

SELECT COMMITTEE ON
LEGISLATIVE ETHICS

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269-0150

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269-8179



THE ADVISOR

Welcome!
Welcome!
Welcome!

With session over, the 2010 interim begins and we welcome back legislators and legislative staff returning to their home districts.

As we welcome back those returning from Juneau, we also extend a warm welcome to new employees who join us in the interim. *Welcome!*

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DURING THE INTERIM:

Legislators' Office Space in their Home District

The Legislative Ethics Act **does not permit** a legislator to use designated legislative office space in the legislator's home district during the interim for non legislative purposes. Items such as, personal files, personal file cabinets, and other non legislative items, etc., are not permitted.

NOTE: During a legislative session, **AS 24.60.030(a)(2)(D)** allows a legislator to use his/her personal legislative office (defined as the primary space in the capital city reserved for use by a legislator) during the legislative session and the ten days immediately before and after, for non legislative purposes, if the use does not interfere with the performance of public duties and if there is no cost to the state for the use of the space and equipment or you promptly reimburse the state for the cost.

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“ETHICS TRAINING IS MANDATORY FOR ALL EMPLOYEES UNDER THE LEGISLATIVE BRANCH (EXCEPT CERTAIN HOURLY EMPLOYEES) PURSUANT TO AS 24.60.155 AND AS 24.60.150(A)(4)”

LEGISLATIVE NEWSLETTERS DURING AN ELECTION YEAR

“AS 24.60.030(c) prohibits a legislator who is a candidate for election the use of state funds to print or distribute a legislative newsletter to individuals eligible to vote for the candidate during the 60 days before an election”.

- ❖ The last day for the Legislative Print Shop to print newsletters for legislators who are candidates is Friday, June 25th.

Please be sure to have your newsletter to the Print Shop well ahead of the June 25th deadline to allow adequate time for the Print Shop staff to print and collate the newsletter. **Note:** The Print Shop needs a *minimum* of **3 working days** to process your request but prefers to receive it earlier.

- ❖ After June 25th, legislative newsletters may be printed and distributed using personal funds, office allowance account funds, (which are not considered state funds) or POET account funds.

Legislators who are *not* candidates may use the Print Shop to print legislative newsletters after the June 25th deadline.

The use of Email to send out newsletters is not prohibited at any time.

IMPORTANT!

Many offices have called asking what the cut off date is for mailing a legislative newsletter prior to an election. The Legislative Ethics Act does not stipulate a date. However, **the closer to Election Day that a legislative newsletter is mailed or**

Emailed, 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.

Keep in mind legislative mailings may not contain any campaign-related material.



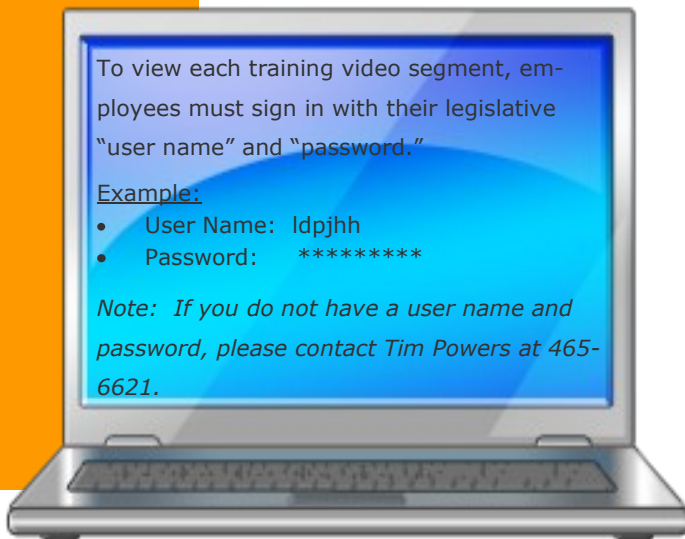
ETHICS TRAINING

If you are a **NEW** staffer working for a legislator or **NEW** support staff, you are required to complete the online Ethics training within **30 days** of your hire date.

HERE'S HOW:

- Go to the Ethics web page at: <http://ethics.legis.state.ak.us>
1. Select “Ethics Training”
 2. Select the PowerPoint presentation designated for “Staff to Legislator” or “Support Staff and other employees” and print. Use it to follow along with while viewing the video.
 3. Select “On-line Ethics Training”
 4. Log in with your **user name** and **password**

For any questions regarding training, contact Linda Leigh at 269-8179.



CAMPAIGNING

Questions & Answers



May a legislator use pictures from the legislative website for campaign purposes?

Yes. AS 24.60.030(a)(2)(H) allows a legislator to use photographs taken using state resources for personal or campaign related purposes.

May a legislator or legislative employee wear a campaign button while conducting legislative business?

Advisory Opinion 94-13 states a campaign button, (or any other campaign item, i.e., a hat for instance), may be worn to and from the workplace but may not be worn in a legislative office or while on legislative business outside of the office.

May legislators and/or legislative employees wear campaign buttons that advocate for or against a ballot initiative?

Advisory Opinion 94-13 states that wearing campaign buttons that influence the election of a candidate are prohibited. Campaign buttons that address a ballot issue are not prohibited as they are not addressed in the Legislative Ethics Act.

May a legislative employee work on a campaign?

Yes. Legislative employees are not prohibited from working on a campaign. Campaign work cannot be performed on government time or with the use of state resources. AS 24.60.030(b) and AS 24.60.030(a)(2) and (a)(5)

Government time is not defined in statute. The Ethics Committee defines ‘government time’ to mean time for which the employee is being compensated by the state for work performed based on a schedule set by a supervisor. Legislative employees have a wide variety of work schedules. The specific hours in ‘government time’ may vary according to the work schedules set by supervisors for each employee.

Example: A legislative employee performs legislative work for four hours in the morning, is on personal time in the afternoon, and attends a 3 1/2 hour Community Council Meeting in the evening, representing the legislator. The employee may participate in campaign activities during the designated personal time.

A legislative employee should note that in the event a complaint is filed alleging participation in non-legislative activities on government time, the burden of proof would be on the employee to show a pre-approved work schedule or show leave time had been requested for the time in question.



CAMPAIGNING

Questions & Answers



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CAMPAIGN DOOR KNOCKING

May a legislator include the legislative office number, fax number, Email and/or mailing address on candidate materials?

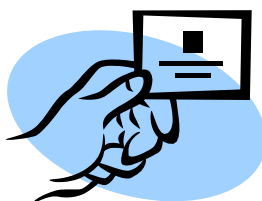
The committee found in Advisory Opinion 07-07 that listing a legislative office phone number and/or other contact information on campaign-advertising fliers, violates AS 24.60.030(a)(5), which prohibits the authorization of legislative resources, including office staff, for a political fundraising or campaign purpose; and AS 24.60.030(b), which prohibits a legislator from requiring a legislative employee to perform campaign activity on government time.

May a legislator hand out legislative business cards while campaign door knocking?

May a legislator verbally give legislative contact information to a constituent if the constituent does not ask for it?

May a legislator handwrite legislative contact information on a campaign flyer?

Advisory Opinion 07-07 states a legislator may not disseminate legislative contact information to constituents while campaigning unless the contact information is given because of a legislative purpose such as, a constituent concern.



For example: While door knocking, a constituent asks the legislator to follow up on a license request through a state agency that the constituent feels is taking too long. The legislator may hand out a legislative business card, verbally give legislative contact information, or write the information on a campaign flyer so the constituent may contact the legislator to follow up on the concern.

Absent facts clearly demonstrating that legislative contact information distributed during a campaign activity was actually distributed for a legislative purpose and not for a political campaign purpose, the committee might find a violation of AS 24.60.030(a)(5). Providing legislative contact information during campaigning creates a substantial appearance of impropriety.

Legislative employees may respond to incidental campaign activities under AS 24.60.030(h). The committee interprets AS 24.60.030(h) to mean that, in spite of the prohibitions in (a)(5) and (b), responding to incidental campaign activities, such as unsolicited campaign calls received at a campaigning legislator's legislative office, is permitted.

Calls generated from legislative contact information on campaign material, or from legislative business cards handed out while campaign door knocking, do not fall in the unsolicited category, nor are they beyond the legislator's control.

CAMPAIGNING

Questions & Answers



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May a legislator include legislative contact information in the State Division of Elections' "Voter Guide"?

The State Division of Elections' **Voter Guide**, a campaign-related item, should not contain legislative contact information. See Advisory Opinion 07-07 for additional information.
AS 24.60.030

May legislative staff assist a legislator in preparing APOC campaign finance disclosure reports while on government time and/or in a state building?

No. This activity is campaign related and the use of state resources for the purpose of campaigning is prohibited. AS 24.60.030(a)(5).

May a legislative mailing be sent to "Super Voters"?

A legislative mailing may be sent to "Super Voters" as long as the content of the mailing is legislative related. However, the mailing may not be sent to individuals of only one political party as the mailing would be considered a political party mailing and/or for the purpose of campaigning. Keep in mind, the timing of a legislative mailing must also be considered.

Must a legislative employee file a "close economic association" disclosure if working on legislator's campaign?

Disclosure of a close economic association is required **only if** the legislative employee is a paid campaign worker for a sitting legislator's campaign. The disclosure must be filed within 30 days of association by both the legislator and the employee. AS 24.60.070

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STATE PAID TRAVEL AND COLLATERAL CAMPAIGN ACTIVITIES

***Ethics Committee Meeting
Thursday, May 27
11:30 a.m.
Anchorage LIO, Conference Room #220***

The committee will be discussing a second legal opinion on the subject of *state paid travel and collateral campaign activities*.

The Ethics Committee's discussion will take place in an open meeting and will be teleconferenced (1-877-763-5073.) The agenda will be posted on the Ethics web site on Monday, May 17. The legal opinion will be available on Tuesday, May 25. Please call the Ethics office at 269-0150 or 269-8179 to obtain a copy.

Any action taken by the committee will be noticed in the next **ADVISOR** newsletter.