



# THE ADVISOR

Email: [ethics\\_committee@legis.state.ak.us](mailto:ethics_committee@legis.state.ak.us)

## Select Committee on Legislative Ethics

### Committee Members

Herman G. Walker, Jr., Chair

Dennis "Skip" Cook, Vice-Chair

Sen John Coghill

Rep Craig Johnson

Antoinette "Toni" Mallott

Sen Gary Stevens

H. Conner Thomas

Rep Chris Tuck

Gary J. Turner

### Staff:

Joyce Anderson, Administrator  
269-0150

Linda Leigh, Support Staff  
269-8179

### Mailing address:

P. O. Box 101468  
Anchorage, AK  
99510-1468

716 West 4th Ave. #230  
Anchorage, AK  
99501-2133

June 2012, 3rd Edition

Ph (907) 269-0150  
Fax (907) 269-0152

<http://ethics.legis.state.ak.us>



## Important Information!



### ETHICS COMMITTEE ACTION FROM JUNE 14, 2012 MEETING

#### USE OF STATE RESOURCES for Legislative Outreach in the New District Boundaries

The committee determined legislators may use state resources for constituent outreach in the new district boundaries after the November election results are certified.

The use of state resources for constituent outreach in the new district boundaries prior to the certification of the November election results would constitute campaigning and be a violation of AS 24.60.030(a)(2) and (a)(5).

#### USE OF STATE RESOURCES for Electronic Filing of Required Candidate Campaign Reports

The Ethics Committee determined the use of state resources, i.e., a state computer, by a legislator or legislative employee or a legislator designee to file the statutorily required electronic candidate campaign report is a permitted use of state resources, with certain restrictions.

The committee reasoned the electronic filing of a campaign report does not constitute "campaigning" or "political fund raising" or "involvement in or support of or opposition to partisan political activity" – all activities prohibited under AS 24.60.030(a)(2) and (a)(5).

**NOTE:** The filing of a required report simply means the data input necessary to file the candidate campaign report electronically and does not include the initial legwork

necessary to prepare the information for the report.

**Legislator:** A legislator serves 24/7 and therefore can perform this activity at any time.

**Legislative Employee:** A legislative employee may not perform this activity on government time. AS 24.60.030(b) states, "A legislative employee may not on government time assist in political party or candidate activities, campaigning, or fund raising. A legislator may not require an employee to perform an act in violation of this subsection." However, a legislative employee may perform this activity when in "off work" status on a state computer.

**Legislator Designee:** Additionally, a non-legislative employee, designated by the legislator, may use a state computer to file electronic candidate campaign reports.

The activity of filing an electronic campaign report can be performed using a state computer during a legislative session as well during the interim. The use of a Legislative Information Office computer is permitted as well as a computer in a legislator's office for this activity. When using a computer in a legislator's office care should be taken that the activity is performed independently of any other legislative activity.

#### Inside this issue:

Ethics Committee Action from June 14, 2012 Meeting: Use of State Resources; Facebook Ads

Cover & 2

New Advisory opinion Request—AO 12-03

2

## ETHICS COMMITTEE ACTION FROM JUNE 14, 2012 MEETING

### ADVISORY OPINION 12-02 USE OF STATE RESOURCES for Soliciting Charitable Contributions to a Nonprofit Organization

**QUESTION:** May a legislator solicit charitable contributions *and* conduct fundraising activities on behalf of a recognized, nonpolitical, charitable organization to which the legislature does not belong?

**ANSWER:** Legislators and staff are permitted to solicit, accept and receive gifts for recognized, non-political charitable organizations in a state facility. AS 24.60.030(a)(2)(I). The committee interprets the term 'solicit' literally and narrowly under these circumstances. 'Solicit' is defined as "to approach with a request or plea." While it is permissible to solicit or ask for con-

tributions on behalf of a recognized, nonpolitical charitable organization, activities such as organizing or facilitating the fundraising activity are not ethically permissible. Activities beyond merely asking for gifts or accepting or receiving gifts on behalf of a charitable organization gives the perception at least of conflicts of interest and impugns the integrity of the legislative process and should be avoided.

For a meeting of a nonprofit organization that has a clear "legislative purpose" *and* to which the legislature belongs, such as NCSL or CSG, soliciting, accepting and receiving contributions as well as organizing and facilitating the fundraising activity is permitted. The use is justified because the use is for a "legislative purpose" and not because the cause was related to a

recognized, nonpolitical charitable organization.

Click [HERE](#) for a copy of AO 12-02.

### FACEBOOK ADS

The Ethics Committee determined that advertisements posted on a legislator's or legislative employee's Facebook page pose no ethical concerns. Facebook is the sole authority regarding what advertisements are placed on the user's page. ■



## NOTICE: New Advisory Opinion Request

### Advisory Opinion 12-03 SIGNING OF PRE-ELECTION PLEDGES by Incumbent Legislators

Discussion of this topic at the June 14, 2012 committee meeting resulted in the committee requesting an advisory opinion. We anticipate scheduling a meeting soon.

**QUESTION:** *Does the signing of a pre-election pledge, by an incumbent legislator, in exchange for a campaign contribution or endorsement or a promise of a campaign contribution or endorsement, violate the provisions of the Legislative Ethics Act -- specifically AS 24.60.030(e)(1), which reads: A legislator may not directly, or by authorizing another to act on the legislator's behalf, agree to,*

*threaten to, or state or imply that the legislator will take or withhold a legislative, administrative, or political action, including support or opposition to a bill, employment, nominations, and appointments, as a result of a person's decision to provide or not provide a political contribution, donate or not donate to a cause favored by the legislator, or provide or not provide a thing of value .*

If you wish to provide written testimony or copies of candidate questionnaires, please submit to the Ethics Office by **Tuesday, June 26.**

To testify by teleconference, call 1-855-463-5009.