

3587.

APPROVAL, FINAL RESOLUTION ON ROAD IMPROVEMENT IN HURON COUNTY.

COLUMBUS, OHIO, August 12, 1926.

Department of Highways and Public Works, Division of Highways, Columbus, Ohio.

3588.

ELECTIONS—BOARD OF DEPUTY STATE SUPERVISORS AND INSPECTORS OF ELECTIONS MAY REASSEMBLE JUDGES AND CLERKS TO MAKE A PROPER COUNT OF THE VOTE CAST.

SYLLABUS:

1. *The summary statement authorized by section 4933 and section 5089, General Code is not to be considered by the board of deputy state supervisors and inspectors of elections in making the canvass for the official count.*

2. *In cases in which the tally sheets show that the laws relating to the counting and tallying of ballots have not been substantially complied with, and such non-compliance is prejudicial to the substantial rights of parties or the public interest therein, the judges and clerks should be reassembled and a proper count of the vote cast be made as is required by sections 4933 G. C., et seq.*

COLUMBUS, OHIO, August 19, 1926.

HON. CHARLES S. BELL, *Prosecuting Attorney, Cincinnati, Ohio.*

DEAR SIR:—I am in receipt of your communication with which you submit communications from the Board of Deputy State Supervisors and Inspectors of Elections of Hamilton county, Ohio, wherein certain questions are asked relating to the canvassing of votes at the primary election.

Your questions are as follows:

1. Where tallies, words and figures in poll books and Form 23 do not agree, which shall prevail?

2. Where election officers have not made individual tally marks but have drawn a line through the columns provided for the tallies and run the line out to a certain point and then placed certain tallies as shown in copy of poll book hereto attached, page 21, how shall this vote be counted?

3. Whether the board should investigate the non-performance of duty by the clerk or other election officials in failing to tally, as required by sections 5083 and 5088, et seq., and should require such clerk forthwith to complete the duties enjoined upon him by law.

4. When tallies and figures in Form 23 agree and the figures in the tally sheets differ.

5. When figures on Form 23 and tally sheets agree and the tallies differ.

6. When tallies and figures in tally sheets agree and Form 23 differs.

It may be stated at the outset that by "Form 23" is meant the summary statement that is certified to by the judges and clerks of the precinct at the conclusion of the count. This summary statement is authorized by section 4933 and section 5089. Such summary sheets are separate from the poll books and tally sheets which are