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IMPORTANT INFORMATION
USE OF STATE RESOURCES

POET Account
& Candidate Campaign Reports

Due Tuesday, February 18, to APOC

Legislative Travel and Campaigning

Electronic Filing of POET Account Report

Most legislators have a POET account. A POET account is comprised of unused campaign funds that are rolled over into a Public Office Expense Term account.

A POET account is established under AS 15.13.116(8)(B) and may only be used for expenses associated with serving as a member of the legislature.

Therefore, the use of state resources, including legislative staff, may be used to prepare in-house POET account reports and file required electronic reports with APOC.

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Electronic Filing of Required Candidate Campaign Reports

The Ethics Committee determined at the June 14, 2012, meeting that the use of state resources, i.e., a state computer, by a legislator or legislative employee or a legislator designee to file the statutorily required electronic candidate campaign report is a permitted use of state resources, with certain restrictions.

The committee reasoned the electronic filing of a campaign report does not constitute “campaigning” or “political fund raising” or “involvement in or support of or opposition to partisan political activity” – all activities prohibited under AS 24.60.030(a)(2) and (a)(5).

The activity of filing an electronic campaign report can be performed using a state computer during a legislative session as well during the interim. The use of a Legislative Information Office computer is permitted as well as a computer in a legislator’s office. When using a computer in a legislator’s office, care should be taken that the activity is performed independently of any other legislative activity and out the public’s eye since it has the appearance of a campaign activity.

NOTE: The filing of a required report simply means the data input necessary to file the candidate campaign report electronically and does not include the initial legwork necessary to prepare the information for the report.

political party or candidate activities, campaigning, or fund raising. A legislator may not require an employee to perform an act in violation of this subsection.” However, a legislative employee may perform this activity when in “off work” status on a state computer.

LEGISLATOR: A legislator serves 24/7 and therefore can perform this activity at any time.

LEGISLATOR DESIGNEE: Additionally, a non-legislative employee, designated by the legislator, may use a state computer to file electronic candidate campaign reports.

LEGISLATIVE EMPLOYEE: A legislative employee may not perform this activity on government time. AS 24.60.030(b) states, “A legislative employee may not on government time assist in

LEGISLATIVE TRAVEL AND CAMPAIGNING

There is an absolute restriction on the use of state resources for purposes related to campaigning (which includes fundraising) and partisan political activity. **When a legislator or legislative employee is on a state paid trip, campaigning and/or partisan political activities are prohibited pursuant to AS 24.60.030(a)(2) and (a)(5).**

The question you need to ask yourself when on a state paid trip: **Is this an activity that could only be performed because you are on the state paid trip?** In other words, is the activity location dependent? If yes, the activity is prohibited.

Examples of activities that are prohibited on a state paid trip:

- ◆ Campaign door knocking
- ◆ Dropping off campaign fliers at businesses and residences
- ◆ Attending a campaign fundraiser
- ◆ Attending a political party fundraiser
- ◆ Campaign appearance at a function

Examples of activities permitted on a state paid trip:

- √ Retuning a call, fax or email from a campaign worker
- √ Responding to a call from the media
- √ Working on the details of a future campaign fundraiser to be held in another town

SCENARIO 1: Fly to/from Anchorage on the state dime for legislative business and while there attend a campaign fundraiser that evening for another candidate and leave the next morning.

State resources cannot be used for expenses related to this trip.

SCENARIO 2: Personally pay for travel to/from Anchorage to attend a campaign fundraiser and/or a partisan political activity on the first night and conduct legislative business on day two and three.

State resources may be used for expenses related to day two and three since no campaign or partisan political party activity was conducted.

Exception to the analogy — Responding to a constituent who comes up to you while on a state paid trip asking a campaign or partisan political activity question. The best course of action is to answer the questions and provide campaign contact information or political party contact information to the constituent for future reference.