

ORIGINAL

TOWN OF BRANFORD
BOARD OF ETHICS

ADVISORY OPINION 21-01
July 14, 2021

BEFORE NELSON, Chair; STERLING, STOLZMAN, DONARUMA, and CORRADINO, Board Members

The Republican Registrar of Voters submitted a request for an advisory opinion pursuant to § 38-5 of the Branford Code of Ordinances. That section provides in relevant part:

The Board shall render advisory opinions with regard to the requirements of the Code of Ethics or possible ethical conflicts or other issues thereunder upon the written request of a public official or public employee concerning the requirements of this Code as applied to him or her... The request shall state... all facts relevant to the matter in question.

The following facts are relevant to our determination. Section 9-192 of the Connecticut General Statutes provides that each registrar of voters may appoint a deputy registrar to assist the registrar in the performance of the duties of that office. The Republican registrar of voters asks whether the appointment of a current member of the Representative Town Meeting may hold that office and serve as deputy registrar of voters at the same time. The Registrar has sought guidance from the office of the Secretary of the State concerning any conflict of interest. The Office of the Secretary of the State, citing Conn. Gen. Stat. §9-210 has advised the registrar that no statutory prohibition prevents the RTM member's appointment as deputy registrar. The registrar has advised this board that the RTM member chosen to serve as deputy registrar has agreed to 1) recuse himself from the administration of his own election, although this is not required by statute; and 2) to recuse himself from any vote in the RTM concerning the office of registrar of voters.

Only the second issue implicates the jurisdiction of this board. Section 38-3C of the Branford Code of Ordinances prohibits certain activities by town officials and employees as conflicts of interest. This section provides in relevant part:

(1) No public employee or public official shall... have any financial interest, direct or indirect... that is in conflict with the proper discharge of his/her official responsibilities in the public interest, or which would tend to impair his/her independent judgment or action in the performance of his official duties or responsibilities.

(9) No public employee or public official may use his/her position or office for the financial benefit of himself/herself... if such benefit is not common to the interests of the other citizens of the Town.

These sections do not bar the RTM member from serving as deputy registrar of voters. These sections, however, prohibit the proposed deputy registrar, when acting as a member of the RTM, from voting on any matter that financially affects the office of the registrars of voters, or which provides himself with any financial benefit, such as compensation, employee benefits, or other financial interest.

The Branford Code of Ethics is silent on the issue of whether the RTM member, while serving as deputy registrar, may participate in the administration of his own election. The Branford Code of Ethics

establishes bright line rules regulating the financial relationships of municipal officials and employees with the town they serve. The Ethics Board is charged with implementing these well-defined proscriptions of certain financial relationships of town officials and employees. We are not authorized to render advisory opinions or entertain complaints beyond this specific mandate. See *Kleen Energy Systems, LLC v. Commissioner of Energy and Environmental Protection*, 319 Conn. 367 (2015); *Wheelabrator Lisbon, Inc. v. Dept. of Public Utility Control*, 283 Conn. 672 (2007). Accordingly, we decline to opine on any other aspect of the proposed appointment identified in the registrar of voter's request for an advisory opinion.

In this opinion all of the members of the Board concurred.

By the Board



KYLE NELSON
Chair