

OPINION NO. 69-088

Syllabus:

The signers of the petition provided for in Section 3311.231, Revised Code, need not themselves have voted in the last general election but the number of qualified electors residing in the local school district affected who sign, must be not less than fifty-five per cent of those who voted in that school district in the last general election.

To: Thomas C. Hanes, Darke County Pros. Atty., Greenville, Ohio
By: Paul W. Brown, Attorney General, July 25, 1969

I have before me your request for my opinion as to interpretation of Section 3311.231, Revised Code, and determination whether petitioners for the transfer of a local school district to the adjoining City of Greenville School District must be fifty-five per cent of the qualified electors residing in the affected local school district who actually voted therein at the last general election, being the general election of November, 1968. You further ask the procedure the County Board of Elections should follow to check the sufficiency of the signatures to such petition.

Section 3311.231, Revised Code, reads in part as follows:

"A county board of education may propose, by resolution adopted by majority vote of its full membership, or qualified electors of the area affected equal in number to not less than fifty-five per cent of the qualified electors voting at the last general election residing within that portion of a school district proposed to be transferred may propose, by petition, the transfer of a part or all of one or more local school districts within the county to an adjoining county school district or to an adjoining city or exempted village school district." (Emphasis added.)

The emphasized portion of the statute indicates that the signer of the petition need not himself have voted in the 1968 general election, since all that is required is that the number of signatures of qualified electors residing in the local school district affected be not less than fifty-five per cent of those voting in the 1968 general election. This follows the analysis and reasoning of my predecessor in Opinion No. 1043, Opinions of the Attorney General for 1964, and I affirm the context of that opinion.

Section 3311.231, *supra*, goes on to say that the petition itself shall be filed at the office of the county superintendent of schools who in turn shall cause the board of elections to check the sufficiency of signatures of the petition. Perhaps the primary fact that only the number of those voting at the last election in the affected

local school district need be determined and not that each signator so voted may facilitate the problem for the board of elections.

I am, therefore, of the opinion and you are so advised:

The signers of the petition provided for in Section 3311.231, Revised Code, need not themselves have voted in the last general election but the number of qualified electors residing in the local school district affected who sign, must be not less than fifty-five per cent of those who voted in that school district in the last general election.