

**Note from the Attorney General's Office:**

1961 Op. Att'y Gen. No. 61-2310 was overruled by  
1978 Op. Att'y Gen. No. 1978-022.

2310

ELECTIVE POSITION OF A TOWNSHIP TRUSTEE AND JANITOR OF HIGHWAY PATROL STATION, A CIVIL SERVICE POSITION, ARE NOT COMPATIBLE—§143.41, R.C.

SYLLABUS:

The elective position of township trustee and the position of janitor of a state highway patrol station, a classified civil service position, are not compatible by reason of Section 143.41, Revised Code.

Columbus, Ohio, June 27, 1961

Hon. William H. Irwin, Prosecuting Attorney  
Belmont County, St. Clairsville, Ohio

Dear Sir:

Your request for my opinion reads:

“It is the desire of this office to obtain a formal opinion as to whether or not the job of maintenance and janitor of a State Highway Patrol Station is compatible with the office of township trustee.

“Our research has found Opinion No. 1206 at page 683 of Ohio Attorney General’s Opinions of 1918, which states that the position of janitor of a public building is compatible with the office of township clerk.

“An urgent reply is requested because the position of janitor-maintenance is to be filled within the next fifteen days.”

I am informed that the position of janitor and maintenance man of a state highway patrol station is in the classified civil service, being classified as either maintenance-repairman or custodial worker.

Section 143.41, Revised Code, refers to the classified civil service and 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.*" (Emphasis added)

The position of township trustee is an elective office (Section 505.01, Revised Code). And although a candidate for the office runs on a non-partisan ticket, the seeking of an elective office constitutes a taking part in politics. See Opinion No. 844, Opinions of the Attorney General for 1957, page 344, Opinion No. 1663, Opinions of the Attorney General for 1960, issued on August 24, 1960, and Opinion No. 4058, Opinions of the Attorney General for 1954, page 367.

Accordingly, it is my opinion and you are advised that the elective position of township trustee and the position of janitor of a state highway patrol station, a classified civil service position, are not compatible by reason of Section 143.41, Revised Code.

Respectfully,  
MARK McELROY  
Attorney General