

of Ohio in such county and draw compensation for such providing that it is physically possible for them to properly perform and discharge the duties of both positions.

Respectfully,  
 JOHN W. BRICKER,  
*Attorney General.*

1572.

BOARD OF ELECTIONS—UNAUTHORIZED TO PROVIDE TELEPHONE IN RESIDENCE OR PRIVATE BUSINESS OFFICE OF ITS CLERK.

*SYLLABUS:*

*A board of elections is not authorized to provide a telephone in the residence or private business office of its clerk.*

COLUMBUS, OHIO, September 18, 1933.

*Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.*

GENTLEMEN:—I acknowledge receipt of your communication which reads as follows:

“You are respectfully requested to furnish this department your written opinion upon the following:

Where an office for the county board of elections is furnished in the court house and equipped with telephone, at the expense of the county, may the board of elections provide a telephone in the residence or business office of the clerk of the board, at the expense of the county, such telephone being used both for private business of the clerk who is an insurance agent, as well as public business in connection with his office as clerk of the board of elections?”

Section 4785-17, General Code, reads as follows:

“The board in each county 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 a municipality or municipalities in addition to the county seat, the board may maintain a temporary branch office in each such municipality for such time prior to the election as necessity may require.”

Section 4785-20, General Code, reads in part as follows:

“The expenses of the board in each county shall be paid from the county treasury in pursuance of appropriations by the county commissioners, in the same manner as other expenses are paid. If the county commissioners fail to appropriate an amount sufficient to provide for the necessary and proper expenses of the board, the board may apply to the court of common pleas within the county, which

shall fix the amount necessary to be appropriated and such amount shall be appropriated. Payments shall be made upon vouchers of the board certified to by its chairman or acting chairman and the clerk or deputy clerk, upon warrants of the auditor.

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a. The entire compensation of members of the board and of the clerk, deputy clerk and other assistants and employees in the board's offices; the expenditures for the rental, furnishing and equipping of the offices of the board and for the necessary office supplies for the use of the board; the expenditures for the acquisition, repair, care and custody of polling places, booths, guard rails and other equipment for polling places; the cost of poll books, tally sheets, maps, flags, ballot boxes, and all other permanent records and equipment; the cost of all elections held in and for the state and county; and all other expenses of the board which are not chargeable to a political subdivision in accordance with this section, shall be paid in the same manner as other county expenses are paid."

The duties of the clerk of the board of elections are defined in section 4785-14, General Code, as follows:

"The clerk shall keep a full and true record of the proceedings of the board and of all monies received and expended, file and preserve in its office all orders and records pertaining to the administration of registrations, primaries and elections; receive and have the custody of all books, papers and property belonging to the board; and shall perform such other duties in connection with his office and the proper conduct of elections as the board shall from time to time determine. He shall subscribe to an oath before entering upon the duties of his office to perform all the duties of the clerk to the best of his ability, and to preserve all records, documents, and other property pertaining to the conduct of elections placed in his custody. He may administer oaths to such persons as are required by law to file certificates or other papers with the board, to judges and clerks of elections, and to witnesses who may be called to testify before the board, and to voters filling out blanks at the board's offices. The records of the board and papers and books filed in its office shall be public records and open to inspection under such reasonable regulations as shall be established by the board."

Ample power is given to the board of elections to provide suitable offices and to equip them in such manner that the board and its employes may properly and efficiently perform their duties. It is to be assumed that the duties of the clerk shall be performed at such offices and that the board will require its offices to be kept open during such periods of time as will give the public opportunity to transact such business as it may have with the board at its offices. In cities of over two hundred thousand population, section 4785-17, General Code, requires the offices to be kept open daily during office hours, except Sundays and legal holidays. Nowhere do I find authority, either express or implied, to maintain at public expense a telephone in the residence

or private business office of the clerk. With respect to the right of the board to maintain a telephone at the home of its clerk, the following is said in an opinion found in the Annual Report of the Attorney General for 1911-1912, page 130:

"\* \* \* There being no provision of law authorizing the installation of telephones in the homes of the clerk and deputy clerk, I am of the opinion, that the act of the board in authorizing telephones to be so installed is without authority of law, and the payment therefor would be illegal."

I am of the opinion therefore that a board of elections is not authorized to provide a telephone in the residence or private business office of its clerk.

Respectfully,

JOHN W. BRICKER,

*Attorney General.*

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1573.

APPROVAL, NOTES OF IRONTON CITY SCHOOL DISTRICT, LAWRENCE COUNTY, OHIO—\$28,368.00.

COLUMBUS, OHIO, September 18, 1933.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*

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1574.

APPROVAL, NOTES OF THOMPSON RURAL NO. 1 SCHOOL DISTRICT, GEauga COUNTY, OHIO—\$6,894.00.

COLUMBUS, OHIO, September 18, 1933.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*

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1575.

APPROVAL, NOTES OF NEVILLE VILLAGE SCHOOL DISTRICT, CLERMONT COUNTY, OHIO—\$1,082.00.

COLUMBUS, OHIO, September 18, 1933.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*