

Attorney General's Opinion

Attorney General, Richard Blumenthal

February 2, 2010

The Honorable Susan Bysiewicz
Secretary of the State
State Capitol

210 Capitol Avenue

Hartford, CT 06106

Dear Secretary Bysiewicz:

This letter responds to your request for a formal legal opinion concerning the constitutionality and interpretation of Conn. Gen. Stat. § 3-124. Section 3-124 sets forth the qualifications for the Office of Attorney General and states, in pertinent part, that “[t]he 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.” You raise several questions concerning this provision.

First, you question whether the statutory requirement that the Attorney General be an attorney at law of at least ten years’ active practice at the bar of this state is constitutional, given the fact that the Connecticut constitution contains no specific qualifications for the Office of Attorney General and Article Sixth, § 10, of the constitution states, in pertinent part, that “[e]very elector who has attained the age of eighteen years shall be eligible to any office in the state.”

Second, assuming § 3-124 is constitutional, you question whether there are 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, you ask what specifically is required.

Finally, you ask who makes the determination whether the requirement of “active practice” has been satisfied by a particular candidate and what is the process for making that determination.

You note in your letter that although these issues affect you personally as a candidate for the Office of Attorney General, you are seeking our guidance in your

capacity as the Secretary of the State and the chief elections official for the State of Connecticut. You state that your office will be called upon to accept certificates of endorsement, issue notices of primary, and place candidates on the ballot for the 2010 election. Based upon the representations in your letter as to the need to resolve these general legal questions, our advice will be limited to addressing questions of law that are not fact-specific, and that relate to the performance of the official duties of the Office of the Secretary of the State as applied to all potential candidates for Attorney General.

For the reasons that follow, we conclude that a Connecticut court, if faced with the issue, would likely hold that Conn. Gen. Stat. § 3-124 is constitutional. We further conclude that the requirement of “active practice” at the bar of this state for ten years means more than merely being a member of the Connecticut bar in active status.

Determining the specific actions that could constitute active practice and whether any particular candidate has satisfied them in a particular case requires a highly fact-specific inquiry that is beyond the proper scope of an opinion, and would have to be determined on a case-by-case basis by a court.

Although we conclude that a court must ultimately address the fact-specific issue of a particular candidate’s “active practice,” we express no view on when and whether a court will find the matter within its jurisdiction. A court will demand that a proper plaintiff raise a “ripe” controversy before it will rule on the matter. Whether the candidate, a rival candidate or a member of the public is such a proper plaintiff; and whether it is enough for the candidate to have merely declared his or her candidacy (as opposed to receiving a nomination or being elected to office) for the matter to be ripe for adjudication is beyond the scope of this opinion.

I. Authority to provide legal opinions

The Attorney General has authority under Conn. Gen. Stat. § 3-125 to provide legal opinions to designated state officials on questions of law arising from the performance of their official duties. Because the issues of the constitutionality of Conn. Gen. Stat. § 3-124 and whether the phrase “active practice at the bar” constitutes more than simply bar membership are questions of law with general applicability to all candidates for the office of Attorney General in this or future elections, we will address them in this opinion.

There is no authority to provide legal advice to candidates for office on questions of law or fact related to their campaigns or candidacies. Thus, we cannot resolve the additional question you ask concerning the specific qualifications necessary to meet the “active practice” requirement, as it involves factual determinations more closely related to your status as a candidate for Attorney General.

The Connecticut courts have repeatedly held that deciding what constitutes the “practice of law” is a fact-bound inquiry that must be decided by the court on a case-by-case basis. As the Connecticut Supreme Court has explained:

In deciding whether certain conduct constitutes the practice of law, “the decisive question is whether the acts performed are such as are commonly understood to be the practice of law.” *Statewide Grievance Committee v. Patton*, 239 Conn. 251, 254, 683 A.2d 1359 (1996). As judges, we are entrusted with the obligation of articulating that common understanding on a case-by-case basis. Because the language of the definition offers little guidance as applied to any particular set of facts, we are required to give content to the definition in each case based on our knowledge of the history, tradition and experience of the practice of law – and what has commonly been considered not to be the practice of law – in this state.

In re Darlene C., 247 Conn. 1, 15-16 (1998)(Borden, J., concurring)(internal quotation marks and brackets omitted).

Just as “[i]t would be difficult, if not impossible, to make an all-inclusive definition of the term ‘practice of law,’” *State Bar Assoc. v. Connecticut Bank & Trust Co.*, 20 Conn. Supp. 248, 259 (1957), it would be difficult, if not impossible, to make an all-inclusive definition of the term “active practice” of law. Instead, each case involves a fact-specific inquiry and determination that is beyond the authority of this office, which lacks the ability to develop an appropriate factual record or definitively resolve any factual disputes that may exist.

II. Discussion

The constitutionality of § 3-124 is an important and novel issue that has never been determined or analyzed by any court.¹ For the reasons that follow, we conclude that the qualifications for Attorney General set forth in Conn. Gen. Stat. § 3-124 are constitutional.

It is well-established that “[l]egislation is presumed to be constitutional, and a litigant challenging its validity has the heavy burden to establish its unconstitutionality beyond a reasonable doubt.” *Batte-Holmgren v. Commissioner of Public Health*, 281 Conn. 277, 299 n. 12 (2007); see also *Honulik v. Greenwich*, 293 Conn. 641, 647 (2009). “The court will indulge every presumption in favor of the statute’s constitutionality.” *State v. Long*, 268 Conn. 508, 521 (2004). “Therefore, ‘when a question of constitutionality is raised, courts must approach it with caution, examine it with care, and sustain the legislation unless its invalidity is clear.’” *Id.* at 521, quoting *State v. McCahill*, 261 Conn. 492, 504 (2002). Thus, a court faced with the question whether Conn. Gen. Stat. § 3-124 is constitutional will start with the presumption that it is. “In case of real doubt a law must be sustained.” *Honulik*, 293 Conn. at 647.

You question whether Conn. Gen. Stat. § 3-124 is constitutional because it may conflict with and be superseded by Article Sixth, § 10, of the Connecticut constitution, which states that:

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.²

In construing Article Sixth, § 10, like all provisions of the Connecticut constitution, six factors should be considered, as applicable. These are: “(1) the text of the operative constitutional provision; (2) holdings and dicta of th[e Supreme Court] and the Appellate Court; (3) persuasive and relevant federal precedent; (4) persuasive sister state decisions; (5) the history of the operative constitutional provision, including the historical constitutional setting and the debates of the framers; and (6) contemporary economic and sociological considerations, including relevant public policies.” *Kerrigan v. Commissioner of Public Health*, 289 Conn. 135, 157 (2008), citing *State v. Geisler*, 222 Conn. 672, 685 (1992). A court construing the state constitution “also strive[s] to achieve a workable, commonsense construction that does not frustrate effective governmental functioning, at least where such is not clearly contraindicated by application of the [six] factors enumerated in *Geisler*.” *Honulik*, 293 Conn. 641, 648 n. 10 (2009). In the present case, although the text of Article Sixth, § 10, might be read literally to mean that the sole qualification for any office in the state, including Attorney General, is that the candidate be an elector who has attained the age of eighteen, the history of the provision suggests that this reading was not the framers’ intent with regard to candidates for Attorney General.

Connecticut’s 1818 constitution, generally regarded as the State’s first constitution, provided for the executive offices of Governor, Treasurer, Secretary, and Comptroller, and set forth, in very general terms, the primary duties of each office. See Conn. const. of 1818, Article Fourth, §§ 1, 17, 18, and 19. The 1818 constitution further provided, in language similar to that of Article Sixth, § 10, of the present day constitution, that “[e]very elector shall be eligible to any office in this state, except in cases provided for in this constitution.” Conn. const. of 1818, Article Sixth, § 4. Because the Office of the Attorney General was not created until 1897, see Conn. Public Acts 1897, c. 191, §1, and thus was not mentioned in the 1818 constitution, the framers could not have adopted the eligibility language in Article Sixth with the specific intent that it would apply to the office of the Attorney General.

In drafting the 1818 constitution and describing the roles of the constitutional officers, the framers drew upon existing statutory law. As the Connecticut Supreme Court explained in *Dowe v. Egan*, 133 Conn. 112 (1946):

After the independence of this country became established, the government of this state was carried on, as it had been before, under the charter of King Charles II granted in 1662. The broad powers given the General Assembly in that charter

enabled it largely to shape by statute our form of government. The constitution adopted in 1818 did not create a government but gave to that which had already been established the sanction of the people and, in very general language, formulated its framework. To understand the intent of the instrument it is often necessary to have recourse to the form of government as it had existed before, and did exist at the time of, the adoption of the constitution.

Id. at 119 (emphasis added). Thus, in construing the constitutional powers of the Treasurer and the Comptroller under the 1818 constitution, the Dowe Court looked to the powers of those offices as they existed by statute prior to 1818 because the Court recognized that the constitution drew upon the existing statutory provisions.

Similarly, in 1970, when the 1965 constitution was amended to add the Attorney General as a constitutional officer, the amendment was not adopted in a vacuum, but rather built upon an extensive and long-standing statutory scheme governing the Office of Attorney General. As noted above, the Office of Attorney General was created by statute in 1897. The statute establishing the office declared that:

There shall be an attorney-general chosen by ballot in the same manner as other state officers on the Tuesday after the first Monday of November, 1898, and quadrennially thereafter, to hold this office for a term of four years. . . 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.

Conn. Public Acts 1897, c. 191, §§ 1, 3. Section 2 of the same Act provided that the Attorney General would have general supervision over all civil legal matters in which the State was an interested party, including broad responsibility to appear for the State and its officials in all civil legal proceedings, protect the public interest in charitable gifts, and provide legal opinions to the General Assembly.³

Over the next seventy years, the statutory qualifications for the Office of Attorney General as “an elector of this State, and an attorney at law of at least ten years' active practice at the bar of this state” remained unchanged, while the duties of the office grew substantially.⁴ In 1969, recognizing the heightened importance of the office, the General Assembly introduced House Joint Resolution No. 95, which amended the state constitution to add the Attorney General as a constitutional officer. As Representative Yedziniak explained during floor debate on the resolution:

The position of Attorney General has been, and is, of growing importance, because he is required to represent the Governor and does not serve as an independent agent. Every agency, elective office, and even the General Assembly, depends on the office of the Attorney General. It does not seem logical that this powerful office does not have the constitutional provision governing its existence.

13 Conn. H. R. Proc., pt. 3, 1969 Sess. 1290 (April 2, 1969)(remarks of Rep. Yedziniak)(emphasis added). Thus, it appears that the intent of the 1970

constitutional amendment was not to establish, but to ensure the continued existence of, the Office of the Attorney General as a constitutional office that could not be abolished by legislative whim.

Although the resolution passed and, in 1970, the Attorney General was added to Article Fourth, § 1, of the Connecticut constitution pursuant to Article First of the amendments, the amendment merely provided for the manner of electing the Attorney General. It said nothing about his powers or qualifications.⁵ This fact was not surprising, given the extensive statutory scheme that had existed for the prior seventy years and had established well-defined responsibilities and qualifications for the Office of Attorney General. In light of this history, there was simply no need for the General Assembly, as the framers of the Amendment, to import the details of this pre-existing scheme into the constitution. The framers in 1970 were well aware of the existing statutes governing the Attorney General, and nothing in the legislative record suggests that they intended to alter the duties and qualifications set forth therein. As in *Dowe*, those statutes must inform our analysis of the framers' intent in drafting the constitutional provision. See *Dowe v. Egan*, 133 Conn. 112 (1946).

Given the long-standing existing statutory scheme, we conclude that the framers of the 1970 amendment adding the Attorney General to the constitution did not intend Article Sixth, § 10, to abrogate the existing statutory scheme and reduce the qualifications for the Office of the Attorney General to solely being an elector who has attained the age of eighteen. Indeed, the very title "Attorney General" strongly implied that the office would be held by an attorney. In fact, it would be impossible for the Attorney General personally to perform the duties that the framers clearly envisioned, such as appearing for and representing the Governor and other state officers in civil litigation, without being an attorney.⁶ Because constitutional provisions, like statutes, must be construed to avoid bizarre or irrational results, *State v. Ross*, 272 Conn. 577, 608 (2005); *American Promotional Events, Inc. v. Blumenthal*, 285 Conn. 192, 205 (2008), Article Sixth, § 10, cannot be construed to preclude the General Assembly from imposing professional qualifications necessary to perform the duties of the office of the Attorney General.

The Virginia Supreme Court suggested a similar view in *Black v. Trower*, 79 Va. 123 (1884), explaining that constitutional eligibility provisions do not preclude a legislature from imposing professional qualifications that are essential to the performance of an office:

Thus, for example, it may be conceded that the legislature may require the office of public printer to be filled by a practical printer, or that the state board of health shall be composed of physicians, or that the judge of a city court shall possess the same qualifications as those prescribed by the constitution for circuit judges. For in such cases, the duties to be performed are of a peculiar and professional character, and the qualifications prescribed are essential to their performance. The power to prescribe them may therefore be said to exist by fair implication.

Id. at 127 (statutory citations omitted).⁷

To hold § 3-124 unconstitutional would require the logical leap that Article Sixth, § 10, intends that a nonlawyer can act as the State's chief civil legal officer. Whatever the meaning of other statutory provisions, such as § 3-124's "active practice" requirement, the constitution cannot reasonably be read to abolish all professional or educational qualifications for this position. An elector who is not an attorney cannot perform the essential duties of the Attorney General – providing a broad array of legal services to state government, including representing the State and its officials in complex and important legal proceedings in court. Such duties may not require actual appearance in court, but certainly include the ability to do so, as well as authority to sign pleadings, direct legal action to be commenced, resolve litigation, and other critical activities constituting the practice of law.

The fact that only an attorney can perform required duties, coupled with the long-standing statutory scheme in existence in 1970, leads to the conclusion that the framers must have intended to import the existing statutory duties and qualifications of the Office of Attorney General, and that Article Sixth, § 10, permitting any elector to be eligible for any office in the state, does not supplant the additional, existing statutory qualifications for the office of Attorney General.

Accordingly, a court would likely conclude that the qualifications for service as Attorney General set forth in Conn. Gen. Stat. § 3-124 are not unconstitutional.

Turning to your second question, you ask whether there are 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."⁸ In particular, you question whether the phrase "active practice" in Conn. Gen. Stat. § 3-124 requires something more than being a member of the bar. We conclude that it does.

In construing a statute, it is "presume[d] that there is a purpose behind every sentence, clause or phrase used in an act and that no part of a statute is superfluous." *American Promotional Events, Inc. v. Blumenthal*, 285 Conn. 192, 203 (2008). Thus, we must presume that the words "active practice" are not superfluous.

Had the General Assembly intended only that the Attorney General be a member of the Connecticut bar for ten years, regardless of whether he actually practiced law, it could have said so without using the words "active practice." For example, it could have used language similar to that used in Conn. Gen. Stat. § 51-47(c) with regard to judges. Section 51-47(c) states, in part, that "[e]ach judge shall be an elector and . . . a member of the bar of the state of Connecticut." Thus, § 3-124 could have been phrased "the Attorney General shall be an elector of this state and have been a member of the bar of this state for at least ten years." The fact that the General Assembly chose to insert the words "active practice" indicates that it intended a

candidate to have done more than simply be a member of the bar in active status. Maintenance of active bar status requires only compliance with mandatory filings and payment of certain professional fees, and does not require that an attorney engage in the practice of law at all.

This conclusion is buttressed by common understanding of the word “active.” The word “active” is commonly defined to mean “[e]ngaged in activity; participating; . . . in a state of action; not passive or quiescent.” *The American Heritage Dictionary*, p. 77 (2d College Ed. 1985). Thus, the phrase “active practice” suggests actual engagement or participation in the practice of law.

Although the Connecticut courts have not defined the phrase “active practice,” they have construed the similar phrase “actually practice.” At issue in *In re Application of Arthur J. Plantamura*, 149 Conn. 111 (1961), was the meaning of the requirement that an applicant seeking admission to the bar without examination have “actually practiced law for at least five years in the highest court of original jurisdiction in one or more states, or in one or more district courts in the United States.” The plaintiff in the case had been a member of the District of Columbia bar for over five years, but had not practiced before its highest court or district court. The court concluded that merely being authorized to practice was not sufficient to meet the requirement of “actual practice.” See also *In re Application of Verne Freeman Slade*, 169 Conn. 677 (1975).

Although *Plantamura* involved the phrase “actual practice,” rather than “active practice,” arguably the word “active” connotes at least as much engagement as “actual.” If simply being a member of the bar is not sufficient to constitute “actual practice,” it cannot be sufficient to constitute “active practice.”

The conclusion that the phrase “active practice” means something more than merely bar membership is further supported by the fact that the phrase “attorney at law” itself already implies bar membership. The word “attorney at law” is defined in common usage as “an officer of the court authorized to appear before it as a representative of a party to a legal controversy,” *Random House Unabridged Dictionary*, p. 134 (2nd Ed. 1993), and is synonymous with the word “attorney.” 7 *Am. Jur. 2d, Attorneys at Law*, section 1. In order to be authorized to appear before the Connecticut courts on behalf of a client, Connecticut law has long required an attorney to be admitted to practice in the state. Indeed, at the time that the statute creating the Office of the Attorney General was adopted in 1897, state law provided that “no other person than an attorney, so admitted, shall plead at the bar of any court of this State.” *Conn. Gen. Stat., Revision of 1888*, section 784. Under current law, an attorney is prohibited from using the title “attorney at law” or “attorney” unless he or she is admitted to practice in this state. See *Conn. Gen. Stat. § 51-88*. Thus, the phrase “attorney at law” has long connoted, and still connotes, an individual who is admitted to the Connecticut bar. Accordingly, the phrase “active practice” must mean more than simply being a member of the bar because the phrase “attorney at law” independently incorporates that requirement. See

American Promotional Events, Inc., *supra*, 285 Conn. at 203 (presuming that no part of a statute is superfluous).

In other jurisdictions, the phrase “active practice” has been defined to require more than merely being a member of the bar. For example, the Alaska Code requires that an applicant for a judgeship have engaged for the preceding eight years in the “active practice of law” and defines that phrase to include: “(1) sitting as a judge in a state or territorial court; (2) being actually engaged in advising and representing clients in matters of law; (3) rendering legal services to an agency, branch, or department of a civil government within the United States or a state or territory of the United States, in an elective, appointive or employed capacity; (4) serving as a professor, associate professor, or assistant professor in a law school accredited by the American Bar Association.” Alaska Stat. § 22.05.070.

Similarly, Alabama defines the phrase “active practice of law” to include: “(a) Representation of one or more clients in the practice of law; (b) Service as a lawyer with a local, state, territorial, or federal agency, including military service; (c) Teaching law at a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association; (d) Service as a judge in a federal, state, territorial, or local court of record; (e) Service as a judicial law clerk; or (f) Service as corporate counsel.” Alabama Rules Governing Admission, Bar Rule III.A.2. See also Oregon Bar Admission Rule 15.05(8); Utah Code of Judicial Administration, Rule 14-705(b). In West Virginia, engagement in the “active practice of law” means “practice on a substantial basis motivated by a desire to earn a livelihood from that practice.” W. Virginia Admission to Practice, Rule 4.0(a)(c). Other jurisdictions define “active practice” more simply, stating that it means an attorney who “has engaged in the practice of law, which includes, but is not limited to, private practice, house counsel, public employment, or academic employment.” N.D. Admission to Practice Rule 3.1.B.1.; Texas State Bar Rules Art. XIII § 2(A).

Common to all of these definitions is a requirement that the attorney have done more than merely be a member of the bar. Given this fact, coupled with the common understanding of the word “active,” the principle that no words in a statute can be superfluous, and the Connecticut Supreme Court’s construction of the phrase “actual practice,” we conclude in response to your second question that the phrase “active practice” means more than simply being a member of the bar of the state in active status.

As explained above, with respect to your third question, the determination of whether particular conduct constitutes the “active practice” of law must be left to judicial determination pursuant to established judicial procedures.

The legislature may wish to provide more specific guidance on this question by more precisely defining “active practice.”

III. Conclusion

In sum, we conclude that the requirement of “ten years’ active practice at the bar of this state” set forth in Conn. Gen. Stat. § 3-124 is not unconstitutional, and that it constitutes more than simply status as an active member of the bar. We also conclude that the determination of whether particular conduct constitutes the “active practice” of law must be left to legislative or judicial action.

Very truly yours,

RICHARD BLUMENTHAL

ATTORNEY GENERAL

CAROLYN K. QUERIJERO

DEPUTY ATTORNEY GENERAL

WILLIAM B. GUNDLING

ASSOCIATE ATTORNEY GENERAL

1 The issue arose, but was never decided, in a 1978 case involving a candidate for Attorney General, A. Searle Field, who sued then-Secretary of the State Gloria Schaffer in *Field v. Schaffer*, No. 221180 (Conn. Superior Ct., Judicial District of Hartford), seeking a preliminary injunction and raising the same constitutional question you now raise. It was undisputed that Field lacked ten years of active practice at the Connecticut bar, and Secretary Schaffer, apparently on the advice of this office, refused to issue him nominating petitions. The Court granted Field a preliminary injunction and stated in conclusory fashion that he had made out a “prima facie case in support of his attack upon the constitutionality of § 3-124.” *Id.*; Memorandum of Decision as to Issuance of a Preliminary Mandate (August 18, 1978) at 2 (Satter, J.). However, the Court did not analyze the issue, stating that it “has not been able to undertake the research necessary to decide the weighty constitutional issue before it”; *id.*; and the issue was never finally resolved because Mr. Field apparently withdrew his lawsuit before obtaining the necessary signatures

to get his name on the ballot. Thus, the Field matter offers no useful guidance in resolving the question you present.

2 This provision has been held to apply only to constitutional offices and not to statutory offices. See *Adams v. Rubinow*, 157 Conn. 150, 176 (1968); *Hackett v. New Haven*, 103 Conn. 157, 169 (1925).

3 Section 2 stated that: “The attorney-general shall have general supervision over all legal matters in which the state is an interested party, except those legal matters over which the state’s attorneys have direction. He shall advise and assist the state’s attorneys if they so request. He shall appear for the state, the governor, the lieutenant-governor, the secretary, the treasurer, and the comptroller, and for all heads of departments and state boards, commissioners, agents, inspectors, librarian, committees, auditors, chemists, directors, harbor masters, and institutions, in all suits and other civil proceedings, excepting upon criminal recognizances and bail bonds, in which the state is a party or is interested, or in which the official acts and doings of said officers are called in question in any court or other tribunal, as the duties of his office shall require; and all such suits shall be conducted by him or under his direction. When any measure affecting the state treasury shall be pending before any committee of the general assembly, such committee shall give him reasonable notice of the pendency of such measure, and he shall appear and take such action as he may deem to be for the best interests of the state, and he shall represent the public interest in the protection of any gifts, legacies, or devises, intended for public or charitable purposes. All legal services required by such officers and boards in matters relating to their official duties shall be performed by the attorney-general or under his direction. All writs, summonses, or other processes served upon such officers shall, forthwith, be transmitted by them to the attorney-general. All suits or other proceedings by them shall be brought by the attorney-general or under his direction. He shall, when required by either branch of the general assembly, give his opinion upon questions of law submitted to him by either of said branches.” Conn. Public Acts 1897, c. 191, § 2.

4 In addition to his duties set forth Conn. Public Acts 1897, c. 191, § 2, and codified at Conn. Gen. Stat. § 3-125, the Attorney General, as of 1970, was statutorily authorized to investigate and, with the approval of the governor, take action to protect interstate watercourses (Conn. Gen. Stat. § 3-126); with the approval of the governor to negotiate with other states concerning use, allocation or diversion of interstate watercourses (Conn. Gen. Stat. § 3-127); to institute legal proceedings against common carriers to obtain reasonable rates when directed by the governor (Conn. Gen. Stat. § 3-130); and to bring actions in the name of the unemployment security division of the department of labor to collect unemployment contributions and interest illegally owed to the state (Conn. Gen. Stat. § 31-274g).

5 As amended by HJR No. 95, Article Fourth, § 1 states that “[a] general election for governor, lieutenant-governor, secretary of the state, treasurer, comptroller and attorney general shall be held on the Tuesday after the first Monday of November, 1974, and quadrennially thereafter.”

6 Throughout the history of the Office of the Attorney General and continuing to the present date, the Attorney General has, as the title suggests, frequently acted in his or her capacity as an attorney in representing the State in some of the most significant legal matters facing the citizenry. See generally, Cohn, Henry S., *The Creation and Evolution of the Office of Connecticut Attorney General*, 81 Conn. Bar J. 345 (Dec. 2007). Indeed, when the Office was first established, the Attorney General had the sole responsibility of performing the duties and responsibilities of the Office and had no deputies or assistants. See *Id.* at 355. It was not until 1927 that the Legislature even authorized the Attorney General to hire a deputy, as well as “such other assistants as he deems necessary subject to the approval of the Board of Finance and Control.” *Id.* at 356.

7 At issue in *Black* was whether the legislature could statutorily require members of electoral boards to be freeholders (landowners) given a constitutional provision stating that “all persons entitled to vote shall be eligible to any office within the gift of the people, except as restricted in this constitution.” The court concluded that the statutory provision was unconstitutional because it was not necessary to be a freeholder to be a voter and “[s]uch a qualification is not essential to the discharge of the duties [of the board] imposed by the act.” *Id.* at 127. In other words, being a freeholder was not essential to performing the duties of the board.

8 The Judicial Branch, which licenses attorneys, classifies attorneys’ licenses in one of two statuses: active or inactive. A license is inactive when, for example, an attorney is disbarred, suspended, retired, deceased, disabled or has resigned. A license is active, if it is not “inactive.” See <http://civillinquiry.jud.ct.gov/AttorneyFirmInquiry.aspx>.