



THE ADVISOR

Select Committee on Legislative Ethics

MARCH 2018

Committee Members

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Sen Dennis Egan
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Disclosures

PLEASE REMEMBER:

ANY new association that begins after February 15, 2018, requires a disclosure within 30 days, with the exception of travel/hospitality which has a 60 day filing period. This includes interim and special sessions!

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

- Close Economic Associations
- Membership on a Board of Directors
- State Benefit and Loan Program
- State Contract & Leases over \$5,000

APOC LEGISLATIVE FINANCIAL

DISCLOSURES

The annual Legislative Financial Disclosure (AS 24.60.200) for Legislators and Legislative Directors is due to APOC by Thursday, March 15, 2018. If you have questions, please call APOC at 276-4176.

Legislative staff is permitted to help with preparing and filing a legislator's annual disclosure on state time.

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- ◆ **Campaign Issues and Questions**
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CAMPAIGN YEAR ALERT!

Campaign Communications & Use of State Funds

- * **May a legislator include in a legislative newsletter a statement the legislator will be pursuing particular legislation in the next legislative session in an election year?**

No. A statement such as “I hope to continue working for you on these issues” is campaign related and a prohibited use of state resources. In other words, if you vote for me I will do “this” during my next term of office. The committee noted in Complaint Decision H 10-01 that legislators routinely mention legislation they are working on or plan to pursue. However, during an election year these statements leave the reader with the impression the legislator is advocating for votes based on future action s/he will pursue in the next legislative session.

- * **May a legislator include in a legislative newsletter a statement the legislator is running for another term or for another office?**

No. Including a statement such as “I have filed for a new term as your State Representative/Senator” would be campaigning and in violation of the use of state resources for a campaign purpose in that the legislator would be expressly advocating for the legislator’s re-election in addition to providing a private benefit to the legislator. Complaint Decision H 10-01.

Link to full decision: [H 10-01](#)

- * **The cutoff date for the use of state funds for printing legislative newsletters – specifically the Legislative Print Shop – Begins 60 days prior to the Primary election and ends the day after the General election – AS 24.60.030(c).**

June 22, 2018 is 60 days before the primary election for this election year.

Note: State funds referenced in this statute include the prohibition of the use of a legislative office printer. State funds referenced in this statute do not include a legislator’s internal office allowance account or the legislator’s POET account.

- * **May a legislator send a printed or e-newsletter during the one month prior to an election?**

Yes, but...There is no cutoff date stipulated in the Act for mailing a printed or e-newsletter during a campaign period. The ethics committee has recommended a cutoff date of one month prior to an election due to the appearance of campaigning. The closer to Election Day a legislative newsletter is sent the greater the appearance the distribution could be considered a political campaign mailing. However, this is a decision the legislator must make based on all factors.

- * **May a legislator hand out legislative newsletters door-to-door during an election year?**

Yes, but...The newsletter may be handed out door-to-door as long as the legislator does not perform campaign related activities at the same time. Distributing newsletters door-to-door gives the appearance of campaigning. Door knocking is a major component of a campaign. In other words, the distribution and discussion at the door shall not be “re-elect me” in nature. If this were to occur, the legislator would be in violation of the use of state resources, a legislative newsletter, for campaign purposes. AO 07-07.

PLEASE NOTE: THIS EXCERPT CONTAINS THE CONCLUSION ONLY—FOR FULL TEXT PLEASE USE THIS LINK: <http://www.legis.state.ak.us/search/ethics/>

ADVISORY OPINION AO 18-01

Does the Legislative Ethics Act permit a legislator to use legislative money to communicate with constituents by purchasing ads delivered by facebook.com to all users of facebook.com believed to reside within zip code areas or GPS point areas in the legislator’s election district, when either delivery method will unavoidably result in some ad deliveries outside of the election district?

CONCLUSION

AS 24.60.030 (a)(2) prohibits three uses of state assets and resources; use for a nonlegislative purpose, use for a partisan political purpose, or use for the private benefit of any person. The outcome of a complaint alleging that a sponsored facebook.com ad is prohibited by the Act will depend on the applicable facts in each instance.

Depending on applicable facts in each instance, a legislator’s use of legislative money to purchase facebook.com ads communicating information like that described in the facts before us may be permitted by the Act; however, if the ads are delivered by either the GPS point method or the zip code method described in the facts before us and more than a limited number of out-of-district deliveries occur, the use of legislative money to purchase the ads may violate AS 24.60.030(a)(2), and, as noted above, may create an appearance of impropriety. On the other hand, if the information communicated in the ad meets the requirements of a “fact-specific communication” as set forth in AO 15-01, which are narrower than the requirements for information allowed in a legislative newsletter, then a legislator’s use of legislative money to purchase the ad may be permitted by the Act, whether delivered by zip code, GPS, or some other method, and whether delivered statewide or aimed at constituents.

Endorsement of Municipal Candidates during a Legislative Session

AS 24.60.031 does not prohibit a legislator or legislative employee from endorsing a candidate for state or municipal office at any time, unless the endorsement is part of a solicitation for a contribution.

◆ Example of permitted activity:

Legislator or legislative employee endorses a municipal candidate in an ad or campaign flier that does not include a solicitation for campaign contributions.

◆ Example of prohibited activity:

Hosting or co-hosting a fundraiser for a municipal candidate; or having your name listed on the invitation for the fundraiser.