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Improving Public Perception

By Garrett Wozniak

It is easy for Americans to lose faith in their elected officials. The constant stream of stories of abuse of power, breaking of the public trust and seemingly backwards priorities fuels the nation's perception of lawmakers.

Certainly, there are many cases in which we should all be skeptical of those we elect to office – or at least, those elected by others. We all know that those we vote into office are not the problem. Right? This shouldn't be the case. Elected officials, whether in a legislature or the executive branch, should be the type of people that society thinks highly of.

In times when distrust of public officials seems rampant, it is incumbent upon, well, the incumbents to do everything they can to change this perception.

In Delaware, our legislators have been presented with a clear opportunity to help alter the perception of elected officials in [Senate Bill 96](#), a bill sponsored by State Senator George Bunting, a democrat from Bethany Beach.

If passed, Senate Bill 96 “would prohibit any member of the General Assembly from being employed by the State of Delaware while in office, unless the member was already a state employee at the time the member was elected to the General Assembly.”

It has been reported by *The News Journal* that the bill “would outlaw state employees as legislators.”ⁱ

This is both misleading and not true.

The bill allows state employees to run for office and, if elected, serve as an elected official while maintaining separate state employment. What the bill seeks to accomplish is to remove the ability of elected officials to use their elected position to obtain a government job.

While the bill was introduced in May, it has not yet received a hearing.

The lack of a hearing has not stopped public conversation concerning the bill. Citing an opinion by Deputy State Solicitor Jennifer D. Oliva, *The News Journal* reported, “The Delaware Constitution sets forth the qualifications and disqualifications for state legislators. Ordinary public employment is not a disqualification, nor can it be without amending the Constitution.”

To reiterate, the bill is not saying that state employees should not or cannot hold elected office – it simply puts forth the idea that elected officials should be honest brokers of the public good and not use their office to obtain a state job.

If the bill as proposed isn't enough to change the law, then a constitutional amendment should be pursued. It is that simple. The bill can easily be rewritten as a constitutional amendment, voted on when the legislature returns to session and again the following January at the beginning of the 146th General Assembly. This process is necessary because constitutional amendments must be passed by two consecutive General Assemblies.

Bunting's effort is not without precedent.

Delaware is one of seven states that permit state legislators to be employed by the state while serving in elected office as long as the legislator is not paid twice for the same work hours.

Two states, Arkansas and Rhode Island, have enacted policies that achieve what Bunting's legislation seeks to accomplish. Those states allow legislators to be employed at the state or local level as long as said legislator was hired before being elected.

According to the National Conference of State Legislatures (NCSL), four states, Arizona, Louisiana, Ohio and Oregon, "ban all public employment for state legislators except for public school employment."

California, Connecticut, Georgia, Maryland, Massachusetts, Michigan, Missouri, Pennsylvania and Texas have prohibited members of the legislature from "holding any employment at the state or local level." In addition, "Alaska and Nebraska ban employment at the state level."

Twenty states, including Delaware's neighbor to the north, New Jersey, "place no restrictions on state legislators holding other employment at the state or local level."

Of Delaware's 62 state legislators, eight are employed by the state or a political subdivision of the state including Delaware State University and Delaware Technical and Community College.

Critics of a ban on legislators obtaining state jobs claim that the state shouldn't bar individuals who may be very well qualified for a position from obtaining such a job. This point is moot. Elected officials should be held to the highest of standards. Further, by choosing to run for office, candidates and those who become elected are inherently choosing to make sacrifices – putting the public good before their own self interest.

Protecting the public trust and improving public perception is a small price to pay for those who pursue elected office.

In a time when public confidence in government is low, enacting Senate Bill 96, or a version thereof, is a small, somewhat symbolic step that can and should be taken to show the public that Delaware's General Assembly wants to restore the public trust in government.

A roadblock such as the requirement of a constitutional amendment should not stop elected officials from doing what is right – especially when there is a clear alternative to accomplishing the goal.

Garrett Wozniak is policy director for the Caesar Rodney Institute. The Caesar Rodney Institute is a 501(c)(3) research and educational organization and is committed to being a catalyst for improved performance, accountability, and efficiency in Delaware government.

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ⁱ Miller, J.L. "Measure to ban dual jobs faltering." *The News Journal*. October 7, 2009.