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COMPATIBILITY—COUNTY COURT JUDGE AND COUNTY
VETERANS' SERVICE OFFICER—POSITIONS INCOM-
PATIBLE.

SYLLABUS:

The office of judge of the county court is incompatible with the position of county veterans' service officer.

Columbus, Ohio, January 29, 1958

Hon. James A. Rhodes, Auditor of State
State House, Columbus, Ohio

Dear Sir:

I have before me your request for my opinion which presents the question of whether the office of county court judge is incompatible with the position of county veterans' service officer.

There can be little doubt that the office of county court judge is incompatible with that of county veterans' service officer. This office has consistently held that a county veterans' service officer is in the classified civil service. In Opinion No. 4130, Opinions of the Attorney General for 1948, p. 595, it was held:

“* * * Nothing is said as to his status in the classified or unclassified civil service, so we are bound to assume that under the provisions of Section 486-8, General Code (143.08, Revised Code), he is in the classified service, his position not being among those listed in that section, as being in the unclassified service.”

The same position was taken in Opinion No. 116, Opinions of the Attorney General for 1952, p. 64, wherein it was said:

“The position of such service officer not being listed in the unclassified civil service under Section 486-8, General Code (143.08, Revised Code), it must be concluded that it is within the classified civil service.”

Under the provisions of Section 143.41, Revised Code, no officer or employee in the classified service of the state may “be an officer in any political organization or take part in politics other than to vote as he pleases and to express freely his political opinions.” Such section reads as follows:

“No officer or employee in the classified service of the state, the several counties, cities, and city school districts thereof, shall directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political party or for any candidate for public office; nor shall any person solicit directly or indirectly, orally or by letter, or be in any manner concerned in soliciting any such assessment, contribution, or payment from any officer or employee in the classified service of the state and the several counties, cities, or city school districts thereof, nor shall any officer or employee in the classified service of the state, the several counties, cities, and city school districts thereof, be an officer in any political organization or take part in politics other than to vote as he pleases and to express freely his political opinions.”

Obviously, the office of judge of the county court is an elective office under the provisions of Section 1907.051, Revised Code, and the holder thereof would be engaged in political activity beyond voting as he pleases and expressing freely his political opinions. This being true, any member of the classified civil service, including the county veterans' service officer, cannot hold the office of county court judge.

Therefore, it is my opinion and you are accordingly advised that the office of judge of the county court is incompatible with the position of county veterans' service officer.

Respectfully,
WILLIAM SAXBE
Attorney General