

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

MARCH 2024

New! Ethics Committee Advisory Opinion 2023-02

The Select Committee on Legislative Ethics adopted Advisory Opinion 23-02 at the February 16, 2024, full committee meeting. Below are the questions presented and the answers. **Full text of the Advisory Opinion can be found at <http://www.legis.state.ak.us/search/ethics/>.**

Questions and Answers

- 1. Is a direct payment from the Alaska Anti-Lawfare Defense Fund to a legislator's lawyer a prohibited gift under AS 24.60.080?**
Conclusion: Receipt or acceptance of a \$250 or more payment of a legislator's legal debt is receipt or acceptance of a prohibited gift under the Legislative Ethics Act.
- 2. If a payment described in question one is made to a legislator's lawyer without the legislator's consent will the committee recommend disciplinary action?**
Conclusion: If a third party attempts to pay a legislator's attorney without the legislator's consent the committee may nonetheless recommend sanctions if the legislator fails to direct the attorney to refuse the payment.

Endorsing Municipal Candidates During Legislative Session

AS 24.60.031 does not prohibit a legislator or legislative employee from endorsing a candidate for state or municipal office at any time, unless the endorsement is part of a solicitation for a contribution.

◆ Example of permitted activity:

Legislator or legislative employee endorses a municipal candidate in an ad or campaign flier that does not include a solicitation for campaign contributions.

◆ Example of prohibited activity:

Hosting or co-hosting a fundraiser for a municipal candidate; or having your name listed on the invitation for the fundraiser.

Questions? Email Ethics.Committee@akleg.gov or call 907-269-0150.

Committee Members

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True or False?

A legislative staffer may on government time make a reservation for a legislator to attend a partisan political event.

See page 3 for the answer.

CAMPAIGN YEAR ALERT!

Campaign Communications & Use of State Funds

- **May a legislator include in an election year legislative newsletter a statement that the legislator will be pursuing particular legislation in the next legislative session?**

No. A statement such as “I hope to continue working for you on these issues” is campaign-related and a prohibited use of state resources. The Ethics Committee noted in Complaint Decision H 10-01 that legislators routinely mention legislation they are working on or plan to pursue. However, during an election year these statements leave the reader with the impression the legislator is advocating for votes based on future action the legislator will pursue in the next legislative session. See [Complaint Decision H 10-01](#)

- **May a legislator include in a legislative newsletter a statement that the legislator is running for another term or for another office?**

No. Including a statement such as, “I have filed for a new term as your State Representative/Senator” is campaigning and in violation of the use of state resources for a campaign purpose in that the legislator would be expressly advocating for the legislator’s re-election in addition to providing a private benefit to the legislator. See [Complaint Decision H 10-01](#)

- **When is the last day to print legislative newsletters?**

The campaign cutoff period for the use of state funds for printing legislative newsletters – specifically the Legislative Print Shop – begins 60 days before the date of a primary election and ends the day after the General election. – AS 24.60.030(c).

- **Last day to use Print Shop:** June 20, 2024
- **Primary election:** August 20, 2024
- **General election:** November 5, 2024

Note: State funds referenced in this statute include the prohibition of the use of a legislative office printer. State funds referenced in this statute do not include a legislator’s internal office allowance account or the legislator’s POET account.

- **May a legislator send a printed or e-newsletter in the 30 days prior to an election?**

Yes, but...there is no cutoff date stipulated in the Act for mailing a printed or e-newsletter during a campaign period. The Ethics Committee recommends a cutoff date of one month prior to an election due to the appearance of campaigning. The closer to Election Day a legislative newsletter is distributed, the greater the likelihood the distribution may be considered a political campaign mailing. However, this is a decision the legislator must make based on all factors.

- **May a legislator distribute legislative newsletters door-to-door during an election year?**

Yes, but...a newsletter may be distributed door-to-door as long as the legislator does not perform campaign-related activities at the same time. Distributing newsletters door-to-door gives the appearance of campaigning and door knocking is a major component of a campaign. In other words, the distribution and discussion at the door shall not be “re-elect me” in nature. If this were to occur, the legislator would be in violation of the use of state resources – a legislative newsletter – for campaign purposes. See [Advisory Opinion 07-07](#)

Campaign Fundraising Prohibition

Remember that AS 24.60.031(a) and (b) prohibit campaign fundraising

...on a day when either house of the legislature is in regular or special session, solicit or accept a contribution or a promise or pledge to make a contribution...

Check for and remove donation language and payment buttons from your campaign websites during session.

Contact the Ethics Office at 907-269-0150 or Ethics.Committee@akleg.gov for more information.

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) if you have any questions as to whether your intended action is in compliance with the Ethics Act AS 24.60.



Disclosure Notes

APOC Legislative Financial Disclosures

Attention Legislators and Legislative Directors: Annual Legislative Financial Disclosures (AS 24.60.200) are due to APOC by **Friday, March 15, 2024.**

Legislative staff is permitted to help with preparing and filing a legislator's annual financial disclosure on state time using a government computer.

If you have questions, call APOC at 907-276-4176.



Reminder: Gifts of Travel Disclosures Require Detailed Agendas

AS 24.60.080(c)(4) allows for gifts of travel primarily for the purpose of obtaining information on matters of legislative concern. Under AS 24.60.080(d), gifts of travel are required within 60 days after receipt of the gift.

At their meeting on January 9, 2024, the Ethics Committee stressed that submitting a detailed agenda is required when filing a gift of travel disclosure. The committee understands that not all event organizers proactively provide a printed or pdf version of a detailed agenda and that it may be challenging at times to obtain one. They offer advice to travelers that may be helpful.

- The committee advises travelers to explain to activity organizers prior to attending the event of the requirement to submit a disclosure *and* a paper or pdf copy of the agenda as a condition of accepting the gift, and to ask that the organizer arrange one for you.
- If you are unable to acquire a paper or pdf copy of the agenda, you may use screenshots ***if you print them out and save them as one pdf.*** A series of screenshots does not meet the agenda requirement.

Email the [Ethics Office](#) or call 907-269-0150 if you have questions.

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.

True or false?

Question on page 1. Answer: False. A political event has no legislative purpose. See page 2 for more campaign information.

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