

5212.

APPROVAL—PETITION CONTAINING PROPOSED CONSTITUTIONAL AMENDMENT AND A SUMMARY OF THE SAME.

COLUMBUS, OHIO, March 3, 1936.

MR. CHARLES H. HUBBELL, *Attorney at Law, Cleveland, Ohio.*

DEAR SIR: You have submitted for my examination, a written petition, signed by one hundred (100) qualified electors of this state, containing a proposed constitutional amendment and a summary of the same under Section 4785-175, General Code. It is proposed to amend Article 16 of the Constitution by adopting and adding thereto a new section, to be known as Section 4, to read as follows:

“At each state-wide primary election and at each November election, whether in an even numbered year or in an odd numbered year, subsequent to the date this amendment goes into effect, there shall be submitted to the electors of the state, for their approval or rejection, any number of amendments to this constitution and/or any number of laws which, one hundred days or more prior to the date of such primary or such November election, shall be proposed and filed with the secretary of state by any person holding the office of governor, the office of judge of the Supreme Court or the office of auditor of state, or any other state office, and who, prior to January 1, 1936, was a candidate in primary elections for nomination to the office of governor, to the office of judge of the Supreme Court and to the office of auditor of state.

If there shall be two or more such proposed amendments and/or laws, any one or more of them may contain provisions either related or unrelated to the subject matter or subject matters contained in the other such proposed amendment or amendments and/or law or laws.

The secretary of state may cause any such proposed amendment or amendments and/or law or laws, together with the form of official ballot therefor, to be published once a week for not more than five consecutive weeks preceding such election, in one or more newspapers in each county of the state where a newspaper is published.

Such proposed amendments and laws shall be submitted by ballot title prepared by the secretary of state. Every such amendment or law precisely as proposed shall be regarded as one separate, distinct and indivisible entity, and shall be so submitted as

to enable each elector to cast either one affirmative vote or one negative vote thereon; but, if two or more such proposed amendments or laws shall be submitted at the same election, they shall, so far as may be practicable, be submitted on one ballot. All such ballots shall be without party designation of any kind and shall be separate from the ballots for candidates for office or for other measures or questions excepting initiated amendments to the constitution, initiated laws and laws referred by the referendum.

If a majority of the electors voting on any such proposed amendment shall approve said amendment, the same shall become a part of the constitution and shall go into effect thirty days after the election at which it shall be so approved; provided that, if two or more amendments concurrently submitted to the electors, whether proposed under the authority of this section of the constitution or otherwise, receive the approving or affirmative votes of a majority of the electors voting thereon and if it be held that there is conflict between the provisions of any two or more of said amendments, nevertheless all of the amendments so approved shall become a part of the constitution and shall go into effect, excepting that, in so far as matters in conflict are concerned, the provisions of the amendment or amendments receiving a greater number of approving or affirmative votes shall take precedence and control over the provisions of the amendment or amendments receiving a lesser number of approving or affirmative votes.

If a majority of the electors voting on any such proposed law shall approve said law, the same shall be the law and shall go into effect thirty days after the election at which it shall be so approved; provided that, if two or more proposed laws concurrently submitted to the electors, whether proposed under the authority of this section of the constitution or otherwise, receive the approving or affirmative votes of a majority of the electors voting thereon and if it be held that there is conflict between the provisions of any two or more of said laws, nevertheless all of the laws so approved shall be the law and shall go into effect, excepting that, in so far as matters in conflict are concerned, the provisions of the law or laws receiving a greater number of approving or affirmative votes shall take precedence and control over the provisions of the law or laws receiving a lesser number of approving or affirmative votes.

The fulfillment of the requirements set forth in Section 4785-175 or elsewhere in the Statutes of the State of Ohio or of the requirements set forth in Section 1a or Section 1g of Article

II or elsewhere in the Constitution of the State of Ohio shall not be a condition precedent to such proposed amendment or amendments and/or law or laws being placed on the ballot and being submitted to the electors.

All costs and expenses incident to elections for the submission of such proposed amendments or laws or the publishing thereof shall be paid by the state. The auditor of state, upon receipt of any voucher signed by the secretary of state, shall draw his warrant on the state treasurer for such amount as may be necessary to pay for such costs and expenses, and the same shall be paid from the general revenue fund of the state.

The provisions of this section are mandatory and shall be self-executing."

A summary of this amendment reads as follows :

"The proposed amendment to the constitution provides that at each primary and November election there shall be submitted to the electors amendments to the constitution and/or laws proposed and filed with the secretary of state by any person holding any state office and who, prior to 1936, was a candidate in primary elections for nomination to the office of governor, to the office of judge of the Supreme Court and to the office of state auditor ; provides that such proposed amendments or laws may contain provisions regarding related or unrelated subject matters ; provides that such proposed amendments or laws may be published in newspapers ; provides that such proposed amendments and laws shall be submitted by ballot title prepared by the secretary of state ; provides that every such amendment or law shall be regarded as one separate, distinct and indivisible entity, and shall be so submitted as to enable each elector to cast either one affirmative or one negative vote thereon ; provides that such amendments or laws shall go into effect if a majority of the electors shall approve thereof ; provides that, in case of conflict between two or more approved amendments or between two or more approved laws, a degree of precedence and control shall be taken by any amendment or law receiving a greater number of approving or affirmative votes over any amendment or law, respectively, receiving a lesser number of such votes ; provides that the fulfillment of requirements set forth in the statutes or elsewhere in the constitution shall not be a condition precedent to such proposed amendments or laws being placed on the ballot and submitted to the electors ; provides that costs and expenses incident to elections

for the submission of such proposed amendments or laws or the publishing thereof shall be paid by the state from the general revenue fund; and provides that the provisions of the amendment are mandatory and shall be self-executing."

I am of the opinion that the foregoing is a fair and truthful statement of the proposed constitutional amendment and accordingly submit for uses provided by law the following certification:

"I, John W. Bricker, Attorney General of the State of Ohio, pursuant to the duties imposed upon me under the provisions of Section 4785-175, General Code, hereby certify that the foregoing summary is a fair and truthful statement of the proposed amendment to the Constitution of Ohio by amending Article 16 thereof, by adopting and adding thereto a new section to be known as Section 4. JOHN W. BRICKER, Attorney General."

Respectfully,

JOHN W. BRICKER,
Attorney General.

5213.

DISAPPROVAL—NOTES OF SALEM CITY SCHOOL DISTRICT,
COLUMBIANA COUNTY, OHIO, \$6,000.00.

COLUMBUS, OHIO, March 5, 1936.

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

GENTLEMEN:

RE: Notes of Salem City School Dist., Columbiana County, Ohio,
\$6,000.00.

The above notes are issued by virtue of the provisions of Section 2293-4, General Code.

The Supreme Court, in the case of *Davis v. State, ex rel.*, 130 O. S., 411, in an opinion written by Judge Stephenson, recently held as follows with reference to notes issued under authority of said section:

"3. Funds for the payment of such anticipatory notes are appropriated as a matter of law for their payment at the next succeeding semi-annual settlement, and when such notes are permitted to run past two semi-annual settlements without collection, and the appropriated funds are expended, no power has