

# THE ADVISOR

*High moral and ethical standards are essential to assure the trust, respect, and confidence of the people of Alaska.*



**SELECT COMMITTEE ON LEGISLATIVE ETHICS**

**AUGUST 2024**

## ***New Ethics Committee Advisory Opinions:***

### **Public Member Participation in Certain Activities**

The Select Committee on Legislative Ethics adopted Advisory Opinions AO 24-03 and AO 24-04 at the August 15, 2024, Full Committee meeting. Below are the questions and a summary of the conclusions in AO 24-03. The questions and answers for AO 24-04 are on page 2. Visit <http://www.legis.state.ak.us/search/ethics/> to read the full text of the Advisory Opinions.

#### **Advisory Opinion AO 24-03**

- 1. Are public members of the committee restricted from signing a ballot measure petition?** A public member may sign a petition for a ballot measure.
- 2. Are public members restricted from signing a petition to recall an Alaskan governor?** A public member may sign a petition to recall an Alaskan governor.
- 3. Are public members restricted from making a campaign contribution to a candidate for Governor of the State of Alaska?** A public member may make a financial contribution to a gubernatorial candidate as long as the candidate receiving the contribution is not an incumbent legislator or legislative employee and no other candidate in the race is an incumbent legislator or legislative employee.
- 4. Are public members restricted from making a campaign contribution to a candidate for federal office, including the House of Representatives, Senate, or President?** A public member may make a financial contribution to a candidate for federal office as long as the candidate receiving the contribution is not an incumbent legislator or legislative employee and no other candidate in the race is an incumbent legislator or legislative employee.
- 5. Are public members restricted from making a donation in support of or opposition to a ballot measure?** A public member may make a financial contribution to a campaign for or against a ballot measure.
- 6. Are public members restricted from making a contribution to a political party if the donation is not made at a political party fundraiser?** A public member may make a financial contribution to a political party as long as the contribution is not made at a party fund-raising event.
- 7. Are public members restricted from being a named plaintiff in litigation against the state that asserts a violation of a personal right, including litigation that asserts the state must allow voters to cure a mailed ballot that was deemed defective in a state election?** A public member may sue the state in a lawsuit that is not part of a campaign to assert the member's personal right.

### **Committee Members**

Deb Fancher, Chair

Skip Cook

Jerry McBeath

Conner Thomas

Joyce Anderson

Sen Gary Stevens

Sen Löki Tobin

Rep DeLena Johnson

Rep Sara Hannan

**Jacqui Yeagle**

Interim Administrator

### **Here's a Tip!**

Remember to submit leave slips within 24 hours after return to duty when taking time off from regularly scheduled work hours. Failure to do so could be a violation under the Legislative Ethics Act AS 24.60.030(a)(2). In the event an ethics complaint is filed, the burden of proof would be on the employee to show a pre-approved work schedule *or* show leave time had been requested for the time in question.

### **In This Issue**

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## **Advisory Opinion AO 24-04: Public Member Participation in Certain Activities**

Visit <http://www.legis.state.ak.us/search/ethics/> to read the full text of the Advisory Opinion.

1. **Does the requirement to file a financial disclosure apply to a person nominated as a public member of the committee before the nominee is confirmed by the legislature?** Yes.
2. **Does the requirement to file a financial disclosure apply to a person nominated as an alternate public member of the committee before the nominee is confirmed by the legislature?** Yes.
3. **When must the nominees file their financial disclosures?**  
A public member nominee must file a financial disclosure within 30 days after appointment, and this report may be due on a day other than the second Monday in January.

## **May a legislator or legislative employee combine legislative work with campaign activity or partisan political activity when traveling in the district?**

The Act prohibits combining legislative work and campaign activity or partisan political activity when on state paid travel, regardless of whether some or all expenses are reimbursed. AS 24.60.030(a)(2) and (5).



## **May a legislator use a photograph taken for a legislative purpose for campaign purposes?**

Yes, under the exception in AS 24.60.030(a)(2)(G). The photo may not contain any legislative contact information. Use of staff time to obtain the photo and forward to the legislator or legislator's campaign office/staff should be kept to a minimum.

# **MODEL OFFICE POLICY**

## **Incidental Political Campaign Related Activities**

Incidental political campaign activities while on government time are permissible if the activities are part of the normal legislative duties of the employee. A legislative employee who engages in political campaign activities other than of an incidental nature on government time is required to take leave time for the period of campaigning.

Legislative employees should respond to inquiries and requests in the following manner. *Note: You may provide the candidate's home or campaign contact information to prevent future contact with the legislative office.*

- **If a campaign related call is received**, take the caller's name and phone number. Leave the message for the legislator. Also, politely let the caller know that in the future they should call the legislator at home, on his/her personal cell phone or campaign phone as campaign related discussions are not appropriate in a legislative office.
- **If campaign material is received in the mail**, give the correspondence directly to the legislator. Do not respond to the correspondence as it is not legislative related. *Note: Check with the legislator and most likely you can throw away the junk mail: e.g., fliers and materials advertising campaign buttons and other campaign items.*
- **If campaign related email is received in a legislative office**, forward it to the legislator's home or campaign email address. Do not respond to the campaign-related correspondence as it is not legislative-related. To prevent future emails of a campaign nature from the same person/entity, notify the sender the campaign email was forwarded to the legislator's home or campaign email address and state that future campaign email should be sent there as well. Delete the email from the legislator's legislative email account.
- **If someone drops off a campaign check for the legislator**, leave the check for the legislator and politely let the person know that in the future, checks should be sent directly to the legislator's home or campaign address. Do not take any other action. It is the legislator's responsibility to take appropriate action as necessary or needed.
- **If someone stops in and asks a campaign related question**, politely let the person know that campaign questions should be directed to the legislator and provide the contact information. A legislative office is not the proper forum for these types of questions.
- **If someone stops in to drop off campaign material** (e.g., campaign flier or campaign fundraising notice), inform the person that a legislative office is not the proper forum for receiving campaign-related materials. Provide appropriate contact information and inform the person the campaign material should be sent directly to the legislator's home or campaign address.

## **Revised Ethics Complaint Form Approved by Ethics Committee**

At the August 15, 2024, Full Committee meeting, the committee approved a revised version of the Ethics Committee Complaint Form. You will find the complaint form on the Ethics website at <https://ethics.akleg.gov/forms/Complaint-Form.pdf>.

# Disclosure Notes

## Working on political campaigns—what you need to know

### May legislative employees continue to work as a legislative employee and also work for a political campaign?

Yes, legislative employees may work as a legislative employee and also work for a political campaign. However, they may not work on a political campaign while on government time and they may not use government resources to do so.

If a legislative employee works for a political campaign during their regular legislative work hours, they must submit a leave slip in a timely matter to prevent the appearance of impropriety and a possible violation of the Legislative Ethics Act. Leave slips must be submitted within 24 hours after return to duty. Note that AS 24.60.030(b) prohibits a legislator from requiring a legislative employee to perform campaign activity on government time.

If a legislative employee is paid \$250 or more for working on a political campaign, both the employee and the legislator for whom they are working must file close economic association disclosures.

### Sec. 24.60.070. Disclosure of close economic associations.

(a) A legislator or legislative employee shall disclose to the committee, which shall maintain a public record of the disclosure and forward the disclosure to the respective house for inclusion in the journal, the formation or maintenance of a close economic association involving a substantial financial matter with

(1) a supervisor who is not a member of the legislature who has responsibility or authority, either directly or indirectly, over the person's employment, including preparing or reviewing performance evaluations, or granting or approving pay raises or promotions; this paragraph does not apply to a public member of the committee;

(2) legislators;

(3) a public official as that term is defined in AS 39.50;

(4) a registered lobbyist; or

(5) a legislative employee if the person required to make the disclosure is a legislator.

## File Ethics Disclosures Online. It's Easy!

1. Go to <http://intranet.akleg.gov/> and scroll down to the "File an Ethics Disclosure" section.
2. Click on "Login."
3. Enter your credentials (your computer log-in, not your email address).
4. Click on the type of disclosure you want to file.
5. Complete the form using drop down menus when available. Provide complete information. Remember, gifts of travel are for the purpose of obtaining information about matters of legislative concern. **Attach a detailed agenda and a one sentence narrative that addresses how the information you obtained at the event is a matter of legislative concern.**
6. Check your completed disclosure for accuracy and click "Proceed."
7. Review your disclosure and if correct, press "Submit."

### Need More Help Filing Your Disclosure?

Download a four-page detailed instruction handout at <https://ethics.akleg.gov/disclosures.php> or contact the Ethics Office at 907-269-0150 or 907-269-8179 if you need more information.

## Contact the Select Committee on Legislative Ethics

### Mailing Address:

PO Box 90251  
Anchorage, AK 99509-0251

### Physical Location:

Anchorage Legislative Office Building  
1500 W Benson Blvd Suite 220  
Anchorage, AK 99503

Phone: 907-269-0150

FAX: 907-269-0152

Email: [Ethics.Committee@akleg.gov](mailto:Ethics.Committee@akleg.gov)

Website: <http://ethics.akleg.gov/>