

ballot and elected him would not be a violation of that section. Said section 5092 has since been repealed and section 4785-16, General Code, reads as follows:

“No person shall serve as a member, clerk, deputy clerk, assistant clerk, or employe of the board of elections who is a candidate for an office to be filled at an election, except the office of delegate or alternate to a convention or a member of a party committee.”

It is seen that the provision making ineligible to an office a person who was a candidate for such office and also served as a member, clerk, or employe of the board of elections at such election, has been eliminated, and the only prohibition now is that a candidate for an office shall not serve as a member, clerk, deputy clerk, assistant clerk, or employe of the board of elections. In eliminating the above provision, it was apparently the intention of the legislature that such a person should not be ineligible to the office to which he is elected. As stated in the case of *State, ex rel., vs. Wagar*, 19 C. C. 149:

“One who is an elector is entitled to hold office to which he is elected, unless the statute forbids. There must be a provision of the statute forbidding his holding the office.”

I am of the opinion therefore that where a person who serves as a member, clerk, deputy clerk, assistant clerk, or employe of a board of elections is a candidate for office, and is elected to such office, that fact alone does not make such person ineligible to the office to which he was elected.

Respectfully,

JOHN W. BRICKER,
Attorney General.

1993.

APPROVAL, BONDS OF TOLEDO CITY SCHOOL DISTRICT, LUCAS COUNTY, OHIO, \$10,000.00.

COLUMBUS, OHIO, December 11, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

1994.

APPROVAL, BONDS OF SHAKER HEIGHTS VILLAGE SCHOOL DISTRICT, CUYAHOGA COUNTY, OHIO, \$40,000.00.

COLUMBUS, OHIO, December 11, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.