



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NO. 88-4

State Employee Running for State Office

The Commissioner of Motor Vehicles has asked whether an employee of his agency, whose position is neither financed by nor responsible for any federal monies, may run for State office in a partisan election without violating Section 5-266a or 5-266b, General Statutes or the conflict of interests provisions of the State's Code of Ethics for Public Officials, Chapter 10, Part 1, General Statutes. The employee in question is a Motor Vehicle Department Sergeant responsible for supervising driver licensing examinations and automobile inspections. The State office under consideration is a seat in the General Assembly.

No provision of the Code of Ethics for Public Officials would prohibit a State employee such as the individual in question from running for State office in a partisan election. Furthermore, Section 5-266a, which sets forth rules for classified State employees and Judicial Department employees participation in political activities, would appear to explicitly grant this right: "... any person employed in the classified state service or judicial department may be a candidate for a state or municipal office, in any political partisan election", id. at subsection(b).

However, the Commission suggests that the State employee consider the possible implications of a successful outcome, if he were to run for the State Legislature. For Section 5-266a goes on to state that "Any person employed in the classified state service or in the judicial department who accepts an elective state office shall resign from such employment upon taking such office," id. at subsection(c). Additionally, the State's constitutional dual job ban would appear to require the same outcome in this instance. See, Article 111, Section 11, Connecticut Constitution, and Stolberg V. Caldwell, 175 Conn. 586 (1978).

In summary, nothing in the Code of Ethics for Public Officials, Chapter 10, Part 1, General Statutes prohibits the

employee in question from running for State office in a partisan election, and Section 5-266a, General Statutes apparently insures this right. The Ethics Commission is not authorized to formally advise on the application of the constitutional or statutory dual job bans discussed above. However, the State employee is cautioned that these provisions would appear to require that he terminate current State employment upon accepting a seat in the General Assembly.

By order of the Commission,



William A. Elrick
Chairperson

Dated

3/7/88