

in any respect; provided, that only such provisions shall be included or omitted by amendment as it would be lawful to include in or omit from original articles filed at the time of making such amendment or effect changes of shares as hereinafter provided for.

In particular, without prejudice to the generality of such power of amendment, a corporation may by amendment:

- \* \* \* \* \*
- (e) Change, add to or diminish its purpose or purposes;
- \* \* \* \* \*

Inasmuch as the purpose clause which is now desired by the corporation might have been included in the original articles, and I find no prohibitive section in the general banking act, I am of the opinion, in specific answer to your question, that a bank, organized under the laws of this state for the purpose of transacting the business of a commercial and savings bank, may, by amending its articles of incorporation, change to a special plan bank as provided in section 710-180 of the General Code of Ohio.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

3826.

APPROVAL, CONTRACT FOR ROAD IMPROVEMENT IN RICHLAND COUNTY, OHIO.

COLUMBUS, OHIO, December 8, 1931.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

3827.

BOARD OF ELECTIONS—MEMBERS COMPENSATION FIXED BY SECTION 4785-18, GENERAL CODE—MAY EMPLOY NECESSARY CLERICAL HELP AND PAY THEM IN ACCORDANCE WITH SECTION 4785-15, GENERAL CODE.

*SYLLABUS:*

1. *The board of elections may not be paid for the acts and duties required by Section 11419-8, General Code, but their compensation is fixed by Section 4785-18, General Code.*
2. *Boards of elections may employ the necessary clerical help for the preparation of the lists required by Section 11419-8.*
3. *The board of elections, if it employs help for the preparation of lists, may pay such clerical help in the manner provided by Section 4785-15, General Code.*

COLUMBUS, OHIO, December 8, 1931.

HON. JOHN I. MILLER, *Prosecuting Attorney, Van Wert, Ohio.*

DEAR SIR:—Your request for opinion reads as follows:

"RE: Amended Senate Bill No. 184 supplementing and recodifying the laws of Ohio relative to the method of summoning and selecting jurors.

Calling your attention to Section 11419-8 which reads as follows:

'On or before the last day of December, 1931, and biennially thereafter, unless otherwise ordered by the judge or judges of the common pleas court of such county, the board of elections for each county shall make and file with the commissioners of jurors a certified list containing the names and addresses of all the electors of the county shown on the poll books for the next preceding general election.'

Also Section 11419-38, which reads as follows:

'No officer mentioned in this act shall receive any payment or fees for any services required by this act, except as specified in this act. Any fee for the service of any paper required by the commissioners shall be a charge against the county, and shall be audited and paid in like manner, as other charges are now paid. The commissioners are authorized to call upon the sheriff of the county to serve any paper required to be served; and the sheriff shall perform such duty and tax fees therefor as provided for other similar service.'

I would like to have your opinion on the following questions:

- 1st: May the Election Board legally be paid for doing this work?
- 2d: May the Board of Elections employ proper persons to make this list other than themselves?
- 3d: May the Board, if they employ persons other than themselves to make this list, pay such persons for their services?"

An examination of Section 11419-4, General Code, which section is part of Amended Senate Bill 184, enacted by the 89th General Assembly, discloses that said section provides for the salary or compensation of jury commissioners and deputy jury commissioners. It also provides for the payment of the salary or compensation of the clerks and messengers of said commission. No other salaries are provided by the act.

Section 11419-38, General Code, quoted in your letter, expressly limits the salary or compensation of officers mentioned in the act. It is therefore apparent that by reason of the express limitation of the Legislature, no fees or salary can be paid to the members of the board of elections for services provided by Section 11419-8, General Code.

Section 4785-18, General Code, which provides for the compensation of members of the board of elections, reads as follows:

"The annual compensation of members and clerks of the boards of elections shall be determined on the basis of the population of the county according to the next preceding federal census, and shall be paid monthly out of the appropriations made to the board of elections and upon vouchers or payrolls certified by the chairman, or a member of the board designated by it, and countersigned by the clerk or in his absence by the deputy clerk. Upon presentation of any such voucher or payroll the county auditor shall issue his warrant upon the county treasurer for the amount thereof as in the case of vouchers or payrolls for county offices and the treasurer shall pay the same.

The amount of annual compensation of members of the board shall be as follows: twelve dollars for each full one thousand of the first one

hundred thousand population; eight dollars for each full one thousand of the second one hundred thousand population; six dollars for each full one thousand of the third one hundred thousand; four dollars for each full one thousand of the fourth one hundred thousand; and three dollars for each full one thousand above four hundred thousand; except that in counties containing a registration city or cities an additional compensation of two dollars for each full one thousand population in such cities shall be allowed; provided, however, that the compensation of a member of the board shall be not less than two hundred dollars and shall not exceed four thousand two hundred dollars annually."

Section 4785-15, General Code, which provides for the employment of assistant clerks and employes of the board of elections and fixes their compensation, reads as follows:

"The board may, when necessary, appoint a deputy clerk of the political party opposite to that of the clerk, and one or more assistant clerks and other employes, prescribe their duties and fix their compensation as provided herein. The deputy clerk and assistant clerks shall take the same oath for the faithful performance of their duties as is required of the clerk of the board; and they shall have the same power to administer oaths as is given to the clerk by this act. The salaries of such deputy and assistant clerks and other employes shall not exceed the following schedule of compensation; deputy clerk, in counties containing a population of over 450,000, \$400 per month, in counties containing less than 450,000 but not less than 300,000, \$300 per month, and in all other counties, \$250 per month; assistant clerks, \$250 per month; stenographers, \$150 per month; other employes, \$150 per month each. The board may also employ additional assistants or employes when necessary for part time only at the prevailing rate of pay for such services."

From an examination of Sections 4785-15 and 4785-18, supra, it is the evident intention of the legislature to permit the members of the board of elections to employ the necessary clerical help in carrying on the duties of such board; however, the certificates as to correctness must be made by the board.

I am therefore of the opinion, in specific answer to your inquiry:

1. The board of elections may not be paid for the acts and duties required by Section 11419-8, General Code, but their compensation is fixed by Section 4785-18, General Code.

2. Boards of elections may employ the necessary clerical help for the preparation of the lists required by Section 11419-8.

3. The board of elections, if it employs help for the preparation of lists, may pay such clerical help in the manner provided by section 4785-15, General Code.

Respectfully,  
 GILBERT BETTMAN,  
*Attorney General.*