

# Public official.

**Public official.** The holder of a public office though not all persons in public employment are public officials, because public official's position requires the exercise of some portion of the sovereign power, whether great or small. *Town of Arlington v. Bds. of Conciliation and Arbitration, Mass.*, 352 N.E.2d 914.

**Public office.** Essential characteristics of "public office" are (1) authority conferred by law, (2) fixed tenure of office, and (3) power to exercise some portion of sovereign functions of government; key element of such test is that "officer" is carrying out sovereign function. *Spring v. Constantino*, 168 Conn. 563, 362 A.2d 871, 875. Essential elements to establish public position as "public office" are: position must be created by constitution, legislature, or through authority conferred by legislature, portion of sovereign power of government must be delegated to position, duties and powers must be defined, directly or impliedly, by legislature or through legislative authority, duties must be performed independently without control of superior power other than law, and position must have some permanency and continuity. *State v. Taylor*, 260 Iowa 634, 144 N.W.2d 289, 292.

BLACK'S LAW DICTIONARY

FIFTH EDITION

ST. PAUL, MINN.  
WEST PUBLISHING CO.  
1979