

1905.

ELECTION LAW—COUNTY BOARD OF ELECTIONS—MAINTAINING PERMANENT OFFICE IN MUNICIPALITY OTHER THAN COUNTY SEAT UNAUTHORIZED.**SYLLABUS:**

Under the provisions of Section 4785-17, General Code, a board of elections of a county containing a municipality in addition to the county seat may not maintain a permanent branch office in such municipality.

COLUMBUS, OHIO, May 26, 1930.

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

GENTLEMEN:—Your letter of recent date is as follows:

“Section 4785-17 of the General Code provides that in counties containing a municipality or municipalities in addition to the county seat the board of elections may maintain a temporary branch office in each such municipality for such time prior to the election as necessity may require. Under the provisions of this section, may the board of elections of a county containing two cities maintain a branch office in a city other than the county seat permanently throughout the year?”

Section 4785-17, to which you refer, provides:

“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.”

While not expressly stated in the first two sentences of this section, it is obvious that the suitable rooms for the office of the board, wherein shall be kept the records and the necessary and proper furniture and supplies, must be located at the county seat, which is the seat of government of the county. These permanent offices and rooms in the various county seats must only be kept open throughout the year in the event the county seat is a city of over two hundred thousand population. There are, of course, no cities of this size in Ohio which are not county seats. The section also provides that 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 an election as may be necessary. There is no authority to maintain such branch offices permanently and the authority to so maintain them is expressly limited to such time prior to an election as necessity may require. Following the well-established rule that public officers, boards and commissions have only such powers as are expressly granted by law and such as are necessary to carry out and effectuate those powers expressly granted, it is my opinion that under the provisions of Section 4785-17, General Code, a board of elections of a county containing a municipality in addition to the county seat may not maintain a permanent branch office in such municipality.

Respectfully,
GILBERT BETTMAN,
Attorney General.