

"When both candidates for the long term and short term, of a rural board of education, are to be elected and nominating petitions of candidates fail to state the term sought, such petitions are insufficient, and the name of such candidates cannot appear on the ballot." See also Opinions of the Attorney General for 1920, page 452.

I am of the opinion that the conclusions reached in the former opinion cited above, are applicable as well under the present law whereby machinery is provided for the nomination and election of members of boards of education.

It has been held by the Supreme Court, in the case of *State ex rel. Smith v. Lloyd*, 93 O. S., page 20, that when nominating petitions are filed with a board of elections, which petitions are illegal or insufficient, it is the duty of the board to reject the petitions and prepare ballots without regard to those petitions.

It is provided by Section 4785-101, General Code, that in the preparation of ballots to be used in an election for members of boards of education, the names of all candidates who have been properly nominated should be printed in rotation on said ballots as in the case of names of candidates on the party primary ballot. It is provided further that at the bottom of each group as many separate spaces as there are candidates to be elected, shall be left blank, in which the voter may write the names of any candidates not on the ballot, but not more than the number to be elected. It follows that if there are no candidates properly nominated, blank spaces should be left, as provided by the statute.

I am therefore of the opinion, in specific answer to your questions that:

First, the board of elections of Muskingum County should prepare ballots for the election of five members of a board of education for the East Hopewell Rural School District, two to be elected for a term of two years, and three for a term of four years.

Second, the nominating petition which you describe in your inquiry is insufficient and does not constitute a proper nomination of persons for members of the board of education to be elected for the East Hopewell Rural School District at the coming election. The petition should be disregarded by the county board of elections and ballots prepared for said election with blank spaces in which the voter may write the names of persons he wishes to vote for for said board of education for both the long and the short term.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

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3620.

APPROVAL, BONDS OF VILLAGE OF NEWTON FALLS, TRUMBULL COUNTY, OHIO—\$8,500.00.

COLUMBUS, OHIO, September 30, 1931.

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