Note from the Attorney General's Office:

1966 Op. Att'y Gen. No. 66-046 was overruled in part by
1982 Op. Att'y Gen. No. 82-085.

OPINION NO. 66-046

Syllabus:

Under the provisions of Section 143.41, Revised Code, a
person holding a position in the classified service of a state
university could not at the same time become a candidate for,
be elected to, or hold the office of member of village council.

To: Homer B. Gall, Jr., Athens County Pros. Atty., Athens, Ohio
By: William B. Saxbe, Attorney General, February 25, 1966

I have before me your request for my opinion as to whether
the position as a member of village council would be compatible
with a position in classified service of a state university.

For a great many years the statutes of Ohio have sought
to preserve the purity of the Civil Service System by prohibit-
ing any person in the classified service from taking an active
part in "politics". Section 143.41, Revised Code, reads as fol-
lows:

> "No officer or employee in the classified
> service of the state, the several counties, cities,
> and city school district thereof, shall directly
> or indirectly, orally or by letter, solicit or re-
> ceive, or be in any manner concerned in soliciting
> or receiving any assessment, subscription, or con-
> tribution for any political party or for any candi-
> date for public office; nor shall any person soli-
> cit directly or indirectly, orally or by letter, or
> be in any manner concerned in soliciting any such
> assessment, contribution, or payment from any offi-
> cer or employee in the classified service of the
> state and the several counties, cities, or city
> school districts thereof; nor shall any officer or
> employee in the classified service of the state,
> the several counties, cities, and city school dis-
> tricts thereof, be an officer in any political or-
> ganization or take part in politics other than to
> vote as he pleases and to express freely his poli-
> tical opinions."
>
> (Emphasis added)

The position of village council is made an elective public
office by Section 731.09, Revised Code, which reads as follows:

> "The legislative power of each village shall
> be vested in, and exercised by, a legislative au-
> thority, composed of six members, who shall be
> elected by the electors of the village at large,
> for terms of four years. At the municipal elec-
> tion held in the year of 1961 two members shall be
> elected for terms of two years and four members
> shall be elected for terms of four years. Except
> in villages where a primary election was held in
> 1961 for the nomination of candidates for member
> of the legislative authority, the four candidates
> who receive the greatest number of the votes cast
> shall be elected for terms of four years, and the
> two candidates who receive the next greatest num-
> ber of the votes cast shall be elected for terms
> of two years.
>
> "All candidates nominated prior to June 8,
> 1961, except by primary election, shall have their
> names grouped together on the election ballot re-
> gardless of whether their nominating petition or
> declaration of candidacy designated that they were
> candidates for a two-year or a four-year term.
>
> "At the municipal election in 1963 and quad-
> rennially thereafter, two members shall be elected
> for terms of four years.
>
> "At the municipal election in 1965 and
> quadrennially thereafter, four members shall
> be elected for terms of four years.
>
> "Beginning with the year 1964, all mem-
> bers of village council shall hold office for
> a term of four years."

Even if a candidate runs on a non-partisan ticket, the seek-
ing of an elective office constitutes a taking part in poli-
tics. See Opinion No. 844, Opinions of the Attorney General
for 1957 at page 344; Opinion No. 1663, Opinions of the At-
torney General for 1960 at page 597; and Opinion No. 2310,
Opinions of the Attorney General for 1961 at page 334.

Therefore, it is my opinion and you are hereby advised
that under the provisions of Section 143.41, Revised Code,
a person holding a position in the classified service of a
state university could not at the same time become a candi-
date for, be elected to, or hold the office of member of vil-
lage council.