

ATTORNEY GENERAL'S INVESTIGATIVE REPORT ISSUED REGARDING ELECTION COMMISSIONER'S POLITICAL ACTIVITY

(Wilmington, DE): Attorney General Carl C. Danberg announced that his office has issued today an Attorney General's Investigative Report on whether State Election Commissioner, Frank Calio, violated Delaware law through his articles and commentaries discussing political subjects. The Report concludes that Calio's actions did not violate the prohibitions on political activity by election officials and are not prosecutable under Delaware law. [N.B. For media outlets who are receiving this information electronically, a copy of the Report is attached. For fax recipients, please call if you wish to receive a copy of the 16 page Report]

The Report found that Title 15, Section 308 of the Delaware Code, if given broad interpretation, violates the First Amendment to the Constitution. Section 308 seeks to limit the political activity of employees of the Office of the State Election Commissioner. The Report concludes that prohibited political activity must be limited to partisan political activity. In preparing the Report, a review of the provisions of the Hatch Act and Supreme Court decisions regarding the Act was undertaken to inform the Attorney General's decision as to the meaning of the Delaware law.

"This issue is one that has attracted public attention and the decision of this office has ramifications for all employees of the State Departments of Elections and other elections officials. Accordingly, I chose to issue the Report publicly

to provide guidance to individuals effected by such laws,"
said Attorney General Danberg.

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