

# THE ADVISOR

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## Select Committee on Legislative Ethics

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## Campaign Season Reminders:

- Legislative Communications
- Legislative Travel

### IMPORTANT! — Content

Legislative communications may **NOT**:

- \* Contain campaign related statements, such as,
  - “I have filed for a new term as your state Senator/Representative.”
  - “I hope to be in the legislature next year and will propose the following xxxx”
  - “I will likely file legislation next session on that subject and work with the administration on the issue.”
- \* Include other legislator’s names indicating they are candidates for a particular office and their position on issues.
- \* Be sent to constituents outside of the legislator’s current legislative district, unless the person has requested to be on the mailing list.

### IMPORTANT! — Distribution

Many offices have called asking what the cut-off date is for mailing or distributing a legislative newsletter, or sending a newsletter via an e-mail, prior to an election. The Legislative Ethics Act does not stipulate a date. However, **the closer to Election Day that a legislative newsletter is mailed or emailed, the greater the appearance it has of a political “campaign mailing”**. The Ethics Committee recommends no later than 30 days prior to an election, but it is a personal decision each legislator must make.

**General Election – one month prior is October 5**

There are always exceptions to the 30 day recommendation. The bottom line rests on the content of the newsletter, the timeliness of the information, timing of distributing the newsletter, and to whom it is being sent.

### Here are some examples:

- **May Be Appropriate:** Major sewer issue in a legislator’s district. It may be timely to provide fact-specific information to the residents affected by the issue.
- **Probably Not Appropriate:** A general information legislative newsletter.

## Legislative-Paid Trip and Campaigning

There is an absolute restriction on the use of state resources for activities related to campaigning (which includes fundraising) and partisan political activity.

When a legislator or legislative employee is on a state paid trip, (regardless if some expenses or all are reimbursed), campaign activities are prohibited pursuant to AS 24.60.030(a)(2) and (a)(5).

The question you need to ask when on a state paid trip:

*Is this an activity that could be performed only because you are on the state paid trip?*

Examples of activities that are **prohibited** on a state paid trip:



Examples of activities **permitted** on a state paid trip:

- Campaign door knocking
- Dropping off campaign fliers at businesses and residences
- Attending a campaign fundraiser
- Campaign appearance at a function

Keep in mind the above activities apply to all campaigns.

- Returning a call, fax, or email from a campaign worker
- Responding to a call from the media
- Working on the details of a future campaign fundraiser to be held in another town

Keep in mind the above activities can be performed anywhere and are not location dependent and made possible with the use of state resources.

### **Exception to the analogy:**

Responding to a constituent who comes up to you while on the state paid trip asking campaign questions. The best course of action to take is to provide campaign contact information to the constituent.

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If a complaint were filed alleging the use of state resources for campaign or partisan political reasons, the Ethics Committee would look at the specific facts of the situation and take into consideration whether or not state resources were being used to facilitate the activity or if the activity was something that could still have occurred absent the use of state resources. ♦