

in concluding that the notice referred to in Section 4785-176, General Code, should be printed in red immediately above the place for signatures upon each part of a referendum or initiative petition, and such notice need be printed in no other place thereon.

Addressing myself to your second question as to whether or not the synopsis must be printed in capital letters, the sentence of the first paragraph of the section containing the inconsistency hereinbefore discussed expressly provides that the synopsis as well as the Attorney General's certification shall be printed in capital letters. There is no ambiguity or inconsistency as to this portion of the sentence, and it is, therefore, my opinion that the synopsis of an amendment or law, together with the Attorney General's certification thereof, should be printed on each part of a referendum or initiative petition in capital letters, as provided by Section 4785-176, General Code.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1627.

ELECTION LAW—RIGHT OF CANDIDATE BY METHOD OF DECLARATION TO SIGN AND CIRCULATE OWN PETITION—EXECUTING OATHS TO SIGNATURES AUTHORIZED.

SYLLABUS:

A person desiring to become a party candidate by the method of declaration, may sign the petition provided in Section 4785-72, General Code, circulate such petition personally, and execute the oath provided at the end of the signatures thereto.

COLUMBUS, OHIO, March 18, 1930.

HON. CLARENCE J. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—Your letter of recent date is as follows:

“Sections 4785-70, 4785-71 and 4785-72 of the General Code, provide for candidacy by declaration and the form for declaration of candidacy and the petition for candidate.

Under Section 72 it will be noticed that the form requires that an oath be made to the petition by one of the signers to the petition for the candidate. The question has now arisen as to whether or not the candidate himself can be a signer of his own petition and is qualified to take the oath as required under Section 72 as a signer of said petition.

The request has come as the result of the somewhat general practice of county candidates passing their own petitions to obtain signers.

We will appreciate very much your opinion on this question as promptly as possible as the question is coming to us from every section of the State almost daily, where county candidates are preparing to qualify for the primary.

I am enclosing a copy of the declaration of candidacy for county office so that you may see the form which has been prescribed by the Secretary of State in compliance with the provisions of 4785-70, -71, and -72.”

Section 4785-72, General Code, to which you refer, sets forth the form of petition to be attached to the declaration of candidacy of each person desiring to become a party candidate by the method of declaration. The form which you have submitted is substantially in accordance with the provisions of this section, which requires that the following oath appear at the bottom of the space provided for signature of petitioners:

"Personally appeared before me this _____ day of _____, 19____, _____ who acknowledged the signing of the above certificate and took oath that the above signatures were made in his presence and are the signatures of the persons whose names they purport to be."

It is evident that this oath should be made by the circulator of the petition and that such circulator should also sign the petition which he himself has circulated. It is provided that the circulator acknowledge "the signing of the above certificate". The Legislature has apparently here used the words "petition" and "certificate" interchangeably. The instrument is called in this section a "Petition for Candidate" and yet above the space for signatures shall appear the following:

"We, the undersigned, qualified electors of the State of Ohio, and of the county, (city, district, township, ward and precinct) set opposite our names, and members of the _____ party, hereby certify that _____ who resides at _____ city (or township) of _____ in the county of _____ and who is a candidate for the office (or position) of _____ to be voted for at the primary next hereafter to be held, and whose declaration of candidacy is herewith filed, is a member of the _____ party, and is, in our opinion, well qualified to perform the duties of the office for which he is a candidate."

The signers of this instrument actually *certify* that the candidate is a member of a given party and that he is qualified for the office he seeks. There is some doubt as to whether the signers "petition" for anything. Regardless of this, however, there is no question but that the oath at the bottom of the space for signatures requires that the circulator acknowledge the signing of the instrument, be it petition or certificate. I note that in your form you have substituted in this oath the word "petition" for "certificate" as provided by statute. While probably not fatal, I suggest that you follow the language of the statute.

An examination of the pertinent sections of the Election Laws of the State of Ohio discloses that the only qualification which is required of a person to sign such petition is that such person be an elector and of the political party of the candidate. Section 4785-70, General Code, provides that each person desiring to become a party candidate by the method of declaration shall file a declaration of candidacy accompanied by a petition signed by such number of electors of the candidate's party as therein required. There appear no exceptions to this requirement and evidently no one who is an elector of the candidate's party is excluded from the right to sign such petition. Manifestly the candidate himself meets the requirement of Section 4785-70.

Specifically answering your question, it is my opinion that a person desiring to become a party candidate by the method of declaration, may sign the petition

provided in Section 4785-72, General Code, circulate such petition personally, and execute the oath provided at the end of the signatures thereto.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1628.

APPROVAL, NOTES OF NEW CONCORD-UNION RURAL SCHOOL DISTRICT, MUSKINGUM COUNTY—\$75,000.00.

COLUMBUS, OHIO, March 18, 1930.

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

1629.

APPROVAL, BONDS OF REESVILLE RURAL SCHOOL DISTRICT, CLINTON COUNTY—\$22,000.00.

COLUMBUS, OHIO, March 18, 1930.

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

1630.

APPROVAL, BONDS OF MARYSVILLE VILLAGE SCHOOL DISTRICT, UNION COUNTY—\$137,500.00.

COLUMBUS, OHIO, March 18, 1930.

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

1631.

APPROVAL, BONDS OF VILLAGE OF OHIO CITY, VAN WERT COUNTY—\$25,000.00.

COLUMBUS, OHIO, March 18, 1930.

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