

HB

225

Sponsor Statement for House Bill 225

Section 1 of House Bill 225 is crafted to address an issue raised by the Supreme Court's recent decision regarding campaign contributions in *State v. AkCLU*. The legislature had the foresight to provide sec. 12, ch. 48, SLA 1996 to become law in the event of a court's invalidation of the fund raising limitations established in AS 15.13.074 (c). However, in 1998, Senate Bill 105 amended the now invalid portion of AS 15.13.074 (c) and neglected to similarly amend the session law which would take effect in the case of a court ruling the law unconstitutional. Thus, when the *State v. AkCLU* decision becomes final, sec. 12, ch. 48, SLA will self-execute and have the effect of repealing a portion of the legislature's actions last year in SB 105. HB 225 redresses this unintended consequence.

Section 2 of HB 225 further clarifies the relationship between subsections (2) and (5)(A) and subsections (2) and (5) (B-E) of AS 24.60.030(a). Furthermore HB 225 seeks to more clearly define the lines of acceptable conduct by legislators and legislative employees. It specifically addresses gray areas regarding use of the legislators' personal office space, greeting card preparation, Internet use, personal equipment used for state purposes and gifts from non-partisan charities. I believe that it is better to openly state our exact intent with regards to these troublesome gray areas so that legislators and staff can work with certainty and confidence. Current law leaves these questions hanging and leads to nebulous interpretations which invite suspicion on us all.

Sections 3 and 4 simply implements the bright guidelines immediately while allowing Section 1 to be implemented pending the finalization of the court's action in *State v. AkCLU*.

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AMENDMENT

#1, or amended

OFFERED IN THE HOUSE
TO: HB 225

Page 2, line 31:
Delete "Internet."

Page 3, line 26 & Page 5, line 7
Delete: "unlimited use by a legislator of the Internet; or"
limited

Insert: "unlimited use of the Internet, except for election campaign purposes, by a legislator or a legislative employee if the use does not carry a special charge"

"or long as"

adopted

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AMENDMENT #2

OFFERED IN THE HOUSE
TO: HB 225

- 1 Page 4, line 19:
- 2 Delete "unlimited,"

adopted

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#3 A

adapted,
as amended
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Page 5, line 8

Delete I

Replace with new I:

use of state property and resources, including staff time, by a legislator to support or oppose a constitutional amendment, except that staff may not be used to raise funds with regard to the amendment.

²
Page ~~X~~, following line 13, insert new bill section:

"sec 2. AS 15.13.145(a) is amended to read:

(a) Except as provided in (b) and (c) of this section or in A.S.24.60.030 (a)(5) ^I ~~OK~~

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adapted
conceptual

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Cramer
5/6/99

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HB 225

1 Page 2, line 31:

2 Delete "Internet."

3 Page 3, line 26:

4 Delete "unlimited use by a legislator of the Internet"

5 Insert "unlimited use of the Internet by

6 (i) a legislator; or

7 (ii) a legislative employee if the use does not carry

8 a special charge"

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Cramer
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adopted

CS FOR HOUSE BILL NO. 225(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): **REPRESENTATIVE COWDERY**

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to election campaigns and legislative ethics; and providing for
2 an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 15.13.074(c), as repealed and reenacted by sec. 12, ch. 48, SLA 1996, is
5 amended to read:

6 (c) A person or group may not make a contribution

7 (1) to a candidate or an individual who files with the commission the
8 document necessary to permit that individual to incur certain election-related expenses
9 as authorized by AS 15.13.100 when the office is to be filled at a general election
10 before the date that is 18 months before the general election;

11 (2) to a candidate or an individual who files with the commission the
12 document necessary to permit that individual to incur certain election-related expenses
13 as authorized by AS 15.13.100 for an office that is to be filled at a special election or
14 municipal election before the date that is 18 months before the date of the regular

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1 municipal election or that is before the date of the proclamation of the special election
 2 at which the candidate or individual seeks election to public office; or

3 (3) to any candidate after the earlier of December 31 of the year of
 4 the election or the 60th [LATER THAN THE 45TH] day

5 (A) after the date of a primary election if the candidate

6 (i) has been nominated at the primary election or is
 7 running as a write-in candidate; and

8 (ii) is not opposed at the general election;

9 (B) after the date of the primary election if the candidate was
 10 not nominated at the primary election; or

11 (C) after the date of the general election, or after the date of a
 12 municipal or municipal runoff election, if the candidate was opposed at the
 13 general, municipal, or municipal runoff election.

14 * Sec. 2. AS 15.13.145(b) is amended to read:

15 (b) Money held by an entity identified in (a)(1) - (3) of this section may be
 16 used to influence the outcome of an election concerning a ballot proposition or
 17 question if the use is permitted under AS 24.60.030(a)(5)(H) or [BUT ONLY] if
 18 the funds have been specifically appropriated for that purpose by a state law or a
 19 municipal ordinance.

20 * Sec. 3. AS 24.60.030(a) is amended to read:

21 (a) A legislator or legislative employcc may not

22 (1) solicit, agree to accept, or accept a benefit other than official
 23 compensation for the performance of public duties; this paragraph may not be
 24 construed to prohibit lawful solicitation for and acceptance of campaign contributions
 25 or the acceptance of a lawful gratuity under AS 24.60.080;

26 (2) use public funds, facilities, equipment, services, or another
 27 government asset or resource for a nonlegislative purpose, for involvement in or
 28 support of or opposition to partisan political activity, or for the private benefit of either
 29 the legislator, legislative employee, or another person; this paragraph does not prohibit

30 (A) limited use of state property and resources for personal
 31 purposes if the use does not interfere with the performance of public duties and

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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:

(B) the unlimited use of mailing lists, computer data, or other information lawfully obtained from a government agency and available to the general public for nonlegislative purposes;

(C) unlimited telephone or facsimile use that does not carry a special charge;

(D) the legislative council, notwithstanding AS 24.05.190, from designating a public facility for use by legislators and legislative employees for health or fitness purposes; when the council designates a facility to be used by legislators and legislative employees for health or fitness purposes, it shall adopt guidelines governing access to and use of the facility; the guidelines may establish times in which use of the facility is limited to specific groups; [OR]

(E) a legislator from using the legislator's private office in the capital city during a legislative session, and for the 10 [FIVE] days immediately before and the 10 [FIVE] days immediately after a legislative session, for nonlegislative purposes if the use does not interfere with the performance of public duties and if there is no cost to the state for the use of the space and equipment, other than utility costs and minimal wear and tear, or the legislator promptly reimburses the state for the cost; an office is considered a legislator's private office under this subparagraph if it is the primary space in the capital city reserved for use by the legislator, whether or not it is shared with others;

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

(G) a legislator from using state resources to transport computers or other office equipment owned by the legislator but primarily used for a state function;

(H) unlimited use by a legislator of photographs of that legislator;

(I) reasonable use of the Internet by a legislator or a

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1 legislative employee except if the use is for election campaign purposes: or
 2 (D) a legislator from soliciting, accepting, or receiving a gift
 3 on behalf of a recognized, nonpolitical charitable organization in a state
 4 facility:

5 (3) knowingly seek, accept, use, allocate, grant, or award public funds
 6 for a purpose other than that approved by law, or make a false statement in connection
 7 with a claim, request, or application for compensation, reimbursement, or travel
 8 allowances from public funds;

9 (4) require a legislative employee to perform services for the private
 10 benefit of the legislator or employee at any time, or allow a legislative employee to
 11 perform services for the private benefit of a legislator or employee on government
 12 time; it is not a violation of this paragraph if the services were performed in an
 13 unusual or infrequent situation and the person's services were reasonably necessary to
 14 permit the legislator or legislative employee to perform official duties;

15 (5) use or authorize the use of state funds, facilities, equipment,
 16 services, or another government asset or resource for the purpose of political fund
 17 raising or campaigning; this paragraph does not prohibit

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

22 (B) the unlimited use of mailing lists, computer data, or other
 23 information lawfully obtained from a government agency and available to the
 24 general public for nonlegislative purposes;

25 (C) telephone or facsimile use that does not carry a special
 26 charge;

27 (D) unlimited storage or maintenance [STORING OR
 28 MAINTAINING], consistent with (b) of this section, of election campaign
 29 records in a legislator's office; [OR]

30 (E) a legislator from using the legislator's private office in the
 31 capital city during a legislative session, and for the 10 [FIVE] days

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1 immediately before and the 10 [FIVE] days immediately after a legislative
 2 session, for nonlegislative purposes if the use does not interfere with the
 3 performance of public duties and if there is no cost to the state for the use of
 4 the space and equipment, other than utility costs and minimal wear and tear,
 5 or the legislator promptly reimburses the state for the cost; an office is
 6 considered a legislator's private office under this subparagraph if it is the
 7 primary space in the capital city reserved for use by the legislator, whether or
 8 not it is shared with others;

9 (I) unlimited use by a legislator of photographs of that
 10 legislator;

11 (G) reasonable use of the Internet by a legislator or a
 12 legislative employee except if the use is for election campaign purposes; or

13 (H) use of governmental resources, including paid staff time,
 14 to support or oppose a proposed initiative or an amendment to the state
 15 or federal constitution; a legislator or legislative employee may support or
 16 oppose a proposed initiative or constitutional amendment; [however, a
 17 legislator or legislative employee may not use governmental resources to
 18 solicit contributions for or [gather signatures on] an initiative petition; a
 19 legislative employee may not, on government time, accept or receive
 20 contributions relating to a proposed constitutional amendment or initiative.

21 * Sec. 4. Except as provided in sec. 5 of this Act, this Act takes effect immediately under
 22 AS 01.10.070(c). 14 1 / 99

23 * Sec. 5. Section 1 of this Act takes effect on the effective date of sec. 4 of this Act or on
 24 the date that, under sec. 34, ch. 48, SLA 1996, sec. 12, ch. 48, SLA 1996 takes effect,
 25 whichever is later.

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Alaska State Legislature
Select Committee on
Legislative Ethics

Rep.
Kott

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July 22, 1997

Advisory Opinion 97-02

RE: Participation in the initiative process under AS 15.45.

Statement of Facts

You are a legislator and therefore covered by the legislative ethics code. You have requested an advisory opinion concerning whether a legislator or a legislative employee may be a sponsor of an initiative petition under AS 15.45 and to what extent activities related to an initiative petition can take place, consistent with the requirements of the legislative ethics code, in a legislative office and on legislative time. You have expressly waived your right to confidentiality under AS 24.60.160.

Discussion

A. The initiative is a process undertaken by private citizens rather than the institutions of government but is an adjunct to the legislative process.

Under Article XI of the state constitution, the people may propose and enact laws by the initiative process. The constitution sets out requirements for sponsorship by 100 qualified voters (sec. 2), signing of the petition by qualified voters (sec. 3) and the initiative election (sec. 4). If a majority of the votes cast favor the adoption of the initiative, it is enacted (sec. 6). These provisions give the voters in the state the power to enact an initiative, not the elected representatives that make up the legislature. Under sec. 4, if, before the election, "substantially the same measure has been enacted" by the legislature, the initiative petition is void. A law enacted through the initiative process has the same force and effect as a law enacted through the legislative process, except that it is not subject to veto by the governor and may not be repealed by the legislature within two years after its effective date. (sec. 6) While the legislature is not part of the initiative process, initiatives may be used as an adjunct to the legislative process, both as a means of enacting law directly by the people and to encourage the legislature to act on legislation on topics of concern to the voters. The committee finds that even though activity concerning an initiative may be undertaken by any voter, initiatives are related to the duties of the legislature.

B. The ethics code permits a legislator or a legislative employee to participate in the initiative process while acting in a private capacity.

The restrictions on political activity by a legislator or legislative employee imposed by the legislative ethics code prohibit activities that take place on government time or that use government resources. See AS 24.60.030(a)(2), (a)(5), (b), (c), and (d). Except for restrictions imposed on the public members and staff of the ethics committee, the ethics code does not prohibit legislators or legislative employees from engaging in partisan political activity on their own time and without the use of public resources.¹ Therefore, the committee holds that a legislator or legislative employee may, consistent with the ethics code, sponsor or otherwise support or oppose an initiative petition. In reaching this holding, the committee is not addressing restrictions on political activity that may be imposed by employment policies or other statutes outside the ethics code. Legislative employees should consult their supervisors about restrictions that apply to a particular office before engaging in political activity.²

C. Application to local initiative petitions.

Under AS 29.26.100 - 29.26.190, municipal voters have the power to adopt a municipal initiative that parallels the power of state voters with respect to a state initiative petition. The role of a legislator in representing the people he or she represents on public policy issues is not limited to issues directly before state government. Legislators are expected to respond to local issues as well. Furthermore, municipalities are established by state statute and their powers and duties are governed by those statutes. Issues that affect one or more municipalities are likely to raise issues that will affect the state as a whole. Therefore, the committee finds that a legislator or legislative employee may use state resources (including paid staff time) with respect to a municipal initiative petition to the same extent that state resources may be used with respect to a state initiative petition.

¹ Since you have not asked specifically about whether public members and staff of the ethics committee may engage in activities supporting or opposing an initiative, this opinion will not address whether AS 24.60.134(a)(1), prohibiting public members and staff of the committee from participating in a political campaign, would apply to activities concerning an initiative.

² For example, under AS 24.55.030(b), staff of the office of the ombudsman are prohibited from joining, supporting, or otherwise participating in a partisan political organization, faction, or activity. They are allowed to make political contributions and to express private opinions.

D. Action relating to an initiative petition is governmental action for purposes of the legislative ethics code and, with certain exceptions, may be taken using governmental resources.

The last part of your inquiry requires the committee to consider whether the ethics code permits action in support of (or in opposition to) an initiative petition to be undertaken using governmental resources -- the space, supplies, and paid staff time of the legislature. The committee discussed this issue at some length before reaching a decision.

The committee has already found, under the conclusions of Part A of this opinion, that action to support or oppose an initiative petition is related to duties of the legislature. Legislators are frequently called on to comment on public issues, whether or not legislation has been proposed relating to that issue, and to take stands on those issues. Similarly, legislators need to hear from their constituents and others concerning public issues. In carrying out this dialogue, a legislator may use state resources, including paid staff time, state facilities and equipment, and reimbursement for travel expenses. Legislators may attend public functions or direct staff to attend on their behalf to both gather and present information to the public concerning the initiative, including the legislator's recommendation to support or oppose its passage. Legislators may direct staff to research issues raised by the initiative, to prepare draft legislation for possible introduction in the Legislature, and to prepare communications concerning the initiative and the legislator's position on its adoption. A legislator may make the results of research or bill drafting available to others, including individuals who are supporting or opposing an initiative. Communications may take any form including individual letters, mass mailings, brochures or handouts, and any other written or electronic communication as well as personal appearances in the media and at events and gatherings, including state fairs. While the information provided to the public at state expense may include copies of the text of the initiative and the name and address of groups and individuals supporting or opposing it, as discussed below, it is not appropriate to use state resources, including paid staff time, state-paid transportation, and state facilities and equipment, to circulate the official petitions (which are prepared and numbered by the Lieutenant Governor) for signature or to solicit contributions for the adoption or rejection of the initiative.

There is a limit on the appropriate use of state resources to support or oppose an initiative. In this respect, there is a distinction between activities that a legislator may appropriately engage in and activities that are appropriate for an employee to engage in on government time or that should take place in a legislative office or other state facilities.

Legislators serve for 24 hours a day, so restrictions on the use of state resources does not apply to a legislator's own time: it is permissible for a legislator to gather signatures on an initiative petition and to ask for contributions to a campaign related to the initiative so long

as that activity does not take place in a state facility.³ At activities like state fairs, a booth or other area rented by a legislator using the legislator's personal funds or the unaccountable form of the office allowance account (on which the legislator has paid personal income taxes) is not considered to be a state facility and could be used to gather petition signatures. As explained in Part B of this opinion, legislative employees who were not on government time could participate in gathering signatures there. However, if the rental fee was paid from state funds or from an accountable office allowance, then the space is treated as a state facility and it would be impermissible for either legislators or legislative employees, whether paid or unpaid, to gather signatures on an initiative petition at that location.

In contrast to permitted activity of legislators, the committee finds that it is not appropriate for legislative employees during working hours to raise money for the support of or opposition to an initiative, to participate in the collection of signatures, or to prepare the actual documents necessary for filing the initiative petition.

It is also not appropriate to use state facilities or equipment in these activities unless the general public has equal access to them for a similar purpose. In this regard, it is not appropriate to offer an initiative petition for signature in legislative office space. Meetings of petition organizers or signature gatherers may not be organized by legislative employees on government time and may not be conducted in a state facility unless the facility is equally available for such a purpose to the general public. All of these prohibited activities are focused on the election campaign relating to the initiative and are less directly related to the discussion of policy issues raised by the initiative.

In reaching this decision, the committee is mindful that this result may place the resources of state government on one side or the other of an initiative effort, which is, in many ways the action of voters rather than an action of the legislature. However, initiatives are sufficiently close to legislation as to be treated as a governmental action rather than a private action by legislators and legislative employees who are involved in an initiative campaign as part of their legislative duties. The use of public facilities and resources in support of or opposition to the initiative as described above and as limited by the restriction on initiative campaign activities, is therefore a governmental use and is permitted under the ethics code.

Conclusion

For the reasons stated above and as described in more detail above, the committee finds that a legislator or legislative employee may engage in action in support of or opposition to an initiative and may use governmental resources, including paid staff time, to support or

³ Note that there are restrictions on the solicitation of gifts in AS 24.60.080. So long as the contributions requested are in compliance with campaign financing laws and regulations of the Alaska Public Offices Commission, the ethics code gift restrictions do not apply. See AS 24.60.080(e).

oppose an initiative. However, a legislative employee may not, on government time, engage in fund raising or offer an initiative petition for signature and neither a legislator nor a legislative employee may use legislative space to gather signatures on an initiative petition or to solicit contributions in support of or opposition to an initiative.

Adopted by the Select Committee on Legislative Ethics on July 22, 1997. Senator Jim Duncan abstained from voting on this opinion.

Members present and concurring in this opinion were:

Margie Mac Neille, Chair
 Ed Granger
 Shirley McCoy
 Representative Con Bunde
 Representative Kim Elton
 Senator Drue Pearce

Members dissenting from this opinion were:

Joe Donahue

Members absent were:

Edith Vorderstrasse

TC:glc
 97-338.glc

Alaska State Legislature

Select Committee on Legislative Ethics

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March 24, 1998

Advisory Opinion 98-02

RE: Use of legislative resources and staff relating to a proposed constitutional amendment.

You are a legislator and therefore covered by the legislative ethics code. You have requested an advisory opinion concerning facts and circumstances that you have related. The committee relies on these facts in answering your questions. You have waived your right to confidentiality under AS 24.60.160.

Statement of Facts

You have asked what activities a legislator or legislative employee may engage in to support or oppose a proposed amendment to the state constitution without violating the legislative code of ethics. You note that the constitution limits the ways that an amendment may be adopted. The people may not propose an amendment through the initiative process. Only the legislature may pass a resolution proposing an amendment which then must be approved by the voters. You distinguish this process from the initiative process, in which voters are able to both propose and enact legislation. You state that the success of a proposed constitutional amendment depends on legislators informing the public and their constituents about the merits of the proposed change.

Discussion

This committee recently considered whether the ethics code limited or prohibited legislative activity relating to the adoption of an initiative. Advisory Opinion 97-02, July 22, 1997. In that opinion, we said

The committee has already found . . . that action to support or oppose an initiative petition is related to duties of the legislature. Legislators are frequently called on to comment on public issues, whether or not legislation has been proposed relating to that issue, and to take stands on those issues. Similarly, legislators need to hear from their constituents and others concerning public issues. In carrying out this dialogue, a legislator may use state resources, including paid staff time, state facilities and equipment, and reimbursement for travel expenses. Legislators may attend public functions or direct staff to attend on their behalf to both gather and present information to the public concerning the initiative, including the legislator's

recommendation to support or oppose its passage. Legislators may direct staff to research issues raised by the initiative, to prepare draft legislation for possible introduction in the Legislature, and to prepare communications concerning the initiative and the legislator's position on its adoption. A legislator may make the results of research or bill drafting available to others, including individuals who are supporting or opposing an initiative. Communications may take any form including individual letters, mass mailings, brochures or handouts, and any other written or electronic communication as well as personal appearances in the media and at events and gatherings, including state fairs. While the information provided to the public at state expense may include copies of the text of the initiative and the name and address of groups and individuals supporting or opposing it, as discussed below, it is not appropriate to use state resources, including paid staff time, state-paid transportation, and state facilities and equipment, to circulate the official petitions . . . or to solicit contributions for the adoption or rejection of the initiative.

There is a limit on the appropriate use of state resources to support or oppose an initiative. In this respect, there is a distinction between activities that a legislator may appropriately engage in and activities that are appropriate for an employee to engage in on government time or that should take place in a legislative office or other state facilities.

Legislators serve for 24 hours a day, so restrictions on the use of state resources do not apply to a legislator's own time: it is permissible for a legislator to gather signatures on an initiative petition and to ask for contributions to a campaign related to the initiative so long as that activity does not take place in a state facility. At activities like state fairs, a booth or other area rented by a legislator using the legislator's personal funds or the unaccountable form of the office allowance account (on which the legislator has paid personal income taxes) is not considered to be a state facility However, if the rental fee was paid from state funds or from an accountable office allowance, then the space is treated as a state facility . . .

In contrast to permitted activity of legislators, the committee finds that it is not appropriate for legislative employees during working hours to raise money for the support of or opposition to an initiative, to participate in the collection of signatures, or to prepare the actual documents necessary for filing the initiative petition.

It is also not appropriate to use state facilities or equipment in these activities unless the general public has equal access to them for a similar purpose. . . . Meetings of petition organizers or signature gatherers may not be organized by legislative employees on government time and may not be conducted in a state facility unless the facility is equally available for such a purpose to the

general public. All of these prohibited activities are focused on the election campaign relating to the initiative and are less directly related to the discussion of policy issues raised by the initiative.

In reaching this decision, the committee is mindful that this result may place the resources of state government on one side or the other of an initiative effort, which is, in many ways the action of voters rather than an action of the legislature. However, initiatives are sufficiently close to legislation as to be treated as a governmental action rather than a private action The use of public facilities and resources in support of or opposition to the initiative as described above and as limited by the restriction on initiative campaign activities, is therefore a governmental use and is permitted under the ethics code.

Id., pages 3-4 (footnote omitted). There is a difference between the process of amending the state constitution and the process of enacting laws. Under Article XIII, sec. 1, the legislature may not act alone to amend the state constitution: the proposed amendment must be ratified by vote of the people. In contrast, under the provisions of Article II, the legislature can enact laws without the involvement of any other entity, although the governor does have an opportunity to veto a measure if he or she wishes to do so, and under Article XI, the people acting alone may initiate a law, so long as the legislature does not enact similar legislation.

The role of the voters in the context of a proposed amendment to the constitution is thus different from their role in voting on an initiative: in the former, they serve as a partner of the legislature. In the latter, they are a substitute for the legislature. However, in either case, the issues involved are public issues, the expectations that the public has about leadership from legislators on issues that confront the state is similar, and the committee believes that the appropriate use of state staff time and resources is the same: state resources may be used for presenting information and urging support or opposition to a proposed constitutional amendment but may not be used to solicit, accept, or receive campaign funds relating to the proposed amendment. However, a legislator may solicit contributions so long as the legislator does not use staff time or public resources, including legislative office space, to do so.

The committee cautions that this opinion does not address whether a use of legislative resources might constitute an expenditure or contribution for purposes of the election campaign finance laws. Legislators and legislative employees who are planning to engage in activity in support of or opposition to a proposed constitutional amendment should consult with the Alaska Public Offices Commission (APOC) to determine their obligations, if any, under AS 15.13. In particular, legislators and legislative employees should be aware of AS 15.13.145(b), which provides that money held by the state or a state agency may only be used to influence the outcome of an election concerning a proposed constitutional amendment if the money was specifically appropriated for that purpose. It is the obligation of APOC to interpret and apply this provision. The ethics committee cannot offer advice about what activity might be permitted under it and what activity would be prohibited by it.

Conclusion

For the reasons stated above and as described in more detail above, the committee finds that under the legislative ethics code a legislator or legislative employee may engage in activity in support of or opposition to a proposed amendment to the state constitution and may use governmental resources, including paid staff time, to support or oppose the proposed amendment. However, state facilities may not be used by legislators or legislative employees for activities related to contributions and a legislative employee may not, on government time, solicit, accept, or receive contributions in support of or opposition to a proposed constitutional amendment. Further, the committee encourages a legislator or legislative employee who is considering activity to support or oppose a constitutional amendment to request advice from APOC on the application of campaign finance laws to the use of legislative resources.

Adopted by the Select Committee on Legislative Ethics on March 24, 1998.

Members present and concurring in this opinion were:

- Shirley McCoy, committee chair
- Senator Jim Duncan
- Senator Drue Pearce
- Representative Con Bunde
- Representative Kim Elton
- Dennis Cook, public member
- Joseph P. Donahue, public member
- Ed Granger, public member

Members absent were:

- Edith Vorderstrasse, public member

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