

long term memberships and two short term memberships, on the board of education—Section 5025, supra, may be applied.

Specifically answering your questions, it is my opinion :

First, the petitions of the eight candidates who neglected to state which term they sought, are insufficient and the names of such candidates cannot go on the ballot.

Second, the voters of the Olive-Orange Rural School District are entitled to vote for five candidates for board of education at the November, 1929, election.

Third, the names of the two candidates who specified "long terms" must go on the ballot in the spaces provided for the names of long term candidates, and must be rotated thereon ; a blank space must be provided immediately after these names.

Fourth, two blank spaces must be placed on the ballot in the spaces provided for candidates for the short term.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

---

1016.

APPROVAL, BONDS OF STEUBENVILLE CITY SCHOOL DISTRICT, JEFFERSON COUNTY—\$80,000.00.

COLUMBUS, OHIO, October 10, 1929.

*Industrial Commission of Ohio, Columbus, Ohio.*

---

1017.

CANDIDATES—VILLAGE AND TOWNSHIP OFFICES—NECESSITY FOR ROTATION OF NAMES ON BALLOT DISCUSSED.

**SYLLABUS:**

1. Under the provisions of Section 5028, General Code, names of candidates for non-judicial township office and for non-judicial municipal office in municipalities of less than two thousand population, if nominated by petition, are placed on the ballot in alphabetical order, according to surname.

2. Under the provisions of Section 5054-4, General Code, the names of candidates for municipal judge and justice of the peace rotate on the ballot at the general election.

3. Under the provisions of Section 5033, General Code, the names of candidates for members of a board of education of a school district rotate on the ballot at the general election.

COLUMBUS, OHIO, October 10, 1929.

HON. J. F. KUHN, *Prosecuting Attorney, New Philadelphia, Ohio.*

DEAR SIR:—This acknowledges your communication of recent date, with which you enclose letter from the clerk of the Board of Deputy State Supervisors of Elections of Tuscarawas County, concerning which you request my opinion. The enclosure is as follows :

"The Spidell Printing Company, to whom we awarded the contract for printing the ballots for the general election to be held November 5th, raised the question as to whether or not the names of candidates for village and township officers must be rotated.

As we are unable to settle this question we would suggest that it be submitted to the Attorney General for his opinion.

In order that they may proceed with the printing of the ballots, it is very important that this question be settled promptly and we believe it should be submitted by telegraph.

By order of the board."

Your attention is respectfully directed to Section 5028 of the General Code, which reads:

"The names of candidates for municipal offices and the names of candidates for township offices shall be printed upon separate ballots, unless the corporate limits of the municipalities are identical with those of a township. Separate ballots shall be provided in all townships and in municipalities having a population of less than two thousand in which no primary is had for making nominations, which ballots so intended for the use of voters shall be so arranged and printed that the names of all candidates, whose nominations for any offices specified in the ballot have been duly made, will be grouped under the designation or title of the office for which nominated, in alphabetical order according to surnames. A single blank line or space shall be left at the end of the list of candidates for each different office."

It thus becomes clear that the names of non-judicial candidates for township office, and for non-judicial municipal office in municipalities of less than two thousand population, if nominated by petition, do not rotate on the ballot at the general election, but rather are placed in "alphabetical order according to surnames."

The Ohio Supreme Court held in *State ex rel. vs. Noctor*, 106 O. S. 516, that the General Assembly had failed to provide for nomination of candidates by petition for municipal offices in municipalities of two thousand population and over. Therefore, such candidates are nominated at party primaries, except in charter municipalities, where the charter provides otherwise, and the arrangement of the ballot at the regular election is controlled by Section 5018, General Code, which reads:

"In general the arrangement of the ballot shall conform as nearly as practicable to the plan hereinafter given. The tickets of the various political parties shall be printed in parallel columns headed by the chosen device upon a shaded background, and the party names in such order as the Secretary of State directs, precedence being given to the political party which held the highest number of votes for governor at the next preceding November election, and so on. The tickets, or lists, of candidates nominated by nomination papers, with their party names or designations, shall be printed at the right of and parallel with the tickets of political parties in such order as the Secretary of State directs, precedence being given to the order herein prescribed for party tickets. No ticket or list of candidates containing more candidates for any office than are to be elected shall be printed under the name of any party."

The names of candidates for justice of the peace and municipal judge, however, would rotate on the ballot under the provisions of Section 5054-4, General Code, which reads:

"The ballots shall be printed and prepared as follows: the whole number of ballots to be printed for the election of persons to fill each of said offices respectively shall be divided by the number of candidates for each of said offices respectively, and the quotient so obtained shall be the number of ballots in each series of ballots to be printed as follows: the names of candidates shall be arranged in alphabetical order and the first series of ballots printed; then the first name shall be placed last and the next series printed, and so shall the process be repeated until each name shall have been first. These ballots shall then be combined in tablets with no two of the same order of names together, except when there is but one candidate for any of said offices. The names of candidates for the same office but for different terms of service therein, shall be arranged in groups according to the length of their respective terms. Blank spaces shall be left at the end of the list of candidates for each office equal to the number to be elected thereto, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for such office. The ballots shall be so printed as to give each elector a clear opportunity to designate by a cross mark in a blank enclosed space on the left and before the name of each candidate his choice of particular candidate."

It also seems pertinent in connection with your inquiry to advise you the names of candidates for member of boards of education of a school district rotate on the ballot, under the provisions of Section 5033, General Code, which reads:

"The ballots for members of the board of education shall be prepared and printed as follows: The whole number of ballots to be printed for the school district shall be divided by the number of candidates for member of board of education of the district, and the quotient so obtained shall be the number of ballots in each series of ballots to be printed. The names of candidates shall be arranged in alphabetical order and the first series of ballots printed. Then the first name shall be placed last and the next series printed, and so shall the process be repeated until each name shall have been first. These ballots shall then be combined in tablets with no two of the same order of names together, except when there is but one candidate."

I believe that the above answers your inquiry.

Respectfully,  
 GILBERT BETTMAN,  
*Attorney General.*

1018.

TAXES—PAID BY GUARDIAN ON WORLD WAR VETERANS' PENSION  
 MONEY—PROCEDURE FOR REFUND.

**SYLLABUS:**

*Taxes paid by the guardian of a disabled world war veteran on moneys received as payments under the World War Veterans Act of 1924, and which moneys are ex-*