

943.

SECRETARY OF STATE—WITHOUT AUTHORITY TO DESTROY ORIGINAL APPLICATIONS FOR REGISTRATION OF MOTOR VEHICLES.

*The secretary of state is without statutory authority to destroy original applications for registration of motor vehicles, etc., filed in his office under section 6290 et seq. G. C.*

COLUMBUS, OHIO, January 15, 1920.

HON. HARVEY C. SMITH, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—The state registrar of automobiles has requested an opinion relative to the necessity of preserving original applications for the registration of motor vehicles, etc. His request reads as follows:

“Please furnish this department with a ruling on the necessity of preserving obsolete documents. I have in mind the original applications for the registration of motor vehicles for the years 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916 and 1917.

I will be very glad to have your opinion and suggestion as to their disposition.”

The statutes of this state governing the registration of motor vehicles, etc. (section 6290 G. C. et seq.) provide that the owners of motor vehicles and chauffeurs, shall file applications for registration in the office of the secretary of state, and that such officer shall file the applications in his office. And it is also provided that manufacturers or dealers in motor vehicles shall make applications for registration in like manner, etc.

The statutes contain no provision authorizing the destruction of the original applications for registration, nor is there anything to indicate that their destruction at any time is contemplated. They are public papers and should be preserved and kept under the control of the secretary of state until their destruction is authorized by law.

The public policy of this state is against the destruction of public documents and papers. See section 13088 G. C. making it an offense to maliciously destroy a paper or writing duly filed in a state office.

Respectfully,

JOHN G. PRICE,  
*Attorney-General.*

944.

BOARD OF EDUCATION—WHERE MEMBER ELECTED AND AFTER QUALIFYING RESIGNS—VACANCY FILLED FOR UNEXPIRED TERM BY OTHER MEMBER OF BOARD.

*Where a member of a board of education was elected in 1917 for a term of four years beginning January 1, 1918, and resigned after qualifying for said office, the board was authorized under section 4748 G. C. to fill said vacancy by appoint-*

*ment for the unexpired term. Said appointment having been made the appointee is entitled to serve until January, 1922.*

COLUMBUS, OHIO, January 15, 1920.

HON. CHARLES C. CHAPMAN, *Prosecuting Attorney, Ashland, Ohio.*

DEAR SIR:—Your letter of recent date is as follows:

“Our office is requested to obtain your opinion relative to the election of members to school boards; there is a contention in Jackson township, our county, over centralization of schools and has centered upon the last election wherein both sides had candidates for the long and short terms for members of the board.

The facts are as we have learned something like this: C. J. was elected in 1917 for four years, term to begin January 1, 1918, resigning shortly after taking office and thereupon L. W. K. was appointed to fill out his unexpired term or until his successor was elected and qualified (Sec. 12 G. C.). There were candidates for this short term including appointee L. W. K. who was defeated and who is now trying to hold over under the supposition that he was to fill this place for the unexpired term. G. C. 4748 would seem to give Mr. K. a right to hold his office for the unexpired term.”

Section 4748 G. C., which is pertinent to your inquiry, is as follows:

“A vacancy in any board of education may be caused by death, non-residence, resignation, removal from office, failure of a person elected or appointed to qualify within ten days after the organization of the board or of his appointment, removal from the district or absence from meetings of the board for a period of ninety days, if such absence is caused by reasons declared insufficient by a two-thirds vote of the remaining members of the board, which vote must be taken and entered upon the records of the board not less than thirty days after such absence. Any such vacancy shall be filled by the board at its next regular or special meeting, or as soon thereafter as possible, by election for the unexpired term. A majority vote of all the remaining members of the board may fill any such vacancy.”

Under the provisions of this statute the board of education is fully authorized to make an appointment to fill a vacancy in its membership, occasioned by the resignation of a member, for the unexpired term.

In the case you mention, C. J., being elected for a term of four years, his term would expire in January, 1922. L. W. K., being appointed to fill the unexpired term, would be entitled to serve for the remainder of the term, or until January, 1922. From the facts stated in your letter, in the election to which you refer there was no vacancy to be filled in so far as the term of L. W. K. was concerned, and the fact that there were candidates for this term will not disturb the said L. W. K. in the enjoyment of the office during the remainder of the term for which he was appointed.

Respectfully,  
JOHN G. PRICE,  
*Attorney-General.*