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Campaign Year Activities— *CLARIFICATION*

LEGISLATIVE PAID TRIP AND CAMPAIGNING

The Ethics Committee determined on June 16, that there is an absolute restriction on the use of state resources for purposes related to campaigning (which includes fund raising) and partisan political activity. The office has received many inquiries asking for clarification of this policy.

When a legislator or legislative employee is on a state paid trip (either some expenses or all are reimbursed), campaign activities are prohibited pursuant to AS 24.60.030(a) (2) and (a)(5).

Reimbursement for a legislative trip is considered a use of state resources. What constitutes the use of a "state resource" in this context? The question you need to ask yourself on a state paid trip:

Is this an activity that could be performed only because you are on the state paid trip?

Examples of activities that can be performed only on the state paid trip and are therefore prohibited:

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

*****Keep in mind the above activities apply to all campaigns.*****

Examples of activities that would be permitted on a state paid trip. These

are not activities that are only made possible by the use of state resources.

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

Exception to the above analogy:

Responding to a constituent who comes up to you while on the state paid trip asking campaign questions. The best course of action to take is to provide campaign contact information to the constituent.

If a complaint were filed alleging the use of state resources for campaign or partisan political reasons, the Ethics Committee would look at the specific facts of the situation and take into consideration whether or not state resources were being used to facilitate the activity or if the activity was something that could still have occurred absent the use of state resources. ■

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LEGISLATIVE INVOLVEMENT IN SUPPORTING OR OPPOSING BALLOT PROPOSITIONS



In Advisory Opinion 97-02, the committee determined that action to support or oppose an initiative (which becomes a ballot proposition) is related to duties of the legislature.

- ❖ Legislators are frequently called on to comment on public issues and to take stands on those issues.
- ❖ Legislators need to hear from their constituents and others concerning public issues.

In carrying out this dialogue, a legislator may use state resources, including state paid staff time, state facilities and equipment, and reimbursement for travel expenses.

Some examples of activities include:

⇒ Preparing communications concerning the legislator's position.

- Letters
- Mailings
- Brochures or handouts
- Any other written or electronic communication



⇒ Attending public functions or direct staff to attend on their behalf.

- Personal appearances in the media, at events and gatherings, including state fairs. (Note: If renting a booth at a state fair, campaign activities cannot be conducted at the same time.)

⇒ Gathering and presenting information to the public concerning the proposition.



⇒ Directing staff to research issues raised by the ballot proposition.

- The results of the research may be made available to others, including individuals supporting or opposing the proposition.

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Keep in mind, that in carrying out this dialogue, a legislator or legislative employee may not allow state resources to be used by groups organized in support of or in opposition to a ballot proposition. The use of state resources in this manner would confer a “private benefit” to the group and allow state resources to be used for “campaigning” both of which are prohibited under AS 24.60.030(a)(2) and AS 24.60.030(a)(5). ■

LEGISLATIVE NEWSLETTERS

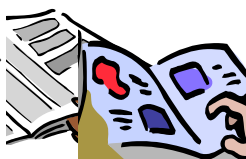
DURING A CAMPAIGN PERIOD

Cutoff Date for distributing a legislative newsletter

Many offices have called asking what is the cutoff date for distributing legislative newsletters prior to an election. (Also applies to constituent meetings.)

The Legislative Ethics Act does not stipulate a date. However, the **closer to Election Day that a newsletter is mailed or e-mailed, the greater the appearance it has of a political “campaign mailing.”**

We recommend no later than one month prior to an election, but it is a personal decision each legislator must make. There are always exceptions to this general recommendation. The bottom line rests on the content of the newsletter, the timeliness of the information, timing of distributing the newsletter, and to whom it is being sent.



Primary Election – one month prior is July 24

General Election – one month prior is October 1

Here are some examples:

- May Be Appropriate:
Major sewer issue in a legislator’s district. It may be timely to send information to the residents affected by the issue during the 30 day period.
- Probably Not Appropriate:
Sending a general information legislative newsletter during the 30 day period that could be sent after the election.

The nine member Ethics Committee would make the determination if a complaint was filed alleging the use of state resources were used for campaign or partisan political purposes. ■

Content of Legislative Newsletter

Campaign related information is prohibited in legislative newsletters. An entire newsletter is considered campaign related even if there is only one campaign statement and the other sections contain legislative information.

Examples of campaign related statements:

“I have filed for a new term as your state Senator/Representative.”

(Announcing that you are running for a legislative office is considered campaigning.)

“I hope to be in the legislature next year and will propose the following XXXX”;

(OR)

“ I will likely file legislation next session on that subject and work with the administration on the issue.”

(These statements inform constituents that if they vote for you in the 2010 election this is the action you will take. The statements are ones that would appear on campaign material as part of your campaign platform.)

Including other legislator’s names in your newsletter, indicating they are candidates for a particular office and their position on issues.

(Even though there is not a direct endorsement of these candidates, the mere mention that they are candidates and their position on a particular issue is typical of language on campaign literature and has the appearance of campaigning.)

The Ethics Office is available to review newsletters for content appropriate language. ■



DOOR KNOCKING DURING A CAMPAIGN PERIOD



LEGISLATIVE DOOR KNOCKING

Legislators are not prohibited from “door knocking” in their legislative district for a legislative purpose during a campaign period.

However, door knocking is a traditional way of meeting residents of a legislative district during a campaign. Since the Legislative Ethics Act does not stipulate a cutoff date for legislative door knocking, it is important to note that the closer to Election Day this activity is performed, the greater the appearance it has of “campaigning.” We recommend no later than one month prior to an election, but it is a personal decision each legislator must make.

Many legislators hand out their end-of-session legislative newsletter while door knocking. Remember, campaign activities cannot be performed at the same time; i.e., announcing that you are running for another term or handing out campaign literature for example. ■



CAMPAIGN DOOR KNOCKING

Legislators are prohibited from using state resources for campaign door knocking activities at any time.

In Advisory Opinion 07-07, the committee determined that legislators may *not*—while campaign door knocking—do the following:

- Hand out your legislative business card.
- Verbally give legislative contact information to a constituent.
- Handwrite legislative contact information on campaign materials left with the constituent, either in person or left on the constituent’s door.

If, while campaign door knocking, a constituent has a concern about legislative services, you may:

- ❖ provide a legislative business card.
- ❖ verbally give the constituent legislative contact information.

Listing legislative contact information on campaign materials would lead to a violation of AS 24.60.030(a)(5) or (b). ■

MORATORIUM ON ETHICS COMPLAINTS DURING A CAMPAIGN PERIOD

Complaints received concerning the conduct of a candidate for state office during a campaign period shall be returned to the complainant unless the subject of the complaint permits the committee to proceed. AS 24.60.170(o) & (p)

Campaign period:

Begins 45 days before a Primary Election and ends at the close of General Election Day or the day the candidate withdraws or the day the results of the primary election are certified, whichever is earlier. AS 24.60.170(q)

Campaign period runs from Saturday, July 10 through Tuesday, November 2.

NEW!

Legislative Ethics Annual Calendar



Are you having trouble keeping track of all the due dates for Ethics reporting? Wish there was a calendar that showed what was due and when? Well, your wish has come true! The Ethics Committee has posted on their website a calendar of due dates that you are required to track and it's now available! Let us know what you think. **HERE'S THE LINK:** <http://ethics.legis.state.ak.us>