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ETHICS

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THE ADVISOR

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Comments relating to Alaska Public Offices Commission July 12, 2010 issuance of Advisory Opinion 10-09-CD, Use of Legislative Website on Campaign Materials



APOC determined that a "campaign website" may reference a legislative webpage and legislative e-newsletter, and that referencing them on campaign materials is not a reportable campaign expenditure.

This is because these references do not expressly advocate the election or defeat of a candidate or ballot issue; nor are campaign funds used.

The opinion then states,
"[APOC] Staff takes no position as to whether this activity violates any legislative ethics laws."

State resources cannot be used for political fundraising or campaigning. AS 24.60.030(a)(5). In AO 07-07, the Ethics Committee determined a legislative phone number, legislative email address, legislative fax number and a legislative business card were state resources. Previous advice has stated that printed legislative newsletters cannot be distributed while campaigning. It follows that legislative websites and legislative e-newsletters (which also contain legislative contact information) are considered state resources as well.

The committee further stated in AO 07-07 that AS 24.60.030(b) prohibits a legislator from "requiring" a legislative employee to perform campaign activity on government time. It is reasonably foreseeable



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that referencing a legislative webpage or legislative e-newsletter on a campaign website would result in an increase in the number of campaign-related inquiries received at a legislative office, regardless if a notation states the contact information should only be used for legislative business. The action of the referencing legislative information would “require” legislative employees to perform campaign-related activity on government time.

Legislative employees may respond to “incidental campaign inquiries” under AS 24.60.030(h); i.e., unsolicited inquiries. Inquiries generated from legislative contact information on campaign materials do not fall in the unsolicited category nor are they beyond the legislator’s control. (The Ethics Office has a Model Office Policy on how to respond to incidental campaign inquiries. Please send an email to Ethics_Committee@legis.state.ak.us and one will be sent to you.)

**Providing a link to a legislative webpage OR e-newsletter
on a campaign website is PROHIBITED under
AS 24.60.030(a)(5), AS 24.60.030(b) and AS 24.60.030(h).**

If you have referenced any of the above named items, please remove them immediately.

NOTE: Nothing prohibits a legislator from “pasting” certain information from a legislative website or e-newsletter to a campaign website as long as certain prohibitions are followed; i.e., no legislative contact information is displayed on the material that is to be “pasted.”

For more information, links are provided below:

Alaska Public Offices Commission:
<http://www.doa.alaska.gov/apoc/Advisory>

Ethics Committee:
<http://www.legis.state.ak.us/search/ethics/>
Under Search For, type in: **AO 07-07**

Click on “[here](#)” to view recent opinions
then enter Advisory Opinion “**10-09-CD**”

Quote of the Month



“Ethics must come first. Without it there is little or no respect for elected officials. Without respect, there is no credibility. Without credibility, leadership is impossible. And leadership is necessary to address the tough issues in the years ahead.”

Paul R. Leonard
t. Gov. of Ohio
1987-1991