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SYLLABUS:

The office of deputy clerk of the board of elections is compatible with the office of member of the board of education of a local school district. Under Section 3501.15, Revised Code, however, no person shall serve as a deputy clerk of the board of elections who is a candidate for election to the office of member of a board of education of a local school district.

Whether or not incompatibility results because it is physically impossible for one person to discharge the duties of both offices is a question of fact to be determined by the local board of education and board of elections.

Before reaching my conclusion in this matter, I direct your attention to Section 3501.15, Revised Code, which reads in pertinent part as follows:

“No person shall serve as a member, clerk, deputy clerk, assistant clerk, or employee of the board of elections who is a candidate for any office to be filled at an election, except the office of delegate or alternate to a convention, member of the board of directors of a county agricultural society, presidential elector, or a member of a party committee. * * *”

Although Section 3501.15, *supra*, clearly prohibits a deputy clerk of a board of elections from holding such office during that period of time he is a candidate for any office to be filled by election, except as otherwise provided by such section, it should be noted that this section does not otherwise prohibit one person from simultaneously holding both offices in question.

This may be accomplished by various methods, depending, of course, upon the particular factual situation involved, viz., a person holding the office of deputy clerk of the board of elections could be appointed to fill a vacancy in the board of education pursuant to Section 3313.11, Revised Code, or, one duly elected to the board of education could be appointed to the office of deputy clerk of the board of elections.

It is therefore my opinion and you are advised that the office of deputy clerk of the board of elections is compatible with the office of member of the board of education of a local school district. Under Section 3501.15, Revised Code, however, no person shall serve as a deputy clerk of the board of elections who is a candidate for election to the office of member of a board of education of a local school district.

Respectfully,
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Attorney General