

1054.

APPROVAL, BONDS OF THE VILLAGE OF DOVER, CUYAHOGA COUNTY,
\$23,785.00.

COLUMBUS, OHIO, September 24, 1927.

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

1055.

APPROVAL, BONDS OF THE VILLAGE OF NORTH OLMSTED, CUYA-
HOGA COUNTY, \$9,754.71.

COLUMBUS, OHIO, September 24, 1927.

Industrial Commission of Ohio, Columbus, Ohio.

1056.

BOARDS OF EDUCATION—CERTIFICATES OF NOMINATION—DUTY OF
BOARDS OF DEPUTY STATE SUPERVISORS OF ELECTIONS—SEPA-
RATE BALLOTS AND BOXES—ELECTION RETURNS.

SYLLABUS:

1. Under the provisions of Section 5004, General Code, certificates of nomination for members of boards of education in municipalities, or districts situated in two or more counties, shall be filed with the board of deputy state supervisors of elections of the county containing the greater population of such municipality or district, not less than sixty days previous to the day of election.

2. Under the provisions of Section 5015, General Code, it becomes the duty of such boards of deputy state supervisors of elections to immediately certify to the boards of deputy state supervisors of the other county or counties having territory in said school district, copies of such certificates of nominations so filed for members of the board of education.

3. Under the provisions of Section 5029, General Code, there shall be provided separate ballots for each district portion of such precinct which shall contain the names of candidates for members of the board of education for whom electors residing in such district are entitled to vote. There shall also be provided separate ballot boxes, poll books and tally sheets for each such separate district.

4. Under the provisions of Section 5120, General Code, the returns for school elections shall be made by the judges and clerks of each precinct to the clerk of the board of education of the proper school district not less than five days after the election. The returns of such election shall be canvassed by the board of education of such district on the second Monday after election and the result thereof shall be entered upon the records of the board.

COLUMBUS, OHIO, September 24, 1927.

HON. CLARENCE J. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your recent communication requesting my opinion as follows:

“We are enclosing herewith letter from the deputy state supervisors of elections for Shelby County, Ohio, and request your opinion at as early a date as possible in order that ballots may be provided in ample time for use by the district affected.”

Accompanying your letter and to which you refer, is a letter from the clerk of the board of deputy state supervisors of elections for Shelby County, which is as follows:

“Kindly give us the following information concerning school districts, jurisdiction of school districts, etc.

The Shelby county board of education revamped the school districts and we are not clear on several points arising from the redistricting.

Referring to Section 5004, where a school district takes in territory in two or more counties. We assume that candidates for member of school boards should file with deputy state supervisors of elections in the county having the greater population in this school district.

Referring to Section 5029. We assume that the deputy state supervisors of elections in the county having the greater population shall furnish board of education ballots to the county having the lesser population where a school district takes in territory in two or more counties.

For example, VanBuren Township, Shelby County, has two voting precincts, North and South VanBuren. In North VanBuren precinct there are parts of four school districts, VanBuren, St. Patricks, Anna, and New Knoxville. A greater part of New Knoxville is in Auglaize County.

Should the candidates for school board in New Knoxville district file with the deputy state supervisors of elections of Auglaize County? If so, is it the duty of the Shelby County board to inform the Auglaize County board as to the number of voters in Shelby County living in this district. We also assume that a voter in VanBuren Township voting at his regular voting place may vote for members of school board of the district in which he resides.

If all four school boards are voted for in this precinct, what are the necessary supplies for this precinct? Should there be four sets of poll books, one for each school board, or one set for all four?

Are the board of education poll books returned from the voting precinct to the deputy state supervisors of elections? If not, how are the members elected certified?

We will appreciate an early reply to these questions as it will soon be time to advertise for bids for printing of ballots."

The pertinent part of Section 5004, General Code, providing where certifications of nomination and nomination papers shall be filed, is as follows :

"For municipal officers and for members of boards of education in municipalities, situated in two or more counties, with the board of deputy state supervisors of the county containing the majority population of such municipality, not less than sixty days previous to the day of election."

The pertinent part of Section 5015, General Code, providing for the certification of nominations is as follows :

"The chief deputy state supervisor of the district or subdivision with whom the certificates of district or subdivision nominations have been filed shall immediately certify such nominations to the boards of deputy state supervisors in each of the other counties in such district or subdivision.

The board of deputy state supervisors of the county containing the majority population of a municipality situated in two or more counties, shall immediately certify to the boards of deputy state supervisors of the other county or counties, copies of the certificates of nominations and nomination papers of such municipal officers or members of the board of education that have been filed with such board."

Section 5029, General Code, providing for separate ballots for each voting precinct, is as follows :

"In election precincts composed of a township or a part thereof, or a municipality or a part thereof, there shall be provided for all elections separate ballots for each precinct, so as to enable electors residing in such precinct to cast their votes for the proper candidates in such precinct; and there shall be provided separate ballots for each district portion of such precinct which shall contain the names of the candidates for members of the board of education for whom electors residing in such district are entitled to vote."

Section 5031, General Code, provides as follows :

"When territory annexed to a village for school purposes is included within such village precinct, separate ballots, ballot box, poll books, and tally sheets shall be provided for such voters in municipal elections, presided over by the judges and clerks of elections of such precinct."

Section 5038, General Code, providing for the delivery of ballots and supplies, is as follows :

"Not less than three days before an election, the board of deputy state supervisors shall summon the presiding judge of elections in each precinct in such county to appear forthwith and receive the necessary blanks, poll books, tally sheets, certificates, cards of instruction and ballots for such pre-

cinct, and shall deliver to him the sealed packages of ballots, blanks, poll books and other required papers, all of which such judge shall safely deliver and have on hand at the polling place in his precinct before the time for the opening of the polls therein. If the presiding judge so summoned does not appear, the board shall send the ballots, books and other required papers to the election officers of the precinct, so as to be received by them in time for the election."

You inquire whether the poll books are to be returned from the voting precinct to the deputy state supervisors of elections. Relative to this part of your inquiry, Section 5120, General Code, provides as follows:

"In school elections, the returns shall be made by the judges and clerks of each precinct to the clerk of the board of education of the district, not less than five days after the election. Such board shall canvass such returns at a meeting to be held on the second Monday after the election, and the result thereof shall be entered upon the records of the board."

Specifically answering this part of your inquiry, according to the above section the poll books and tally sheets properly certified by the judges and clerks, together with any other school election returns, are to be made not to the board of deputy state supervisors of elections, but to the clerk of the board of education of the district, not less than five days after the election.

You also inquire how the members elected are certified. I find no provision for certification. Section 5121, General Code, provides as follows:

"In the canvass of the vote for members of the board of education, or assessors of real property, the person having the highest number of votes shall be declared elected, and the next highest, and so on, until the number required to be elected shall have been selected from the number having the highest number of votes. If any number of persons greater than the number to be elected at such election have the highest and an equal number of votes, the board making the canvass shall determine by lot which of the persons shall be duly elected."

There being no provision for the certification of the result of the election except that provided above, the persons having the highest number of votes to the required number of persons to be elected, shall be declared elected.

It is therefore my opinion that under the provisions of Section 5004, General Code, candidates for the members of boards of education are required to file their certificates of nomination with the board of deputy state supervisors of elections of the county having the greater population, and under the provisions of Section 5015, General Code, it becomes the duty of the board of deputy state supervisors of elections of the county containing the majority population to immediately certify to the board of deputy state supervisors of elections of the other county or counties having territory in said district, a copy of the certificates of nominations and nomination papers for members of the board of education that have been filed with such board.

The purpose of this certification is to inform the respective boards of deputy state supervisors of elections of the candidates for office of member of the board of education in that school district that they may have prepared in their respective counties a sufficient number of ballots, and to furnish the same, together with the necessary election supplies, poll books and tally sheets to the judges and clerks in their respective precincts wherein the electors are entitled to vote for such candidates on election day.

Thus it becomes the duty of each county board of deputy state supervisors of elections to provide for the necessary election supplies and furnish same to all election precincts in their respective counties.

You also inquire, "If all four school boards are voted for in a given precinct, what are the necessary supplies for this precinct. Should there be four sets of poll books, one for each school board or one set for all four?" Since it is the duty of the judges and clerks to make the election returns for the members of the boards of education to the clerk of the proper district of the result of such election, it is readily apparent that if there are four school districts in a given election precinct, it would require four poll books and tally sheets to make proper return to the four different clerks of the boards of education.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1057.

COUNTY CORONERS—PER ANNUM COMPENSATION—WHEN COMPUTED—HOUSE BILL NO. 485, 87TH GENERAL ASSEMBLY.

SYLLABUS:

1. *The per annum compensation provided for a county coroner by the provisions of House Bill No. 485, passed by the 87th General Assembly, should be allowed and paid for each official year, or part thereof, of his term, of office.*

2. *The year referred to in Section 2856-5a, General Code, being the year next preceding the first Monday of September of each calendar year, is not the period of time for which the maximum and minimum compensation allowed to coroners in counties of less than 400,000 population should be computed.*

3. *Coroners in office on the first Monday of September, 1927, should make a report as of said date, of all fees collected by them during that part of the year next preceding the said first Monday of September, 1927, that follows the effective date of House Bill No. 485, to-wit, from August 1, 1927, to the first Monday in September, 1927.*

4. *Coroners in office at the time of the effective date of House Bill No. 485, to-wit on August 1, 1927, are subject to the provisions of said act.*

COLUMBUS, OHIO, September 26, 1927.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—This will acknowledge receipt of your request for my opinion as follows:

"House Bill No. 485 enacted at the recent session of the Legislature amends the provisions of the law with reference to coroners. Section 2823, G. C., provides that the term of the coroner shall begin on the first Monday of January. Section 2856-5a, as enacted by House Bill No. 485, provides that in all counties having a population according to the last Federal Census of