

levies and bond issues under sections 5643 and 5644 G. C. may not be used to paint or repair other bridges.

Respectfully,  
C. C. CRABBE,  
*Attorney General.*

1344.

ELECTIONS—VOTING PRECINCTS—SECTION 4845 G. C. CONSTRUED.

SYLLABUS:

*Under the provisions of section 4845 G. C., the board of deputy state supervisors of election may divide a municipality where registration is not required, or any ward or precinct thereof, or a township or precinct thereof, into two or more voting precincts, when four hundred votes or more have been cast at the last preceding November election therein.*

*When such number of votes have been cast at the last preceding November election, said board of deputy state supervisors of election shall make such division when a majority of the voters therein petition therefor.*

COLUMBUS, OHIO, April 9, 1924.

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

DEAR SIR:—This will acknowledge receipt of your letter of the 10th instant, requesting my opinion as follows:

“We are submitting herewith letter from the deputy state supervisor of elections for Knox County, asking for an opinion as to the rights of the board under section 4845 General Code. Will you kindly advise us as to the law applying in this matter?”

Attached to your letter is one from the clerk of the deputy state supervisors of elections of Knox County, as follows:

“Our Knox County election board desires your opinion upon the following matter:

The incorporated village of Danville and former village of Buckeye City, in our county, lie adjoining each other, and each formed a separate election precinct.

At the November election, 1923, a vote was taken in each village upon the question of annexing the village of Buckeye City to the village of Danville. The question voted upon carried in each village, and the village of Danville now includes the former village of Buckeye City, and the election precinct of Buckeye City is now abolished by being merged with the village of Danville.

Our county election board is desirous of now dividing the village of Danville into two (2) voting precincts, substantially as they were before annexation.

The total vote of both villages at the November election, 1923, was only 373, whereas, section 4845 of election laws seems to require at least four hundred votes before the county election board can divide,

The village as now constituted, extends fully a mile in a scattered line of houses and streets with vacant land between.

The distance will make it inconvenient for many electors to vote, and the village should really be divided, if possible to do so.

Under the circumstances, has our county election board any authority or right, to divide said village of Danville into two (2) voting precincts?"

Section 4845 G. C. provides as follows :

"When four hundred votes or more have been cast at the last preceding November election in a municipality where registration is not required or in any ward or precinct thereof, and when such number of votes have been cast at such election in a township or precinct thereof, such municipality, township, ward or precinct may, or when a majority of the voters petition therefor shall, be divided by the deputy state supervisors, as hereinafter provided, into two or more election precincts, so as to limit the number of voters in each ward or precinct to two hundred, as nearly as may be practicable."

If the new municipal corporation is situate in two or more townships or counties, the territory of such corporation situate in each township or county together with such territory as may be attached thereto for voting purposes, shall constitute at least one election precinct, if there are fifty or more voters therein, under the provisions of section 4843 G. C.

You do not state in your letter whether this territory is in one or more townships. Assuming that it is not in more than one, I am clearly of the opinion that the provisions of section 4845 G. C. are controlling. The provisions of this section are mandatory in requiring that there be four hundred votes or more cast at the last preceding November election to give the board of deputy state supervisors of elections jurisdiction to act or authority to divide the municipality or the township into two or more election precincts so as to limit the number of voters in each ward or precinct to two hundred as nearly as may be practicable.

The board of deputy state supervisors of elections *may* of its own motion divide such municipality or township, which cast four hundred or more votes at the last preceding November election, or where the majority of the voters therein petition therefor they *shall* divide such municipality or township into two or more voting precincts as provided therein.

It is my opinion, therefore, that without the four hundred votes having been cast at the last preceding November election, under the provisions of the above section, the board of deputy state supervisors of election are without authority to make such division of said municipality into two voting precincts.

Respectfully,

C. C. CRABBE,

*Attorney General.*

1345.

APPROVAL, BONDS OF CELINA VILLAGE SCHOOL DISTRICT, MERCER COUNTY, \$13,000.00, TO CONSTRUCT A FIREPROOF HIGH SCHOOL BUILDING.

COLUMBUS, OHIO, April 9, 1924.

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