

bile is confined to said district. The amount paid from each of said funds should be fairly proportionate to the use which is to be made of such automobile for each of said systems.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4406.

APPROVAL, CONTRACT FOR ROAD IMPROVEMENT IN CRAWFORD
AND FRANKLIN COUNTIES.

COLUMBUS, OHIO, June 9, 1932.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

4407.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND JOHN HERREL AND SONS, INC., COLUMBUS, OHIO, FOR THE CONSTRUCTION, COMPLETION AND INSTALLATION OF REFRIGERATOR AND FISH BOX AT OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME, XENIA, OHIO, AT AN EXPENDITURE OF \$440.00.

COLUMBUS, OHIO, June 10, 1932.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works for the Ohio Soldiers' and Sailors' Orphans' Home, Xenia, Ohio, and John Herrel & Sons, Inc., Columbus, Ohio. This contract covers the construction, completion and installation of proposed substitution for Item No. 5, Alternate No. 3, Refrigerator and Item No. 6, Alternate No. 4, Fish box but not including Item No. 1, Item No. 3, and Item No. 4, Kitchen and Dining Room Equipment, Ohio Soldiers' and Sailors' Orphans' Home, Xenia, Ohio, in accordance with the form of proposal dated March 11, 1932. Said contract calls for an expenditure of four hundred and forty dollars (\$440.00).

You have submitted the certificate of the Director of Finance, to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also shown that the Controlling Board has approved the expenditure as provided by House Bill No. 624, of the 89th General Assembly. Inasmuch as the contract price is under three thousand dollars (\$3,000.00), no bond is required.

You have further submitted evidence indicating that the plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as

required by law, and the contract duly awarded. Also it appears that the laws relating to the Workmen's Compensation have been complied with.

Finding said contract 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,
GILBERT BETTMAN,
Attorney General.

4408.

CANDIDATE—PRIMARY ELECTION—VOTERS UNLAWFULLY INFLUENCED—LEGALLY NOMINATED IN ABSENCE OF UNLAWFUL ACTS ON HIS PART.

SYLLABUS:

When a candidate is nominated for public office at a primary election by voters unlawfully induced so to vote, such candidate is legally nominated in the absence of evidence of unlawful acts on his part.

COLUMBUS, OHIO, June 10, 1932.

HON. EDWIN S. DIEHL, *Prosecuting Attorney, Defiance, Ohio.*

DEAR SIR:—Your letter of recent date is as follows:

"I would appreciate your advices either formally or informally on the following question.

At the last primary election the Republican Party had no candidate for surveyor. Several days before election cards were printed requesting voters to write in the name of a person who had signified his willingness to the party to become a candidate.

In two of the precincts and only two, the precinct officers of the republican party passed out cards to each and every voter who called for a republican ticket and requested that they write in the name of the proposed candidate.

We have 31 precincts in the county and in only two precincts was this done and in only two precincts were any votes cast for this candidate. He received the required number of votes which would ordinarily authorize his name being placed on the ballot this fall.

There has been a question raised as to the legality of this practice and I am requesting you to advise me whether or not this person whose name was written in by the electors in the two precincts, can be a candidate for the election this fall."

Authority for the provision of a space for writing in names on a ballot under the circumstances presented and for the nomination of a candidate under such circumstances is contained in Section 4785-87, General Code, which section is as follows: