

May Legislative Employees Work on Ballot Initiatives on Government Time?

AO 17-05 discusses what activities may be performed and what state resources may be used by a legislative employee related to state ballot initiatives. The conclusion of the ethics committee follows. For a more detailed discussion, visit <http://www.legis.state.ak.us/search/ethics/>.

Based on the foregoing discussion and the previous advisory opinions and complaint decisions cited therein, including AO 97-02, we advise as follows:

(1) An activity focused on the policy aspects of a ballot initiative, not a campaign for its passage or defeat, is likely to be permitted by the Act. For example, permissible use of government resources and time by a legislative employee, in connection with a statewide ballot initiative, includes commenting on the initiative; presenting information, not connected to a campaign for the initiative, about the initiative and a legislator's position on it, including at events open to the public; preparing draft legislation for possible introduction to the legislature; and, preparing communications concerning the initiative and the legislator's position on it.

However, we advise that, as a general rule, you avoid use of government time and other state assets or resources on activities that are focused on a campaign for or against a ballot initiative campaign. Examples of activities related to a campaign for or against a ballot initiative campaign that, when performed by legislative staff on government time that we may find are prohibited by the act, depending on specific facts, include endorsing the campaign, appearing in the campaign's advertising, facilitating or participating in rallies, interviews, events, or meetings of petition organizers and signature gatherers, donating or raising money, preparing a document of any kind for a campaign, or circulating an official initiative petition. These are only a few examples. Depending on specific facts, we might find that a legislative staff employee's use of government time or another legislative asset or resource to aid or participate in a campaign for or against a statewide ballot initiative violates AS 24.60.030(a)(2) or (a)(5).

(2) A legislative staff employee who is on government time

(A) may conduct research related to a pending state ballot initiative only, including issues raised by the initiative, however, the research may not be conducted on behalf of a campaign, or provided to a campaign.

(B) may not participate, as part of a campaign or otherwise, in charting the general strategy for causing the passage or defeat of a state ballot initiative;

(C) may not prepare a document of any kind, including a document necessary for filing an initiative or a document related to signature-gathering or fundraising, for use by a campaign that is for or against a state ballot initiative; ...

Campaign Period Ethics Complaint Moratorium

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).

Under AS 24.60.170(q), the **campaign period began on July 2** (45 days before the Primary Election) and it ends at the *earliest* of either (a) the close of General Election Day, November 3; (b) the day a candidate withdraws; or (c) the day the Primary Election results are certified in the event the candidate loses a primary election. More information at 907-269-0150.

DISCLAIMER

Information in this newsletter is given as a general overview. Your circumstances may require more specific information and advice. Contact the Ethics Office if you have any questions as to whether your intended action is in compliance with the Ethics Act AS 24.60.

Contact the Select Committee on Legislative Ethics

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PO Box 90251
Anchorage, AK 99509-0251

Physical Location:

Anchorage Legislative Office Building
1500 W Benson Blvd Suite 220

Phone: 907-269-0150

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Disclosure Notes

Remember:

New Associations = New Disclosures

Have you begun a new association or accepted a gift that requires disclosure?

- ⇒ **Board memberships** (within 30 days of the beginning of the association).
- ⇒ **Close economic associations** (both parties must file a disclosure within 30 days of the beginning of the association).
- ⇒ **State Benefit and Loan Programs** (within 30 days of the start date).
- ⇒ **State Contracts, Leases, and Grants** (within 30 days of the beginning of the association).
- ⇒ **Representation of a client for pay before a state agency** (within 30 days of the beginning of the association).
- ⇒ **Gift of travel/hospitality for obtaining information on a matter of legislative concern or sanctioned charity event** (within 60 days of the beginning of travel).
- ⇒ **Gift of travel/hospitality for family members or sanctioned charity event** (within 60 days of the beginning of travel).
- ⇒ **Gift unrelated to legislative status** (within 30 days of the date of the gift).
- ⇒ **Gift of legal services for legislative matters** (within 30 days of the beginning of the association).

File Ethics Disclosures Online

It's Easy!

1. Go to <http://intranet.akleg.gov/> & scroll down to click on **Login** in the **File an Ethics Disclosure** section.
2. Enter the filer's computer login (not email address) and password. NOTE: If the filer is a legislator, use the legislator's computer login and password.
3. Click on **Sign in**.
4. Click on the type of disclosure you want to file.
5. Complete the form using drop down menus when available. (Remember, **gifts of travel are for the purpose of obtaining information about matters of legislative concern**. Provide complete information about the donor, a one or two sentence narrative that addresses how the information obtained is a matter of legislative concern, and **attach a copy of the agenda**.)
5. Check your completed disclosure 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.**

You Ask, We Answer

May a legislative employee work on a campaign?

Yes. Legislative employees are allowed to work on a campaign. Campaign work cannot be performed on government time or with the use of state resources. AS 24.60.030(b) and AS 24.60.030(a)(2) and (a)(5).

Must a legislative employee file a "close economic association" disclosure if working on a legislator's campaign?

Yes, if the legislative employee is a paid campaign worker for a sitting legislator's campaign. The disclosure must be filed by both the legislator and the employee within 30 days of the start of the association. AS 24.60.070

Traveling this Summer? Attach Agenda to Your Disclosure

Attach the agenda when you file your disclosure. If you do not provide an agenda for a travel and hospitality event, you will be required to repay to the donor organization the amount gifted for the travel and hospitality. Failure to provide an agenda or to repay the gifted amount of money may be considered a violation of the Legislative Ethics Act as a prohibited gift under AS 24.60.080(a). **Contact the Ethics Office at 907-269-0150 for more information.**