

ETHICS COMMITTEE MEETING
August 21, 2013

ITEM 9. AO 13-03 Use of Every Door Direct Mail (EDDM) to distribute legislative newsletters. Requested by: Senator Cathy Giessel

Included in the packet:

- Senator Giessel's advisory opinion request dated June 21, 2013. The request was labeled AO 13-03.
- Draft AO 13-03 prepared by LAA Legal, Dan Wayne.
- Overview of EDDM. Prepared by the U.S. Postal Service.
- Informal ethics advice given on this subject from January 1, 2012 through June 30, 2013.

NOTE: Under AS 24.60.130(h), "A member is disqualified from participating as a member in any proceeding before the committee involving . . . an advisory opinion requested by the member." Alternate member Senator Anna Fairclough will sit in on this segment of the committee meeting.

DISCUSSION: Committee chair asks Senator Giessel to explain her request. Committee members discuss and review the draft opinion. Committee chair asks for public comment. Committee members discuss the draft opinion and make changes, additions or deletions if warranted.

ACTION: Motion to approve AO 13-03 as written or with changes. A roll call vote is required.

Joyce Anderson

Subject:

FW: Formal Ethics Advisory Opinion Request- Mailed Newsletters

Joyce Anderson

Administrator, Select Committee on Legislative Ethics
907-269-0150
Fax 269-0152

A.O. 13-03

CONFIDENTIALITY: This email and any attachments are intended for the addressee and may contain confidential information protected by law from improper or unauthorized disclosure, copying or distribution.

From: Sen. Cathy Giessel
Sent: Friday, June 21, 2013 10:46 AM
To: Joyce Anderson
Subject: Formal Ethics Advisory Opinion Request- Mailed Newsletters

Joyce,

I would like to request a formal Ethics Advisory Opinion. I waive confidentiality so that this issue may be discussed in open committee.

I send out an occasional paper newsletter, using my own funds for postage. I use Every Door Direct Mail through the U.S. Post Office. The use of EDDM offers a considerable savings. With EDDM you select zip codes and established carrier routes that are assigned based on those zip codes. The entire carrier route receives the mailing. The Post Office will not divide routes. Therefore, some of the mailings could be delivered to individuals/businesses outside of my legislative boundaries. Can I use EDDM to send out a legislative newsletter?

OBSERVATIONS: According to previous Legislative Ethics staff RESPONSES, I am told that it is "unethical" to send my newsletter to anyone whose physical address is not within my district borders or to anyone not residing in my district who has not asked to be on my mailing list. I have many supporters and interested parties who are outside the physical borders of my district.

Previous informal ethics advice on the subject of "graduation certificates", a long standing tradition in some legislative offices, has allowed legislators to issue graduation certificates to all students attending a particular school (the school is either located in the legislator's district or a majority of students at a school live in the legislator's district) regardless of whether the student resides in the legislator's district. Schools cannot release student addresses and will

not separate addresses by legislative district. The school provides a list of students and the legislative office drops off the certificates to the school for distribution.

I send birthday and anniversary greetings to many individuals including some who do not reside in my district. I am also often invited to speak at different events to provide legislative updates outside my district (the same information found in my newsletters) and at other venues in which many of the individuals in these groups do not reside in my district.

The activities of newsletter mailings, distribution of graduation certificates, birthday cards and speaking engagements to citizens outside a legislator's district harms no one. Mailings can simply be discarded, if of no interest, or read. Audience members can leave or simply not attend. No one is harmed.

QUESTION: This office, and I'm sure other legislative offices, would welcome guidance from the Ethics Committee regarding the use of EDDM for a legislative newsletter mailing. Does the Legislative Ethics Act prohibit me from using EDDM for a legislative newsletter mailing?

Thank you for your consideration,

Cathy

Senator Cathy Giessel

Senate District N (House Districts 27 & 28)

Chair Senate Resources Committee



Interim contact:

716 W. 4th Ave, Anchorage, AK 99501

145 Main Street Loop, Suite 227, Kenai, AK 99611

Office 907 269 0181

Toll free 800 892 4843

Fax 907 269 0184



If you would like to subscribe to my newsletter click [here](#).

July 8, 2013

DRAFT ADVISORY OPINION 2013-03

RE: Does the Legislative Ethics Act permit a legislator to use the United States Postal Service Every Door Direct Mail service (EDDM) to deliver the legislator's legislative newsletter?

You are a legislator and therefore covered by the Legislative Ethics Act. You have requested an advisory opinion concerning facts and circumstances that you have related. The committee relies on facts that you have described in answering your questions. You have waived your right to confidentiality under AS 24.60.160(b).

Statement of Facts

You have many supporters and interested parties with addresses that are outside the geographic borders of your legislative district. You send birthday and anniversary greetings to many individuals, including some who do not reside in your legislative district. You also produce a legislative newsletter. You are often invited to speak at events outside of your district, and when you speak you share information similar to information contained in your legislative newsletter.

You mail copies of your legislative newsletter in bulk, using EDDM, a delivery service provided by the United States Postal Service (USPS). EDDM allows a sender of bulk mail to select delivery to one or more zip code areas or carrier routes. Carrier routes are designated based on their zip code areas. When you use EDDM the USPS delivers the piece of mail to every address within the zip code area(s) or carrier route(s) you select, and charges you a flat rate. The boundaries of your legislative district differ from the boundaries of the zip code area or areas that you select for delivery of your newsletter by EDDM, and the USPS will not divide routes when delivering mail by EDDM. When your newsletters are delivered using EDDM they are delivered to addresses within your

legislative district and addresses outside of your legislative district. The flat rate you pay for using EDDM to deliver your newsletters in bulk is less than USPS rates that would allow you to limit delivery solely to addresses within your legislative district.

Discussion

In ethics complaint H 12-04, a house subcommittee of the Select Committee on Legislative Ethics determined that a representative received a private benefit, in violation of AS 24.60.030(a)(2), by using state resources to distribute his legislative newsletter to every address in a zip code that included individuals residing outside of his current legislative district.¹ The house subcommittee also found, separately, that the distribution was campaigning in violation of AS 24.60.030(a)(5). In the matter before us now, the facts provided and the question presented do not raise issues related to distributing legislative newsletters during a campaign period, and therefore we are chiefly concerned with AS 24.60.030(a)(2) and its exceptions.

AS 24.60.030(a)(2) reads, in part:

(a) A legislator or legislative employee may not

(2) use public funds, facilities, equipment, services, or another government asset or resource for a nonlegislative purpose, for involvement in or support of or opposition to partisan political activity, or for the private benefit of the legislator, legislative employee, or another person;

¹ It was foreseeable that some of those individuals would become members of the legislator's new legislative district under the 2012 redistricting plan in place at the time of the distribution, but the committee found that because those individuals were not yet constituents the exception in AS 24.60.030(a)(2)(J) did not apply.

We do not have before us for consideration a particular legislative newsletter, as did the house subcommittee in H 12-04. Therefore, for the purpose of our discussion we assume that the content of your newsletters serves a legislative purpose and does not support or oppose a partisan political activity. Nevertheless, distribution of legislative newsletters with EDDM, as you have described, confers a private benefit to you if your newsletters are produced with legislative resources. The private benefit may be added name recognition and the association of your name with information and accomplishments, by individuals who are not constituents but who may become, as a result of your newsletter, more likely to support your political or policy goals. AS 24.60.030(a)(2) prohibits use of legislative assets and resources for the private benefit of any person, with some specific exceptions, and distribution of your newsletter via EDDM must be evaluated under those exceptions.

In AO 01-01, an opinion on the question of whether or not AS 24.60.030(a)(2) prohibits a legislator from using legislative assets or resources for involvement in a campaign related to proposed local boundary changes in the Municipality of Anchorage, we advised that AS 24.60.030(a)(2) does not permit a legislator to use state resources to raise funds related to a campaign, but we also said: "[I]t is appropriate to use state resources to advance public discussion and understanding of public issues, including an understanding of a legislator's evaluation of the merits of one side or the other of the issue." Legislative newsletters can do this.

AS 24.60.030(a)(2) contains several specific exceptions. Among them, the following seem the most relevant to the facts you have provided:

... this paragraph does not prohibit

(A) *limited use* of state property and resources for personal purposes if the use does not interfere with the performance of public duties and either the cost or value related to the use is nominal or the legislator or legislative employee reimburses the state for the cost of the use;

...

(E) a legislator from use of legislative employees to prepare and send out seasonal greeting cards;

...

(J) a legislator from sending any communication in the form of a newsletter *to the legislator's constituents*, except a communication expressly advocating the election or defeat of a candidate or a newsletter or material in a newsletter that is clearly only for the private benefit of a legislator or a legislative employee; or

...

(Emphasis added.)

Exception (A) may allow a legislator a limited personal use of legislative assets or resources to distribute a copy of a legislative newsletter to a small number of persons that are not among the legislator's constituents; however we consider each set of facts independently. Depending on the content and distribution of a particular newsletter, we may find that distribution of a legislative newsletter to every address in a zip code area may be permissible if the number of addresses outside of the legislator's election district is small, but the larger that number becomes the greater the risk that we will determine that limited use exception (A) does not apply.

We considered exception AS 24.60.030(a)(2)(A) in AO 07-05 when we were asked if the Legislative Ethics Act permits a member of the legislature to use a Legislative Affairs Agency "Blackberry" (portable wireless communication device) for political fund raising or campaigning if the member reimburses some or all of the cost. We said no. We advised that there is no exception to the prohibitions in AS 24.60.030(a)(2) and (a)(5) regarding campaign use of legislative assets or resources, but that exception (A) allows personal use if the cost or value of that use is nominal or, if it isn't nominal, the cost or value is reimbursed by the legislator.

It is probable that both the production and the distribution of a legislative newsletter ordinarily involve the use of government assets or resources covered under AS 24.60.030(a)(2). Under exception (J) a legislator may send legislative newsletters to the legislator's constituents. However, exception (J) is limited. Using private funds to pay for distribution of a legislative newsletter to persons other than a legislator's constituents may still violate the prohibition on private use under AS 24.60.030(a)(2) if the legislator uses legislative resources or assets to produce the newsletter.

Exception (J) is critical to our discussion because it creates an exception, and a limitation, for legislative newsletters. While exception (E) allows the use of legislative employees to prepare and send out seasonal greeting cards, and does not express a limitation on where or to whom the cards can be sent, exception (J) excepts legislative newsletters from the prohibitions under AS 24.60.030(a)(2), but limits to whom they may be sent. Under exception (J), a legislator is permitted to use legislative assets and resources to send legislative newsletters "to the legislator's constituents."

The Alaska Statutes do not define "constituent." Because the advisory authority of the Select Committee on Legislative Ethics extends only to rendering opinions based on our interpretation of the Legislative Ethics Act, we do not interpret or apply other laws in this opinion. However, we note that when terms are undefined in statute, AS 01.10.040(a) directs that they be construed "according to their common and approved usage." We also note that the Alaska Supreme Court has said:

Dictionaries provide a useful starting point for determining what statutory terms mean, as they provide the common and ordinary meaning of words. When a popular or common word is used in a statute, but is not defined, the word should be given its common meaning.^[2]

² *Alaskans for Efficient Government, Inc. v. Knowles*, 91 P.3d 273, 276 n. 4 (Alaska 2004), quoting 2A Norman J. Singer, *Sutherland Statutory Construction* § 47.28 (6th ed. 2000).

The relevant definition of "constituent" in *Webster's Collegiate Dictionary*, Eleventh Edition, defines it as "a member of a constituency." The relevant definition of "constituency," according to the same authority, is "1a : a body of citizens entitled to elect a representative (as to a legislative or executive position) b : the residents in an electoral district c : an electoral district." (Emphasis added.) H 12-04 does not cite a definition of "constituent," but from the language of the decision it seems that the house subcommittee relied on a meaning similar to the *Webster's* definition, and took into account that a person can be a constituent without necessarily having the right to vote.³

We relied on a similar definition of "constituent" in a previous advisory opinion. In AO 04-01, advising on the limitations on a legislator's use of information gathered from constituents, we said "in this document 'constituent' means a natural person residing within a legislator's district." That definition of "constituent" is consistent with H 12-04 and with common understanding as set forth in the *Webster's* definition, and we adopt it now. We note that for purposes of this definition we construe "a natural person residing within a legislator's district" to include natural persons who are legally residents of a legislator's district but are temporarily living elsewhere.

Conclusion

For the reasons stated above, the committee finds as follows:

1. AS 24.60.030(a)(2) prohibits a legislator from using EDDM to distribute legislative newsletters if the distribution is aided by the use of legislative assets or resources and the use of EDDM is likely to result in a significant number of newsletters being distributed to addresses of persons who are not among the legislator's constituents. Even if the legislator pays for EDDM to non-constituents with private funds, that distribution would

³ It follows that children, convicted felons, and resident aliens, for example, should be considered a legislator's constituents if they reside in a legislator's election district, even though they might not have a legal right to vote in a legislative election. Similarly, a person who lives outside of a legislative district temporarily (e.g. to serve in the military or attend school), or immediate family members who live in the household of that person, may be considered residents of that legislative district, legally, for certain purposes.

violate AS 24.60.030(a)(2) if the newsletter is produced with legislative assets or resources;

2. For the purposes of interpreting AS 24.60.030(a)(2)(J), "constituent" means a natural person residing within a legislator's district.

Adopted by the Select Committee on Legislative Ethics on **

Members present and concurring in this opinion were:

Members dissenting from this opinion were:

Members absent were:

LIST OF MEMBERS OF THE COMMITTEE

Chair	yes	no	absent
Representative	yes	no	absent
Representative	yes	no	absent
Senator	yes	no	absent
Senator	yes	no	absent
_____, public member	yes	no	absent
_____, public member	yes	no	absent
_____, public member	yes	no	absent
_____, public member	yes	no	absent

DCW:lnd

13-281.lnd

OVERVIEW

What is Every Door Direct Mail®?

With Every Door Direct Mail® (EDDM) service from the U.S. Postal Service®, you can reach the customers who matter most to your business – in nearby neighborhoods – and you don't even need to know names or street addresses. Simply identify the neighborhoods you want to target and your printed pieces are delivered to the active addresses in your target area.

You can use Every Door Direct Mail to:

- Target a location without an address list.
- Send out local mailings or national campaigns.
- Build more traffic.
- Find new customers.
- Increase revenue.
- Reduce mail preparation costs.

What Are My Mailing Options?

Whether you're a large or small business, Every Door Direct Mail® service can help get your marketing messages into the hands of consumers.

Retail 1. With Every Door Direct Mail - Retail® your mailings are taken to the local Post Office™ for processing if they meet all of the following criteria:

- You must login to the tool to complete or save your order. New EDDM Retail accounts can be created within <https://reg.usps.com/register>
- Appropriate documentation will be provided online to take with your mailing to the Post Office.
- Mail pieces are limited to Standard Mail® flats only.
- Each mailpiece must be at least .007" thick (approx. 3 sheets of copy paper) and cannot exceed 3.3 oz. For more information, please reference the EDDM Quick Reference Guide: <https://www.usps.com/business/pdf/quick-reference-guide.pdf>
- Each mailpiece must display the Every Door Direct Mail Retail indicia.
- For more information, please visit USPS® Every Door Direct Mail <https://www.usps.com/business/every-door-direct-mail.htm>

BMEU 2. The other option is Every Door Direct Mail for Business Mail Entry Unit (BMEU). Requirements for BMEU are:

- You must have or must obtain an active USPS Standard Mail® permit number.
- You may register or log in via <https://reg.usps.com/register> to access the online tool, or obtain updated delivery statistics via one of the appropriate NCSC products.
- You must bring appropriate documentation with your mailing to the BMEU where the permit is held.
- Pieces may weigh up to 16 ounces, and postage prices may vary based on piece weight and entry point. For more information, please reference the EDDM Quick Reference Guide: <https://www.usps.com/business/pdf/quick-reference-guide.pdf>
- For more information, please visit USPS Every Door Direct Mail <https://www.usps.com/business/every-door-direct-mail.htm>

Step 2 Select Deliveries

Table View // **RETAIL**

1 Selection results are available in a table for all search options.

In the Table view, results are displayed by indicating the total routes and the total possible deliveries based on the selection made in STEP 1, in addition to the approximate cost to mail.

Every Door Direct Mail®

Find the customers that reach your mail. With Every Door Direct Mail from the U.S. Postal Service®, you can reach every home, every address, every time. Just sign in to your USPS.com account, pick your delivery routes, let us know when you'd like to drop off your mail, and we'll take care of the rest.

Have questions about EDDM?
Browse our FAQs.

View Past and Saved Orders
Order History
Saved Orders

123 Maple Street Anytown, NY 10023

Select deliveries

NEW Mailing Options

<input type="checkbox"/>	ROUTE	RES	BUS	A/L	COST
<input checked="" type="checkbox"/>	10012-C001	379	141	620	\$75.40
<input checked="" type="checkbox"/>	10012-C002	180	133	310	\$45.28
<input checked="" type="checkbox"/>	10012-C003	302	108	431	\$82.80
<input checked="" type="checkbox"/>	10012-C004	188	132	318	\$45.31
<input type="checkbox"/>	10012-C005	205	105	311	\$45.16
<input type="checkbox"/>	10012-C006	74	302	276	\$40.82
<input type="checkbox"/>	10012-C007	118	51	430	\$65.25
<input type="checkbox"/>	10012-C010	704	48	750	\$108.72
<input type="checkbox"/>	10012-C011	587	22	609	\$88.31
<input checked="" type="checkbox"/>	10012-C012	434	71	759	\$109.48
<input type="checkbox"/>	10012-C013	678	63	1101	\$168.68
<input type="checkbox"/>	10012-C014	637	17	554	\$83.23
<input type="checkbox"/>	10012-C015	72	187	230	\$34.89
<input type="checkbox"/>	10012-C016	153	246	388	\$53.38

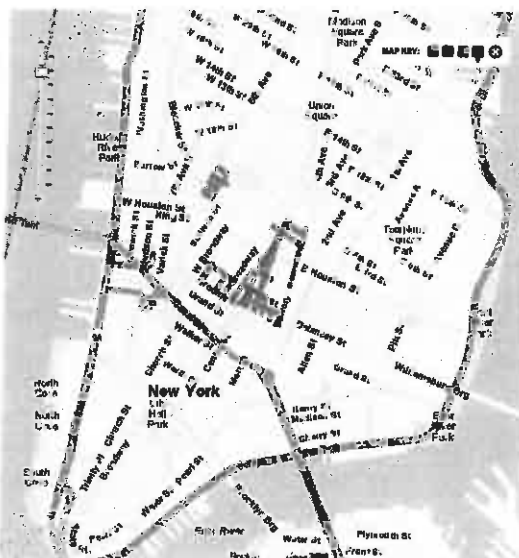
Deliveries selected: 2644
Approximate cost: \$489.39

Save For Later

GO ON

Select expected drop-off date

Confirmation



2 The Table view displays selection results and an approximate mailing cost
for flats only to be dropped at a local Post Office retail unit. The Table view columns include:

ROUTE / Identifies the particular route by ZIP Code and carrier route ID.

RES / Indicates the number of residential delivery points in a given route.

BUS / Indicates the number of business delivery points in a given route.

ALL / Indicates the total number of delivery points in a given route.

COST / Indicates total cost for mailings included within that route.

Note: It is not possible to select a partial route.

3 All columns are sortable in ascending and descending order.

This can be accomplished by clicking the column text, which will first sort the column by descending order. Ascending order can be accomplished by clicking the column text again.

4 Within the Table view,

the Mailing Options text will bring up an action box that will allow you to apply additional filters to your search results. These filters include:

Every Door Direct Mail®

Find the customers that matter most. With Every Door Direct Mail from the U.S. Postal Service®, you can reach every home, every address, every time. Just sign in to your USPS.com account, pick your delivery routes, let us know where you'd like to drop off your order, and we'll take care of the rest.

Have questions about EDDM?
Browse our FAQs.

View Past and Saved Orders
Order History ▶
Saved Orders ▶

123 Maple Street Anytown, NY 10023

Subject deliveries

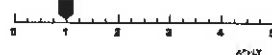
Select Delivery Type

☒ Business & Residential ☐ Residential Only

Select route type:

☒ City ☒ Rural/Highway ☒ P.O. Boxes

Display routes within a 1 mile radius



<input type="checkbox"/>	10018-C007	485	32	487	\$72.87
<input type="checkbox"/>	10018-C008	214	38	253	\$38.88
<input checked="" type="checkbox"/>	10018-C009	22	65	87	\$12.62
<input type="checkbox"/>	10018-C010	758	75	834	\$129.95
<input type="checkbox"/>	10018-C011	840	28	888	\$138.01



A Select Delivery Types:

Business & Residential / Results will include business and residential delivery points.

Residential only / Results will only include residential delivery points.

B **Select Route Types:**

City / Results will include delivery points where mail is delivered by a USPS employee.

Rural/Highway / Results will include delivery points where mail is delivered by a USPS or contract employee.

PO Box™ / Results will include delivery points where mail is delivered to USPS Post Office Boxes. Includes personal and business boxes.

To select a filter, click the checkbox that appears to the left of the text. Clicking the Apply button will update the Table view results with your selections.

When searching by a full address, it will also be possible to revise search results based on location radius. To accomplish this, you can use the location slider to revise search location by .25 mile increments. Clicking the **Apply** button will update the Table view results with your selections.

5 **Within the Table view, you have the ability to select routes**
by clicking the checkbox that appears to the left of each route name.

Note: The possibility exists that your route selections will require you to drop off mail pieces at more than one drop-off location. If this is the case, you will be prompted by an alert message that your selections require additional drop off locations. It is possible to continue forward with your order or remove that route from your selections.

6

When using the Table, the EDDM map will change to indicate your selections.

Within the map, your route selections will be updated visually in the following ways:

123 Maple Street Anytown, NY 10023

Select deliveries

8MEU Mailing Options

	ROUTE	RES	BUS	ALL	COST
<input checked="" type="checkbox"/>	10019-C001	889	43	932	\$135.14
<input checked="" type="checkbox"/>	10019-C002	880	40	700	\$101.50
<input checked="" type="checkbox"/>	10019-C003	626	31	658	\$25.12
<input checked="" type="checkbox"/>	10019-C004	882	32	914	\$132.53
<input checked="" type="checkbox"/>	10019-C005	763	38	807	\$117.02
<input checked="" type="checkbox"/>	10019-C006	770	17	787	\$114.12
<input type="checkbox"/>	10019-C007	485	22	407	\$72.07
<input type="checkbox"/>	10019-C008	214	39	253	\$36.89
<input type="checkbox"/>	10019-C009	22	65	67	\$12.62
<input type="checkbox"/>	10019-C010	759	75	834	\$120.93
<input type="checkbox"/>	10019-C011	840	29	869	\$126.01
<input type="checkbox"/>	10019-C013	187	75	262	\$37.99
<input type="checkbox"/>	10019-C015	508	71	579	\$83.86
<input type="checkbox"/>	10019-C017	289	61	350	\$50.75

Deliveries selected

Approximate cost

4796

\$695.42

Save For Later

Continue

Map showing delivery area with streets: W 75th St, W 74th St, W 73rd St, W 72nd St, W 71st St, W 70th St, W 69th St, W 68th St, W 67th St, W 66th St, W 65th St, W 64th St, W 63rd St, W 62nd St, W 61st St, W 60th St, W 59th St, W 58th St, W 57th St, W 56th St, W 55th St, W 54th St, W 53rd St, W 52nd St, W 51st St, W 50th St, W 49th St, W 48th St, W 47th St, W 46th St, W 45th St, W 44th St, W 43rd St, W 42nd St, W 41st St, W 40th St, W 39th St, W 38th St, W 37th St, W 36th St, W 35th St, W 34th St, W 33rd St, W 32nd St, W 31st St, W 30th St, W 29th St, W 28th St, W 27th St, W 26th St, W 25th St, W 24th St, W 23rd St, W 22nd St, W 21st St, W 20th St, W 19th St, W 18th St, W 17th St, W 16th St, W 15th St, W 14th St, W 13th St, W 12th St, W 11th St, W 10th St, W 9th St, W 8th St, W 7th St, W 6th St, W 5th St, W 4th St, W 3rd St, W 2nd St, W 1st St, W 0th St, W -1st St, W -2nd St, W -3rd St, W -4th St, W -5th St, W -6th St, W -7th St, W -8th St, W -9th St, W -10th St, W -11th St, W -12th St, W -13th St, W -14th St, W -15th St, W -16th St, W -17th St, W -18th St, W -19th St, W -20th St, W -21st St, W -22nd St, W -23rd St, W -24th St, W -25th St, W -26th St, W -27th St, W -28th St, W -29th St, W -30th St, W -31st St, W -32nd St, W -33rd St, W -34th St, W -35th St, W -36th St, W -37th St, W -38th St, W -39th St, W -40th St, W -41st St, W -42nd St, W -43rd St, W -44th St, W -45th St, W -46th St, W -47th St, W -48th St, W -49th St, W -50th St, W -51st St, W -52nd St, W -53rd St, W -54th St, W -55th St, W -56th St, W -57th St, W -58th St, W -59th St, W -60th St, W -61st St, W -62nd St, W -63rd St, W -64th St, W -65th St, W -66th St, W -67th St, W -68th St, W -69th St, W -70th St, W -71st St, W -72nd St, W -73rd St, W -74th St, W -75th St.

- Your searched location will be indicated by a circular icon on the map.
- Hovering over a route within the table will apply a purple color to the route within the map.
- Selecting a "Business only" route within the table will apply a green color to the route within the map.
- Selecting a standard route within the table will apply a blue color to the route within the map.
- Selecting a PO Box route within the table will add a blue icon to the map.

There is also a key within the upper right corner of the map indicating each visual indicator.

7

When selections do not meet Retail qualifications

(greater than 200 and less than 5,000 deliveries per zip per day), a message appears indicating such. If your selections total more than 5,000 delivery points, you will be prompted to reduce that number.

<input type="checkbox"/>	10023-C013	732	26	758	\$109.91
<input type="checkbox"/>	10023-C014	583	14	577	\$83.67

Deliveries Selected	5900
Approximate Cost	\$855.50

Your Every Door Direct Mail order cannot exceed 5000 pieces. Please reduce your order amount to continue.

Save For Later

- 8 Delivery totals and approximate cost are displayed below the table.**
When logged in, clicking the Continue button will bring you to the STEP 3 – Select drop-off date.
If you are not logged in, a message will prompt you to log in before proceeding to the next step.
- 9 At this stage, you also have the ability to save the progress of your order.**
This can be accomplished by clicking the Save for Later text to the left of the Continue button.
- 10 Clicking this link will bring up a window**
that will also allow you to add a nickname to your order. This step is optional.
- 11 Once your order has been saved,**
you may review your saved order using the navigation links located in the top right corner of the page.

Table View

BMEU

Business Mail

1

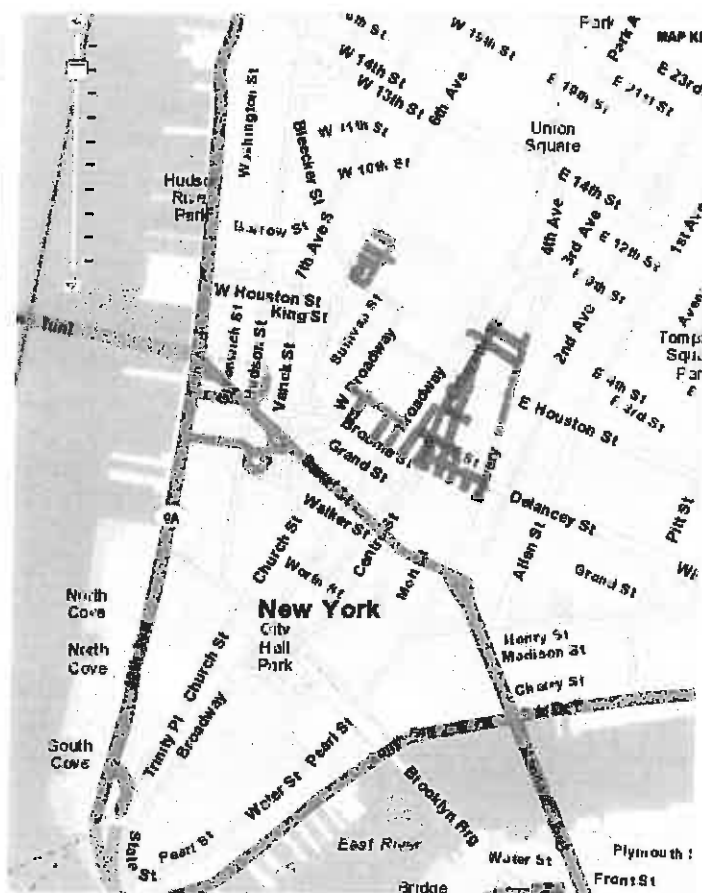
Selection results are available in a table for all search options.

In the Table view, results are displayed by indicating the total routes and the total possible deliveries based on the selection made in STEP 1, in addition to the approximate cost to mail.

Select deliveries

BMEU Mailing Options

<input type="checkbox"/>	ROUTE	RES	BUS	ALL	COST
<input checked="" type="checkbox"/>	10012-C001	379	141	520	\$75.40
<input checked="" type="checkbox"/>	10012-C002	186	133	319	\$46.28
<input checked="" type="checkbox"/>	10012-C003	322	109	431	\$82.50
<input checked="" type="checkbox"/>	10012-C004	186	132	318	\$46.11
<input type="checkbox"/>	10012-C005	206	105	311	\$45.10
<input type="checkbox"/>	10012-C006	74	202	276	\$40.02
<input type="checkbox"/>	10012-C007	399	51	450	\$65.25
<input type="checkbox"/>	10012-C010	704	48	750	\$108.75
<input type="checkbox"/>	10012-C011	587	22	609	\$88.31
<input checked="" type="checkbox"/>	10012-C012	684	71	755	\$109.48
<input checked="" type="checkbox"/>	10012-C013	978	123	1101	\$159.65
<input type="checkbox"/>	10012-C014	537	17	554	\$80.33
<input type="checkbox"/>	10012-C015	72	167	239	\$34.68
<input type="checkbox"/>	10012-C016	153	215	368	\$53.36
Deliveries selected					3444
Approximate cost					\$409.38
Save For Later					
Continue					



2

The Table view displays selection results and an approximate mailing cost

for flats only to be dropped at a local Post Office retail unit. The Table view columns include:

ROUTE / Identifies the particular route by ZIP Code and carrier route ID.

RES / Indicates the number of residential delivery points in a given route.

BUS / Indicates the number of business delivery points in a given route.

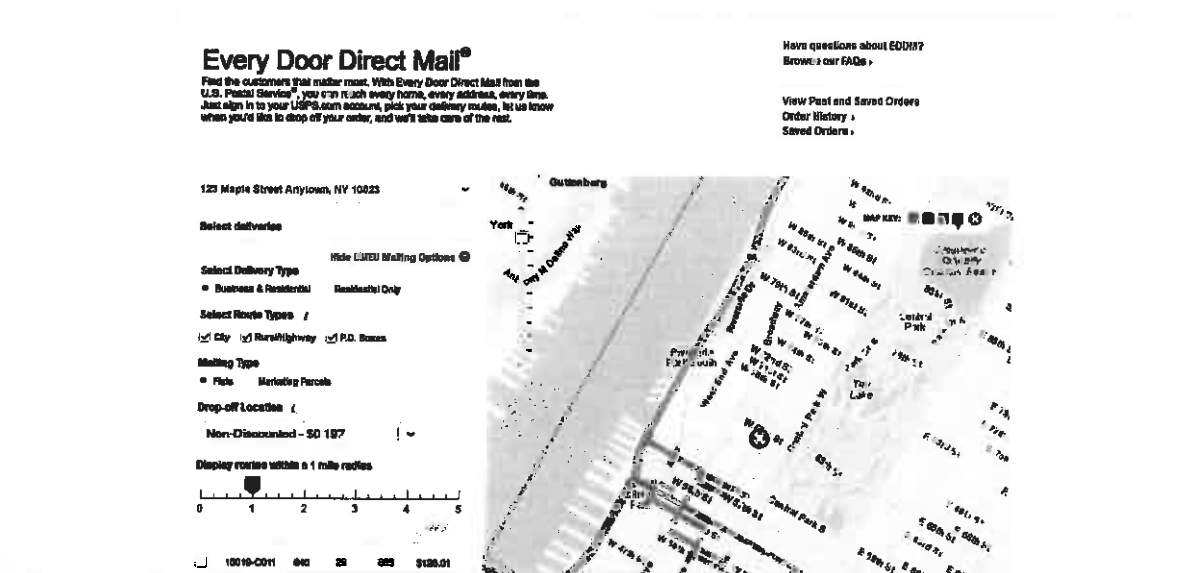
ALL / Indicates the total number of delivery points in a given route.

COST / Indicates total cost for mailings included within that route.

Note: It is not possible to select a partial route.

3 All columns are sortable in ascending and descending order.

This can be accomplished by clicking the column text, which will first sort the column by descending order. Ascending order can be accomplished by clicking the column text again.



4 Within the Table view,

the BMEU Mailing Options text will bring up an action box that will allow you to apply additional filters to your search results. These filters include:

A Select Delivery Types:

Business & Residential / Results will include business and residential delivery points.

Residential only / Results will only include residential delivery points.

B Select Route Types:

City / Results will include delivery points where mail is delivered by a USPS employee.

Rural/Highway / Results will include delivery points where mail is delivered by a USPS or contract employee.

PO Box™ / Results will include delivery points where mail is delivered to USPS Post Office™ Boxes, including personal and business boxes. Includes personal and business boxes.

C Drop-off Location:

Non-Discounted

Regional Plant / Destination Network Distribution Center (DNDC)

Local Plant / Destination Sectional Center Facility (DSCS)

Local PO / Destination Delivery Unit (DDU)

To select a filter, click the checkbox that appears to the left of the text. Clicking the **Apply** button will update that Table view results with your selections.

When searching by a full address, it will also be possible to revise search results based on location radius. To accomplish this, you can use the location slider to revise search location by .25-mile increments. Clicking the **Apply** button will update that Table view results with your selections.

5 Within the Table view you have the ability to select routes
by clicking the checkbox that appears to the left of each route name.

Note: The possibility exists that your route selections will require you to drop off mail pieces at more than one drop off location. If this is the case, you will be prompted by an alert message that your selections require additional drop off locations. It is possible to continue forward with your order or remove that route from your selections.

- 6 When using the Table, the EDDM map will change to indicate your selections.**
Within the map, your route selections will be updated visually in the following ways:

123 Maple Street Anytown, NY 10023

Select deliveries

BMEU Mailing Options

<input type="checkbox"/>	ROUTE	RES	BUS	ALL	COST
<input checked="" type="checkbox"/>	10019-C001	888	43	932	\$135.14
<input checked="" type="checkbox"/>	10019-C002	680	40	700	\$101.50
<input checked="" type="checkbox"/>	10019-C003	825	31	658	\$95.12
<input checked="" type="checkbox"/>	10019-C004	882	32	914	\$132.53
<input checked="" type="checkbox"/>	10019-C005	763	38	807	\$117.02
<input checked="" type="checkbox"/>	10019-C006	770	17	787	\$114.12
<input type="checkbox"/>	10019-C007	465	32	497	\$72.07
<input type="checkbox"/>	10019-C008	214	39	253	\$38.63
<input type="checkbox"/>	10019-C009	22	65	87	\$12.82
<input type="checkbox"/>	10019-C010	759	75	834	\$120.93
<input type="checkbox"/>	10019-C011	840	28	869	\$126.01
<input type="checkbox"/>	10019-C013	167	75	242	\$37.63
<input type="checkbox"/>	10019-C015	508	71	579	\$83.96
<input type="checkbox"/>	10019-C017	289	61	350	\$50.75



- Your searched location will be indicated by a circular icon on the map.
- Hovering over a route within the table will apply a purple color to the route within the map.
- Selecting a "Business only" route within the table will apply a green color to the route within the map.
- Selecting a standard route within the table will apply a blue color to the route within the map.
- Selecting a PO Box route within the table will add a blue icon to the map.

There is also a key within the upper right corner of the map indicating each visual indicator.

- 7 Delivery totals and approximate cost are displayed below the table.**
Clicking the **Continue** button will bring you to STEP 3 – Select drop-off date.
- 8 At this stage, you also have the ability to save the progress of your order.**
This can be accomplished by clicking the Save for Later text to the left of the Continue button.
- 9 Clicking this link will bring up a window**
that will also allow you to add a nickname to your order. This step is optional.
- 10 Once your order has been saved, you may review your saved order**
using the navigation links located in the top right corner of the page.

Informal Ethics Advice
January 1, 2012 to June 30, 2013
Management Activity Log Entries

2012

May a legislator combine his/her newsletter with the Senator and Representative in his/her district?

No, legislative newsletters may not be combined in this manner. A legislator may only send to constituents in the legislator's current district or to those who have requested to be on the mailing list. Mentioned Complaint H 08-03 in which a legislator in the House in 2008 was found to have violated the Act by sending his/her legislative newsletter to constituents in both house districts. The mailing was determined to be a political/campaign mailing.

May a legislator send a mailing to a specific group of individuals such as veterans or teachers, some of whom may be outside of the legislator's district?

Informed the legislative office if there is a specific purpose, such as legislation, that targets a specific group of individuals it is permitted to send a mailing on that specific issue even if the recipients are outside of the legislator's district.

Received a call asking why a legislator's newsletter was sent to individuals outside of the legislator's current district?

Determined the LIO in the area received the legislator's newsletter and sent it out to names on the LIO's mailing list as a standalone mailing. Some of the recipients (possibly about 1/2) do not reside in the legislator's district. Called the LIO and they will include a link in future newsletters and not send the newsletter as a standalone item. Explained to the LIO that sending newsletters outside of a legislator's current district falls in the area of a campaign mailing. By including a link in an LIO mailing, it is the recipient's choice to access the newsletter or not. This office does not want to limit the free flow of information from LIO's (Legislative Information Office) as their purpose is to provide information to the community they represent. The LIO Manager sent an email to all LIO's informing them of this concern and what steps to take in the future.

A legislative office called to ask if they must remove the names of constituents who are in the legislator's current district but will not be under the new redistricting plan?

Informed the office the current districts are in place for legislative purposes regardless of the new redistricting plan. Names of individuals from the new boundaries who are not in the legislator's current district may not be added to a legislator's list unless the person requests to be added.

May a legislator send a newsletter to only those on the list that are veterans and those who are male?

There is nothing in the Act that prohibits targeting a specific group of people for newsletters as long as the group is not of one political party as that mailing would be considered a political/campaign mailing.

When it is permissible to use state resources in the new legislative district areas? The legislative office was interested in sending out a legislative newsletter to new constituents.

Informed the caller the committee would be discussing this subject at the June 14 committee meeting. Comments and suggestions were welcomed. (Note: Sent out THE ADVISOR on June 21 with information on this subject. The committee determined legislators may use state resources for

constituent outreach in the new district boundaries after the November election results are certified.)

What is the policy when a rural legislator wants to send out certificates and voter registration cards to graduating seniors?

Determined there are contract routes, post office boxes and residence addresses. There is no way to determine which mail location is in which district. Further, the student body may only include part of a city or location or zip code. The legislative office felt this was a unique situation compared to urban areas. This office agreed. A certificate was forwarded to this office for review. The certificate included the names and signatures of eight legislators covering a particular area. At this point in time, several legislative offices had already sent out the certificates. Informed the caller to go ahead and send out the certificates. The caller surmised it was also OK to send certificates to another area represented by this legislator and include the name of the other legislator representing the area. This office said to go ahead and send them out. The issue will be looked into at a future date. May is graduation month.

May a legislative office use an outside printer to have the newsletter printed and if so, may postal routes be used to mail the newsletter and what about post office boxes?

The office allowance account can be used at any time to print legislative newsletters. Postal routes are OK for distribution as long the entire postal route is in the legislator's current legislative district. Post office boxes at a post office in the current district are OK regardless if the owner of the box lives outside the current legislative district. There is no way to determine that information.

May two legislators send an end-of-session mailer targeted to a specific group of individuals, some of whom reside outside of one of the legislator's current legislative districts?

Determined the mailer would target only individuals that related to the topic of the mailer. Some of the recipients of the newsletter reside in the new district boundaries for one of the legislator's. The two legislators are co-chairs of the committee that addresses issues for these individuals. The subject matter of the mailer would focus on legislation and issues related to this targeted group. Even though the mailer would be sent to some individuals in one of the legislator's new district boundaries, because the mailer was group specific and the subject matter was also specific, there appeared to be no ethical concerns the mailer was in the area of campaigning.

Is it OK for a legislative newsletter to be mailed to individuals who are not current constituents but reside in the area the legislator may represent if elected under the new redistricting plan?

Informed the office if the individual had requested to be on the mailing list it is OK to send a legislative newsletter even though the person lives outside the current legislative district and lives within the new district boundaries. Otherwise, the answer is NO.

May a legislator add the names of board members of an organization, some of which do not live in the legislator's current district, to a newsletter mailing list?

Determined the board members had asked to be on the legislator's mailing list. It is permissible to add names to a legislator's mailing list if they do not live in the legislator's current legislative district if they have asked to be on the list.

May a legislative newsletter be mailed using postal routes which overlap the legislator's current legislative district into an area that the legislator will not be representing under the redistricting plan?

Informed the office, based on the committee's determination in recently issued complaint decision H 12-04, the newsletter should only be mailed to constituents represented by the legislator regardless if the area outside of the legislator's current district will not be in the new area under redistricting. The legislative office called back to say the postal route had been changed and there was no overlap.

May a legislator place an advertisement in the local newspaper announcing a legislative town hall meeting?

The legislative office was concerned since the advertisement would be in the local newspaper which covers the entire municipality; i.e., some areas are not in the legislator's district. Based on the recent finding of probable cause in Complaint H 12-04 in which legislative newsletters were inserted in the local paper which included some of the areas not in the legislator's district, this office suggested caution. However, noticing a meeting could be viewed differently in that the reader makes the decision to follow through with the information contained in the advertisement - attending the meeting or not - versus a legislative newsletter which contains information about the legislator and places not only the legislator's name but positions and accomplishments before individuals who are currently not represented by the legislator. Pointed out the Ethics Committee would agree that all ethical possible means of 'noticing' a constituent meeting is important. Legislative office placed the notice in the local paper.

May a legislator send a welcome letter to the schools in his/her legislative district the week prior to the Primary election? The legislative office pointed out the legislator does not have a Primary opponent.

The legislator has sent these type of letters out in previous years. The content of the letter should be evaluated on timeliness of the message. School starts on August 21. The letter is timely. The message would include information on what the legislature accomplished in the area of education and funding. Including personal accomplishments in this area has the appearance of a campaign mailing. However, informed the office that it is a personal decision the legislator must make. The Act uses the word "candidate" and does not distinguish between a candidate that has an opponent and one that is running unopposed.

Is it permissible to send out a legislative mailing to only half of the legislator's current district? The legislator is a senator.

The legislative office planned to send out a joint mailer with the House district legislator and share the cost but at the last minute that was not possible. It is permissible to send out a legislative communication to only half of a legislator's district as long as the mailing does not target individuals from one political party. The communication would focus on energy assistance and UA.

May two legislators mail a courtesy notice to 25 organizations representing the state about an upcoming trade mission to the country represented by this group?

The legislators were concerned the mailing would be sent within the two weeks prior to the General election. The trade mission begins 4-5 days after the election. There were no ethical concerns with sending the notice at this time. The notice was timely and an important piece to the trade mission. Sending the notice after the General election would not allow adequate time for the organizations to respond to the request. Additionally, the list of organizations is specific to the topic of the notice. And, the notice is fact specific and not a 'feel good' communication which could be interpreted as a 'vote for me' communication because . . .

May a legislative office send a thank you to current district constituents after the election even if these individuals would no longer be in the legislator's new district?

Saw no ethical reason why a thank you to current district constituents could not be sent after the election. The message would not be in the area of campaigning and technically the legislator still represents these constituents.

May a legislative office add their campaign constituent database to their legislative database?

Yes, AO 04-01 permits the combining of these two databases. Since the General Election is over the activity can be accomplished. Prior to the election, a campaign database most likely also contained the names and contact information for constituents in the new district boundaries and

therefore the campaign database could not be added unless addresses were sorted by legislative district.

When may a legislator send out an e-news to constituents in the new district boundaries?

Many inquiries were received asking this question. Notified the legislative offices that as soon as the election results are certified, legislative communications may be sent to constituents in the new district boundaries. Advice given was based on Ethics Committee discussion at a public meeting.

2013

May a legislative office provide graduating certificates to students in elementary and middle school?

Determined the legislative office wanted to issue a certificate encouraging elementary and middle school students to continue their education and recognize their achievement of passing their grade. The legislative office issued these type of certificates last year but did not consider that some of the students may not be in the legislator's district. Two middle schools are physically located outside of the legislator's district but the school boundaries encompass the majority of the legislative district. Numerous legislative offices have called asking similar questions. Since it is impossible to separate out which students reside in a legislator's district from those that do not, preparing certificates for all students attending the school is permitted under the above circumstances.

May a legislative office prepare and drop off at several schools "high school graduation certificates" when some of the students may not live within the legislator's district boundaries?

Graduation certificates have traditionally been sent by legislative offices to graduating seniors. High school graduation occurs in April or May depending on the school district. Over the years, the method of distributing the certificates and the type of certificate legislators have signed, have varied from office to office and region to region. From inquiries that have been received by this office, it appears that most certificates are provided to the schools by the legislative office and then distributed to the students by school personnel. The schools are not permitted to provide the addresses of students unless the parent has signed a release slip. They will, however, provide a list of student names for the certificates. The schools have indicated they will not provide a list of those students only in a particular legislative district. Open enrollment is also a factor. Previous advice stated that since it is impossible to separate out which students reside in a legislator's district from those that do not and since the school distributes the certificates to "all" students, there appears to be no problem with preparing certificates and having the schools distribute a certificate to all students. This advice is not dependent upon the fact the school is actually located within a legislator's legislative district. However, the school district boundaries, with the understanding there is also open enrollment, must service students that reside within the legislator's district boundaries. On the other hand, if only a few students from a particular school actually reside in a legislator's district, it may not be a wise to provide certificates to the entire graduating class as the committee may view this action as outside of a legislative communication to constituents in a legislator's district. The Ethics Committee has not formally addressed this question over the years. Advice on this subject has been based on the unique/specific facts surrounding the request. Last year, due to redistricting of legislative boundaries, the issue was even more complicated. Note: The advice in this memo would not apply in a year in which redistricting of legislative districts had occurred or if the distribution of the certificates were within 30 days of an election in which the legislator was a candidate on the ballot. Due to the fact many legislative offices issue graduation certificates, it may be worthwhile to request a formal, binding advisory opinion from the committee. However, graduation is fast approaching and there may not be ample time to go through the process.

What are the ethical parameters when sending out graduation letters to high school seniors? Is it permissible to include a voter registration card, selective service form, and information on Alaska's Performance Scholarships?

Determined there are four high schools within the legislator's district. Several requests have already been received this year by the Ethics Office. Previous advice stated that since it is impossible to separate out which students reside in a legislator's district from those that do not and since the school distributes the certificates to "all" students, there appears to be no problem with preparing certificates/letters and having the schools distribute them to all students. This advice is not dependent upon the fact the school is actually located within a legislator's legislative district. However, the school district boundaries, with the understanding there is also open enrollment, must service students that reside within the legislator's district boundaries. On the other hand, if only a few students from a particular school actually reside in a legislator's district, it may not be a wise to provide certificates to the entire graduating class. The committee may view this action as outside of a legislative communication to constituents in a legislator's district. Additionally, it is permissible to include a voter registration card, selective service form, and information on Alaska's performance scholarships. These items are informational in nature.

Is it permissible to issue certificates to graduating seniors of a high school that feeds into the legislator's district? If so, it is also permissible to include a voter registration form and general information on obtaining college financial aid?

No formal advice has been issued on this subject. Informal advice has been given to many legislative offices. A legislator may issue graduation certificates to student who either reside in the legislator's district or attend a school located within the legislator's district. However, is only a few students lived within the legislator's district and the majority lived outside - keeping in mind there is open enrollment - the Ethics Committee may look at the distribution as one with no 'legislative purpose.' Including a voter registration form and financial aid information is permitted.

Is it permissible to use 'postal routes' for a legislative mailing when some of the addresses are not located in the legislator's legislative district? What if a Senator is sending a joint mailing with the Representative and some of the routes cross into the other Representative's district? Is that OK?

The Ethics Committee discussed this subject at a committee meeting a few years back but did not issue any formal ruling. The committee concluded that a general legislative mailing should only be sent to constituents within the legislator's district; and of course any other individual/organization/entity who have asked to be on the mailing list. A joint mailing - Senator and one of the Representative's - should only be sent to the addresses that comprise the Representative's district boundaries. Otherwise the mailing would be sent to addressees that are not represented by this Representative.

May a legislator send a legislative mailing to post offices boxes whose location is in the legislator's district? What about carrier routes?

Post office boxes at a location within the legislator's district may receive a legislative newsletter with the understanding that some of the owners of the post office boxes may or may not live within the legislator's district. Carrier routes and mail routes that are not totally within a legislator's district should not be blanketed with a newsletter. The difference is that with the first scenario the legislator does not have access to information that could differentiate mailing addresses. With the second scenario, a legislator has access to that information and therefore a legislative office is able to take appropriate action to prevent newsletters being sent to households not in the legislator's district.

May three legislative offices send out one notice about a joint town hall constituent meeting which states the meeting is hosted by the two representatives and the senator in the district?

The legislative offices were concerned about sending a mailing that included individuals who were not represented by one of the Representatives. Sending out a postcard mailing including all three

legislators names and contact information, announcing a joint town hall meeting in which all three legislators will attend, is permitted. The mailing is strictly informational in that the postcard is noticing the town hall meeting and who will be giving the presentations.

May a legislative office use postal routes to mail out a legislative newsletter?

Using postal routes is considerably less expensive than other methods of distribution. Determined there is a one block area that is not in the legislator's district that would be included with one of the postal routes. The office wanted to know if this was permissible. Informed the office the Ethics Committee had determined at a committee meeting in 2008 that a newsletter mailing should be sent to constituents the legislator represents (and other individuals/groups/entities that have requested to be on the mailing list). Suggested the office request a formal binding advisory opinion on the subject. There are many variables surrounding this question.

May a legislative office send a printed newsletter to a select zip code that may contain some residents that do not reside in the legislator's district?

The U.S. Post Office has a system called "EDDM" (Every Door Direct Mail) in which select zip codes are chosen and the zip code is blanketed with a mailing. Informed the legislative office that the Committee had determined in the past that a legislator's newsletter should only be sent to constituents in the legislator's district and those who have requested to be on the mailing list. Suggested the legislator request an advisory opinion on this subject. One was requested.

Legislator called to ask if it was permissible to distribute 200 legislative newsletters throughout the neighborhood to various businesses?

The legislative office usually distributes 10 copies to the Senior Center, 3 to Barbershops and so on. There are 30 locations. Five are outside of the legislator's district. Suggested the legislator remove the 5 locations. Informed the legislator the Ethics Committee will be issuing an advisory opinion on the distribution of legislative mailings later this summer.

May a legislator send a legislative newsletter to only frequent voters in the district?

Yes, a legislator may send a legislative newsletter to only frequent voters in the legislative district. The only qualification is that the voters may not be only of one political party as this would be considered a campaign or political mailing.