

tinue in office until his successor is elected and qualified; that such successor must be elected at the general election in November 1920, for the unexpired portion of the second term for which Mr. Sherwood was elected at the general election in November 1918; and that the person so elected will be entitled to take office as soon as he qualifies therefor, whereupon Mr. Marlatt's tenure of office will cease.

At the same general election in November, 1920, a county treasurer should also be elected for the regular two year term beginning on the first Monday in September, 1921."

In another opinion found in Opinions of the Attorney General for 1916, Vol. I, page 873, the then Attorney General had before him the question of the filling of a vacancy in the office of county surveyor. At that time, Section 2782, General Code, provided for the election of a county surveyor biennially, to take office on the first Monday of September of the following year, just as Section 2632, *supra*, now provides for county treasurers. There was no special provision in the statutes for the tenure of the appointee to fill a vacancy in the surveyor's office and so Section 10, General Code, *supra*, was applicable. It was held as disclosed by the syllabus:

"Where a vacancy in the office of county surveyor occurred in May, 1916, there should be elected at the November election, 1916, a person to fill the unexpired term, whose tenure of office will begin upon qualification after such election and end on the day preceding the first Monday of September, 1917. There should also be elected at the same election a surveyor for the term of two years, beginning on the first Monday of September, 1917."

The conclusion of the above opinion was followed and approved in Opinions of the Attorney General for 1928, Vol. I, page 504.

Based upon the above considerations and discussion, I am of the opinion that:

1. Where a vacancy occurs in the office of the county treasurer, on September 2, 1929, and a person has been appointed by the county commissioners to fill said vacancy, a successor should be elected at the general election on November 4, 1930, to fill out the unexpired term, and said successor's tenure of office will begin on qualification after such election, and end on the seventh day of September, 1931.

2. There should also be elected at the November 4, 1930, election a county treasurer to serve for the term of two years, beginning on the seventh day of September, 1931.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1881.

APPROVAL, FINAL RESOLUTIONS ON ROAD IMPROVEMENT IN HAMILTON COUNTY.

COLUMBUS, OHIO, May 19, 1930.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*