

**SELECT COMMITTEE ON LEGISLATIVE ETHICS
Alaska State Legislature**

THE ADVISOR

March 2006

Committee Members: Chair H. Conner Thomas, Senator Ben Stevens, Senator Hollis French, Representative Max Gruenberg, Representative Bruce Weyhrauch, and Ann Rabinowitz.

As of this date, three public member seats are vacant. Confirmation hearings in the Senate and House Judiciary committees were held in February for Dennis “Skip” Cook, Herman Walker Jr. and Lindsey Holmes. The next step is ratification by two thirds of the full membership of the House and Senate.

Staff: Joyce Anderson **Office Hours:** Monday through Thursday

QUOTE OF THE MONTH: “The purpose of ethics laws, first and foremost, lies in promoting both the reality and perceptions of integrity in government.”

Mark Davies quoted in *Government Ethics and Law Enforcement: Toward Global Guidelines (2000)*.

***** DISCLOSURE DEADLINES *****

KEEP IN MIND: *The requirement to file a disclosure applies to both legislators and legislative employees.*

The following DISCLOSURES are due by **WEDNESDAY, MARCH 15th**. (NOTE: If a new association occurs after March 15th and is during session, the following disclosures are due within 30 days of association.)

- **Membership on a Board of Directors** - AS 24.60.030(f) – Are you an officer or board member of an organization that may have substantial interest in legislative matters?

- **Participation in Certain State Benefit and Loan Programs - AS 24.60.050(c)(d)** - Do you presently or did you during the interim have an outstanding benefit or loan amount administered through the state? Disclosure depends on award criteria. Call the ethics office to determine if you must disclose.
- **Representation Before a State Agency - AS 24.60.100** - Are you on contract/agreement to represent a client before a State agency, board or commission?
- **Interests in State Contracts and Leases (including certain family members) - AS 24.60.040** – Do you or any immediate family members have a contract or lease through the State with an annual value of \$5000 or more?
- **Close Economic Associations - AS 24.60.070** – Is there a financial relationship between you and a person covered by the Legislative Ethics Code (i.e., legislators, legislative employees if one supervises the other, public officials who must file a Financial Disclosure with APOC, and registered lobbyists)? Examples: share housing expenses, business partners, or a paid consultant on a legislator’s campaign.

The following disclosure is due annually by **Wednesday, March 15** which covers the previous calendar year.

- **Gifts Not Connected with Legislative Status - AS 24.60.080(c)(6)** – Have you received a gift(s) worth more than \$250 in a calendar year from the same person/entity other than an immediate family member?

The following disclosures are **always due within 30 days of receipt of the gift.**

- **Gift of Travel/Hospitality for Legislative Matters - AS 24.60.080(c)(4)** – Have you taken a trip for legislative matters which was *paid for with funds other than legislative funds*? This includes trips paid for by other branches of state government, the NCSL, CSG and other private organizations to name a few.
- **Gift Received by Family Member Because of Legislative Connection – AS 24.60.080(i)** - Did an immediate family receive a gift worth \$250 or more because of your legislative connection?
- **Gift of Legal Services Related to Legislative Matters - AS 24.60.080(c)(8)** – Did you receive a gift of legal services related to legislative matters worth \$250 or more?

Must be delivered to Legislative Council within 60 days.

- **Gift from Another Government – AS 24.60.080(f)** – Have you received a gift from another government or official from another government worth \$250 or more?
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IMPORTANT: Fines are levied for late disclosures. The fine is \$2.00 per day up to a maximum of \$100. Committee policy has been to allow for one late disclosure before levying fines. A late disclosure is a “one time only” waiver.

The forms for all disclosures are located in the 2006 Standards of Conduct Handbook as well as the ethics website (www.legis.state.ak.us and then click on Ethics). Please give the Ethics Office a call if you have questions about what to disclose or when the disclosure is due.

When completing disclosures, please keep in mind:

1. **PLEASE PRINT CLEARLY OR TYPE YOUR DISCLOSURE INFORMATION.** Remember, the Ethics Office and the Senate Secretary or House Clerk must be able to read the information on your disclosure form.
2. An original copy of the disclosure is not required. A fax copy is acceptable. Keep the original in your Ethics file for future reference if needed.
3. Please complete all required information. Remember, these are public disclosures and the public has a right to know.
4. Under the ‘address’ section for the discloser, keep in mind if you list your home address, your home address will be printed in the Legislative Journal. It is appropriate to list your legislative office address.

For TRAVEL/HOSPITALITY disclosures:

1. The purpose of the trip must include the location of the meeting/conference/etc.
2. The purpose of the trip needs to be more specific than ‘legislative information fact gathering.’ What was the topic of the fact-gathering meeting?
3. Also, if attending a conference, please spell out the name of the organization. An acronym may be familiar to you but not to the public.
4. Remember to include the address of the donor on the form and the occupation of the organization.
5. **IMPORTANT:** Travel/hospitality disclosures are due within 30 days of receipt of the gift. **The committee considers ‘receipt of the gift’ the day the conference/meeting begins and not the date reimbursement is received.**

CAMPAIGN ACTIVITIES

The Ethics Office has received numerous calls concerning campaign activities and what is considered prohibited activity under the legislative ethics code. Reprinted below are several sections of the 2006 Standards Handbook for your reference. We hope the information will be helpful. If you have additional questions, please give the Ethics office a call at 269-0150.

CAMPAIGNING: USE OF GOVERNMENT ASSETS

AS 24.60.030(a)(5)

A legislator or legislative employee may not use government assets for political fundraising or campaigning. The code does allow *minimal* use of government assets if the use does not interfere with the performance of state work, is applied infrequently and the use is considered nominal or limited, or the legislator or employee reimburses the state for cost of the use.

In the past, the committee has strictly interpreted this section of the code. Those covered by the ethics code should use caution when the line between campaigning and performing legislative duties becomes less than clear.

What if a campaign-related call comes into the legislative office?

The caller should be politely referred to the telephone number of the campaign headquarters or the home of the legislator.

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

No, as that would require or allow staff to handle campaign related contacts. Note, this includes the State Division of Elections Voter Guide and APOC candidate registration forms and campaign reports.

May campaign materials be stored in a legislative office, so long as they are not in public view?

Legislators are allowed to store APOC campaign records in their private offices but not campaign materials which are intended to influence the outcome of an election.

May a legislator or legislative employee make copies of campaign materials on a state copier?

Generally, no. Limited exceptions are listed in AS 24.60.030(5). Call the Ethics Office for additional guidance if asked to perform this activity.

May a legislator request staff to research an issue in response to a constituent concern and then later use that information in a campaign speech?

A qualified yes, so long as the information is public information and available to any one whom requests it. The legislator may not use staff to assist in researching or writing campaign speeches.

GOVERNMENT TIME: POLITICAL AND CAMPAIGN WORK

AS 24.60.030(b)

A legislative employee may not participate in political party or candidate activities, campaigning or fundraising on government time. Legislators may not require an employee to violate this prohibition. In this section, "government time" is interpreted to mean time for which the employee is being compensated by the state for work performed based upon a schedule set by the supervisor. Legislative employees have a

wide variety of work schedules. The specific hours included in “government time” vary according to the work schedules set by the supervisor for each employee.

A person covered by the ethics code should note that, in the event a complaint is filed alleging campaign work on government time, the burden of proof would be on the employee to show a pre-approved work schedule.

Think about how it looks to the public when legislative employees participate in campaigns, especially the campaign of the person for whom they work.

May a legislative employee design a campaign flyer either at work or in a private location while on government time?

No.

May a legislative employee participate in fundraising efforts or signature gathering for a ballot initiative while on government time?

No. See Advisory Opinion 97-02. <http://www.legis.state.ak.us/ethics/>

If a legislator sets a schedule that, for example, allows an employee to work for five hours, be on personal time in the afternoon and return to work for three hours in the evening, may a legislative employee participate in campaign activities on the designated personal time?

Yes, so long as the employee is not in a state building or using state resources while doing campaign work.

May a legislative employee assist a legislator in completing APOC campaign disclosure statements while on government time or in a state building?

No.

Call the ethics office anytime you have
a question concerning ethics.

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