

2671.

VOTING PRECINCT—TO ESTABLISH SAME BY COMBINING PORTIONS OF TWO OR MORE TOWNSHIPS WITHIN A COUNTY PROHIBITED BY SECTION 4785-22 G. C.

SYLLABUS:

The establishing of a voting precinct by the combining of portions of two or more townships within a county is prohibited by virtue of the provisions of section 4785-22 of the General Code.

Columbus, Ohio, August 19, 1940.

Hon. James W. Williamson,
Prosecuting Attorney,
Wauseon, Ohio.

Dear Sir:

This will acknowledge receipt of your request for my opinion on the following:

“I have a letter of inquiry from the Fulton County Board of Elections which reads as follows:

‘Voters of the East two miles of German Township have asked to be placed in the precinct now known as West Clinton. If this was done Pettisville School District and the new precinct would be the same.

QUERY: Under Section 4785-22 of the code, second sentence, which reads ‘Each precinct shall be compact in form and shall not contain portions of two civil divisions,’ etc., can the Board make the change?

Please give this matter your immediate attention as the time is short in which to make the change for the November election.’

I might add that German Township and Clinton Township join; that the territory proposed to be transferred from German Township is contiguous to West Clinton Precinct.”

Section 4785-22, General Code (House Bill No. 624, 93rd General Assembly), in so far as is pertinent to your inquiry, provides as follows:

“The board shall have authority, in the manner provided by

law, to establish, define, divide, rearrange and combine the several election precincts within their jurisdiction as often as it is necessary to maintain the requirements as to number of voters in a precinct, and to provide for the convenience of the voters and the proper conduct of elections. Each precinct shall be compact in form and shall not contain portions of two civil divisions except that a municipality may be combined with a township precinct, and the precinct election officials shall be chosen from the precinct thus formed."

It will be noted that with one exception therein specified this section prohibits the establishment of a voting precinct wherein are contained portions of two civil divisions. This section, however, does not define the term "civil division", nor is there any such definition in Section 4785-3, General Code, which enumerates definitions of terms appearing in the election laws. Nevertheless, for the purpose of this opinion I do not deem it necessary to supply this definition. Suffice it to say that in the exception above referred to the Legislature speaks of municipality and township, thereby evidencing an intent to consider those political subdivisions as civil divisions within the meaning of the section under consideration. In other words, it may be said that Section 4785-22, supra, prohibits the creation of a voting precinct wherein are contained portions of two municipalities or townships or any combination thereof.

In the case at hand, it is desired to place the voters of the East two miles of German Township, Fulton County in West Clinton precinct of Clinton Township, Fulton County. The proposed precinct thereby would contain portions of both German and Clinton Townships. Such an arrangement clearly violates the provisions of Section 4785-22, supra, and is, therefore, not permissible.

Specifically answering your inquiry, it is my opinion that the establishing of a voting precinct by the combining of portions of two or more townships within a county is prohibited by virtue of the provisions of section 4785-22 of the General Code.

Respectfully,

THOMAS J. HERBERT,
Attorney General.