

"A vacancy in a board of education may be caused by death, non-residence, resignation, removal from office, failure of a person elected or appointed to qualify within ten days after the organization of the board or of his appointment, removal from the district or absence from meetings of the board for a period of ninety days, if such absence is caused by reasons declared insufficient by a two-thirds vote of the remaining members of the board, which vote must be taken and entered upon the records of the board not less than thirty days after such absence. Any such vacancy shall be filled by the board at its next regular or special meeting, or as soon thereafter as possible, by election for the unexpired term. A majority vote of all the remaining members of the board may fill any such vacancy."

In view of the foregoing section wherein it is expressly provided that failure of a person elected as a member of a board of education to qualify within ten days after the organization of the board, shall create a vacancy and that such vacancy shall be filled by the board as therein provided, I am of the opinion in answer to your inquiry that in the event a person who has been elected as a member of a board of education fails to qualify within ten days after the organization of the board, as provided in Section 4747, General Code, a vacancy exists under the provisions of Section 4748, General Code, which vacancy should be filled as therein provided.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1438.

PREPARATION OF DEED TO CONVEY PREMISES DESCRIBED IN
HOUSE BILL NO. 294 TO CITY OF ALLIANCE, STARK COUNTY, FOR
ARMORY PURPOSES.

COLUMBUS, OHIO, January 23, 1930.

HON. A. W. REYNOLDS, *Adjutant General, Columbus, Ohio.*

DEAR SIR:—You have requested me to prepare deed to convey the premises described in House Bill No. 294, enacted by the 88th General Assembly, 113 O. L. 503, to the city of Alliance.

From your communication, it appears that in accordance with the provisions of said act, you have purchased a new site from the city of Alliance, and in payment of the purchase price of said new site, you have agreed to convey the premises under consideration herein which were deeded to the state for armory purposes, to the city of Alliance, and that the Governor has approved the same.

Enclosed herewith you will find form of deed which I have prepared and which it is believed proper under the circumstances. The deed, of course, should be signed by the Governor, countersigned by the Secretary of State, transmitted to the Auditor of State to the end that it may be recorded by him, and then forwarded to the city of Alliance.

Respectfully,

GILBERT BETTMAN,
Attorney General.