Similarly, library funds shall be deposited by the officer receiving same in accordance with the terms of the Public Deposits Insurance Fund Act.

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ELECTIONS: Whether ballot for President and Vice-President should be separate from the ballot for other candidates.

Ballots: Whether ballot for President and Vice-President shall be separate and distinct from ballot for other officers.

August 19, 1940.

Indiana State Board of Election Commissioners,
State House,
Indianapolis, Indiana.

Gentlemen:

I have a letter of August 13, 1940, signed by the Indiana State Board of Election Commissioners, by Edwin H. Smith, a member of said Board, presenting the following question:

"Should one ballot be used containing the names of candidates for both National and State tickets or should two ballots be used, one carrying the National ticket and the other the State ticket?"

In my judgment, two ballots should be used, one carrying the National ticket and the other the State ticket. The legislature of 1933 passed an Act, being chapter 92, page 660, amending an Act approved February 23, 1897 and March 13, 1919. The amendment of 1933, in part, is as follows:

"Section 1. That the Board of Election Commissioners of the State of Indiana shall cause the names of all candidates for electors for president and vice-president of the United States to be printed on one ballot, in such manner as the laws of Indiana may provide, and the names of all other candidates for whom all the electors are entitled to vote, to be printed on another ballot."
This language is so clear that it needs no construction. It speaks for itself. The legislature of 1937 passed an Act, chapter 61, page 318, which reads, in part, as follows:

"That the names of the candidates for electors (for) president and vice-president of the United States, or any political party or group of petitioners, shall not be placed on the ballot, but, in arranging and preparing the ballots for the election at which presidential electors are to be elected, the names of the candidates for president and vice-president of the United States, respectively, of such political parties or groups of petitioners, shall be placed in one column on the ballot, where ballots are used, and on one ballot label, in one column or row, where voting machines are used in the same form and manner as the names of candidates for United States senator, under the title and device of such political party or group of petitioners, nominating a group of candidates for presidential electors. Wherever the names of the candidates for president and vice-president of the United States, respectively, are so printed, there shall be printed above their respective names the words: 'For presidential electors for'.”

It is to be noted that the foregoing section provides for the names of the candidates for president and vice-president to be placed on the ballot, instead of the names of the electors, as provided for in the Act of 1933, but nowhere in the Act of 1937 is there any language which could be construed to change the provisions of the Act of 1933, providing for two ballots, one carrying the National ticket and the other the State ticket.

It is my opinion that the Act of 1933 is in full force and effect and requires two separate ballots.