

A motion to certify the record in the above cause was overruled by the Ohio Supreme Court, and I find no other decision in conflict with said holding.

In the Henry case, *supra*, the Court of Appeals further said:

"In deciding this question, we have no hesitancy in declaring that the voter, by writing the name of the candidate in the appropriate space on the ballot, clearly indicates his intention to vote for the person whose name he has written, and that the failure of the voter to add the cross mark is a technical error."

This question was under consideration by my predecessor, and it was held that the provisions of the statutes of Ohio, regarding a cross mark to be placed in the block on a ballot at the left of, and directly opposite the name voted for, or proposition submitted, are directory and not mandatory, where the intention is otherwise clear. See Opinions of the Attorney General for 1928, Volume 4, page 2706. I concur in this view.

Specifically answering your question, therefore, I am of the opinion that the writing in of a name, without placing an "X" or any mark before it, indicates the intention of the elector, and constitutes a vote which should be counted.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1207.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS
DUTIES AS RESIDENT DISTRICT DEPUTY DIRECTOR—PERLE M.
GEBERT.

COLUMBUS, OHIO, November 18, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a bond in the penal sum of \$5,000.00, upon which Perle M. Gebert appears as principal, and The Ohio Casualty Insurance Company appears as surety, to cover the faithful performance of the duties of said principal as Resident District Deputy Director assigned to Hardin County.

Finding said bond in proper legal form, I have approved the same as to form, and return it herewith.

Respectfully,

GILBERT BETTMAN,
Attorney General.