

an independent and wholly disinterested service to the state. The legislature has the absolute right to determine upon what conditions any citizen shall hold a public office or employment. As one of the conditions for holding an office or employment in the classified service it is prescribed, as above noted, that the incumbent thereof shall not take part in politics. These conditions, therefore, prohibit an officer or employe in the classified service from engaging in any act or conduct which may be said to be taking a part in politics. It does not require an argument to sustain the contention that an active candidate for an elective office is taking a part in politics because the things for which a candidate stands under such circumstances and upon which he seeks support are of the very essence of politics and this is so whether such candidate represents a party in his campaign for such office or stands upon a platform of his own.

I am of the opinion, therefore, that an active candidate for an elective office is taking a part in politics within the prohibition of the statute quoted and that if he is at the same time holding an office or employment in the classified civil service he should resign therefrom or he would be subject to prosecution as provided by Section 486-28, G. C., as amended 106 O. L. 417."

It is therefore my opinion that a superintendent of the county home, who is in the classified civil service of the county, and who becomes a candidate for the office of member of the county board of education, violates the provisions of Section 486-23 of the General Code, and is subject to removal as such superintendent.

Respectfully,
EDWARD C. TURNER,
Attorney General.

903.

STATE CENTRAL COMMITTEE—AMENDED SENATE BILL NO. 122, DISCUSSED—STATE, DISTRICT, COUNTY AND CITY COMMITTEES SHALL ACT UNTIL AUGUST, 1928.

SYLLABUS:

Under the provisions of Amended Senate Bill No. 122, providing for two members from each congressional district on the state central committee, one of whom shall be a man and one of whom shall be a woman, existing state, district, county and city committees shall continue to act and be recognized as such, until their successors are chosen at the primary election which will be held on the second Tuesday in August, 1928.

COLUMBUS, OHIO, August 23, 1927.

HON. NETTIE B. LOUGHEAD, *Cincinnati, Ohio.*

(Committee on Privileges and Elections, Ohio Senate.)

DEAR MRS. LOUGHEAD:—This will acknowledge receipt of your recent communication requesting my opinion on Amended Senate Bill No. 122, providing for two members from each congressional district on the state central committee, one of whom shall be a man and one of whom shall be a woman. You inquire:

"Are the women to remain on the committee until others are chosen—which will be at the next primary election, and does my bill legalize the women already chosen?"

Section 4960, General Code, as amended therein, provides as follows:

"Section 1. That Section 4960 of the General Code be amended to read as follows:

Sec. 4960. The controlling committees of each voluntary political party or organization shall be a state central committee, consisting of * * * * two members, *one of whom shall be a man and one of whom shall be a woman*, from each congressional district in the state; a district committee for each district in the state, including congressional districts, which shall consist of the chairman of the county central committees of the several counties composing such district; a county central committee, consisting of one member from each precinct in the county, or of one member from each ward and township in the county as the outgoing committee may determine, and the members of the central committee chosen from a city shall constitute a city committee. All of the members of such committee shall be chosen by direct vote at the primary held in the even numbered years. Candidates for election as state central committeemen may be nominated in the same manner as is herein provided for the nomination at primaries of candidates for district offices and candidates for election as members of the county central committee may be nominated in the manner provided in Section 4969 of the General Code. Existing state, district, county and city committees shall continue to act and be recognized as such, until their successors are chosen as herein provided. Where a judicial subdivision or district or congressional district is included within a county, the members of the county central committee who are residents of such district shall also act as the judicial or congressional committee.

Section 2. That said original Section 4960 of the General Code be, and the same is hereby repealed."

This section prior to the above amendment provided for one member from each congressional district on the state central committee. It also provided:

"existing state, district, county and city committees shall continue to act and be recognized as such, until their successors are chosen as herein provided."

It will be noticed the amended section above quoted contains exactly the same provision.

The original section, as well as the above mentioned amended section both provide:

"All of the members of such committee shall be chosen by direct vote at the *primary held in the even numbered years.*"

Specifically answering your question, it is my opinion that the existing state central committee of each political party shall continue to act and be recognized as such until their successors are chosen at the primary election which will be held in the next even numbered year, in this case, the second Tuesday in August, 1928.

Respectfully,

EDWARD C. TURNER,
Attorney General.