

county is required to adopt a resolution providing for the submission of such question. And inasmuch as the filing of the petition provided in Section 161 of said act with the board of elections is necessary before said board can exercise the power and authority given it by the statute to submit such question to the electors, it follows that so far as the provisions of Sections 4840 and 4827, General Code, are concerned, said petition must be filed more than fifteen days before the date of election. In considering this question, however, other applicable statutory provisions must be taken into consideration. Sections 5078-1, et seq., General Code, provide for the casting of ballots by absent voters on candidates or questions to be voted on. Such absent voter may cast his ballot not earlier than thirty days prior to the election.

Again, by Section 5080-1, General Code, provision is made for the nomination of inspectors to the count at the election when any question is submitted. This section provides that not later than forty days prior to an election at which any question is submitted to a vote of the people, any committee may file a petition with the board of elections of any county asking that such petitioners be recognized as a committee entitled to nominate inspectors to the count at such election; and if such committee is recognized by the board of elections as the rightful committee entitled to advocate or oppose the question to be voted upon, such committee is entitled to nominate inspectors at such election.

It follows from this that the board of elections must adopt its resolution providing for the submission of the question of adopting voting machines at least forty days prior to the date of election, and the petition provided for in Section 161 of said act, should be filed with the board of elections at or before said time.

By way of answer to your sixth and seventh questions stated in your communication, it may be said that under the provisions of Section 161 of the said act, above quoted, the petition or petitions therein provided for should be filed with the board of elections of the county, and the election on the question of the adoption of voting machines in the county is to be held at the general election for the state and county officers to be held in such county in an even numbered year. It is obvious that the first election that can be held on this question is that to be held on the first Tuesday after the first Monday in November of 1930.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1166.

APPROVAL, FINAL RESOLUTION ON ROAD IMPROVEMENT IN VINTON COUNTY.

COLUMBUS, OHIO, November 8, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*