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ON LEGISLATIVE
ETHICS

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THE ADVISOR

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OUTREACH

In an effort to be more accessible to legislators and staff, the Ethics office is offering to meet informally with individual legislators and staff on a one-on-one basis or in a group setting to talk about ethics issues and answer questions. Informal sessions were conducted in 2009, and legislators and staff found them to be helpful.

This year, we are focusing on the use of state resources in relation to redistricting.

Sessions were held in Anchorage on July 27, and in Fairbanks on August 23. We plan to meet with legislators and staff in Juneau, the Mat-Su and Kenai.

Please call the Ethics office at 269-0150 if you are interested in setting up a meeting. For some areas, the meeting would be via teleconference.

Questions asked included:

- ◆ **When does a legislator begin representing the new district lines?**
This question will be discussed at the September 27 Ethics Committee meeting and guidance will be sent after the meeting.

- ◆ **Define:**
 1. Bulk mail mailing;
 2. Zip code mailing consisting only of P. O. Boxes;
 3. An HC (Highway Carrier) mailing*Further research is being conducted by the Ethics office and will be addressed in the next newsletter.*



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Legislative Communications

Printed Newsletters / E-newsletters / Letters / Fliers

IMPORTANT!

A “legislator’s district” and “constituents” for purposes of the Legislative Ethics Act and use of state resources, means the current legislative district to which the legislator was elected to represent.

It does not include areas in the new legislative districts approved by the Redistricting Board based on 2010 census figures.

Many questions have been asked since the Alaska Redistricting Board approved new legislative districts for the 2012 elections. The Board’s adopted districts will be implemented for legislative elections in the year 2012,

Questions & Answers

May a legislator send legislative newsletters to individuals outside the legislator’s district?

The committee discussed this issue at the February 24, 2009 committee meeting and indicated a legislator’s newsletter should be sent to constituents in the legislator’s district. Newsletters may be sent to individuals residing outside of the legislator’s district if the person has requested to be on the mailing list. Other individuals on a mailing list, for example, may be individuals/organizations interested in a bill sponsored by the legislator. The Ethics Committee was concerned about a “cold” mailing to individuals whom the legislator does not represent or have not asked to receive the mailing. The mailing would be considered a political mailing. Referenced Complaint Decision 08-03.



May a legislator walk the new legislative district and distribute his/her legislative newsletter and hand out legislative business cards?

A legislative newsletter and business card may be distributed only to residents of the current legislative district. AO 07-07. The use of state resources cannot be used for campaign purposes.

May a political party database be included in a constituent database for newsletters?

Yes. AO 04-01 stated this type of use of outside data is permissible. “. . . there may be copyright issues if a person copies a database rather than purchasing another license for separate use. If a legislator wants another copy of a commercial database, a separate license, if required, should be purchased with personal funds.” The list of the legislator’s district email addresses may be added to

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a current list of constituents. However, a newsletter mailing may not be sent only to constituents of one political party. The mailing would be considered a political mailing.

May a legislator post a constituent newsletter on a web site?

- 1) A constituent newsletter may be posted on the legislator's web site.
- 2) A constituent newsletter may not be posted on a campaign web site if the newsletter contains legislative contact information, which is considered a state resource. AO 07-07. If contact information is removed, the newsletter may be placed on a campaign web site. Campaign activities, such as removing legislative contact information from a legislative newsletter, must not be performed on state time or with the use of state resources. AS 24.60.030(b) prohibits a legislator from requiring a legislative employee to perform campaign activity on government time. The legislative newsletter may be sent via a Word document to a campaign or personal e-mail address. AO 04-01. The act of forwarding a document is considered a de minimis use of public resources under AS 24.60.030(a)(2)(A).



May a legislator place a notice on each constituent's door during the interim saying, "What's on your mind?" and include contact information?

The caller was concerned a door-to-door drop had the appearance of campaigning. 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 for campaign purposes. AO 07-07. There is no stipulation in the Act on the manner in which a legislator asks for input from constituents. If the same advice had been asked in September of an election year, the answer would have been to caution the legislator against this activity because of the appearance of campaigning.

May a legislator verbally give the legislative phone number to a constituent while campaigning if the constituent does not ask for it?

Absent facts clearly demonstrating that the phone number was actually given for a legislative purpose, and not a political campaign purpose, the committee might find a violation of AS 24.60.030(a)(5) or (b). **NOTE:** Listing a legislative office phone number on campaign advertising fliers, whether preprinted or handwritten, violates AS 24.60.030(a)(5), which prohibits the authorization of legislative resources, including office staff, for a political fundraising or campaign purpose; and AS 24.60.030(b), which prohibits a legislator from requiring a legislative employee to perform campaign activity on government time.

May a legislator include in a legislative mailing a list of select businesses and their contact information?

No. Such a listing implies endorsement of select businesses which in turn provides a private benefit to the entity. Referenced Complaint Decision H 10-01. The committee relied on the definition of benefit in AS 24.60.990(a)(2). The committee noted legislators may list public entities and regulated utilities in a legislative communication without violating the provisions of AS 24.60.030(a)(2).

In AO 11-02, the committee stated, "an endorsement of a for-profit business or its commercial products or services in a legislative communication, explicit or implied, is prohibited by AS 24.60.030 (a)(2)".

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Must a legislative newsletter be sent to all constituents on a mailing list?

Determined the caller wanted to send the newsletter to only those constituents who had voted in the last three elections. This is permissible as long as the voters are not of one political party as this type of mailing would be considered a political mailing and would be in violation of the Act.

May POET account money be used to pay for costs associated with a legislative newsletter?

POET accounts may be used for this purpose as the account is set up to be used for legislative expenses and a newsletter is considered a legislative expense. AS 15.13.116(d).

May costs associated with a legislative newsletter be paid for with personal funds?

Yes. The costs associated with a constituent mailing (newsletter) may be paid for with personal funds. The Act does not prohibit the use of a private resource for legislative use.



May a legislator send a letter to newly registered voters in their district and include a booklet on the legislative process?

Yes. A legislator may send a letter and legislative booklet to newly registered voters in the legislator's district. (NOTE: Such a communication should not be sent to graduating seniors who do not reside in the legislator's district.) The activity is informing newly registered voters about the legislative process and who represents the district they live in. The letter would have contact information for the legislator listed. During an election year, the legislator should be mindful of the timing of sending the letter.

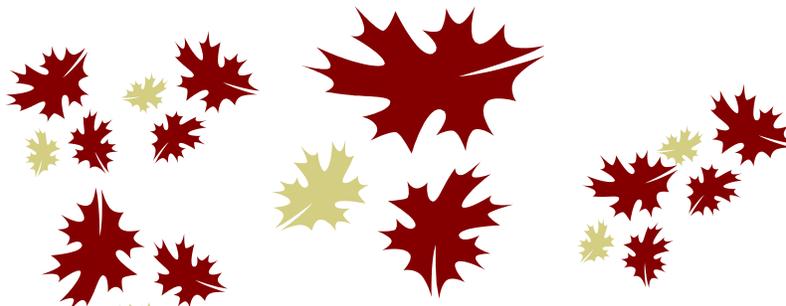


May a legislator send a voter registration card along with a congratulatory letter to graduating seniors who live in their district?

Sending a voter registration form along with a congratulatory letter to graduating seniors in the legislator's district is an encouragement to participate in the public process of voting. (NOTE: Such a communication should not be sent to graduating seniors who do not reside in the legislator's district.) The act of sending a VR card is permitted as long as it is included with other information and not a standalone activity. State resources should not

directly be involved in election-related activities. Referenced Complaint H 96-02. VR forms should be returned to the Elections office.

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Disclosures:

Gift of Travel/Hospitality for Legislative Matters

AS 24.60.080(c)(4)

Important Reminder!

If you have taken a trip for a legislative matter that was paid for with other than legislative funds, you must disclose the gift within 30 days starting from the first day of travel.

This includes travel paid for by: Alaska state departments, non-profit organizations, federal agencies, and private organizations/agencies, to name a few. Additionally, the waiver of a registration fee by the agency/organization is considered a gift and must be disclosed if \$250 or more in value.

If you do not have an accounting of the costs associated with the trip, file a disclosure with the estimated costs to avoid a late filing fee.



(You can amend the disclosure when the costs are determined by contacting the Ethics office @ 269-8179.)



An Ethics Committee meeting has been scheduled for

September 27, 2011

at 9:00 a.m.

Anchorage LIO

Room 550

An agenda will be posted one week prior to the meeting.

The purpose of ethics laws, first and foremost, lies in promoting both the reality and perceptions of integrity in government.

Mark Davies,
Government Ethics and Law Enforcement
(2000)