851.

PETITION—TRANSFER OF SCHOOL TERRITORY UNDER SECTION 4696, GENERAL CODE—MANDATORY DUTY OF BOARD OF EDUCATION—WITHDRAWAL OF NAMES FROM PETITION AFTER IT IS FILED PROHIBITED.

SYLLABUS:

1. *In approving the minutes of a previous meeting ,it is the duty of a board of education to see that such minutes correctly recite the action taken by said board before such minutes are approved.*

2. *When a petition signed by seventy-five per cent, or more, of the electors of any portion of a district of a county school district asking that such territory be transferred as provided in Section 4696, General Code, is filed with a county board of education, it is the mandatory duty of such board so to do.*

3. *Said petition becomes final when it is filed with the county board of education, and names cannot be withdrawn therefrom subsequent thereto.*

COLUMBUS, OHIO, September 11, 1929.

HON. J. D. SEARS, *Prosecuting Attorney, Bucyrus, Ohio.*

DEAR SIR:—Permit me to acknowledge receipt of your request for my opinion as follows:

> "The following is a matter which I desire to submit to you for your opinion and recommendations. I shall first set forth a chronological account of events and then isolate the questions of law which I wish to submit.
>
> On June 27th, 1929, two petitions were filed with the Crawford County School Board, which petitions are hereto attached and designated as Petition No. 1 and Petition No. 2. Said petitions both prayed for the transfer of the territory described therein, respectively, from the Oceola Special School District in the Crawford County School District to the Wyandot County School District, as provided for by Section 4696 of the General Code of Ohio. Oceola Special School District is not a consolidated or centralized school district. Each petition was signed by 100 per cent of the electors in the territory sought to be transferred.
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> These petitions came before the Crawford County School Board for consideration on July 6th, 1929, at which time the prosecuting attorney of Crawford County advised the school board that the law made it mandatory for the Crawford County School Board to transfer, and for the Wyandot County School Board to accept the territory mentioned in the respective petitions.
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> The clerk of the school board prepared minutes of what he understood transpired at the July 6th meeting, above mentioned, and a copy of said minutes as prepared is hereto attached. The only difference between the copy and the record book as it appeared after this meeting is the words, "NULL and VOID" typed in red ink, and which now appear on the record as will be more fully explained below.
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> On July 27th requests were filed with the county board by 5 of the signatories, on Petition No. 2, requesting the board to erase from said petition their signatures.
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> At the next meeting of the county board, which took place on August 3rd, 1929, the minutes of the July 6th meeting were read, and when the

president asked for objections and corrections it was stated by the members of the board that they did not understand that they had passed on Petition No. 2 at the July meeting, but thought they were voting on Petition No. 1. The president of the board, however, understood that he had submitted both resolutions. The rest of the membership state that they understood they voted on only the one. Therefore, it was moved and adopted that the minutes of the July 6th meeting be corrected to show that only Petition No. 1 had been voted upon, and that the Resolution in respect to Petition No. 2 should be struck from the minutes of the July 6th meeting. This was accordingly done, as appears from the minutes of the August 3rd meeting, which are also hereto attached. At that time, then, the words 'NULL and VOID' were written across the record where the clerk had inserted the resolution in respect to Petition No. 2.

If such correction of the record was permissible the board now stands in the situation of having filed with it a petition which the law makes mandatory that they grant, when signed by 75 per cent or more of the electors in the territory affected. They also have filed with it a request from more than 25 per cent of the electors who originally signed the petition that their names be struck therefrom.

We are not concerned with Petition No. 1. I have included its history in my narrative to show how the mis-understanding claimed on the part of the board members could arise.

I, of course, am not asking you to determine the question of fact as to whether or not both petitions were actually voted on, and both resolutions passed at the July 6th meeting. I think you will agree that if the members understood they were voting on but one resolution they had the right to correct their minutes to make them accord with what they actually did. If, however, both resolutions were passed, they certainly would not have the right to revoke their resolution by correcting the minutes of a previous meeting.

However, I should like to have an expression from you as to whether or not the board itself must be the sole arbiters as to what they actually did. If you hold that their testimony in this respect must govern we then are confronted with this proposition: After a petition pursuant to Section 4696 of the General Code of Ohio has once been filed asking for a transfer, and containing the names of over 75 percent of the electors, can any of the signatories have their names struck from the petition?

There is a decision in the case of *The State* versus *Board of Education,* 23 App. 329, 155 N. E. 505, which holds that a petition such as we have under consideration makes it mandatory upon the board to effect the transfer sought, and further holds that such transfer, in contemplation of law, takes place as from the date of the filing of the petition, and yet, going under the assumption that no section had been taken on the petition, I cannot see any equitable or legal reason why a signatory could not ask that his name be struck from the petition.

Our next proposition is: Can a signatory ask to have his name struck from the petition after some action has been taken thereon, but before the transfer has been consummated? Section 4696 provides that the board to whom the petition is presented must pass a resolution making the transfer, and the board of the county school district to which the transfer is sought to be made, must pass a resolution accepting the transfer. There must be an adjustment between the two boards of the assets and liabilities of the trans-

ferred territory. At what stage of these proceedings, if any, may a signatory withdraw his name from the petition?

Petition No. 1 has been granted and the territory accepted, and the transfer of the territory has been fully consummated, and as I have stated above, we are not at all concerned with it. Petition No. 2 is still in the hands of the Crawford County School Board, and they are at a loss to know what their next step should be. It is fair to assume, of course, that if the transfer becomes a discretionary matter with them their solution will be different from that which they would be bound to take if the matter is mandatory, and the effect, of course, of permitting the five signatories to withdraw would be to make the matter presented in the petition discretionary rather than mandatory.

Inasmuch as the school year is close at hand we would greatly appreciate it if your opinion on this matter could be furnished us as expeditiously as possible. The prosecutor's office, as I know the Attorney General's office, is anxious only for one thing, namely, that a proper determination of the points of law be had. There will be people disappointed regardless of the determination of this matter, but it has been explained to all interested parties that neither your office, nor mine, makes the law, but rather, we humbly try to interpret it as accurately as possible."

The original petitions for the transfer of territory were filed with the county board of education on June 27, 1929. The board of education met on July 6, 1929. According to the original minutes of that meeting, two resolutions were adopted—one referring to Petition No. 1, to which you refer in your communication, and was Resolution No. 207; the other referring to Petition No. 2, referred to in your communication, and was known as Resolution No. 206.

Since Petition No. 1 is not being questioned and all proceedings thereon having been completed, no further mention will be made of Resolution No. 207.

According to the minutes of that meeting, it is shown that "it was moved by ----------, seconded by ----------, that Resolutions Nos. 206 and 207 be adopted" and the minutes then show that each member voted in the affirmative, and the motion was declared carried.

Thereafter, on July 27th, 1929, two petitions were filed with the county board of education of Crawford County and signed by a sufficient number of those who signed the original petition No. 2 to reduce the number of signatures on said petition No. 2 to less than 75 per cent of the electors. One of these petitions filed on July 27th, 1929, directed the board of education "to erase from the petition seeking to transfer territory" the signatures of said signers (three in number), and the other petition, signed by two of the signers of the original petition, requested "that our names be erased from said petition."

On August 3rd, 1929, the Crawford County Board of Education met again and the minutes of the meeting of July 6th were read. According to the minutes of that meeting, the president then asked if there were any corrections and "it was moved by ----------, seconded by ----------, that the following motion 'moved by ----------, seconded by ----------, that resoutions 206 and 207 be adopted', be corrected to read, moved by ----------, seconded by ----------, that Resolution 207 be adopted, thereby declaring Resolution 206 null and void." The minutes disclose that each member voted in the affirmative on said motion and the motion was declared carried.

The real question presented is what is the status of petition No. 2 at this time. As it was originally filed it contained the signatures of 100 per cent of the electors residing in the territory seeking to be transferred. This petition was filed by virtue of Section 4696, General Code, which reads as follows:

"A county board of education may, upon a petition of a majority of the electors residing in the territory to be transferred, transfer a part or all of a school district of the county school district to an exempted village, city or county school district. Upon petition of seventy-five per cent of the electors in the territory proposed to be transferred the county board of education shall make such transfer. A county board of education may accept a transfer of territory from any such school district and annex the same to a contiguous school district of the county school district.

In any case before such a transfer shall be complete (1) a resolution shall be passed by a majority vote of the full membership of the board of education of the city, exempted village or county school district making or accepting the transfer as the case may be. (2) an equitable division of the funds and indebtedness between the districts involved shall be made by the county board of education, which in the case of territory transferred to a county school district shall mean the board of education of the county school district to which such territory is transferred, and (3) a map shall be filed with the county auditor of each county affected by the transfer.

When such transfer is complete the legal title of the school property shall become vested in the board of education of the school district to which such territory is transferred."

It will be noted that according to the provisions of this section "upon petition of seventy-five per cent of the electors" of the territory proposed to be transferred, the county board of education *shall* make such transfer.

There are certain other things to be done "before said transfer shall be complete". They are as follows:

1. The petitioned board must pass a resolution transferring the territory as petitioned.
2. The board to which the territory is transferred *may* pass a resolution accepting the territory.
3. The receiving board shall make an equitable division of the funds and indebtedness between the districts involved.
4. A map shall be filed with the county auditor of each county affected by the transfer.

Since the Legislature referred to these actions on the part of the boards of education as actions to be done "before such transfer shall be complete," it must have intended that the filing of the petition was the action which started the transfer. This is a very important phase of this question. The statutes in many places make provision for the electors to petition various boards and tribunals, which petitions are conditions precedent to any action taken by such boards and tribunals. In most of these provisions, however, the petitions merely invoke the jurisdiction of the board or tribunal and give such board or tribunal the right to act and use its discretion as to what action it shall take in the matter petitioned for.

That is especially true relative to the petition mentioned in the first part of Section 4696, General Code. In that case a majority of the electors of any given territory may petition a county board of education to transfer the territory. Such petition gives the county board of education the right to act and use its discretion in the matter. If, however, seventy-five per cent or more of the electors sign the petition, then the county board of education has no discretion but must act in accordance with the petition regardless of the opinion of the members of the board as to whether such action is just or proper.

The passing of the resolution by the petitioned county board of education is a mere ministerial act wherein it does not attempt to exercise its discretion in the least. We must therefore keep in mind the distinction between petitions which invoke the jurisdiction of a board or tribunal, giving such board or tribunal the right to exercise its discretion, and petitions, the filing of which makes the action of the board or tribunal a mere ministerial function.

In this case, more than seventy-five per cent of the electors had signed the petition. That was the situation on the 27th day of June, 1929. If the board of education had complied with the duty imposed by law, it would have at its next meeting canvassed the petition and passed the necessary resloution toward the completion of the transfer.

The request made by some of the signers of the petition on July 27th does not change the petition filed on June 27th. The petition of July 27th merely sought to have certain names erased from the petition. In other words, the signatories had possibly changed their minds after the original petition had been filed.

It seems to me that if such could be done at that time, it could be done at any time before the last step was taken to complete the transfer and nullify all proceedings had in connection with the transfer of territory. In my opinion the filing of the petition on June 27th is just as much a part of the proceedings to transfer the territory as any of the other acts required of the boards in transferring or accepting territory.

If any of the signatories wish to withdraw from the petition it must be done at or previous to the filing of the same with the board of education. This view is sustained by the discussion found in the opinion of the Court of Appeals of Summit County in the case of *State ex rel. Stipe* vs. *Summit County Board of Education,* 23 Ohio App., 329, at page 332, wherein it is stated:

> "It is thus settled that after the filing of the petition of 75 per cent or more of such electors, requesting such transfer, the county board of education has no discretion whatever to do anything but verify the genuineness of the signatures and ascertain whether or not 75 per cent or more of the electors in the territory proposed to be transferred signed the petition, and whenever such board makes such finding it must make the transfer—just the same as a rural board of education has no discretion and must proceed to the centralization of the schools of a rural school district after the election resulting in favor of it.
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> In this respect the duties of the county board of education are somewhat similar to the duties of the officer or officers with whom an initiative and referendum petition is filed—it being the duty of such officers to proceed to ascertain whether or not there is the required number of genuine signatures upon such petition, and when they have done that, and such petition is found to contain the required number of signatures, it becomes effective by operation of law and must be allowed by such officers, and the election called as provided by law."

It will be noted that the court in that opinion states that if a petition contains the required number of signatures "it becomes effective by operation of law".

The judgment of the Court of Appeals in that case was reversed by the Supreme Court, but not upon that particular phase of the question. The facts in that case are that the board of education had passed a resolution calling for a special election upon the question of centralization of the schools of the school district. Twelve days prior to the holding of the election, a petition to transfer certain portions of the district was filed with the board of education. The election was held and resulted favorably

to centralization. Thereafter the board of education met and passed upon the petition and refused to grant the request to transfer. It is not mandatory upon a board of education to transfer territory of districts having centralized schools, regardless of the number of signatures, but is a discretionary matter, so the board of education refused to grant the petition.

An action was brought in court to compel the board to transfer the territory but the Supreme Court, in reversing the judgment of the Court of Appeals, held that the petitioner commenced his action too late. I refer to the case of *Summit County Board of Education, et al.* vs. *State ex rel. Stipe,* 115 O. S., 333, in which case, in the course of its opinion, the court says:

> "It has been argued here, and doubtless was argued below, that since it was the mandatory duty of the plaintiff in error board of education, from the 15th day of April to the 27th day of April, 1926, to pass a resolution transferring the territory, a court whose jurisdiction has been invoked after that duty has ceased to be mandatory must order that done which it was the mandatory duty of the plaintiff in error board of education at one time to do, notwithstanding the fact that the duty had ceased to be mandatory and had become discretionary. We do not regard the proposition sound as applied to the facts of this case. At the time the petition was filed with the plaintiff in error board of education, an election upon the question of centralization had been called for the 27th day of April, 1926. *The relator therefore had notice that upon that day, by the election, the mandatory duty to transfer might be terminated.* He had ample time, while the duty was mandatory, to invoke the jurisdiction of the court to require the defendant board of education to perform a duty specially enjoined by law. He chose not to invoke such jurisdiction until after the election. Why, the record does not disclose. Centralization carried. The duty of the Summit County board of education in respect to the petition to transfer thereupon ceased to be mandatory and became discretionary. Relator then invoked the court's jurisdiction."

The court then quoted from an opinion of the United States Supreme Court in the case of *United States, ex rel. International Contracting Company* vs. *Lemont,* 155 U. S. 303, wherein it was held:

> "The duty to be enforced by mandamus must not only be ministerial, but it must be a duty which exists at the time when the application for the mandamus is made."

The Supreme Court therefore also recognized that upon the filing of a petition, signed by seventy-five per cent or more of the electors of territory affected, the board had no discretion, but it immediately became a mandatory duty for it to comply with the petition.

In the case before me, such a petition was filed. The board of education held its first meeting on July 6, 1929. It was the duty of the board to pass a resolution making such transfer. According to the minutes which were prepared showing the action of the board at that meeting, the interested electors had a right to believe that the board of education had performed its duty. It was not learned that a different situation existed until the next meeting, one month later. In the meantime some of the signatories of the petition asked that their names be erased. There is no showing in the facts before me that these signers who wished their names removed had been imposed on, or had any fraud practiced upon them to obtain their signatures. Insofar as the petition discloses, such signers merely changed their minds.

Had there been fraud, or collusion, or a misrepresentation made to them, a different situation might arise.

In 35 CYC 842 it is said:

> "A signer of a petition to change school boundaries should be permitted, while the petition is pending, to remove his name from the petition, upon his showing that he signed it under a mistake of fact, produced by misrepresentations."

As stated above, the minutes of the meeting of July 6th, as originally prepared by the clerk, would indicate to and advise interested parties that the board of education had passed such resolution. However, when those minutes were read for the purpose of ascertaining whether or not they were correct, the board was of the unanimous opinion that such minutes were not correct, and that it had not performed its duty and passed such resolution, and the minutes were corrected accordingly.

The reading of the minutes of a previous meeting of a parliamentary or legislative body is for the purpose of informing the members of the body what the minutes show and have the same correct before they are signed and become final. At least in the absence of fraud or collusion, the members of the body are the sole judge of its actions and the sole judge of whether or not the minutes require correcting.

So in this case, the board being of the opinion that it had not passed the resolution in accordance with the petition in question, it would not only be legal but proper that it should have the minutes changed to conform to the actual facts.

Since the request for erasure of names from the petition is not based upon any ground of fraud or misrepresentation, the signers have no right to withdraw for that reason.

The rule of law laid down by the various courts relative to the right to withdraw names from a petition is that if the petition is one which merely invokes the jurisdiction of the petitioned board or tribunal, then any petitioner may withdraw his name from said petition before any action is taken thereon. But if the petition is one which amounts to action in itself, a petitioner cannot withdraw his name after the time fixed for filing said petition.

In the case of *Hays* vs. *Jones,* 27 O. S. 218, the court was construing the statute which authorized the county commissioners to construct a road after they had been petitioned to do so by a majority of the land owners adjacent to the line of the road who ought to be assessed for the improvement. The court held that the county commissioners had no authority to act until such a petition was filed and that any signer of such petition may at any time before said improvement is finally ordered withdraw his name from the petition. In that case it was optional with the county commissioners to grant the improvement or to refuse the petition.

In the case of *Dutten* vs. *Village of Hanover,* 42 O. S. 215, the court was construing the provisions of the statute which provides that when a petition, signed by a certain number of the electors, was presented to the municipal council, which petition requested that the council call an election upon the question of surrendering the municipal powers, it became the duty of the council to call such election and fix the date thereof. In that case the petition, which contained more than the required number of names was filed. The council met and referred the matter to a committee. Thereafter, several of the signers asked that their names be withdrawn from the petition. At the next regular meeting of council, the committee reported that the petition did not contain the required number of names because of those withdrawals.

The court held that the petition had not yet been acted upon but was merely under consideration, and therefore the signers had a right to withdraw their names from the petition.

It would seem that this case is very similar to the one before me. There is, however, a distinction. The petition involved in the instant question does not require any discretionary action on the part of the board of education. The action by the board of education was entirely created by law because the petition had been filed. In the Dutten case, supra, the village council had to take some discretionary action, viz: determine when the election would be had.

The Supreme Court of Ohio in another case, to which I will later refer, referred to that petition in the Dutten case as being one which merely invoked the jurisdiction of the tribunal.

In the case of *State ex rel. Kahle* vs. *Rupert,* 99 O. S. 17, the court said:

> "In the absence of statutory provisions to the contrary, an elector signing a petition authorized by the statutes of this state, *invoking* either official or judicial action, has a right to withdraw his name from such petition, * * * at any time before judgment has been pronounced, or before official action has been taken thereon."

The court cites the Dutten case and the Hays case.

It will be noted that this opinion refers to a petition invoking official action and refers to judgment or action taken upon said petition. In this case the action required by the board is a statutory action rather than that of exercising an official function.

In that case the Supreme Court was interpreting Section 4227-2, General Code, which relates to referendums on municipal ordinances, which section provides that no ordinance shall go into effect until thirty days after it has been passed by the municipal council, and that if within said thirty days a referendum petition is filed with the mayor, it is the duty of the city auditor or village clerk "after ten days" to certify the petition to the board of deputy state supervisors of elections. The court stated that the ten day provision was intended for the purpose of giving an opportunity to withdraw names, and says that the statute does not state how soon after the ten days the clerk or auditor must certify the same to the board of elections, but that he must do this within a reasonable time; that he cannot arbitrarily withhold a petition for the purpose of permitting withdrawal of signatures; but until he does so act, or until an action in mandamus is brought, any petitioner has a right to withdraw.

This seems to establish the proposition that after the petition had been filed with the deputy state supervisors of elections no withdrawals could be made. In that case the petitioners filed a petition with the municipal officials as a means of transporting it to the proper tribunal, viz: the deputy state supervisors of elections, and it became final upon its being filed with that board.

The next case of importance is that of *Board of Education* vs. *Board of Education,* 112 O. S. 108. This case is important because it seems to make a distinction between the two classes of petitions hereinabove referred to.

In that case the court was construing Section 4726, General Code, which provides that a county board of education may create school districts from one or more districts or parts thereof, but that said action of the board of education shall not take effect if a majority of the qualified electors residing in the territory affected shall, within thirty days from the date such action was taken, file with the county board of education a written remonstrance against it.

In that case the county board of education had created a new school district and before the end of the thirty day period a remonstrance signed by more than a majority of the electors had been filed with the board of education. After the thirty days had expired, but before the board met to take any action thereon, a sufficient

number of the signers of the remonstrance to reduce the number of said signers to less than the statutory number had asked to have their names withdrawn from the remonstrance. It was contended, on one hand, that there was no right to withdraw from the remonstrance after the end of the thirty days, and, on the other hand, it was claimed that the signers could remove their names at any time before the board acted thereon.

The Supreme Court, in construing the question, stated that the plaintiff in error relied upon Ohio cases "to the effect that persons who have subscribed to petitions may withdraw their names at any time before official action is taken thereon, * * * ." The court refers to the Hays case, the Dutten case, and *State ex rel* vs. *Rupert, supra.* Referring to these cases, as applied to the question, the court said:

> "We have read and carefully considered these decisions, but think they do not apply in the instant case. There is a distinction between the filing of a petition and the filing of a remonstrance, under Section 4736, General Code. It is true, as contended by plaintiff in error, that the petition, like the remonstrance, is a means provided for electors to express their will. But in other essential respects there is a marked difference between the remonstrance and the petition. In cases such as those cited above *the filing of the petition merely invokes the jurisdiction of the board or tribunal,* and therefore the withdrawal of the names by the electors who originally signed them to the petition is permissible until the time that official action is taken upon the petition. The electors, having a right to invoke the jurisdicton of the board or tribunal, are entitled any time *before jurisdiction is assumed* by the board or tribunal to revoke their action. * * * "
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> "The filing of a remonstrance under Section 4736, General Code, on the contrary, does not invoke the jurisdiction of the county board of education. * * * but the remonstrance when duly filed makes ineffectual the action of the board."

It is not discussed in this case, but it is quite apparent that when the remonstrance is filed with the board, such board must examine the remonstrance for the purpose of determining whether a sufficient number has signed the remonstrance and if they ascertain such to be the fact, the finding of that fact nullifies the former action taken by the board, dating from the time the petition was filed.

So in this case, the board of education must examine the petition to determine whether or not more than seventy-five per cent of the electors have signed the same, and upon so finding, the transfer is started as of the date of the filing of the petition, and the other acts required by the board are merely acts to complete the transfer started by the filing of the petition.

The court states that the action taken by the board of education creating a district "was nullified at the end of the thirty day period by the filing of the remonstrance, and could not be resuscitated by the withdrawal of the names originally signed to the remonstrance after that period had expired".

The court further says:

> "We have no doubt that in the given case the signers to the remonstrance could have withdrawn their names before and up to the end of the 30-day period. It is only when the 30-day period elapsed that the number of names upon the remonstrance is definitely fixed. The remonstrance must be placed in the hands of the county board of education within thirty days from the time of creation of the new school district by the county board, *but the remonstrance cannot be considered as filed until the* 30-*day period has elapsed.*"

The court then points out that this is because names could be added to this petition any time within the thirty days, and therefore the right existed to have names withdrawn within that period.

In the question before me the statute does not prescribe any time within which the petition must be filed. That is quite similar to the provisions of Section 4227-2, General Code, considered by the Supreme Court in the case of *State ex rel.* vs. *Rupert, supra,* in which case the statute did not prescribe the time in which the petition must be filed with the county board of elections; the Supreme Court, however, held in that case that the petition became final upon the filing with the county board of elections. I am of the opinion that the petition in the instant case became final upon its filing with the board of education. In the Rupert case when such petition was filed, the county board of elections was required to place it upon the ballot at the next election. That was a mandatory requirement and the petition was not one invoking the jurisdiction of the board of elections but required it to do all things provided by statute to provide for the election.

In this case the filing of the petition is very similar. The filing of the petition does not invoke any discretion or jurisdiction of the board of education, but by the mere filing thereof the board of education was required to do all things mentioned in the statute to complete and carry out the provisions of the petition.

It is therefore my opinion that said petition referred to as No. 2, as filed on June 27, 1929, is still pending before the board of education and that it is the mandatory duty of such board to pass a resolution transferring said territory, as provided in Section 4696, General Code.

I note you state in your communication that you have advised the county board of education that it was the mandatory duty of the Wyandot County board of education to accept the territory transferred. In that connection, I wish to call your attention to an opinion found in Opinions of the Attorney General, 1924, Volume I, page 720, the syllabus of which reads:

> "The words 'may accept' as used in the third sentence of Section 4696, do not make it mandatory upon the county board of education to accept territory transferred to it by another county board of education."

Respectfully,
GILBERT BETTMAN,
Attorney General.

852.

OFFICES INCOMPATIBLE—TOWNSHIP TRUSTEE AND MEMBER OF BOARD OF DEPUTY STATE SUPERVISORS OF ELECTIONS.

SYLLABUS:

The offices of township trustee and member of the board of deputy state supervisors of elections are incompatible, and may not be held at the same time by the same person.

COLUMBUS, OHIO, September 11, 1929.

HON. CHARLES T. STAHL, *Prosecuting Attorney, Bryan, Ohio.*

DEAR SIR:—Your communication of recent date reads as follows: