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BOARD OF ELECTIONS—"TEMPORARY BRANCH OFFICES"
AS PROVIDED FOR IN SECTION 3501.10, RC—NOT "BRANCH
REGISTRATION OFFICES" WITHIN SECTION 3503.12 (A),
RC—NOT ONE OF THE ALTERNATIVES PROVIDED FOR
IN SECTION 3503.12, RC.

SYLLABUS:

The establishment by a board of elections of a number, of "temporary branch offices" as provided in Section 3501.10, Revised Code, does not constitute the provision of "branch registration offices" within the meaning of Division (A) of Section 3503.12, Revised Code, nor does such board, in establishing such temporary branch offices, exhaust one of the alternatives provided in the latter section so as to preclude arrangements each year for registration in each registration precinct as provided in Division (B) of Section 3503.12, Revised Code.

Columbus, Ohio, July 23, 1956

Hon. Mathias H. Heck, Prosecuting Attorney
Montgomery County, Dayton 2, Ohio

Dear Sir:

Your request for my opinion reads as follows:

"We are in receipt of a letter from the Board of Elections
which is as follows:

July 3, 1956

Montgomery County Prosecutor
Dayton, Ohio

Dear Sir:

The Board of Elections would appreciate your requesting an opinion from the Attorney General upon the following questions:

Would the establishment of temporary branch offices in ten municipal corporations throughout Montgomery County under Section 3501.10 RC. preclude the Board from opening all the precincts for registration under Paragraph "B" of Section 3503.12 RC.? This would be so if such temporary branch offices are considered to be the same as the branch registration offices mentioned in Section 3503.12 RC. since Paragraphs A and B of that section are in the alternative.

In this connection, it is to be noted that the offices provided for in Section 3501.10 RC. are called "temporary branch offices," and may be located only in municipal corporations other than the county seat, while the offices provided for in Section 3503.12, RC. are referred to as "branch registration offices," and may be located anywhere in the county.

We feel that an opinion of the Attorney General would be in order, since this is a matter of statewide interest.

Yours very truly
(s) Floyd L. Hale, Clerk'

"Due to the nearness of the elections your usual prompt reply will be appreciated."

Section 3501.10, Revised Code, to which the board refers, reads as follows:

"The board of elections shall, as an expense of the board, provide suitable rooms for its office and records and the necessary and proper furniture and supplies for such rooms. Such offices and rooms in cities over two hundred thousand population shall be kept open daily during office hours, except Sundays and legal holidays. In counties containing municipal corporations in addition to the county seat, the board may maintain a *temporary branch office* in each such municipal corporation for such time prior to the election as necessity requires."

(Emphasis added.)

In Section 3503.12, Revised Code, we find these provisions:

"After a general registration the board of elections, in order to facilitate new registrations and the change of registrations by

electors already registered, may adopt *one* of the following methods:

“(A) The board may provide and keep open, in each year before the close of registration preceding a general election, at convenient locations in different parts of the county, *branch registration offices* where qualified persons may register or transfer their registration. Such branch offices shall be in charge of two or more competent assistant clerks of opposite political parties who shall receive for their services not to exceed ten dollars per day. The board shall provide a sufficient number of such branch offices to enable all eligible voters to register or transfer their registrations, and they shall be kept open at least eight hours of each day as fixed and publicly announced by the board. Notices of the locations of a branch office and the hours during which it will be opened shall be posted in one or more conspicuous places in the locality in which the branch office is located.

“(B) The board may arrange each year for registration in each registration precinct on any one day during the ten days immediately preceding the close of registration. Such one day of registration, when so arranged, shall be conducted and governed by sections 3503.06 to 3503.32, inclusive, of the Revised Code.

“All registrations shall be carefully checked and in case any person is found to have registered more than once the additional registration forms shall be canceled by the board.

“The board may publish notices in one or more newspaper of general circulation advertising the places, dates, and times of registration.” (Emphasis added.)

It will be observed that in the first statute above quoted reference is made to a “temporary branch office,” and in the latter to “branch registration offices.” It is an elementary rule of statutory construction that the use of varying expressions is indicative of a varying meaning. 37 Ohio Jurisprudence, 570, Section 307.

Moreover, it is a matter of some significance that in Section 3501.10, Revised Code, a “temporary branch office” may be established only in a municipal corporation other than the county seat, whereas, under the terms of Section 3503.12, Revised Code, a “branch registration office” may be provided “at convenient locations in different parts of the county,” there being no limitation in this regard to establishment either within a municipal corporation, or within one other than that which is the county seat.

It may be pointed out, however, that if the temporary offices here contemplated are actually established for the sole purpose of receiving

registrations then they must be regarded as “branch registration offices” rather than “temporary branch offices” of the board. In short, there can be no subterfuge, and the actual purpose of establishing such offices, rather than the declared intention of the board to proceed under Section 3501.10, Revised Code, will determine the question of whether one of the alternatives provided in Section 3503.12, Revised Code, has been used.

The considerations above pointed out relative to the varying language and purposes evident in the two sections in question clearly lead to the conclusion that the establishment by a board of elections of a number of “temporary branch offices” as provided in Section 3501.10, Revised Code, does not constitute the provision of “branch registration offices” within the meaning of Division (A) of Section 3503.12, Revised Code, nor does such board, in establishing such temporary branch offices, exhaust one of the alternatives provided in the latter section so as to preclude arrangements each year for registration in each registration precinct as provided in Division (B) of Section 3503.12, Revised Code.

Respectfully,

C. WILLIAM O'NEILL

Attorney General