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PUBLIC OFFICERS—ADMINISTRATION OF OATH—§3313.10  
R.C.—SUCH PROVISION SUPPLEMENTARY AND NOT EX-  
CLUSIVE.

SYLLABUS :

The provision in Section 3313.10, Revised Code, for administration of the oath of office to a member of a board of education is merely supplementary to other statutory provisions authorizing particular officers to administer oaths and does not make exclusive provision for the administration of oaths to such members.

Columbus, Ohio, January 20, 1959

Hon. Fred E. Jones, Prosecuting Attorney  
Warren County, Lebanon, Ohio

Dear Sir :

This will acknowledge your request for an interpretation of Section 3313.10, Revised Code, which reads as follows :

“Before entering upon the duties of his office each person elected or appointed a member of a board of education shall take an oath to support the constitution of the United States and the constitution of this state and that he will perform faithfully the duties of his office. Such oath may be administered by the clerk or any member of the board.”

The specific question raised is whether the final sentence in this section is such as to provide that the oath in question may be administered only by the clerk or a member of the board, or whether any other officer qualified to administer oaths may act in this regard.

In Section 147.07, Revised Code, there is a provision authorizing a notary public to administer oaths generally and such an officer could clearly administer the oath required of a member of a board of education unless the special statutes relative to that office are such as to make exclusive provision therefor. In view of the use of the permissive “may” in Section 3313.10, Revised Code, it is my opinion that the provision in question is supplementary to Section 147.07, Revised Code, and does not make exclusive provision on the subject.

Any other view would clearly bring on, in special circumstances, completely absurd results. For example, if all members of a board, and the clerk, should resign, or where a new district is created, it would be impossible for any officer to administer the oaths required to enable the board to begin functioning.

You are advised, therefore, that the provision in Section 3313.10, Revised Code, for administration of the oath of office to a member of a board of education is merely supplementary to other statutory provisions authorizing particular officers to administer oaths and does not make exclusive provision for the administration of oaths to such members.

Respectfully,  
MARK McELROY  
Attorney General