

It is therefore my opinion that a probation officer may be allowed mileage for use of his own car when used on official business.

Respectfully,
C. C. CRABBE,
Attorney General.

3477.

ELECTIONS—NOMINATING PETITIONS UNDER CHAPTER 7, TITLE :
XIV OF THE GENERAL CODE OF OHIO NEED NOT BE IN INK OR
INDELIBLE PENCIL.

SYLLABUS:

Nominating petitions under chapter 7, title XIV of the General Code of Ohio need not be in ink or indelible pencil and the precinct and ward of the signers need not be shown.

COLUMBUS, OHIO, June 26, 1926.

HON. THAD H. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—I am in receipt of your communication enclosing communication from the Board of Deputy State Supervisors and Inspectors of Election for Franklin County, Ohio, as follows:

“The Board of Deputy State Supervisors and Inspectors of Elections for Franklin County, Ohio, desire an opinion from you as follows:

Whether or not, nominations of independent candidates by petition, it is necessary (a) to write names with ink or indelible pencil and (b) whether or not the ward and precinct of signers must be shown.

This refers to county candidates or district.”

Section 4992 of the General Code, provides as follows:

“Except as provided by the preceding chapter of this title, nominations of candidates for public office may be made as herein prescribed.”

By this section nomination of candidates for public office may be made as prescribed by chapter 7 of title XIV of the General Code of Ohio, except as provided in chapter 6.

Section 4999 of the General Code provides as follows:

“Nominations of candidates for other offices, may be made by petitions, signed for each candidate by qualified electors of the state or the district, or county for which such candidates, are nominated, not less in number than one for each one hundred persons who voted at the next preceding general election in the state, district or county.”

This section provides that nomination of candidates for other offices than elective offices in any county, municipality or board of education may be made by petitions signed by not less than one for each hundred persons who voted at the next preceding general election in the state, district or county.

Section 5001 of the General Code, in part provides :

“Each elector signing a nomination paper shall add to his signature his place of residence and may subscribe to one nomination to each office to be filled and no more.”

Section 5005 of the General Code, provides :

“When so filed, certificates of nomination and nomination papers shall be preserved and be open, under proper regulations, to public inspection. If in apparent conformity with the provisions of this chapter, they shall be deemed to be valid unless objection thereto is duly made in writing within five days after the filing thereof.”

In the case of *State ex rel. Smith vs. Lloyd*, 93 Ohio St., page 20, which was a case seeking a writ of mandamus to require the deputy state supervisors and inspectors of election to place the relator's name upon the ticket, the charter of the city of Columbus provided that such petitions should be signed in ink or indelible pencil.

The court held that the charter provision controlled and must be regarded as mandatory and that signatures in lead pencil were therefore not in compliance therewith and need not be and should not be considered or counted in determining the sufficiency of a nominating petition.

As the sections under chapter 7, title XIV of the General Code provide only that the nominating petition be signed and that the residence of the signer be given, it is my opinion that the signatures need not be in ink or indelible pencil and that the ward and precinct of the signers need not be shown.

Of course, this is applicable only to nominations by petition and has no reference to the declaration of a candidate who participates in a party primary.

Respectfully,
C. C. CRABBE,
Attorney General.

3478.

APPROVAL, BONDS OF ADAMS TOWNSHIP RURAL SCHOOL DISTRICT,
LUCAS COUNTY, \$53,000.00.

COLUMBUS, OHIO, June 25, 1926.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

3479.

APPROVAL, BONDS OF HOWLAND TOWNSHIP RURAL SCHOOL DISTRICT,
TRUMBULL COUNTY, \$95,000.00.

COLUMBUS, OHIO, June 25, 1926.

Retirement Board, State Teachers' Retirement System, Columbus, Ohio.