

900.

VOTING MACHINE—QUESTION OF ITS ADOPTION MAY NOT BE VOTED ON AT GENERAL ELECTION IN 1929.

SYLLABUS:

The question of the adoption of voting machines in a county or any municipality thereof, may not, under the provisions of Section 161 of Amended Substitute Senate Bill No. 2, enacted by the 88th General Assembly, be submitted at the general election to be held November 5, 1929.

COLUMBUS, OHIO, September 23, 1929.

HON. PAUL J. WORTMAN, *Prosecuting Attorney, Dayton, Ohio.*

DEAR SIR:—This is to acknowledge receipt of a communication of your office over the signature of R. M. Galloway, assistant prosecuting attorney, which reads as follows:

“I respectfully ask your opinion as to whether or not under the provisions of the Election Code, effective January 1, 1930, and Section 161 subdivision A, thereof, the question of the adoption of voting machines may be submitted at the general election, November 5, 1929.”

Section 161 of the Election Code, so-called, reads in part as follows:

“The board of elections in any county may adopt the voting machine or machines for use in any or all elections in the county or municipalities in the following manner and under the following restrictions:

a. The board, upon the filing of a petition signed by two per cent of the qualified electors of such county or any municipality thereof, shall submit to the electors at the first general election the question, ‘Shall the voting machine be adopted in _____ county (or municipality)?’ If the proposal is approved by a majority vote thereon then the board shall be authorized to purchase voting machines for use in all general and primary elections in such county or municipality in which the voting machine can be used. By the same proceedings the use of voting machines may be discontinued.”

The section from which the above quotation is made, is part of an act to revise, codify and supplement the election laws of the state, passed by the 88th General Assembly, April 5, 1929. Said act was approved by the Governor, April 19, 1929, and filed by him in the office of the Secretary of State, April 24, 1929; and were it not otherwise provided in said act, the same under the provisions of Section 1c of Article II, of the State Constitution, would have gone into effect on July 23, 1929. However, this act expressly provides that the same shall become effective on the first day of January, 1930. Under the constitutional provision above referred to, no law passed by the General Assembly other than those mentioned in Section 1d of Article II, of the Constitution, can go into effect prior to the lapse of ninety days from the time the same is filed by the Governor in the office of the Secretary of State. However, there is nothing in the Constitution which prevents the Legislature in the enactment of a law from providing therein that the same shall go into effect at a later date; and, touching the question here presented, it has been held that “where a future time is named in an act when it shall become effective, it will speak and operate only from that time unless a different intention is manifested.” *Patterson Foundry and Machine Co. vs.*

The Ohio River Power Co., 99 O. S. 429. An examination of the provisions of said act fails to disclose any intention on the part of the Legislature that said Section 161 of the act above referred to, should operate for any purpose prior to January 1, 1930, when said act as a whole goes into effect.

By way of specific answer to your inquiry and in view of the foregoing, I am of the opinion that the question of the adoption of voting machines in a county or any municipality thereof, may not be submitted at the general election, November 5, 1929.

Respectfully,

GILBERT BETTMAN,

Attorney General.

901.

APPROVAL, DEED FORMS TO MIAMI AND ERIE CANAL LAND IN THE CITY OF CINCINNATI, HAMILTON COUNTY—EMIL BAUER.

COLUMBUS, OHIO, September 23, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication submitting for my examination and approval two certain deed forms by the Governor, conveying to Emil Bauer and Amanda Bauer, of Cincinnati, Ohio, parcels Numbers 70 and 71, of surplus Miami and Erie canal lands, which parcels of land are fully described in said deeds.

An examination of the deed forms submitted shows that the same are in all respects in conformity with the provisions of Amended Senate Bill No. 123 passed by the 87th General Assembly of Ohio, April 20, 1927 (112 O. L. 210).

Said deed forms are therefore approved by me, as is evidenced by my approval thereon.

Respectfully,

GILBERT BETTMAN,

Attorney General.

902.

APPROVAL, SEVEN GAME REFUGE LEASES.

COLUMBUS, OHIO, September 23, 1929.

HON. J. W. THOMPSON, *Division of Fish and Game; Columbus, Ohio.*

DEAR SIR:—You have submitted the following leases relating to State Game Refuge:

<i>No.</i>	<i>Lessor</i>	<i>Acres</i>
2042	Mary Brinkman, Putnam County, Jackson Township.....	100
2043	Jesse M. Blakley, Putnam County, Jackson Township.....	66
2044	Jesse M. Blakley, Putnam County, Jackson Township.....	78.07
2045	Frank Brinkman, Putnam County, Jackson Township.....	80
2046	Andrew Brinkman, Putnam County, Jackson Township.....	79
2047	H. W. Wueller, Putnam County, Jackson Township.....	68
2048	Ohio State Archaeological and Historical Society, Adams County, Bratton Township.....	60¾