

OPINION NO. 68-042

Syllabus:

Pursuant to Section 3501.10, Revised Code, the Board of Elections may establish more than one temporary branch office in a municipal corporation described in that Section and such branch offices may be established prior to a primary election.

To: Lee C. Falke, Montgomery County Pros. Atty., Dayton, Ohio
By: William B. Saxbe, Attorney General, March 12, 1968

You have requested my opinion whether the Board of Elections may establish more than one temporary branch office as provided for in Section 3501.10, Revised Code, and whether the Board may establish these temporary branch offices prior to a primary election.

Section 3501.10, Revised Code, provides in pertinent part as follows:

"In counties containing municipal corporations in addition to the county seat, the board may maintain temporary branch offices in any or all municipal corporations for such time prior to the election as the board deems necessary." (Emphasis added)

I note that Section 3501.10, supra, provides that the Board may maintain temporary branch offices in any or all municipal corporations, thus clearly indicating that more than one temporary branch office could be established in the municipal corporations described. Had the legislature intended that only one temporary branch office could be established in each of these municipal corporations, it would have provided "the board may maintain a temporary branch office in any or all municipal corporations."

"The election" is not defined by the Revised Code for the purpose of Section 3501.10, supra. However, "general election", "regular municipal election", "regular state election", "special election", "primary election" have been defined by Section 3501.01, Revised Code. Inasmuch as there is a definition of the enumerated phrases which include the word "election" and no definition of "the election", I conclude that the legislature did not intend that "the election", to which reference is made in Section 3501.10, supra, was to be limited to any one of the elections defined.

It is, therefore, my opinion that the Board of Elections may establish more than one temporary branch office in a municipal corporation described in Section 3501.10, Revised Code, and that such branch offices may be established prior to a primary election.