

1141.

APPROVAL, CONTRACT FOR ELIMINATION OF GRADE CROSSING
OVER TRACKS OF HOCKING VALLEY R. R. NEAR GALLIPOLIS,
OHIO.

COLUMBUS, OHIO, November 1, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter under date of October 28, 1929, inclosing a copy of a contract providing for the elimination of a grade crossing over the tracks of the Hocking Valley Railroad Company on State Highway 399, located just north of Gallipolis in Gallia County, Ohio.

I have carefully examined the agreement and finding it correct in form I hereby approve the same.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1142.

COLLEGE STUDENT—AFFIDAVIT SHOWING INTENTION TO RESIDE
INDEFINITELY IN COUNTY WHERE INSTITUTION LIES MAY NOT
BE REQUIRED FOR VOTING PRIVILEGES AT GENERAL ELECTION.

SYLLABUS:

A college student possessing the qualifications of an elector prescribed in Sections 4862 and 4863, General Code, who asserts his intention to remain in the county in which the college is located, after he ceases to attend such college, cannot be compelled to make an affidavit to that effect, as a prerequisite to his voting at a general election. However under Sections 5060 and 5061, General Code, he may be challenged either by a challenger or a judge of elections and examined under oath by the latter as to his residence qualifications.

COLUMBUS, OHIO, November 2, 1929.

HON. R. D. WILLIAMS, *Prosecuting Attorney, Athens, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion which reads as follows:

“As you quite well know, Ohio University is located at Athens, Ohio. Quite a number of adult students are enrolled therein. The ensuing November election is not far off. Our Board of Deputy State Supervisors of Elections has requested this office to inquire of you your notion of the extent of evidence required to qualify a student to vote under the provisions of Section 5078-8 of the General Code or under any other section or sections touching on such qualification. Do you suggest that the polling places be furnished with formal written affidavits to be subscribed by such prospective student voters and should such affidavit by such prospective voter show affirmatively that he or she then had ‘the intention of continuing to reside’ in this county at the conclusion of their school term or terms; should this affidavit be considered by the voting officials as conclusive or are they privileged to take additional testimony,