

It also shows that unpaid taxes in the sum of \$82.90 and assessments for the Lane avenue road in the amount of \$315.38 are liens on said premises. Said amounts should either be paid by the grantor, or withheld from the purchase price to pay the same.

The abstractor's certificate also shows that no examination was made for special assessments, except as shown on the county treasurer's duplicate.

III. The encumbrance estimate as submitted bears Number 2085, is dated March 10, 1927, was prepared by The Ohio State University, addressed to William and Anna Salzgeber, Columbus, Ohio, and covers the above decribed premises at a cost of \$20,000. This estimate was certified by Wilbur E. Baker, Director of Finance, under date of March 12, 1927.

The deed, abstract of title and encumbrance estimate are returned herewith.

Respectfully,

EDWARD C. TURNER,

Attorney General.

247.

STATE CENTRAL COMMITTEE—AUTHORITY OF LEGISLATURE IN
MAKING UP SAME.

SYLLABUS:

The legislature has authority to provide that the state central committee of each political party shall consist of two members from each congressional district and to provide that one of said members shall be a man and the other a woman.

COLUMBUS, OHIO, March 28, 1927.

HON. C. C. CHAPPELEAR, *Chairman, Elections Committee, Ohio Senate, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter requesting my opinion as follows:

"I enclose herewith Senate Bill No. 122, Mrs. Loughead, providing for two members from each congressional district on the state central committee.

There seems to be considerable feeling among the members of the legislature that there should be two (2) members of the Central Committee from each congressional district—one of whom should be a man and the other a woman.

Will you kindly give us an opinion as to whether such a provision in the bill would be constitutional?"

This question necessitates a discussion of general legislative power under our constitution.

Section 1 of Article II of the Constitution of Ohio provides, in part, that

"The legislative power of the state shall be vested in a general assembly consisting of a senate and a house of representatives * * *

reserving therein the right of the people to exercise the initiative and referendum.

In the case of Baker vs. Cincinnati, 11 O. S., 524, it is said

"It will be observed that the provision is not, that the legislative power, as conferred in the constitution, shall be vested in the general assembly, but

that the legislative power of this state shall be vested. That includes all legislative power which the object and purposes of the state government may require, and we must look to other provisions of the constitution to see how far, and to what extent, legislative discretion is qualified or restricted."

We also find in Cooley's Constitutional Limitations, p. 104:

"In creating a legislative department, and conferring upon it the legislative power, the people must be understood to have conferred the full and complete power as it rests in, and may be exercised by the sovereign power of the country, subject only to such restrictions as they may have seen fit to impose. * * * The legislative department is not made a special agency for the exercise of specifically defined powers, but is intrusted with the general authority to make laws at discretion."

We also find in the case of *People vs. Draper*, 15 N. Y., 532:

"The people in framing the constitution committed to the legislature the whole law-making power of the state which they did not expressly withhold. Plenary power in legislature, for all purposes of civil government, is the rule. A prohibition to exercise a particular power is an exception."

Cases and authority to this effect might be quoted at length but further reference would only be cumulative.

In the case of *Mason vs. State ex rel. McCoy*, 58 O. S., 30, I find a case which construed an act of the legislature which authorized an inquiry into the title to an office of a successful candidate who was charged with acts made unlawful by the state, and which authorized the court upon so finding to declare the election void and the office vacant and to exclude therefrom the person elected thereto. The court said at page 47:

"Its application in the present case would appear to depend upon whether the section quoted is a grant of power, or a limitation upon power otherwise granted. To determine this we should look at other provisions of the constitution to ascertain where, by its terms, power * * * to direct the conduct of elections, to prescribe qualifications for voting and for taking office, is lodged. Clearly, in the nature of things, such power cannot belong to either the executive or judicial departments. It belongs naturally to the legislative."

And again at page 49 the court says:

"The right to vote and to hold office, is not of necessity connected with citizenship. Neither is it a natural right, such as the right to personal security, personal liberty, or the right to acquire and enjoy property. It is within the power of the people to give or refuse, restrict and regulate the franchise. And when conferred it is not a natural right, but may be taken away by the power that gave it. * * * That is, the right depends upon the law of the land. And, except where restrained by the constitution, the power of the general assembly over it is unlimited.

And, belonging to this general subject, is the subject of elections. No subject comes more certainly within legislative power than does this. * * * It thus appears that the whole subject of elections, save so far as it is, in distinct terms, or by clear implication, controlled by the constitution, is devolved upon the general assembly, and that the power of that body over it is

untrammelled, and that the details, as they relate to the manner or mode of holding elections are expressly referred to legislative discretion."

In providing for controlling committees to conduct the affairs of political parties, the legislature of Ohio recognizes the theory of government through political parties. That is, it has recognized political parties and provided for their organization and control.

The controlling committees of the political parties created by the legislature are a part of the election system of the state, and they deal with party affairs and the nomination and election of the officers provided by law. This is a proper exercise of the legislature's power.

When the people of the United States adopted the 19th Amendment to the Federal Constitution they provided that the right of citizenship and the right to vote should not be denied or abridged on account of sex. The legislation proposed in no way interferes with that provision, but is a proposal to carry out the spirit of the amendment to insure to both sexes proper representation upon one of the controlling committees of each political party.

I find no constitutional provision or right which would be infringed or in any way abridged by this proposed legislation.

I am therefore of the opinion that the legislature has authority to provide that the state central committee of each party shall consist of two members from each congressional district and to provide that one of said members shall be a man and the other a woman.

Respectfully,

EDWARD C. TURNER,

Attorney General.

248.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE C. M. ROBINSON COMPANY, COLUMBUS, OHIO, TO CONSTRUCT COLD STORAGE ROOMS AND EQUIPMENT (EXCLUSIVE OF CONCRETE FLOORS, TILE MASONRY OR PAINTING) FOR PSYCHOPATHIC HOSPITAL, BUREAU OF JUVENILE RESEARCH, COLUMBUS, OHIO, AT EXPENSE OF \$2,156.00. SURETY BOND EXECUTED BY THE STANDARD ACCIDENT INSURANCE CO.

COLUMBUS, OHIO, March 28, 1927.

HON. HERBERT B. BRIGGS, *State Architect and Engineer, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the state of Ohio acting by the Department of Highways and Public Works for the Department of Public Welfare and The C. M. Robinson Co., of Columbus, Ohio. This contract covers the construction and completion of "General Contract for Cold Storage Rooms and Equipment (exclusive of concrete floors, tile masonry, or painting), Psychopathic Hospital, Bureau of Juvenile Research, Columbus, Ohio, as set forth in Item 1, of the proposal dated March 1, 1925, which specifications, drawings and proposal are made a part of this contract" and calls for an expenditure of \$2,156.00.

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 this contract. There has further been submitted a contract bond upon