

In such instances, it is the duty of the canvassing power, before issuing a certificate of election, to ascertain from the clerk of the board of deputy state supervisors of elections, that the expense statement required by Section 5175-2, General Code, has been filed.

A consideration of the above citations furnishes the answers to the two branches of your inquiry.

I assume, from the wording of the second branch of your inquiry that election certificates issued after the ten day period were not, however, issued until the expense statements were actually filed, and this opinion is based on that assumption.

Specifically answering your questions, I am of the opinion that:

1. The clerk of the board of deputy state supervisors of elections may receive and file statements of the expenses after the expiration of the ten day period referred to in Section 5175-2, General Code.

2. It is the duty of the canvassing power, before issuing a certificate of election, to ascertain from the clerk of the board of deputy state supervisors of elections that the expense statement required by Section 5175-2, General Code, has been filed, but such certificate of election may be issued where the expense statement has been filed after the expiration of the ten day period.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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1273.

APPROVAL, BONDS OF GEAUGA COUNTY—\$42,576.40.

COLUMBUS, OHIO, December 9, 1929.

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

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1274.

APPROVAL, CONTRACT FOR RECONSTRUCTION OF SEPARATED CROSSING IN THE VILLAGE OF BRILLIANT, JEFFERSON COUNTY.

COLUMBUS, OHIO, December 9, 1929.

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

DEAR SIR:—This will acknowledge receipt of your letter of November 7, 1929, enclosing for my approval a copy of a proposed contract providing for the rearrangement and reconstruction of highway facilities through and adjacent to an existing separated crossing, further described as Pennsylvania Railroad Bridge No. 23.63 on State Highway No. 7, in the Village of Brilliant, Jefferson County, Ohio, between the State of Ohio and the Pennsylvania Railroad Company as lessee of the Cleveland and Pittsburgh Railroad Company and the Steubenville and Wheeling Traction Company.