



# STATE OF CONNECTICUT

## STATE ELECTIONS COMMISSION

ADVISORY OPINION NO. 83-2

APPLICABILITY OF THE PROVISIONS OF PUBLIC ACT  
NO. 83-410 TO AN APPOINTED DEPUTY OF A STATE  
DEPARTMENT ADMINISTERED BY A CONSTITUTIONAL OFFICER

The advice of the Commission is sought concerning the applicability of the provisions of Public Act No. 83-410 to an appointed deputy of a state department administered by a constitutional officer. The provisions of the aforementioned Public Act take effect October 1, 1983 and impose a ban on the solicitation of campaign funds by a department head or deputy department head. The Public Act is entitled AN ACT PROHIBITING SOLICITATION OF CAMPAIGN FUNDS BY CERTAIN STATE OFFICIALS. This new law amends the existing provisions of Section 9-348k, General Statutes, and prescribes criminal penalties for any violations thereof.

The person requesting this Opinion is an appointed deputy of a state agency administered by a constitutional officer. This individual is also a town chairman of a political party and intends to send out a letter in September, 1983, in his capacity as town chairman, to solicit funds for the upcoming municipal campaigns. The letter which this individual intends to send is specifically designed to solicit funds in connection with a fundraising event to be held by the town committee after October 1, 1983.

The threshold issue for the Commission's determination is whether the aforementioned ban applies to a deputy of a state agency administered by an elected official. It is a fundamental rule of statutory construction to ascertain and give effect to the intention of a legislature as expressed in the statutes. State ex. rel. Sloane v. Reidy, 152 Conn. 419 (1965); Holmquist v. Manson, 168 Conn. 389 (1975). The intention of the legislature is to be determined from the language itself. Savings Bank of Rockville v. Wilcox, 117 Conn. 188 (1963). It is also well settled that the words used in expressing legislative intent are to be given their commonly approved meaning. Section 1-1, General Statutes; State v. Springer, 149 Conn. 244 (1962); Thomlinson v. Liburti, 34 Conn. Sup. 128 (1977).

The terms department head and deputy department head are not defined in Public Act No. 83-410. They are, however, defined in Section 4-5, General Statutes, and exclude the head of all agencies who are elected by the people. In other words, only heads of agencies which are appointed by the Governor are included as department heads for purposes of Section 4-5. In construing the terms of a statute, it is well settled that when a statute does not define a term, it is appropriate to look at the common understanding expressed in the law and in dictionaries. Caldor, Inc. v. Heffernan, 440 A. 2d 767 (Conn. 1981). In Black's Law Dictionary, the word department is defined as a branch or division of governmental administration. Consequently, it is the opinion of the Commission that

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administered by a constitutional officer. It is, therefore, unnecessary for the Commission to reach the issue of when the solicitation of campaign funds occurs for purposes of this request and the provisions of Public Act No. 83-410.

Adopted this 27th day of July, 1983 at Hartford, Connecticut.

A handwritten signature in black ink, appearing to read "Andrew D. Coleman", with a long horizontal flourish extending to the right.

Andrew D. Coleman, Esquire  
Chairperson  
By Direction of the Commission

ADC/jk