



Susan Bysiewicz
SECRETARY OF THE STATE
CONNECTICUT

January 20, 2010

The Honorable Richard Blumenthal
Attorney General
State of Connecticut
55 Elm Street
Hartford, CT 06106

Dear Attorney General Blumenthal:

I am writing to you pursuant to Section 3-125 of the Connecticut General Statutes which provides that the Attorney General "shall advise or give his opinion to the head of any executive department or any state board or commission upon any question of law submitted to him."

An issue has arisen in the press and elsewhere as to the qualifications for the Office of Attorney General under Section 3-124 of the Connecticut General Statutes. While this issue may affect me personally, I am seeking your guidance as the Secretary of the State and the Chief Elections Official for the State of Connecticut. As you know, my office will be called upon to accept Certificates of Endorsement, issue Notices of Primary and, ultimately, to place candidates on the ballot as we prepare to run the 2010 election. Your office's guidance will provide clarity to our office in administering the 2010 election, to potential candidates for Attorney General in 2010 and to future Secretaries and candidates as well.

Specifically, we see your guidance in interpreting the following provision of Connecticut General Statutes, Section 3-124, which provides:

There shall be an Attorney General to be elected in the same manner as other state officers in accordance with the provisions of section 9-181. The Attorney General shall be an elector of this state and an attorney at law of at least ten years' active practice at the bar of this state.

(Emphasis added).

We submit for your consideration the following questions:

Is that portion of Section 3-124 that requires at least ten years' active practice at the bar of this state constitutional?

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The language highlighted above was enacted in 1897. In 1970 the Constitution of Connecticut, Article Fourth, Section 1 was amended to make the Attorney General a constitutional officer. The Constitution contains no requirements for the office of Attorney General. This is different from the constitutional provisions for Governor and Lt. Governor, which contain qualifications for the office. See Article Fourth, Section 5 and Section 6.

In 1980 the Constitution of Connecticut, Article Sixth, Section 10 was again amended to read:

Every elector who has attained the age of eighteen years shall be eligible to any office in the state, but no person who has not attained the age of eighteen shall be eligible therefor, except in cases provided for in this constitution.

(Emphasis added).

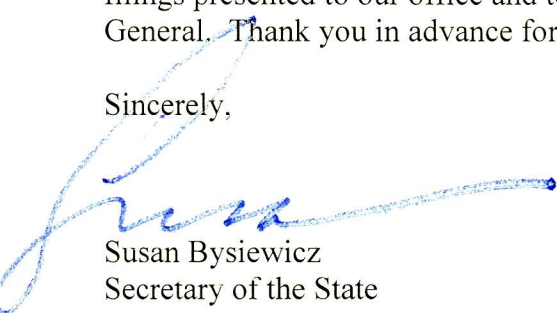
In light of these constitutional provisions, is the highlighted language of Section 3-124 still in effect or is it superseded by the subsequent constitutional amendments?

Second, if this portion of the statute remains in effect, are there additional requirements for the office of Attorney General beyond being an attorney at law who has been a member of the bar for at least ten years in active status? If the phrase "active practice" requires something more, what specifically is required?

Finally, who makes the determination of whether the requirement of "active practice" has been satisfied by a particular candidate? What is the process for making that determination?

The 2010 election promises to bring a surge of new candidates and very active races, including probable primaries in both major parties. We respectfully request your office's opinion regarding Section 3-124 to provide guidance as we make decisions regarding filings presented to our office and to provide clarity to potential candidates for Attorney General. Thank you in advance for your attention to this matter.

Sincerely,



Susan Bysiewicz
Secretary of the State