

In Opinion No. 2060 of this department under date of May 4, 1928, it was held that:

"Under the provisions of Section 486-23, General Code, a person employed in the classified civil service of the state may not legally be a candidate for the office of member of council of a village, nor hold such office by election or appointment."

The provisions of Section 486-23, General Code, in stating what a person holding an office or position in the classified civil service may do, quite effectually indicates what he can not do in so far as the question submitted in your communication is concerned. Aside from the fact that elections belong to the political branch of the government and that the duties of an office relating to the conduct of elections are political in their nature (*State ex rel vs. Graves*, 90 O. S. 311), it is quite manifest that a person holding the office of member of a board of deputy state supervisors of elections or holding the office of clerk of such board, and performing the duties of said respective offices, is doing something more in the way of political activity than voting and expressing his political opinions.

By way of specific answer to the question presented in your communication therefore, I am of the opinion that a clerk or member of the board of deputy supervisors and inspectors of elections, or of the board of deputy supervisors of elections of a county may not under the provisions of Section 486-23, General Code, retain his position in the classified service of the state, counties, cities or city school districts thereof.

Respectfully,

EDWARD C. TURNER,  
*Attorney General.*

2546.

APPROVAL, BONDS OF SELMA RURAL SCHOOL DISTRICT, CLARK COUNTY, OHIO—\$23,000.00.

COLUMBUS, OHIO, September 5, 1928.

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

2547.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND PITTSBURGH-DES MOINES STEEL CO., PITTSBURGH, PA., FOR CONSTRUCTION OF WATER TOWER, DAYTON STATE HOSPITAL, SHAKER FARM, DAYTON, OHIO, AT AN EXPENDITURE OF \$4,170.00—SURETY BOND EXECUTED BY THE SOUTHERN SURETY COMPANY.

COLUMBUS, OHIO, September 5, 1928.

HON. JOHN E. HARPER, *Director of Public Welfare, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Welfare (Dayton State Hospital, Shaker

Farm, Dayton, Ohio), and Pittsburgh-Des Moines Steel Co., of Pittsburgh, Pa. This contract covers the construction and completion of water tower complete for Dayton State Hospital, Shaker Farm, Dayton, Ohio, and calls for an expenditure of four thousand one hundred seventy dollars (\$4,170.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also furnished evidence to the effect that the consent and approval of the Controlling Board to the expenditure has been obtained as required by Section 12 of House Bill No. 502 of the 87th General Assembly. In addition you have submitted a contract bond, upon which the Southern Surety Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval hereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

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2548.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND PITTSBURGH-DES MOINES STEEL CO., PITTSBURGH, PA., FOR THE CONSTRUCTION OF WATER TOWER FOR OHIO PENITENTIARY, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$7,530.00—SURETY BOND EXECUTED BY THE SOUTHERN SURETY COMPANY.

COLUMBUS, OHIO, September 5, 1928.

HON. JOHN E. HARPER, *Director of Public Welfare, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Welfare (Ohio Penitentiary, Columbus, Ohio), and Pittsburgh-Des Moines Steel Co., of Pittsburgh, Pa. This contract covers the construction and completion of water tower complete for Ohio Penitentiary, Columbus, Ohio, and calls for an expenditure of seven thousand five hundred thirty dollars (\$7,530.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also furnished evidence to the effect that the consent and approval of the Controlling Board to the expenditure has been obtained as required by Section 12 of House Bill No. 502 of the 87th General Assembly. In addition you have submitted a contract bond, upon which the Southern Surety Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by