

ballot and elected him would not be a violation of that section. Said section 5092 has since been repealed and section 4785-16, General Code, reads as follows:

“No person shall serve as a member, clerk, deputy clerk, assistant clerk, or employe of the board of elections who is a candidate for an office to be filled at an election, except the office of delegate or alternate to a convention or a member of a party committee.”

It is seen that the provision making ineligible to an office a person who was a candidate for such office and also served as a member, clerk, or employe of the board of elections at such election, has been eliminated, and the only prohibition now is that a candidate for an office shall not serve as a member, clerk, deputy clerk, assistant clerk, or employe of the board of elections. In eliminating the above provision, it was apparently the intention of the legislature that such a person should not be ineligible to the office to which he is elected. As stated in the case of *State, ex rel., vs. Wagar*, 19 C. C. 149:

“One who is an elector is entitled to hold office to which he is elected, unless the statute forbids. There must be a provision of the statute forbidding his holding the office.”

I am of the opinion therefore that where a person who serves as a member, clerk, deputy clerk, assistant clerk, or employe of a board of elections is a candidate for office, and is elected to such office, that fact alone does not make such person ineligible to the office to which he was elected.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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1993.

APPROVAL, BONDS OF TOLEDO CITY SCHOOL DISTRICT, LUCAS COUNTY, OHIO, \$10,000.00.

COLUMBUS, OHIO, December 11, 1933.

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

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1994.

APPROVAL, BONDS OF SHAKER HEIGHTS VILLAGE SCHOOL DISTRICT, CUYAHOGA COUNTY, OHIO, \$40,000.00.

COLUMBUS, OHIO, December 11, 1933.

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