

I shall appreciate it if you will advise whether or not such form is contrary to Section 4785-225, General Code of Ohio." Section 4785-225, General Code, provides:

"Whoever, being a party committeeman or party delegate or alternate chosen at an election, or a delegate or alternate appointed to a convention provided by law, gives or issues a proxy or authority to another person to act or vote in his stead; or whoever knowingly or fraudulently attempts to impersonate, act or vote in his stead, or acts or votes in place of such committeemen or delegates shall, upon conviction thereof, be fined not less than fifty nor more than five hundred dollars, or imprisoned in the county jail not more than sixty days, or both."

The inhibition of the foregoing section is against the giving or issuing by a political committeeman of a proxy or authority authorizing another person to act or vote in his stead. I find nothing in the form submitted purporting to authorize any person to act in the stead of the person signing it. It is a mere declaration of preference and constitutes an expression of intention on the part of the signer to act pursuant to such preference. The statement substantially says that the signer is for a certain person and shall vote for that person. Even aside from the rule of strict construction adhered to by the court in construing penal statutes in favor of the accused, I do not think the statement in question may be construed as a proxy or authority authorizing another to act in the stead of the signer thereof.

You ask whether the form may be construed as giving the impression of a preference. As hereinabove indicated, I think it unquestionably does, but Section 4785-225 does not purport to preclude a party committeeman from saying either orally or in writing who he might intend to vote for or intend not to vote for. It might be well to observe in conclusion that such a written endorsement may not be used as a vote at the time the question officially comes before the committee.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3869.

APPROVAL, BONDS OF PIKE TOWNSHIP, PERRY COUNTY, OHIO—
\$2,000.00.

COLUMBUS, OHIO, December 16, 1931.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

3870.

APPROVAL, BONDS OF VILLAGE OF BROOK PARK, CUYAHOGA
COUNTY, OHIO—\$12,847.92.

COLUMBUS, OHIO, December 16, 1931.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.