

# 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**

**MAY 2024**

## Public Members Confirmed by House and Senate

Joyce Anderson and Dennis “Skip” Cook were confirmed to serve three year terms as public members of the Ethics Committee.

## New! Ethics Committee Advisory Opinions

The Select Committee on Legislative Ethics adopted Advisory Opinions AO 24-01 and AO 24-02 at the April 4, 2024, full committee meeting. Below are the questions presented and the answers. Visit <http://www.legis.state.ak.us/search/ethics/> to read the full text of the Advisory Opinions.

### Advisory Opinion AO 24-01

**Question:** *Do the Legislative Ethics Act conflict of interest provisions apply to legislators voting on a bill that would benefit the legislators? Specifically, the legislator asked about legislators voting on CSSB 88(FIN), a bill that would provide public employees, including legislators, enrolled in a defined contribution retirement plan with the opportunity to enroll in a defined benefit retirement plan.*

**Statement of Facts:** CSSB 88(FIN) is a bill that would, in part, provide public employees, including legislators, enrolled in a defined contribution retirement plan with the opportunity to enroll in a defined benefit retirement plan.

**Conclusion:** For the reasons [explained in the Advisory Opinion], the committee finds that a legislator may vote on CSSB 88(FIN) even though the legislator may benefit from the legislation, because the legislation provides no greater benefit to the legislator than to a substantial class of persons, such as other state employees or teachers.

### Advisory Opinion AO 24-02

**Question 1:** *Is it permissible for a legislator to give a campaign donation or other gift to, or accept the same from, a member of the Select Committee on Legislative Ethics or an individual employed or contracted by the committee? If it is permissible to give or accept a gift, would the allowable value of the gift be capped at \$250 or would it be capped at some other amount?*

**Conclusion 1:** A legislator or public member of the Select Committee on Legislative Ethics may accept a gift worth less than \$250. Under AS 24.60.134(a)(2), a public member of the committee, an employee of the committee, or a person under contract to provide personal services to the committee generally may not make a financial contribution to certain political campaigns.

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## 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

## Important Note

Tamara Maddox resigned from the Ethics Administrator position as of April 19, 2024. The Ethics Committee wishes her well.



## In This Issue

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## Advisory Opinion AO 24-02

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**Question 2: Is it permissible for a legislator to retain legal counsel through a contractual arrangement where the law firm hired will be compensated based on the amount of money the law firm is able to raise through fundraising?**

**Conclusion 2:** Accepting legal representation from a lawyer who will be compensated through fundraising is prohibited under the Legislative Ethics Act. Legal representation, when compensation for the representation is based on the amount of money a law firm is able to raise through fundraising, is not an "in-kind" gift under [AS 24.60.080\(c\)\(8\)](#).

**Question 3: Is it permissible for a legislator to retain counsel through contingency fees?**

**Conclusion 3:** A legislator may retain the services of an attorney and pay for those services under a written contingency fee agreement. However, if the lawyer enters a contingency fee agreement with a legislator that the lawyer would not enter with a non-legislator, then the legislator may be receiving a gift of legal services. In that case, the legislator should remain mindful that the "gift of legal services" exception in [AS 24.60.080\(c\)\(8\)](#) applies only in matters of legislative concern.

**Question 4: Is it permissible for a legislator to retain legal counsel through a law firm that exclusively provides pro bono legal services?**

**Conclusion 4:** A legislator may retain a law firm that exclusively provides pro bono legal services to represent the legislator in a matter of legislative concern. Pro bono representation qualifies as an "in-kind" gift under [AS 24.60.080\(c\)\(8\)](#).

## You Ask, We Answer

### Use of state resources for newsletters

**May a legislator communicate with constituents about voting options in a local municipal or state election using state resources?**

Yes. Community resource and program type information including election procedural information may be provided to constituents using state resources as a part of legislative outreach and contact with constituents. The communication must be strictly informational only, campaign messaging is prohibited.

**May a legislator include a notice in a legislative newsletter that election workers are needed for an upcoming election?**

Yes. There is no ethics concern in posting such a notice. This is a nonpartisan notice of activity in the community and is a legitimate legislative communication of a community event. Posting a similar notice on a legislative Facebook page or other social media is also allowed. The communication must be strictly informational only, campaign messaging is prohibited.

**May a legislator use state resources to print or distribute a newsletter within 60 days of the election?**

Under [AS 24.60.030\(c\)](#), a legislator may not use state funds, other than the funds under [AS 24.10.110](#), to print or distribute a political mass mailing during a campaign period for an election in which the legislator is a candidate. A mass mailing is considered political if it is from or about a legislator who is a candidate for election. This restriction includes the use of the Print Shop and/or a legislative office printer to produce the newsletter.

**Under AS 24.10.110, may a legislator use an office account to print or distribute a newsletter within 60 days of an election?**

Yes. [AS 24.60.030\(c\)](#) specifically exempts an office allowance account from the restriction on the use of state funds to print or distribute a political mass mailing within 60 days of an election by a legislator who is a candidate in that election. There is no firm cutoff date for the actual mailing of a legislative newsletter. The closer the mailing is to the election, the more scrutiny from the committee would occur in the event a complaint is filed. In any case, the newsletter should not be distributed fewer than 30 days before the election.

### Political activity using state resources

**May a legislator attend a political party or campaign event while traveling on state paid business?**

[AS 24.60.030\(a\)\(2\)](#) and (5) prohibit attending a political party event while traveling on state paid business. Campaign activities are prohibited when traveling on a state paid trip, regardless of whether some or all expenses are reimbursed.

**What is the definition of "government time" in relation to performing campaign activities during the normal work day?**

Legislative employees are permitted to work on a campaign outside government time and without the use of state resources. Government time is not defined in statute. The Ethics Committee defines "government time" to mean time for which the employee is being compensated by the state for work performed based on a schedule set by a supervisor. Legislative employees have a wide variety of work schedules.

# 2024 Election Calendar

Contact the Ethics Office at 907-269-0150 for more information

<b>Sunday, April 14, 2024</b>	90th day of session	AS 24.05.150(b)
<b>Tuesday, May 14, 2024</b>	120 <sup>th</sup> day of session	ASC Art II, Sec 8 (Constitution prevails)
<b>Thursday, June 20, 2024</b>	Last day to use state resources (LAA Print Shop or office printer) to print or distribute political mass communication to individuals eligible to vote for candidates for the State of Alaska regular primary and general election. <i>Sec. 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, ... (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.</i>	AS 24.60.030(c)(2)
<b>Friday, June 21, 2024</b>	Campaign period begins for the State of Alaska regular primary and general election. <i>Sec. 24.60.030. Prohibited conduct and conflicts of interest.(c)(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; ...</i>	AS 24.60.030(c)(1)(A)
<b>Saturday, July 6, 2024</b>	Complaint moratorium begins (45 days before primary). <i>AS 24.60.170 Proceedings before the committee; limitations. (q) A campaign period under this section begins on the later of 45 days before a primary election in which the legislator or legislative employee is a candidate for state office or the day on which the individual files as a candidate for state office and ends at the close of election day for the general or special election in which the individual is a candidate or on the day that the candidate withdraws from the election, .... For a candidate who loses in the primary election, the campaign period ends on the day that results of the primary election showing that another individual won the election are certified.</i>	AS 24.60.170(q)
<b>Tuesday, August 20, 2024</b>	<b>Regular primary election</b>	AS 15.25.020
<b>Tuesday, November 5, 2024</b>	<b>General election</b>	AS 15.15.020
<b>Wednesday, November 6, 2024</b>	Campaign period ends. OK to use state resources to print or distribute political mass communication.  Complaint moratorium ends.	AS 24.60.030(c)(1)(B)  AS 24.60.170(q)

**DISCLAIMER** Information in this newsletter is given as a general overview. Your circumstances may require more specific information and advice. Contact the Ethics Office (907-269-0150 or [Ethics.Committee@akleg.gov](mailto:Ethics.Committee@akleg.gov)) if you have any questions as to whether your intended action is in compliance with the Ethics Act AS 24.60.

# Disclosure Notes

**Remember:  
New  
Associations  
= New  
Disclosures**

Disclosures must be filed within 30 days of the beginning of an association, whether it is during session, during a recess, or during the interim. If you are unsure if you need to file a disclosure, contact the Ethics Office at 907-269-0150 or 907-269-8179.

## File within 30 days of the beginning of the association

- Board memberships
- Close economic associations
- State benefit and loan programs
- State contracts, leases, and grants
- Representation of a client for pay before a state agency
- Gift of legal services for legislative matters
- Gift for compassionate reasons

## File within 60 days of the beginning of travel

- Gift of travel/hospitality for obtaining information on a matter of legislative concern or for a sanctioned charity event
- Gift to a family member of travel/hospitality or to a sanctioned charity event

## ***Are You Leaving Legislative Service?***

The Ethics Act (AS 24.60) requires legislators, legislative employees, and public members of the Ethics Committee to disclose to the public certain activities and associations. **If you leave legislative service without filing a required disclosure, AS 24.60.115 requires you to file a final disclosure within 90 days after leaving service.**

**Filing prior to leaving your job is simplest.** We encourage doing so before leaving legislative service. Contact the Ethics Office at 907-269-0150 for more information.

## **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**

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1500 W Benson Blvd Suite 220  
Anchorage, AK 99503

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