



# THE ADVISOR

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## July's Newsletter again focuses on campaign year activities



# LEAVE SLIPS

Timely leave slips: Legislative employees on government time may not be compensated for campaign work or for nonlegislative work. The committee interprets "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. The specific hours in "government time" may vary according to the work schedules set by supervisors for each employee. A person covered by the Legislative Ethics Act should note that in the event a complaint is filed alleging participation in non-legislative activities on government time, 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.

Leave slips must be submitted within 24 hours after return to duty. It is imperative leave slips be completed and submitted on a timely basis to prevent the appearance of impropriety and a possible violation of the Legislative Ethics Act.

If you need to complete late leave slip requests, contact Skiff Lobaugh in personnel at 465-6629.

## MORATORIUM ON ETHICS COMPLAINTS DURING A CAMPAIGN PERIOD

Complaints received concerning the conduct of a "candidate for state" office during a campaign period shall be returned to the complainant unless the subject of the complaint permits the committee to proceed. **AS 24.60.170(o) & (p)**

### Campaign Period:

Begins 45 days before a Primary Election and ends at the close of General Election Day or the day the candidate withdraws or the day the results of the primary election are certified, whichever is earlier. **AS 24.60.170(q)**

Campaign period runs from Sunday, July 15, 2012 through Tuesday, November 6, 2012

### Inside this issue:

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## Link to a Legislative Web Page

Providing a link to a legislative webpage  
OR e-newsletter on a campaign website  
is **PROHIBITED** under

AS 24.60.030(a)(5), AS 24.60.030(b) and AS 24.60.030(h).

**If you have referenced any of the above named items, please remove them immediately.**

Nothing prohibits a legislator from “pasting” certain information from a legislative website or e-newsletter to a campaign website as long as certain prohibitions are followed; i.e., no legislative contact information is displayed on the material that is to be “pasted.”

For more information, links are provided below:

Alaska Public Offices Commission:  
<http://www.doa.alaska.gov/apoc/Advisory>

Click on “[Here](#)” to view recent opinions then enter Advisory Opinion “**10-09-CD**”

Ethics Committee:  
<http://www.legis.state.ak.us/search/ethics/>  
Under Search For, type:  
**AO 07-07**

## Use of Legislative Photos

Photographs of a legislator taken using public funds, facilities, equipment, services, or another government asset or resource may be used for a nonlegislative purpose, for involvement in or support of or opposition to partisan political activity, and for the private benefit of the legislator, legislative employee, or another person. AS 24.60.030(a)(2)(H)

However, a legislator or legislative employee is prohibited from using state resources to take a picture of a legislator *solely* for a nonlegislative purpose; i.e., a brochure supporting a partisan political activity. This activity would be a violation of the Act. ■

## Use of State Resources & Prohibited Activity Related to Campaigns



The [April 2012 newsletter](#) contains a multitude of information on state resources and campaigning. You may want to review it!

## Use of Cell Phone, Smartphone, etc. ETHICAL CONSIDERATIONS

### FROM AN ETHICS POINT OF VIEW

If **legislative funds** or a legislator’s **Office Allowance Account funds** are used to purchase a cell phone, Smartphone, etc., you may only use it for personal and legislative purposes. The devices cannot be used for any activities related to campaigning, political fundraising or for involvement in, or support of, or opposition to, partisan political activity AS 24.60.030(a)(2) and AS 24.60.030(a)(5).



Using a **personal** cell phone, Smartphone, etc., allows you to use it for legislative related purposes, personal purposes and campaign-related purposes. There are no ethical prohibitions.

### REIMBURSEMENT FOR LEGISLATIVE USE OF **PERSONAL DEVICE**:

If there is justification for the device to be used for legislative purposes, you may be eligible to receive a fixed monthly allowance allocated for legislative work. Information is located on the Legislature’s Intranet page under “Accounting.” The request form is titled “Alaska Legislature Allowance for Employee-owned Electronic Communication Device.”

### OTHER FACTORS TO CONSIDER

**Public Records Requests:** Questions related to possible public records requests for legislative records on these devices should be directed to LAA Legal at 465-2450.

If you wish to review the Legislature’s Record Policy adopted by Legislative Council on June 25, 2007, click **“HERE”**

## Incidental Campaign Inquiries

Legislative employees may respond to “incidental campaign inquiries” under AS 24.60.030(h); i.e., unsolicited inquiries. Inquiries generated from legislative contact information on campaign materials do not fall in the unsolicited category nor are they beyond the legislator’s control. The Ethics office has a [Model Office Policy](#) on how to respond to incidental campaign inquiries. See also [AO 07-07](#)

### Point of Information:

29 other states have an independent Ethics Commission with jurisdiction over the state legislature.

## Legislative Involvement in Supporting or Opposing Ballot Propositions

In [Advisory Opinion 97-02](#), the committee determined that action to support or oppose an initiative (which becomes a ballot proposition) is related to duties of the legislature.

- ❖ Legislators are frequently called on to comment on public issues and to take stands on those issues.
- ❖ Legislators need to hear from their constituents and others concerning public issues.

In carrying out this dialogue, a legislator may use state resources, including state paid staff time, state facilities and equipment, and reimbursement for travel expenses.

### Some examples of permitted activities include:

- ◆ **Preparing communications concerning the legislator’s position.**
  - Letters, mailings, brochures or handouts
  - Any other written or electronic communication
- ◆ **Attending public functions or directing staff to attend on their behalf.**
  - Personal appearances in the media, at events and gatherings, including state fairs.  
**(Note: If renting a booth at a state fair, campaign activities cannot be conducted at the same time.)**
- ◆ **Gathering and presenting information to the public concerning the proposition.**
- ◆ **Directing staff to research issues raised by the ballot proposition.**
  - The results of the research may be made available to others, including individuals supporting or opposing the proposition.

### Prohibited Activities:

Keep in mind, that in carrying out this dialogue, a legislator or legislative employee may not allow state resources to be used by groups organized in support of or in opposition to a ballot proposition. The use of state resources in this manner would confer a “private benefit” to the group and allow state resources to be used for “campaigning” both of which are prohibited under AS 24.60.030(a)(2) and AS 24.60.030(a)(5). A legislative office may not have an initiative petition available for signature. However, a legislative office may have a copy of the petition for review.

*“Appearances of impropriety can erode public confidence in government.”*  
*Anonymous Author*

## REMINDER!

Ethics Disclosure are still required during the Interim. If you’ve taken a trip regarding a legislative matter that was paid for with other than legislative funds, and the value was \$250 or more, you are required to file a disclosure within 30 days, starting from the first day of travel. For more details on types of disclosures you may need to file, see our [May 2011 Newsletter](#)