

rendered to your board under date of November 4, 1926, being Opinion No. 3793.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said school district.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

2945.

DISAPPROVAL—BONDS NELSONVILLE CITY SCHOOL DISTRICT, ATHENS COUNTY, OHIO, \$20,000.00.

COLUMBUS, OHIO, September 8, 1938.

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

GENTLEMEN :

RE: Bonds of Nelsonville City School Dist.,
Athens County, Ohio, \$20,000.00.

I have examined the transcript relative to the above bond issue and wish to advise you that I will be unable to approve the same for the following reasons:

An examination of the transcript discloses that the certificate of the county auditor as to the average annual levy is dated April 4, 1938, and the election was held on the 26th day of April, 1938. These bonds are issued pursuant to House Bill No. 544, effective June 7, 1935, and I direct your attention to that portion of said act referring to the time when the county auditor must issue his certificate, the same reading as follows:

“Thereupon, and more than twenty-five days prior to such election, the county auditor shall certify to the taxing authority the facts as set forth in said section 2293-19; * * *.”

It is apparent, therefore, that this mandatory provision has not been followed in the instant case.

Another discrepancy appearing in the transcript is the legal notice of election. This legal notice of election published in the Athens Messenger did not in any of its recitals notify the electors of the time or place of holding said election but merely stated that the form of ballot to be used at said election shall be as follows, and then goes on to set forth the form of ballot. This, to my mind, is

not in accordance with the provisions of House Bill 544 nor the provisions of Section 2293-21, General Code.

It is not the prerogative of this office to determine whether or not any elector was denied the right to vote because of such discrepancies and irregularities and for the reasons above stated, I advise your System against the purchase of these bonds.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2946.

INITIATIVE PETITION—PROPOSED CONSTITUTIONAL AMENDMENT—CERTIFICATION OF SUMMARY—THE OHIO STATE RETIREMENT LIFE PAYMENTS ACT—AT LEAST THIRTY ONE DOLLAR WARRANTS—WEEKLY ISSUANCE TO EACH QUALIFIED ELECTOR FIFTY-SEVEN YEARS OF AGE NOT EMPLOYER OR EMPLOYED.

(Petition filed too voluminous to be here printed.)

COLUMBUS, OHIO, September 8, 1938.

General Welfare League of Ohio, 1120 Chester Avenue, Cleveland, Ohio.

ATTENTION—MR. EDWARD L. LANSING, *Secretary.*

DEAR SIR: You have submitted for my examination a written petition signed by one hundred qualified electors of this state containing a proposed constitutional amendment and a summary of the same under Section 4785-175, General Code. Copy of said amendment and a summary of the same are attached hereto.

I am of the opinion that the attached summary is a fair and truthful statement of the proposed constitutional amendment and accordingly submit for uses provided by law the following certification:

“Without passing upon the advisability of the adoption of the proposed constitutional amendment and without passing upon the constitutionality of same, but pursuant to the duties imposed upon me under the provisions of Section 4785-175, General Code, I hereby certify that the attached