

**From:** [Sherwood, Nina](#)  
**To:** [Rosenson, Valerie](#)  
**Cc:** [Fedeli, Mary Lisa](#)  
**Subject:** Fwd: Request for Statute Clarification  
**Date:** Wednesday, November 8, 2023 9:55:35 AM  
**Attachments:** [Outlook-Stamford S.png](#)

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Valerie,

Please send following communication to the full board.

Thank you,

Nina

Sent from my iPhone

Begin forwarded message:

**From:** "Cassone, Thomas" <TCassone@stamfordct.gov>  
**Date:** November 7, 2023 at 5:51:01 PM EST  
**To:** "Sherwood, Nina" <NSherwood@stamfordct.gov>, "Fedeli, Mary Lisa" <MFedeli@stamfordct.gov>  
**Subject:** Fw: Request for Statute Clarification

Per your request.

Tom

Thomas M. Cassone

Corporation Counsel



<!--[if !vml]--> <!--[endif]-->

City of Stamford Office of Legal Affairs

888 Washington Blvd., 9<sup>th</sup> Floor

Stamford, CT 06904

Tel: 203-977-4082

Fax: 203-977-5560

[tcassone@stamfordct.gov](mailto:tcassone@stamfordct.gov)

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**From:** Toma, Michael <MToma@StamfordCT.gov>

**Sent:** Tuesday, November 7, 2023 4:10 PM

**To:** LiVolsi, Amy <ALivolsi@StamfordCT.gov>; Cassone, Thomas <TCassone@StamfordCT.gov>

**Subject:** RE: Request for Statute Clarification

Amy and Tom,

Here is what I have found:

First question: is a person who works in a Town Clerk's Office prohibited from being an elected official? The answer is no, there is no prohibition. In fact, the right of a City employee to be an elected official is protected by statute. C.G.S. Section 7-421(b) provides:

(b) A person employed in said classified service retains the right to vote as he chooses and to express his opinions on political subjects and candidates and shall be free to participate actively in political management and campaigns. Such activity may include, but shall not be limited to, membership and holding of office in a political party, organization or club, campaigning for a candidate in a partisan election by making speeches, writing on behalf of the candidate or soliciting votes in support of or in opposition to a candidate and making contributions of time and money to political parties, committees or other agencies engaged in political action, except that no classified employee shall engage in such activity while on duty or within any period of time during which such employee is expected to perform services for which he receives compensation from the municipality, and no such employee shall utilize municipal funds, supplies, vehicles or facilities to secure support for or oppose any

candidate, party, or issue in a political partisan election. Notwithstanding the provisions of this subsection, any municipal employee may be a candidate for a federal, state or municipal elective office in a political partisan election and no municipality or any officer or employer thereof shall take or threaten to take any personnel action against any such employee due to such candidacy. No person seeking or holding state or municipal office in accordance with the provisions of this subsection shall engage in political activity or in the performance of the duties of such office while on municipal duty or within any period of time during which such person is expected to perform services for which such person receives compensation from the municipality.

Note that the statute refers to an employee in the classified service. The question does not specify whether the person under consideration is in the classified service, but I am assuming that such person is in the classified service, as “classified service” in this statute refers to positions to which the civil service rules apply (that is, they are filled through the merit system – there are applicants and the best qualified applicant is selected.)

The question does not indicate whether the person under consideration is the Assistant Town Clerk. By statute, the Assistant Town Clerk assumes the duties of the Town Clerk when the latter is unable to perform the job. I did not research whether there is any prohibition against the Town Clerk (or the Assistant Town Clerk acting as the Town Clerk) also being a member of the City’s legislative body, beyond looking at the incompatibility of office statute (C.G.S. Section 9-210), which does not expressly state that there is a conflict in holding these two positions (although it does state that no selectman shall hold the office of town clerk, which is a similar situation.)

The second question is: if an employee in the Town Clerk’s Office is an elected official, can the employee be involved processing absentee ballots?

In the short amount of time I had to research this issue, I could not perform an exhaustive review of all of the state’s election statutes, but in perusing them quickly I did not see any legal prohibition against an elected official who works in the Town Clerk’s office processing absentee ballots. I did find one judicial decision, *Keeley v. Ayala*, 328

Conn. 393 (2018), holding that because the Town Clerk's office is a polling place, if the Town Clerk, or an employee in the Town Clerk's Office, is a candidate, they must distance themselves from voters when voters are in the process of casting their ballots. Aside from legalities, I think that there are ethical considerations here, given the appearance of impropriety, and I think that it would be a good idea to seek guidance from the City's Board of Ethics.

Michael Toma  
Assistant Corporation Counsel  
City of Stamford

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**From:** LiVolsi, Amy <ALivolsi@StamfordCT.gov>  
**Sent:** Tuesday, November 7, 2023 9:33 AM  
**To:** Toma, Michael <MToma@StamfordCT.gov>  
**Subject:** Fwd: Request for Statute Clarification

Hi Mike - I just read the below- are you able to get to this today?

Amy J. LiVolsi, Esq.  
M (203) 943-0280

Begin forwarded message:

**From:** "Fedeli, Mary Lisa" <MFedeli@stamfordct.gov>  
**Date:** November 6, 2023 at 11:31:51 AM EST  
**To:** "Cassone, Thomas" <TCassone@stamfordct.gov>  
**Cc:** "Sherwood, Nina" <NSherwood@stamfordct.gov>, "LiVolsi, Amy" <ALivolsi@stamfordct.gov>, "Isidro, Judith" <JIsidro@stamfordct.gov>  
**Subject: Re: Request for Statute Clarification**

If possible yes. Thanks

Sent from my iPhone

On Nov 6, 2023, at 10:19 AM, Cassone, Thomas  
<TCassone@stamfordct.gov> wrote:

Nina/Mary-  
You need this by Wednesday, correct?  
Tom

Thomas M. Cassone  
Corporation Counsel

<Outlook-Stamford S.png>  
City of Stamford Office of Legal Affairs  
888 Washington Blvd., 9<sup>th</sup> Floor  
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Tel: 203-977-4082  
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[tcassone@stamfordct.gov](mailto:tcassone@stamfordct.gov)

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**From:** Sherwood, Nina <[NSherwood@StamfordCT.gov](mailto:NSherwood@StamfordCT.gov)>  
**Sent:** Friday, November 3, 2023 5:26 PM  
**To:** Cassone, Thomas <[TCassone@StamfordCT.gov](mailto:TCassone@StamfordCT.gov)>  
**Cc:** Fedeli, Mary Lisa <[MFedeli@StamfordCT.gov](mailto:MFedeli@StamfordCT.gov)>; [ethics.code@ct.gov](mailto:ethics.code@ct.gov) <[ethics.code@ct.gov](mailto:ethics.code@ct.gov)>; LiVolsi, Amy <[ALivolsi@StamfordCT.gov](mailto:ALivolsi@StamfordCT.gov)>; Isidro, Judith <[JIsidro@StamfordCT.gov](mailto:JIsidro@StamfordCT.gov)>  
**Subject:** Re: Request for Statute Clarification

Thank you for your reply, Director Cassone.

Yes, we would like a legal opinion and are also looking for an advisory opinion from the CT State Ethics Board.

Thank you!

Nina Sherwood

Sent from my iPhone

On Nov 3, 2023, at 4:15 PM, Cassone, Thomas <[TCassone@stamfordct.gov](mailto:TCassone@stamfordct.gov)> wrote:

Are you seeking an advisory opinion from the Board of Ethics, or an opinion from the Law Department (or both)?

Tom

Thomas M. Cassone  
Corporation Counsel

<Outlook-Stamford S.png>

City of Stamford Office of Legal Affairs

888 Washington Blvd., 9<sup>th</sup> Floor

Stamford, CT 06904

Tel: 203-977-4082

Fax: 203-977-5560

[tcassone@stamfordct.gov](mailto:tcassone@stamfordct.gov)

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**From:** Fedeli, Mary Lisa  
<[MFedeli@StamfordCT.gov](mailto:MFedeli@StamfordCT.gov)>  
**Sent:** Friday, November 3, 2023 3:22 PM  
**To:** Sherwood, Nina  
<[NSherwood@StamfordCT.gov](mailto:NSherwood@StamfordCT.gov)>  
**Cc:** [ethics.code@ct.gov](mailto:ethics.code@ct.gov) <[ethics.code@ct.gov](mailto:ethics.code@ct.gov)>;  
Cassone, Thomas  
<[TCassone@StamfordCT.gov](mailto:TCassone@StamfordCT.gov)>  
**Subject:** Re: Request for Statute Clarification

Good Afternoon -

As Minority Leader of the same Board I have an additional question, If part of this persons job is handling Absentee Ballots will she be able to keep that function as an elected official during Municipal elections.

Thank You  
MaryFedeli  
Minority Leader  
Board of Representatives

Sent from my iPhone

On Nov 3, 2023, at 2:18 PM,  
Sherwood, Nina  
<[NSherwood@stamfordct.gov](mailto:NSherwood@stamfordct.gov)>  
wrote:

Hello -

My name is Nina Sherwood, I'm  
the Majority Leader of the  
Stamford Board of  
Representatives. A member of  
the Board of Representatives  
resigned and recommended as  
their replacement a person who is  
employed in the Stamford Town  
Clerk's office.

My question to you is this - Is a  
person who works in a Town  
Clerk's office prohibited from  
being an elected official?

Thank you,  
Nina Sherwood

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Begin forwarded  
message:

**From:** "Severance,  
Mark"  
<[Mark.Severance@ct.gov](mailto:Mark.Severance@ct.gov)>

**Subject: RE: Request  
for Statute  
Clarification**

**Date:** October 20,

2023 at 10:33:36 AM  
EDT

**To:**

"[nsherwood@stamfordct.gov](mailto:nsherwood@stamfordct.gov)"  
<[nsherwood@stamfordct.gov](mailto:nsherwood@stamfordct.gov)>

Hi Nina,

I reviewed your question with one of our attorneys and they stated we would not have any statutory authority. Their suggestion was to review it with the Town Attorney, one of the items they mentioned was how the position was funded and if the candidate had any control of those funds.

The other recommendation that I was provided would be to speak with the Connecticut Office of State Ethics to see if they had any suggestions for you.

Thanks,  
Mark

Mark Severance  
Elections Officer  
Secretary of the  
State  
165 Capitol Avenue  
Hartford, CT 06106

860.509.6108



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