



# STATE OF CONNECTICUT

## STATE ETHICS COMMISSION

### DECLARATORY RULING 97-A

#### Ethics Regulations §5-266a-1 Does Not Prohibit High Sheriff From Also Holding Elective Municipal Office

A citizen has asked the Ethics Commission whether it is legal or ethical for a county high sheriff to simultaneously hold the position of town registrar of voters. He has also asked whether legislation should be proposed to prohibit such dual office holding.

The Ethics Commission's jurisdiction in this area is limited. By statute, the Commission must promulgate and interpret regulations defining conflicts of interest which would preclude a classified state employee or an employee of the Judicial Department from holding or continuing to hold elective municipal office under certain circumstances. Regulations of Connecticut State Agencies §5-266a-1. Jurisdiction of the statutes governing other aspects of the political activities of persons in state service (that is, Conn. Gen. Stat. §5-266a et seq.) rests with the Commissioner of Administrative Services. See Conn. Gen. Stat. §5-266d. Therefore, this opinion addresses only the application of §5-266a-1 to the issue raised, and does not address any other statute nor the question of proposed legislation.

Under §5-266a-1, there is a conflict of interest which precludes a person in state service from holding elective municipal office if (1) the Constitution or a provision of the General Statutes prohibits a classified state employee or a person employed in the Judicial Department from seeking or holding the municipal office or (2) a classified state employee has an office or position with certain discretionary powers. The first question to be asked, then, is whether a county high sheriff is either a classified state employee or an employee of the Judicial Department. The answer is no. Under the State Personnel Act, all officers elected by popular vote are exempt from classified state service. See Conn. Gen. Stat. §5-198(c). The position of high sheriff is an elected one; therefore, he or she is not considered a classified state employee. Secondly, under the state Constitution, elected sheriffs are considered within the Executive Department, not within the Judicial Department. See Connecticut Constitution Article Fourth, Section 25. No provision of the statutes governing sheriffs or employees of the Judicial Department leads to any other conclusion than that high sheriffs are not Judicial Department employees. Thus, §5-266a-1 does not apply to the issue raised.

By order of the Commission,

  
Maurice Fitzmaurice  
Chairperson

Dated 1-10-97