

5306.

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

COLUMBUS, OHIO, March 30, 1936.

MR. CHARLES H. HUBBELL, *10401 Almira Avenue, Cleveland, Ohio.*

DEAR SIR: You have submitted for my examination a written petition signed by one hundred qualified electors of this state containing a proposed constitutional amendment and a summary of the same under the provisions of Section 4785-175, General Code. It is proposed to amend the Constitution by amending Sections 1, 2, 15, 16, 17 and 18 of Article III; by adopting and adding to Article III four new sections, Sections 2a, 2b, 2c and 2d; by adopting and adding to Article X fourteen new sections, Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18; by amending Section 4 of Article XV; by amending Section 2 of Article II; and by amending Sections 1 and 2 of Article XVII. The summary of these amendments is as follows:

*SUMMARY OF PROPOSED AMENDMENT*

III-1. The proposed amendment to the constitution names various executive department offices to be held by state officers; provides that state officers, with certain specified exceptions (see Sections 2c and 2d), shall be elected by the electors of the state; and provides that elections for elective state officers shall be held at the time and places for voting for members of the general assembly.

III-2. III-2a. III-2b. The proposed amendment further provides that the governor and the lieutenant governor (excepting under certain specified circumstances), the auditor of state and the secretary of state, in office ninety days after the effective date thereof, shall hold said offices until the second Monday in January, 1941; provides that subsequent to the year 1936 said state officers shall be elected quadrennially in years divisible by four, and shall hold said offices for four years from the second Monday in January next after their election, excepting that, under the aforementioned certain specified circumstances, one term of the governor and of the lieutenant governor shall be reduced to two years, and thereafter the governor and the lieutenant governor shall be elected quadrennially in years divisible by two but not divisible by four, and shall hold said offices for four years from the second Monday in January next after their election; specifies certain professional experience pre-requisites for election or appointment as auditor of state; and provides that no state funds shall be disbursed without the approval of the auditor of state.

III-2c. III-2d. The proposed amendment further provides that the treasurer of state and the attorney general in office ninety days after the effective date thereof, shall hold said offices until the second Monday in January, 1941; provides that said state officers shall be elected in the year 1940, and shall hold said offices for four years from the second Monday in January, 1941, until the second Monday in January, 1945; provides that, after the second Monday in January, 1945, said state officers shall be appointed by, and hold office during the pleasure of, the governor; and specifies certain professional experience prerequisites for election or appointment as attorney general.

III-15. The proposed amendment further provides that, if there be a vacancy (permanent or temporary) in the office of governor, the powers and duties of said office shall devolve upon other officers, and specifies such other officers.

III-16. The proposed amendment further provides that the lieutenant governor shall preside in the least numerous branch or house of the general assembly; specifies and restricts the occasions upon which he may vote; and provides for a president pro tempore of said body, to preside during the absence of, or if there be a vacancy (permanent or temporary) in the office of, lieutenant governor.

III-17. The proposed amendment further provides that, if there be a vacancy (permanent or temporary) in the office of acting governor (i. e., in the office of lieutenant governor or in the office of president pro tempore), the powers and duties of the office of governor shall devolve upon other officers (or officer), and specifies such other officers (or officer).

III-18. The proposed amendment further provides that vacancies in elective state offices (other than governor or lieutenant governor) shall be filled by appointment by the governor for the full unexpired term, and that subsequent to 1936 any elected governor may appoint himself to any vacancy in the United States Senate.

X-5. The proposed amendment further provides for certain county officers in each county in which an alternative form of county government shall not have been adopted; provides that no person holding any such county office (except coroner) shall receive any fees or perquisites, or hold any other office of profit or trust; provides that no person holding any such county office in any county in which more than 25,000 votes shall have been cast at the preceding election for state officers shall engage in any business or profession, but that all such persons shall devote their entire time to their official duties; provides that each person holding any such county office (except coroner) shall receive certain specified minimum annual compensation, varying in accordance with the number of votes so cast in the various counties; and provides that in all counties the office of each county officer (except coroner) shall be open

for the transaction of official business for two hours on forty-eight Wednesday evenings each year.

X-6. The proposed amendment further provides for the time of election of county officers; and provides that elective county officers shall be elected by the electors of the county in which they are to serve.

X-7. The proposed amendment further provides that county commissioners shall hold office for terms of six years (excepting the county commissioner in each county elected in 1934, and excepting one of the county commissioners in each county elected in 1936, who shall hold office for four years); provides that in the year 1938 and biennially thereafter one county commissioner shall be elected in each county in which an alternative form of county government shall not have been adopted; and provides for the filling of vacancies in the office of county commissioner.

X-8. X-9. The proposed amendment further provides that the prosecuting attorney and the county auditor in each county in office ninety days after the effective date thereof, shall hold said offices until the first Monday in January, 1941, and until the second Monday in March, 1939, respectively; provides that beginning with the year 1940 prosecuting attorneys shall be elected quadrennially in years divisible by four, and beginning with the year 1938 county auditors shall be elected quadrennially in years divisible by two but not divisible by four, and shall hold said offices for four years from the first Monday in January and from the second Monday in March, respectively, next after their election; specifies certain professional experience pre-requisites for election or appointment as prosecuting attorney, or for election as county auditor in any county in which more than 25,000 votes shall have been cast at the preceding election for state officers; provides for the filling of vacancies in said offices; and authorizes legislation to make one adjustment in the terms of county auditors.

X-10. The proposed amendment further provides that the county treasurer in each county in which an alternative form of county government shall not have been adopted, in office one year after the effective date thereof, shall hold said office until the first Monday in September, 1941; provides that a county treasurer in each such county shall be elected in the year 1940, who shall hold said office for four years from the first Monday in September, 1941, until the first Monday in September, 1945; provides that, after the first Monday in September, 1945, the county treasurer in each such county shall be appointed by, and hold office during the pleasure of, the board of county commissioners; and provides for the filling of vacancies in said office.

X-11. X-12. X-13. X-14. X-15. The proposed amendment further provides that the county engineer, the county recorder, the clerk of courts, the sheriff and the coroner, in each county in which an alternative

form of county government shall not have been adopted, in office ninety days after the effective date thereof, shall hold said offices until the first Monday in January, 1941; provides that said county officers shall be elected in the year 1940, and shall hold said offices for four years from the first Monday in January, 1941, until the first Monday in January, 1945; provides that, after the first Monday in January, 1945, the afore-said county officers in each such county shall be appointed as follows:

- Engineer shall be appointed by the County commissioners,
- Recorder shall be appointed by the County Auditor,
- Clerk shall be appointed by the Common Pleas Court,
- Sheriff shall be appointed by the Common Pleas Court,
- Coroner shall be appointed by the County Attorney,

and shall hold office during the pleasure of the appointing officers; specifies certain professional experience pre-requisites for appointment to the office of clerk of courts in any such county; and provides for the filling of vacancies in the above named offices.

X-16. The proposed amendment further provides that all other county officers, for whom provision may be made by law, shall be appointed by such officers or boards as may be provided by law, and shall hold office during the pleasure of the appointing officer or board.

X-17. The proposed amendment further provides for the designation of judges in, and other officers in or of, any new counties which may be formed by the combining or merger of two or more counties.

X-18. XV-4. The proposed amendment further provides certain requirements as to the eligibility of county or municipal officers, officials and employees, and as to the eligibility of state officers, officials and employees.

II-2. The proposed amendment further provides for the time of election and the term of office of members of the general assembly.

XVII-1. The proposed amendment further provides for the time of election of elective state and county officers and the time of election of all other elective officers.

XVII-2. The proposed amendment further specifies that the term of office of all officers elected by the people shall be such even number of years as is prescribed in the constitution or as may be provided by statute, provides that all vacancies in such offices shall be filled in such manner as is prescribed in the constitution or as may be provided by statute; and restricts the terms of office of elective judges to fourteen years and terms of office of other elective officers to six years.

\* \* \* \* \*

I am of the opinion that said summary is a fair and truthful state-

ment of the proposed constitutional amendments and accordingly submit for uses provided by law the following certification:

"Pursuant to the duties imposed upon me under the provisions of Section 4785-175, General Code, I hereby certify that the attached summary is a fair and truthful statement of the proposed amendments to the Constitution of Ohio by amending Sections 1, 2, 15, 16, 17 and 18 of Article III, by adopting and adding to Article III four new sections, Sections 2a, 2b, 2c and 2d; by adopting and adding to Article X fourteen new sections, Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18; by amending Section 4 of Article XV; by amending Section 2 of Article II; and by amending Sections 1 and 2 of Article XVII.  
JOHN W. BRICKER, Attorney General."

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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5307.

APPROVAL—BOND FOR THE FAITHFUL PERFORMANCE OF HIS DUTIES AS RESIDENT DISTRICT DEPUTY DIRECTOR—WALTER A. BURG.

COLUMBUS, OHIO, March 31, 1936.

HON. JOHN JASTER, JR., *Director of Highways, Columbus, Ohio.*

DEAR SIR: You have submitted a bond, in the penal sum of \$5,000, with sureties as indicated, to cover the faithful performance of the duties of the official as hereinafter listed:

Walter A. Burg, Resident District Deputy Director, Clark County—The Standard Accident Insurance Company of Detroit, Michigan.

The foregoing bond is undoubtedly executed pursuant to the provisions of sections 1183 and 1182-3, General Code, which sections, in so far as pertinent, provide as follows:

Sec. 1183. "\* \* \* Such resident district deputy directors shall \* \* \* give bond in the sum of five thousand dollars \* \* \*."