

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. It also appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,

C. C. CRABBE,
Attorney General.

1566.

TERM OF OFFICE—COUNTY AUDITOR APPOINTED TO FILL VACANCY IS ENTITLED TO HOLD OFFICE UNTIL NEXT REGULAR QUAD-RENNIAL ELECTION.

COLUMBUS, OHIO, June 7, 1924.

SYLLABUS:

Under section 2558 G. C. the term of office of a county auditor was made a four year term, commencing on the second Monday in March next after the election of said county auditor, and continuing thereafter for four years. A vacancy occurring in said office being duly filled by appointment, the said appointee is entitled to continue to hold said office until the successor elected at the next regular quadrennial election for said office duly qualifies for the unexpired term.

HON. J. S. OGAN, SR., *Prosecuting Attorney, Ottawa, Ohio.*

Dear Sir:

This will acknowledge receipt of your recent letter requesting the opinion of this department as follows:

"At the election held on November 7, 1922, John E. Roose was elected auditor of Putnam County. On April 2, 1923, John E. Roose resigned his office as such auditor of Putnam County, and the county commissioners, on the 9th day of April, 1923, passed a resolution in the words and figures following:

'Commissioners Office,
Putnam County, Ottawa,
Ohio.

April 9, 1923.

Resolution to Fill
Vacancy in Auditor's Office.

WHEREAS, John E. Roose, elected Auditor of Putnam County, Ohio, at the November election A. D. 1922, and having given bond, qualified and entered upon the duties of said office on Monday, March 12th, 1923, did on the 2nd day of April, A. D. 1923, duly resign said office to take effect this the 9th day of April, 1923.

THEREFORE, BE IT RESOLVED, by the board of county commissioners of Putnam County, Ohio, that A. B. Bruskotter be and he is hereby appointed auditor of said county to fill the unexpired term of said John E. Roose, and until a successor of said appointee is duly chosen and qualified.

H. H. Montooth
 Frank Giesken
 J. E. Deffenbaugh,
 Commissioners of Putnam County, Ohio.'

Thereupon, Mr. Bruskotter gave bond and qualified as auditor of said county, and has ever since been and is still acting as such auditor.

Mr. Bruskotter's commission was issued for the unexpired term.

I would very much appreciate your opinion, in time for candidates to file nomination petitions for the ensuing primary election, as to whether a new auditor should be elected this fall or whether Mr. Bruskotter is entitled to hold the office for the unexpired term of Mr. Roose."

The term of office of the county auditor is fixed by section 2558 G. C. as follows:

"A county auditor shall be chosen quadrennially in each county, who shall hold this office for four years, commencing on the second Monday in March next after his election."

Also by section 8 G. C., which provides that a person holding an office of public trust shall continue therein "until his successor is elected or appointed and qualified unless otherwise provided in the constitution or laws."

Under paragraph 2, Article XVII of the Ohio Constitution, it is provided that the

" * * * term of office of all elective county, township, municipal and school officers shall be such even number of years not exceeding four (4) years as may be so prescribed.'
 Again in the same paragraph:

"All vacancies in other elective offices shall be filled for the unexpired term in such manner as may be prescribed by law."

In the case of *State vs. Speidel*, 62 O. S., 156, it was held that section 8 G. C. must be read into the officer's commission.

By section 10 G. C. the legislature has provided:

"When an elective office becomes vacant, and is filled by appointment, such appointee shall hold the office until his successor is elected and qualified. Unless otherwise provided by law, such successor shall be elected for the unexpired term at the first general election for the office which is vacant that occurs more than thirty days after the vacancy shall have occurred. This section shall not be construed to postpone the time for such election beyond that at which it would have been held had no such vacancy occurred, nor to affect the official term, or the time for the commencement thereof, of any person elected to such office before the occurrence of such vacancy."

The constitution and statutory provisions refer to "terms" of county officers. The statutory provision for the election of a county auditor is that he shall be elected "quadrennially." It is significant also that the same statutory provision extended the terms of office of county auditors then in office "to the second Monday in March, 1923." And also, "the first regular election to the office of county auditor under this act shall be held in November, 1922." The first part of the section providing for quadrennial elections, and the above provision providing that the first regular election for the office of county auditor shall be held in November, 1922, evidently means *and every four years thereafter*.

Taking this view of the case submitted by your inquiry, it is my opinion that no vacancy in the office of county auditor of Putnam County exists such as would be entitled to be filled by election prior to the general election in November, 1926. It is my opinion that the present incumbent or appointee is entitled to continue to hold said office until the November election of 1926 and thereafter until his successor elected at said election duly qualifies for said office for the remainder of the unexpired term.

Respectfully,
C. C. CRABBE,
Attorney General.

1567.

STATE AID ROAD LAWS CONSTRUED—CONSTRUCTION AND MAINTENANCE OF BRIDGES ON AN INTER COUNTY HIGHWAY OR MAIN MARKET ROAD.

COLUMBUS, OHIO, June 7, 1924.

SYLLABUS:

A bridge wholly or partly within the limits of a city and on an inter-county highway or main market road, with the construction and maintenance of which the county commissioners are charged by law, may be constructed and maintained under what is commonly known as the state aid road laws.

Department of Highways and Public Works, Division of Highways, Columbus, Ohio.

Gentlemen:—

This will acknowledge receipt of your recent communication and request for an opinion, as follows:

"The State and County of Miami are contemplating an improvement on I. C. H. No. 190 which consists mainly of a 2-Span Concrete bridge with a relatively small amount of paving on the approaches. This bridge is at the city limits of the City of Piqua and it develops that the corporation line is located at the center of the Miami River, which is spanned by the proposed bridge, thus placing about one-half the improvement within the city.

"Federal funds to the amount of \$50,000.00 have been assigned to this project to cover the State's share of the cost. The question arises as to whether Senate Bill No. 29 enacted at the last session of the legislature would permit the Department of Highways and Public Works to proceed with this project.