

The following information presents a brief overview only of the advisory opinions issued by the committee.

To read the complete opinions, please go to:
<http://www.legis.state.ak.us/search/ethics/>

AO 17-02

May a legislator or a caucus use legislative office funds or pooled office funds for social media ads?

The Committee finds that:

1. The Act does not allow a legislator or legislative caucus to spend or authorize spending legislative money, including legislative office account funds or legislative caucus funds to distribute legislative information statewide or outside of the election districts of the legislator(s) involved, unless the distribution meets the requirement of AO 15-01, and the information meets the definition of “fact-specific communication” adopted in AO 15-01.
2. The Act does not allow a legislator or legislative caucus to spend or authorize spending legislative money to pay to advertise the position of a legislator or a legislative caucus on a policy issue outside of the legislator’s election district.

AO 17-03

May a legislator purchase social media ads to target Alaskans outside the district of the legislator or purchase social media ads as part of a caucus for the same purpose?

The Committee finds that:

1. Neither AS 24.60.030(a)(2) nor (a)(5) prohibit a legislator or legislative employee from spending or authorizing the spending of *non-state* money, including money from a political campaign account, to buy a sponsored Facebook ad — except as described below.
2. Regardless of how a sponsored Facebook ad is paid for, posting of the ad on an official legislative web page by a legislator or legislative employee is prohibited by AS 24.60.030(a)(2) if the ad is used for a partisan political purpose, a nonlegislative purpose, or a private benefit, and AS 24.50.030(a)(5), if the ad is “for the purpose of political fund raising or campaigning.”
3. The outcome of a complaint alleging that a sponsored Facebook ad is prohibited by the Act will depend on specific facts in each instance. Generally AS 24.60.030(a)(2) prohibits using state assets or resources to buy one for a nonlegislative purpose, a partisan political purpose, or the private benefit of any person; and AS 24.60.030(a)(5) prohibits using state assets or resources to buy one for political fundraising or political campaigning.
4. The Act does not allow a legislator to spend or authorize spending of state money, including money from a legislative office allowance account, legislative caucus account, legislative leadership account, or legislative committee account, to pay for a sponsored Facebook ad advertising the legislator’s position advocating for or against a political action or policy, because of the risk that a sponsored Facebook ad will be widely distributed outside of the legislator’s election district. However, the Act does not prohibit a legislator from spending or authorizing the spending of the state money described above to pay to advertise the legislator’s position for or against a political action or policy to residents of legislator’s election district.

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AO 17-04

May a legislator use office allowance account funds to sponsor or underwrite a radio program through paid advertising?

The Committee finds that:

Money in a legislator's accountable office allowance account is state money. 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. Spending money from a legislator's accountable allowance account to sponsor broadcast of a radio program violates AS 24.60.030(a)(2), because it constitutes use of state assets and resources for (1) a nonlegislative purpose, and (2) the private benefit of the legislator.



**Happy
Thanksgiving!**