

1955.

APPROVAL, BONDS OF PUTNAM COUNTY—\$5,392.70.

COLUMBUS, OHIO, June 6, 1930.

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

1956.

VACANCY—OFFICES OF COUNTY AUDITOR AND COMMISSIONER—
WHEN SUCCESSORS TO APPOINTEES ELECTED.

SYLLABUS:

1. *When a county auditor, who was elected in November, 1926, and entered upon the duties of his office on the second Monday of March, 1927, resigned on April 14, 1930, a successor should be elected at the general election in November, 1930. Said successor should take office as soon as he can qualify after such election and serve until March 9, 1931.*

2. *If a county commissioner, who was elected at the general November election in 1928, and assumed office on January 7, 1929, should resign at the present time, a successor should be elected at the general November election in 1930, and would serve from the date of qualification after such election for the unexpired term, i. e., until the first Monday in January, 1933.*

COLUMBUS, OHIO, June 6, 1930.

HON. C. LUTHER SWAIM, *Prosecuting Attorney, Wilmington, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion, which reads as follows:

“Some time ago one of your predecessors ruled that there was *no* election for a short term in the office of County Auditor. If I am not mistaken the ruling was made by Attorney General Price about 1924. As I view the situation as it exists in this county, there *should* be an election for a short term. The facts here are as follows: Harry Gaskill, County Auditor, resigned on April 14, 1930, and a deputy in his office, Alfred Osborn, was appointed to fill his place. The term runs until sometime in March, 1931. There is a general election in November of this year and it seems to me that there should be an election for this short term from November to March.

An immediate ruling is asked on the above question in order that those persons desiring to file primary petitions for short terms may do so, if you hold that there should be an election for this short term.

If a County Commissioner, whose term would expire in January, 1933, should resign at the present time, it is my understanding that there would have to be an election for the term running from November, 1930, to January, 1933, in the November election. Is this correct?

I would appreciate replies to the two questions above this week in order that whatever steps are necessary may be taken before the last filing date which is Friday, June 13.”