

"In the event of the resignation of a county commissioner, elected in November, 1926, for a period of four years, at what time would it be necessary for his successor to be elected? In other words, would his successor hold for the full term of four years or would it be necessary for him to be elected again in two years, that is, at the next general election?"

Section 2396 of the General Code is as follows :

"When a commissioner is elected to fill a vacancy occasioned by death, resignation or removal, he shall hold his office for the unexpired time for which his predecessor was elected."

The above section provides that when elected to fill a vacancy, the newly elected commissioner shall hold his office for the unexpired time for which his predecessor was elected. However, there can be no election for this office until the November election of 1928.

The section providing for the appointment of a commissioner to fill the vacancy is Section 2397 General Code. Its provisions are as follows :

"If a vacancy in the office of commissioner occurs more than thirty days before the next election for state and county officers, a successor shall be elected thereat. If a vacancy occurs more than thirty days before such election, or within that time, and the interest of the county requires that the vacancy be filled before the election, the probate judge, auditor, and recorder of the county, or a majority of them, shall appoint a commissioner, who shall hold his office until his successor is elected and qualified."

By the terms of this section, the appointee will hold his office until his successor is elected and qualified, which, as stated above, cannot be until November, 1928. Under the provisions of the above Section 2396, this election to fill the vacancy caused by the resignation is required to be limited to the unexpired time for which his predecessor was elected.

Specifically answering your question, it is my opinion that where a vacancy occurs in the office of county commissioner, elected in November, 1926, and the same is filled by appointment, the appointee will hold his office until his successor is elected and qualified at the November election of 1928, and that the county commissioner elected at that time will hold his office for the unexpired term for which his predecessor was elected.

Respectfully,

EDWARD C. TURNER,

Attorney General.

41.

APPROVAL, BONDS, VILLAGE OF DEER PARK, HAMILTON COUNTY,
\$8,975.51.

COLUMBUS, OHIO, February 2, 1927.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.