to receive the proceeds of future sales of the voting booths to which your letter refers.

It is my opinion, therefore, that the City of Springfield may recover the proceeds of sales already made, and may receive the proceeds of future sales of the voting booths purchased or constructed by it, even though they have been maintained by the county since 1930.

Respectfully,

THOMAS J. HERBERT,
Attorney General.