

Alaska Select Committee on Legislative Ethics

ACTION ALERT -- Issued September 23, 2014

Use of Office Printers for Newsletters during a Campaign Period

The use of state funds to produce or distribute newsletters during the 60 day period before an election where the legislator appears on the ballot is prohibited by the Legislative Ethics Act, specifically AS 24.60.030(c).

State funds would include money spent to purchase or replenish equipment and supplies in a legislator's office. Therefore, the purchase of a printer by LAA or the use of toner, paper, or other consumable supplies bought by LAA to produce or distribute newsletters would fall under the same prohibition as having the Print Shop produce newsletters.

Printing a few copies for proofreading or layout purposes would be an acceptable use; printing the actual pieces for a mass mailing would not.

Based on state statute and Advisory Opinion 99-04, use of staff time to produce newsletters and the distribution of newsletters via email would be acceptable as these activities do not carry an increased cost to the state.

Office Allowance Accounts are specifically exempt from the prohibition in AS 24.60.030(c).

If you would like further clarification, please contact the Ethics office at 269-0150.

References:

AS 24.60.030. Prohibited conduct and conflicts of interest.

(c) Unless approved by the committee, during a campaign period for an election in which the legislator or legislative employee is a candidate, a legislator or legislative employee may not use or permit another to use state funds, other than funds to which the legislator is entitled under [AS 24.10.110](#), to print or distribute a political mass mailing to individuals eligible to vote for the candidate. In this subsection,

(1) a "campaign period" is the period that

(A) begins 60 days before the date of an election to the board of an electric or telephone cooperative organized under AS 10.25, a municipal election, or a primary election, or that begins on the date of the governor's proclamation calling a special election; and

(B) ends the day after the cooperative election, municipal election, or general or special election;

(2) a mass mailing is considered to be political if it is from or about a legislator, legislative employee, or another person who is a candidate for election or reelection to the legislature or another federal, state, or municipal office or to the board of an electric or telephone cooperative.

Advisory Opinion 99-04: *[words in italics reflect changes in statute since the AO was published.]*

AS 24.60.030(c) prohibits using state money to make specific purchases related to a mass mailing during the 90 days *[the timeframe is now 60 days]* before an election. A legislator or legislative employee who is a candidate *[a legislative employee must now resign before filing for office]* may use state equipment and resources, including staff time, for sending out an e-mail to constituents **so long as there is no increased cost to the state for the use.**