

"No compensation is authorized by law to be paid to election officers for making returns to the clerk of the board of education in school election."

The following is quoted from the body of said opinion:

"It may be difficult to suggest a satisfactory reason for the apparent discrimination by the Legislature between the duty of carrying the election returns to the clerk of the board of education in one case and to the clerk of the township, or clerk or auditor of a municipality in another, but the reason or lack of reason for such discrimination is immaterial. The legislative expression alone will control."

This opinion was approved and followed by the Attorney General in an opinion reported in the Opinions of the Attorney General for the year 1917, page 2185.

It appears that the Legislature has seen fit to provide no compensation for the judges and clerks in the class of cities you mention, for carrying the returns as provided in Section 5043, *supra*.

In passing it may be noted that in an opinion of the Attorney General, found in the Annual Reports of the Attorney General for the year 1913, page 407, a question was presented as to whether the presiding judge of elections in the City of Cincinnati should receive mileage for delivering election returns under Section 5043, General Code. The opinion held such compensation could not be paid for the reason that such judge did not reside the required distance from the county seat, but incidentally pointed out the provisions of Section 4944 which fixes the compensation of such judges in cities having a population of more than three hundred thousand and provides that no further compensation may be received. In other words, an analysis of said opinion indicates that it was the opinion of the Attorney General that Section 4944 prescribed the limitation of the compensation a judge of elections in a city containing inhabitants of more than three hundred thousand may receive for his services in holding an election including the carrying of the returns to the canvassing board.

In view of the foregoing and in specific answer to your first inquiry, you are advised that in registration cities containing less than three hundred thousand population there is no compensation provided for the judge carrying the returns to the deputy state supervisors or the judge carrying the returns to the county or township clerk or clerk or auditor of the municipality.

In answer to your second inquiry, you are specifically advised that in registration cities containing less than three hundred thousand population, the judge of elections, who is selected as the chairman of the meeting for organization, shall receive one dollar for calling for the sealed package of ballots, and he is not entitled to any further compensation for delivering the ballots, poll-books, tally-sheets, etc.

Respectfully,

EDWARD C. TURNER,
Attorney General.

2762.

SYNOPSIS OF PROPOSED CHIROPRACTIC BILL—APPROVED.

SYLLABUS:

Synopsis of proposed Chiropractic Bill approved.

COLUMBUS, OHIO, October 19, 1928.

MR. RAYMOND O. SNOW, *Secretary, Ohio State Chiropractic Society, 314 Commonwealth Building, Cleveland, Ohio.*

DEAR SIR:—You have submitted to me under date of October 16, 1928, for my certification under the provisions of Section 5175-29e, General Code, a synopsis of a

proposed law to be embodied in an initiative petition, said synopsis being in the following language:

“The proposed law creates The Ohio State Board of Chiropractic Examiners, composed of five members appointed by the Governor; such initial appointees shall be made from Chiropractors now holding a license to practice chiropractic in Ohio; sets standards for subsequent appointments and appointees, that no one may be appointed who does not practice chiropractic as herein-after defined; gives dates upon which Board shall hold regular meetings, and authorizes certain routine duties and powers; sets standards of applicants and of chiropractic schools or colleges whose graduates desire to practice in Ohio; provides for an entrance examiner who shall determine the sufficiency of the preliminary education of applicants as defined in this Act. It defines chiropractic as the science of locating and adjusting by hand the subluxations of the articulations of the human spinal column for the purpose of removing the cause of disease, and specifically states what the spine is deemed to be, and further qualifies this definition. All licensees under this Act shall comply with the State laws regulating public health. It provides for examination by the Board, for examination fees, and for license to practice; it prescribes a license fee and an annual renewal fee, licenses to be filed with county officers; it provides for reciprocity with any state or territory having like standards; it provides for an appeal to courts when license is revoked. All expenses incident to the proper functioning of Board shall be paid out of a separate fund kept by the State Treasurer from sums turned over to him by the treasurer after each meeting; balances in the fund at the close of fiscal year, over indebtedness and over \$5000.00, shall be turned over to the general revenue fund. The secretary of the Board shall enforce the provisions of this Act. A penalty of fine and imprisonment is prescribed for violation, and all Acts in conflict with its provisions are hereby repealed.”

The pertinent part of Section 5175-29e is as follows:

“ATTORNEY GENERAL SHALL CERTIFY WHETHER SYNOPSIS IS A TRUTHFUL STATEMENT OF PROPOSED LAW OR AMENDMENT. Whoever proposes to file an initiative or referendum petition may submit to the attorney general a fair and impartial synopsis of such proposed law or amendment and if such synopsis is a truthful statement of the contents and purpose of such proposed law or amendment he shall so certify. Such synopsis together with the attorney general's certification may be printed in capital letters immediately following the notice provided for in Section 5175-29f. The text of the proposed law or amendment shall be printed in full at the end of each part of the petition.”

After examining the provisions of the proposed act it is my opinion that said synopsis is a fair and impartial statement of the proposed law, and I therefore, as Attorney General of Ohio, in pursuance to the provisions of said Section 5175-29e, hereby certify that the foregoing synopsis is a truthful statement of contents and purposes of said proposed bill.

Respectfully,
EDWARD C. TURNER,
Attorney General.