

3535.

APPROVAL, BONDS OF VILLAGE OF NEW LEXINGTON, PERRY COUNTY, OHIO—\$5,000.00.

COLUMBUS, OHIO, September 3, 1931.

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

3536.

APPROVAL, BONDS OF IRONTON CITY SCHOOL DISTRICT, LAWRENCE COUNTY, OHIO—\$10,000.00.

COLUMBUS, OHIO, September 4, 1931.

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

3537.

APPROVAL, PETITION FOR AMENDMENT TO ARTICLE XVI, OHIO CONSTITUTION.

COLUMBUS, OHIO, September 4, 1931.

CHARLES H. HUBBELL, ESQ., *Attorney at Law, Engineers Bldg., Cleveland, Ohio.*

DEAR SIR:—You have submitted for my examination a written petition signed by one hundred qualified electors of this state, containing a measure to be referred and a summary of the same, under the provisions of Section 4785-175, General Code, as amended by the 89th General Assembly. This section provides in part as follows:

“Whoever seeks to propose a law or constitutional amendment by initiative petition or to file a referendum petition against any law, section, or item in any law, shall by a written petition signed by one hundred qualified electors submit such proposed law, constitutional amendment or measure to be referred, and a summary of same to the attorney general for examination. If in the opinion of the attorney general the summary is a fair and truthful statement of the proposed law, constitutional amendment or measure to be referred, he shall so certify. \* \* \*”

It is proposed to amend Article XVI of the Constitution of the State of Ohio by adding thereto Section 4, which section shall read as follows:

“Any one or more of the proposed amendments or laws to which reference is made in this section may contain provisions regarding the extension of the terms of office of elective or appointive state, county, municipal, school and/or other officers and/or provisions regarding any other related or unrelated subject matter or subject matters.

If there shall be two or more such proposed amendments and/or laws, any one or more of them may contain provisions either related or

unrelated to the subject matter or subject matters contained in the other such proposed amendment or amendments and/or law or laws.

At each state-wide primary election and at each November election, whether in an even numbered year or in an odd numbered year, subsequent to the date this amendment goes into effect, there shall be submitted to the electors of the state, for their approval or rejection, any number of amendments to this constitution and/or any number of laws which, one hundred days or more prior to the date of such primary or such November election, shall be proposed and filed with the secretary of state by any elector of this state who, if such amendment or amendments and/or law or laws shall be proposed and filed prior to the year one thousand nine hundred and thirty-seven, shall have been a candidate for the office of judge of the supreme court at the November election held in the year one thousand nine hundred and thirty, and a candidate for any office mentioned in the group hereinafter named at each state-wide primary election for any such office and at each November election for any such office held in even numbered years subsequent to the year one thousand nine hundred and thirty and prior to the time of proposing and filing such amendment or amendments and/or law or laws, or who, if such amendment or amendments and/or law or laws shall be proposed and filed subsequent to the year one thousand nine hundred and thirty-six, shall have been a candidate for any office mentioned in the group hereinafter named at each state-wide primary election for any such office and at each November election for any such office held in even numbered years during the preceding five calendar years; provided that no such proposed amendment or law shall be so submitted at any primary election in any even numbered year or at the November election in any even numbered year unless, at said primary election or at said November election, the name of the proponent thereof shall appear on the ballot as a candidate for an office mentioned in the group hereinafter named.

The group to which reference is hereinbefore made shall consist of offices as follows: The office of United States Senator, the office of Representative at large in the Congress of the United States, the office of judge of the supreme court, the office of governor and other state offices the incumbents of which are elected at large by electors throughout the state. Candidacies for the same or different offices at different primary or November elections shall qualify any candidate to propose and file any amendment or amendments and/or law or laws.

The secretary of state may cause any such proposed amendment or amendments and/or law or laws, together with the form of official ballot therefor, to be published once a week for not more than five consecutive weeks preceding such election, in one or more newspapers in each county of the state where a newspaper is published.

Such proposed amendments and laws shall be submitted by ballot title prepared by the secretary of state. Every such amendment or law precisely as proposed shall be regarded as one separate, distinct and indivisible entity, and shall be so submitted as to enable each elector to cast either one affirmative vote or one negative vote thereon; but, if two or more such proposed amendments or laws shall be submitted at the same election, they shall, so far as may be practicable, be submitted on one ballot. All such ballots shall be without party designation of any kind and shall be separate from the ballots for candidates for office

or for other measures or questions excepting initiated amendments to the constitution, initiated laws and laws referred by the referendum.

If at any election there shall be submitted two or more such amendments or laws proposed by different proponents, there shall be printed on the ballots in distinctive type before the ballot title of each such proposed amendment or law a designation showing by whom proposed, as 'Proposed by John J. Doe'.

If a majority of the electors voting on any such proposed amendment shall approve said amendment, the same shall become a part of the constitution and shall go into effect thirty days after the election at which it shall be so approved; provided that, if two or more amendments concurrently submitted to the electors, whether proposed under the authority of this section of the constitution or otherwise, receive the approving or affirmative votes of a majority of the electors voting thereon and if it be held that there is conflict between the provisions of any two or more of said amendments, nevertheless all of the amendments so approved shall become a part of the constitution and shall go into effect, excepting that, in so far as matters in conflict are concerned, the provisions of the amendment or amendments receiving a greater number of approving or affirmative votes shall take precedence and control over the provisions of the amendment or amendments receiving a lesser number of approving or affirmative votes.

If a majority of the electors voting on any such proposed law shall approve said law, the same shall be the law and shall go into effect thirty days after the election at which it shall be so approved; provided that, if two or more proposed laws concurrently submitted to the electors, whether proposed under the authority of this section of the constitution or otherwise, receive the approving or affirmative votes of a majority of the electors voting thereon and if it be held that there is conflict between the provisions of any two or more of said laws, nevertheless all of the laws so approved shall be the law and shall go into effect, excepting that, in so far as matters in conflict are concerned, the provisions of the law or laws receiving a greater number of approving or affirmative votes shall take precedence and control over the provisions of the law or laws receiving a lesser number of approving or affirmative votes.

The fulfillment of the requirements set forth in Section 4785-175 or elsewhere in the Statutes of the State of Ohio or of the requirements set forth in Section 1a or Section 1g of Article II or elsewhere in the Constitution of the State of Ohio shall not be a condition precedent to such proposed amendment or amendments and/or law or laws being placed on the ballot and being submitted to the electors.

All costs and expenses incident to elections for the submission of such proposed amendments or laws or the publishing thereof shall be paid by the state. The auditor of state, upon receipt of any voucher signed by the secretary of state, shall draw his warrant on the state treasurer for such amount as may be necessary to pay for such costs and expenses, and the same shall be paid from the general revenue fund of the state.

The provisions of this section are mandatory and shall be self-executing."

The summary of this amendment reads as follows:

"The proposed amendment to the constitution provides that at each primary and November election there shall be submitted' to the electors amendments to the constitution and/or laws proposed and filed with the secretary of state by any elector who shall have been a candidate for certain specified offices at certain specified elections; provides that such proposed amendments or laws may contain provisions regarding related or unrelated subject matters; provides that such proposed amendments or laws may be published in newspapers; provides that such proposed amendments and laws shall be submitted by ballot title prepared by the secretary of state; provides that every such amendment or law shall be regarded as one separate, distinct and indivisible entity, and shall be so submitted as to enable each elector to cast either one affirmative or one negative vote thereon; provides that ballots shall designate the names of proponents under certain circumstances; provides that such amendments or laws shall go into effect if a majority of the electors shall approve thereof; provides that, in case of conflict between two or more approved amendments or between two or more approved laws, a degree of precedence and control shall be taken by any amendment or law receiving a greater number of approving or affirmative votes over any amendment or law, respectively, receiving a lesser number of such votes; provides that the fulfillment of requirements set forth in the statutes or elsewhere in the constitution shall not be a condition precedent to such proposed amendments or laws being placed on the ballot and submitted to the electors; provides that costs and expenses incident to elections for the submission of such proposed amendments or laws or the publishing thereof shall be paid by the state from the general revenue fund; and provides that the provisions of this amendment are mandatory and shall be self-executing."

I am of the opinion that the foregoing is a fair and truthful statement of the proposed constitutional amendment and accordingly submit for uses provided by law, the following certification :

"I, Gilbert Bettman, Attorney General of the State of Ohio, pursuant to the duties imposed upon me under the provisions of Section 4785-175, General Code, hereby certify that the foregoing summary is a fair and truthful statement of the proposed amendment of the Constitution of Ohio by the addition to Article XVI of Section 4. GILBERT BETTMAN, Attorney General."

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*