



THE ADVISOR

Select Committee on Legislative Ethics

APRIL 2016

IMPORTANT!

Content of Legislative Newsletters In Campaign Season

Legislative mailings may **NOT**:

- Contain campaign related statements such as:

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

“I hope to be in the legislature next year and will propose the following legislation.”

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

- Include other legislator’s names indicating they are candidates for a particular office and their position on issues.
- Be sent to constituents outside of the legislator’s current legislative district, unless the person has requested to be on the mailing list.

Distribution of Legislative Newsletters

What is the cut-off date for mailing or distributing a legislative newsletter (this includes those printed by the Legislative Print Shop) or sending a newsletter via e-mail 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 30 days prior to an election, but it is a personal decision each legislator must make.*

Primary Election—30 days prior is **July 17**

General Election—30 days prior is **October 9**

There are always exceptions to the 30-day 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.

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.

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ATTENTION RECENTLY HIRED
LEGISLATIVE EMPLOYEES!

Online ethics training is now available at the following link. Training must be completed within 30 days of hire date.

Click this link: **Ethics Training** to access the videos and other materials. When completed, you must click the submission button to notify the Ethics Committee that you have complied with the training requirement.

Please contact janice.stewart@akleg.gov, or call 269-8179 if you have any questions or need assistance.

“Even the most rational approach to ethics is defenseless if there isn’t the will to do what is right.”

Alexander Solzhenitsyn

****** A Note on Disclosures ******

The Ethics Office often receives late disclosures, particularly Board Memberships, that begin after the current year’s annual disclosure deadline yet are not filed until the next year’s annual disclosure deadline.

ANY association that begins after February 18, 2016, requires a disclosure within 30 days.

For Example:

A legislator or legislative employee is elected to their Condo Association Board on August 12, 2016.

A legislator or legislative employee begins a term on a non-profit, local arts advisory board on November 27, 2016.

A legislator or legislative employee is appointed to a national education board of directors on July 23, 2016.

A legislator or legislative employee joins a statewide nonprofit committee which advises and provides oversight regarding conservation of greenspace on December 1, 2016.

A disclosure should be filed within 30 days for each of these examples. If the association were to continue into the new year a disclosure would need to be refiled within 30 days of the beginning of the legislative session. Therefore, each of the examples would need to be refiled in 2017, and annually thereafter, as long as participation continues.

If you are unsure as to whether or not you need to file, please contact our office at 269-0150 or 269-8179.

Campaigning, Fundraising, and Partisan Political Activities

AS 24.60.031

During a legislative session, **legislators** and **legislative staff may**:

- attend a candidate or political party event (i.e., fundraiser or political party district convention) EXCEPT when taking a trip on state travel funds.
- personally contribute to a candidate or political party;
 - * includes buying a ticket to the event and bidding on auction items.

However, **legislators** and **legislative staff may not** solicit or accept contributions for a fundraising event during session for a campaign for state or municipal office. Soliciting includes, but is not limited to: asking for contributions for the fundraising event; including your name on the fundraising notice; donating items to an auction.

During the legislative session, **legislators** are also prohibited from soliciting or accepting a contribution or a promise or pledge to make a contribution for:

- The legislator's own campaign;
- Another candidate for municipal, state, or federal office;
- Influencing a state ballot proposition or question; or
- A political party.

May a Legislator link his or her campaign website or campaign Facebook site to his or her legislative Facebook site or other legislative site to allow a person to sign up for legislative newsletter from their office?

This is not allowed as discussed in AO 12-04. (<http://www.legis.state.ak.us/search/ethics/>)

May a legislator use the Juneau Print Shop to print a constituent newsletter during a campaign period if the Print Shop charges the legislator for the cost of the printing?

No. State resources cannot be used during a campaign period for constituent newsletters. State resources include not only the cost of the paper for printing the newsletter but also staff time and equipment.



'Tis the Season for Campaigning...



You may have seen campaign signs popping up in various neighborhoods throughout Alaska. As a result the Ethics office has received calls asking if this is allowed. Please note the following:

Campaign signs may be posted during the legislative session as long as government resources are not used, fundraising is not involved, and the posting does not violate AS 24.60.030(d).

AS 24.60.030(d) states: A legislator, legislative employee, or another person on behalf of the legislator or legislative employee, or a campaign committee of the legislator or legislative employee, may not distribute or post campaign literature, placards, posters, fund-raising notices, or other communications intended to influence the election of a candidate in an election **in public areas in a facility ordinarily used to conduct state government business**. This prohibition applies whether or not the election has been concluded. However, a legislator may post, in the legislator's private office, communications related to an election that has been concluded.



CAUTION!

ENDORISING CANDIDATES

A legislator may endorse any candidate on a federal, state, or local level. The ethics committee issued Advisory Opinion 07-06 which pointed out when an endorsement might violate AS 24.60.031:

AS 24.60.031 does not prohibit a legislator or legislative employee from endorsing a candidate for the state legislature at any time, unless the endorsement is part of a solicitation for a contribution in violation of AS 24.60.031(a)(1). The following examples illustrate the difference between an endorsement that is in compliance with AS 24.60.031, and one that is not:

- 1. A legislator endorses a candidate in a signature ad that solicits votes for the candidate but does not solicit contributions to the campaign. This endorsement does not violate AS 24.60.031(a)(1), because the statute does not prohibit a solicitation for votes.*
- 2. A legislator endorses a candidate by allowing the legislator's name to appear in a fundraising event's invitation or advertisement. This endorsement would violate AS 24.60.031(a)(1) because it is a solicitation for a money contribution to the candidate. Even if the name merely appears on a long list of other candidate supporters or campaign officers, if the legislator allows it to be used in a fundraising event's invitation or ad at a time and place when AS 24.60.031(a)(1) prohibits the legislator from soliciting campaign contributions, there is a violation.*

The same caution should be utilized for endorsements at the municipal level as the language of AS 24.60.031 includes both state or municipal office elections during a regular or special session.

