

179.

## DISAPPROVAL, NOTES OF NEW RICHMOND VILLAGE SCHOOL DISTRICT, CLERMONT COUNTY—\$37,500.00.

COLUMBUS, OHIO, March 8, 1929.

Re: Notes of New Richmond Village School District, Clermont County,  
\$37,500.00.

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

GENTLEMEN:—Upon examination of the transcript pertaining to the above issue of notes, I find that the proof of publication contained therein of notice of election, states that said notice was published for four consecutive weeks, commencing with October 11, 1928. The election having been held on November 6, 1928, said publication appeared twenty-six days prior to the election.

Section 2293-21, General Code, provides in part:

“Notice of election shall be published in one or more newspapers of general circulation in the subdivision once a week for four consecutive weeks prior thereto. \* \* \* .”

Your attention is directed to an opinion of this office appearing in Vol. IV, Opinions of the Attorney General, 1927, p. 2618. This opinion, under date of December 3, 1927, is based upon a consideration of a notice of election published pursuant to Section 2293-21, General Code, but, as in this case, the first publication appeared twenty-six days prior to the election. After citing the cases of *City of Cincinnati vs. Puchta*, 94 O. S. 431, *State vs. Kuhner and King*, 107 O. S. 406, and a case arising in the Common Pleas Court of Mercer County involving issue of bonds by Centerville Rural School District, this opinion held:

“The net result of these cases is such as to leave in doubt the question of the sufficiency of the publication in the instant case. In other words, the question is one for a determination by a proper court as to whether the electors had such general knowledge of the election that failure to publish for the statutory period of four full weeks or twenty-eight days was of no legal consequence, and further that the failure to publish for the statutory period did not result in a denial to any one of his right to vote.”

Under the circumstances, I have grave doubt as to the sufficiency of the publication in question on account of not being in strict compliance with the provisions of Section 2293-21, General Code, and, until this question is determined by a proper court, I am compelled to advise you not to purchase the above issue of notes.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*