

OPINION 65-110**Syllabus:**

Pursuant to the provisions of Section 5715.51, Revised Code, a member of a county board of revision may not hold a position as a City Precinct Committeeman, officer of the County Central Committee, member of the County Central Executive Committee, officer of the County Executive Committee, or State Committeeman. Branch 13 of the syllabus of Opinion No. 4885, Opinions of the Attorney General for 1932 is hereby overruled.

To: Paul J. Mikus, Lorain County Pros. Atty., Elyria, Ohio
By: William B. Saxbe, Attorney General, June 29, 1965

I have before me your request for my opinion which reads as follows:

"May a member of the Board of Revision hold positions as either City Precinct Committeeman, officer of the County Central Committee, member of the County Executive Committee, officer of the County Executive Committee, or the position of State Committeemen?"

"In regards to this question, I have advised the members of the Lorain County Board of Revision of the provisions of Ohio Revised

Code Sec. 5715.51, which provides:

"No assistant assessor, member of a county board of revision, member of the board of tax appeals, or any assistant, expert, clerk, or other employee of a county board of revision or the department of taxation shall hold any position on or under any committee of a political party, or subscribe or pay any money or other thing of value to any person or organization for the purpose of promoting, defeating, or otherwise influencing any legislation, or circulate any initiative or referendum petition. Whoever violates this section shall be removed from his office or employment.

"It is the belief of this office that the provision 'any position on or under any committee of a political party' makes the position of member of the Board of Revision incompatible with all of the positions set forth above. However, we wish to call your attention to Opinion No. 4885 given by Attorney General Gilbert Bettman under date of January 9, 1933, as found on page 1528 of 1932 Opinions of the Attorney General, particularly syllabus 13, which states as follows:

"A village central committeeman of a political party may occupy the office of a county treasurer at the same time."

and request your views as to whether or not this opinion may be applicable in the present situation."

Section 5715.51, supra, which is set forth in your letter of request, was formerly Section 12924-6, General Code. While there have been some changes made in the wording of such section as it appears in the Revised Code, the mandate of each is substantially the same.

Section 12926-6, General Code, was in effect at the time Opinion No. 4885, Opinions of the Attorney General for 1932 was issued. In support of branch 13 of the syllabus, which is set forth in your request, the then attorney general stated at page 1533:

"* * * nor do I see any incompatibility in central committeemen holding the offices of either county treasurer or village treasurer * * *"

Section 5580, General Code, which is now Section 5715.02, Revised Code, was also in effect at the time Opinion No. 4885, supra, was issued, and that section provides in part that the county treasurer shall be a member of the county board of revision.

The writer of Opinion No. 4885, supra, undoubtedly failed to consider Section 12924-6, General Code (Section 5715.51,

Revised Code). In view of the restriction contained in that section, stating that a member of a county board of revision who holds any position on or under any committee of a political party shall be removed from office, I am able to reach no other conclusion than that Opinion No. 4885, supra, is not accurate.

Section 5715.51, supra, seems to be quite clear. The officers and employees mentioned therein are forbidden to engage in those political activities described in such section. If one of these officers or employees does participate in such political activities, he is to be removed from his office or employment.

In specific answer to your request, I am of the opinion that the positions of City Precinct Committeeman, officer of the County Central Committee, member of the County Executive Committee, officer of the County Executive Committee, and State Committeeman are positions "on or under any committee of a political party," as that term is used in Section 5715.51, supra, and may not properly be held by a member of a county board of revision.

Therefore, it is my opinion and you are hereby advised that pursuant to the provisions of Section 5715.51, Revised Code, a member of a county board of revision may not hold a position as a City Precinct Committeeman, officer of the County Central Committee, member of the County Central Executive Committee, officer of the County Executive Committee, or State Committeeman. Branch 13 of the syllabus of Opinion No. 4885, Opinions of the Attorney General for 1932 is hereby overruled.