

3705.

APPROVAL, BONDS OF VILLAGE OF WORTHINGTON, FRANKLIN COUNTY, \$9,000, FOR STREET IMPROVEMENTS.

COLUMBUS, OHIO, November 3, 1922.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

3706.

ABSENT VOTERS LAW—ELECTOR CANNOT VOTE ABSENT VOTER'S BALLOT AND THEN GO TO POLLS ON ELECTION DAY AND WITHDRAW SAME— HOW ABSENT VOTERS' BALLOTS CHALLENGED.

COLUMBUS, OHIO, November 6, 1922.

HON. HARVEY C. SMITH, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—Permit me to acknowledge receipt of your letter of even date with which you transmit a communication from S. H. Hamilton, member of the board of deputy state supervisors of elections of Pike County, which is as follows:

"To prevent any confusion as to construing the election laws as to certain matters, wish you would kindly answer the following questions and direct as to laws concerning same:

(1) Can an elector vote an absent voter's ballot and go to the polls on election morning and withdraw same?

(2) Will you please advise us as to the method of challenge of absent voter's ballots and the number of precinct judges required, voting in the affirmative, to accept and the number of judges required to reject a vote of an elector?"

Replying to your request for an answer to the questions propounded by Mr. Hamilton, permit us to advise in answer to question 1—"Can an elector vote an absent voter's ballot and go to the polls on election morning and withdraw same?"—that there is no provision of law which permits such a procedure. The disposition of an absent voter's ballot, which has been received by election officials under and pursuant to the provisions of section 5078-5 and concerning which there is no claim of irregularity or illegality, is fully provided for therein and nothing remains for the election officials to do but to count same after it has been deposited in the ballot box pursuant to the section referred to.

The second question propounded relates to the method of the challenge of absent voter's ballots and the number of precinct judges required voting in the affirmative to accept and the number of judges required to reject a vote of an elector.