

**OPINION NO. 69-033****Syllabus:**

Incumbent elected county officials must be re-elected after April 1, 1970 in order to qualify for the increased remuneration under Chapter 325, Revised Code.

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**To: Roy H. Huffer, Jr., Pickaway County Pros. Atty., Circleville, Ohio**  
**By: Paul W. Brown, Attorney General, March 20, 1969**

I have before me your request for an opinion on the following question:

"Will the 1970 census change the remuneration of county elected officials, or will they have to be re-elected after the 1970 census in order to receive the increased remuneration as set up in the various schedules pertaining to each elected county official under Chapter 325, Revised Code?"

This question has been dealt with by our office in Opinion No. 1644, Opinions of the Attorney General for 1960. In this Opinion we stated that a county official becomes eligible for the new salary schedule based on the federal census when he is elected or appointed on or after April 1 of the year which is stated in the statute. Paragraph 1 of the Syllabus of the aforementioned Opinion reads as follows:

"1. County officials who were elected or appointed to office prior to April 1, 1960, should be paid salaries \* \* \* based on the population of their respective counties as shown by the 1950 federal census; however, such an official elected or appointed on or after April 1, 1960, should be paid a salary under the appropriate section based on the population of his respective county as shown by the 1960 federal census, effective April 1, 1960."

The latest amendments under Chapter 325, Revised Code, have changed the language slightly, but not in any meaningful sense. The words "next preceding his election", which refer to the appropriate federal census, have been replaced with the wording "as ascertained by the latest federal census of the United States." Although the language of the statute has been modified, the meaning remains the same, i.e. the county elected official, if now in office, must be re-elected after the 1970 census goes into effect in order to qualify for the salary increase. It was clearly pointed out in Opinion No. 7437, Opinions of the Attorney General for 1956, that Article II, Section 20, Ohio Constitution, prohibits an official having his salary raised during the term for which he is elected. Such an increase has been held to be unconstitutional State, ex rel. v. Raine, 49 Ohio St. 580 (1892).

Therefore, it is my opinion and you are hereby advised that incumbent elected county officials must be re-elected after April 1, 1970 in order to qualify for the increased remuneration under Chapter 325, Revised Code.